

# ESSINGTON PARISH COUNCIL

## DISCIPLINARY PROCEDURE

**Approved by Council:** 23<sup>rd</sup> March 2026

**Review date:** March 2029 – recommended every 3 years

### 1. Purpose and Scope

1.1 This procedure is designed to help and encourage all employees of Essington Parish Council to achieve and maintain high standards of conduct whilst at work or when representing the Council.

1.2 The aim of the procedure is to ensure that employees are treated **fairly and consistently**, and that disciplinary matters are handled in a timely and reasonable manner.

1.3 This procedure is based on the **ACAS Code of Practice on Disciplinary and Grievance Procedures** and guidance issued by the **National Association of Local Councils (NALC)**.

1.4 This procedure applies to **all employees of Essington Parish Council**.

1.5 This procedure does **not apply to elected Members of the Council**. Any complaints regarding councillor conduct are dealt with under the Code of Conduct and, where appropriate, through the principal authority.

### 2. Principles

The Council will ensure that:

- a. No disciplinary action will be taken until a matter has been **fully investigated**.
- b. At every stage, employees will be **informed of the nature of the allegations** and given the opportunity to respond.
- c. Matters will be handled **confidentially** so far as is reasonably practicable.
- d. Employees will have the **right to be accompanied** at all formal disciplinary and appeal meetings.
- e. No employee will be dismissed for a first breach of discipline except in cases of **gross misconduct**.
- f. Employees have the **right of appeal** against any disciplinary sanction imposed.

### 3. Informal Action

3.1 Minor misconduct will normally be dealt with informally through discussion between the employee and the Chairman of the Employment Committee or another appropriate councillor.

3.2 Informal action may take the form of advice, guidance or supervision and does not form part of the formal disciplinary process.

3.3 If informal action does not result in the required improvement, or where the matter is more serious, the formal disciplinary procedure may be invoked.

## **4. Misconduct**

The following list provides examples of misconduct which may give rise to disciplinary action. This list is not exhaustive:

- unauthorised absence from work.
- persistent lateness or poor timekeeping.
- failure to carry out duties to an acceptable standard.
- failure to follow reasonable instructions.
- inappropriate standard of dress.
- minor breaches of health and safety requirements.
- misuse of Council equipment or facilities.
- disruptive or unacceptable behaviour at work.
- failure to follow agreed Council procedures.

## **5. Gross Misconduct**

Gross misconduct is misconduct of such seriousness that it may justify summary dismissal.

Examples include (but are not limited to):

- theft, fraud or dishonesty.
- deliberate falsification of records.
- serious breach of confidentiality.
- deliberate damage to Council property.
- harassment, discrimination or victimisation.
- serious acts of insubordination.
- being under the influence of illegal drugs or excessive alcohol at work.
- serious breach of health and safety.
- conduct likely to bring the Council into serious disrepute.

## **6. Capability and Performance**

6.1 Issues relating solely to poor performance or capability will normally be dealt with through performance management or a capability process rather than the disciplinary procedure.

6.2 The disciplinary procedure may be used for performance-related matters only where there is evidence of **negligence, misconduct, or failure to improve following appropriate support**.

## 7. Investigation

7.1 Before any disciplinary action is taken, an investigation will be carried out to establish the facts.

7.2 The investigation may include meetings with the employee, witnesses, and the review of relevant documents.

7.3 The person conducting the investigation will not normally be a member of the disciplinary or appeal panel, to ensure impartiality.

## 8. Suspension

8.1 Where an employee is accused of an act of alleged gross misconduct, the Employment Committee may suspend the employee on **full pay** while the matter is investigated.

8.2 Suspension is a **precautionary measure** and does not imply guilt.

8.3 While suspended, the employee must not attend Council premises or access Council systems unless authorised.

## 9. Disciplinary Hearing

9.1 If disciplinary action is to be considered, the employee will be invited in writing to attend a disciplinary meeting.

9.2 The letter will set out:

- the allegations.
- the stage of the disciplinary procedure being invoked.
- the possible outcomes, including dismissal where appropriate.
- the date, time and location of the meeting.
- the right to be accompanied.
- copies of any evidence to be considered.

9.3 Disciplinary hearings will normally be conducted by the **Employment Committee** or a panel appointed by the Council.

## 10. Right to Be Accompanied

10.1 At all formal disciplinary and appeal meetings, the employee has the right to be accompanied by:

- a trade union representative; or
- a workplace colleague (which may include the Clerk to another council).

10.2 The companion may address the hearing and confer with the employee but may not answer questions on the employee's behalf.

## **11. Disciplinary Sanctions**

Depending on the seriousness of the matter, the following sanctions may be applied:

### **Stage 1 – Oral Warning**

- Normally valid for **6 months**, subject to satisfactory conduct.

### **Stage 2 – Written Warning**

- Normally valid for **12 months**, subject to satisfactory conduct.

### **Stage 3 – Final Written Warning**

- Normally valid for **12 months**, or longer in exceptional circumstances.

### **Stage 4 – Dismissal or Other Sanctions**

- Dismissal with notice.
- Summary dismissal (gross misconduct);
- Or another appropriate sanction such as loss of seniority or demotion.

All formal sanctions will be confirmed in writing.

## **12. Appeals**

12.1 The employee has the right to appeal against any formal disciplinary decision.

12.2 Appeals must be submitted **in writing within five working days** of the decision, setting out the grounds of appeal.

12.3 Appeals will be heard by a **separate panel of councillors** who were not involved in the original decision.

12.4 The decision of the appeal panel is final.

## **13. Grievances Raised During Disciplinary Action**

Where an employee raises a grievance during a disciplinary process, the Council will determine whether the disciplinary process should be paused or whether both matters can be addressed concurrently, seeking appropriate advice where necessary.

## **14. Criminal Charges or Convictions**

A criminal charge or conviction does not automatically result in disciplinary action. The Council will consider whether it affects the employee's suitability for their role.

## **15. Records and Confidentiality**

All records relating to disciplinary matters will be kept securely and confidentially in accordance with data protection legislation.