DISCIPLINARY POLICY

1. Introduction

1.1 Battle Town Council accepts its responsibility to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance that are important to the conduct of Battle Town Council's affairs. The Council and the staff will be guided by the principles of natural justice and the requirements of relevant legislation in dealing with disciplinary situations. It is the intent of the parties that the use of this disciplinary procedure is both fairly and equitably applied.

1.2 The aim of the policy and procedure is to help and encourage all employees to achieve and maintain appropriate standards of conduct. It is designed to ensure that all employees understand the behaviour expected of them and the action that may be taken should their behaviour fall below such standards. Where this occurs it is the Council's aim to deal with the matter fairly, speedily and consistently and in accordance with the agreed procedure.

1.3 Any complaint or allegation regarding the conduct of an employee should, in the first instance, be referred to the Town Clerk who would normally deal with a first and relatively minor infringement informally. An informal discussion will point out any shortcomings and encourage improvement.

1.4 However where the facts of the case appear to call for disciplinary action, the Town Clerk will decide whether the misdemeanour amounts to misconduct or gross misconduct. The appropriate procedure will then be followed.

1.5 In the event of disciplinary action against the Town Clerk references in these procedures to "the Town Clerk" should be replaced by "the Chairman of the Council" who may appoint such members of the Finance & General Purposes Committee to investigate as considered appropriate.

2. Misconduct – oral warning

2.1 If the outcome of the informal discussion is that an improvement is required, the employee will be advised that they are being given an oral warning. It is important that the member of staff knows how conduct will be reviewed and over what period, also of the consequences if there is no improvement or if further misconduct occurs.

2.2 A note giving details of the oral warning will be kept on file and a copy given to the employee who should confirm its receipt in writing.

2.3 If no further disciplinary action is required within 6 months of issuing the oral warning the note should be removed from file.

2.4 The employee should be advised in writing of their right of appeal to the Chairman of the Council.

3. Misconduct – formal written warning

3.1 If the outcome of an informal discussion is that a serious offence has occurred, or there has been no improvement following an oral warning, the employee will receive a formal written warning from the Town Clerk.

3.2 The written warning will set out the nature of the offence, the improvement required, giving a timescale where applicable and the consequences of no improvement or further misconduct.

3.3 A note giving the details of the formal written warning will be kept on file and a copy given to the employee who should confirm its receipt in writing.

3.4 If no further misconduct relative to the same warning occurs and the improvement required is sustained then the note will be removed from the employee's file at the end of 9 months.

3.5 The employee should be advised in writing of their right of appeal to the Chairman of the Council at this stage.

4. Misconduct – final written warning

4.1 If there has been no improvement following a written warning, or the misconduct is sufficiently serious to warrant only one written warning the employee will receive a final written warning from the Town Clerk.

4.2 This warning will detail the misconduct, warn the employee that dismissal will result if there is no satisfactory improvement, giving a time scale if necessary, and notify them of the right of appeal to the Chairman of the Council.

4.3 If no further misconduct relative to the same warning occurs and the improvement required is sustained then the note will be removed from the employee's file at the end of 12 months.

4.4 The Town Clerk will notify the Chairman of the Council of any final written warnings given.

4.5 In the event that such disciplinary action is taken against the Town Clerk, the Chairman of the Council will notify the Council of any procedures in hand and of any final written warning given.

5. Misconduct – dismissal

5.1 If there is no improvement following a final written warning, the Town Clerk will notify the Chairman of the Council who will instruct the Town Clerk to convene a meeting of the Council within 10 working days wherever possible subject also to the availability of the employee's representative.

5.2 Any employee of the Council attending such a hearing may be accompanied by a representative of the trade union to which they belong (who may or may not be a work colleague), or by a work colleague, friend or adviser not acting in a legal capacity. The employee should advise the Council who their representative is to be. Whilst the representative can speak at the meeting and ask questions, he or she cannot answer questions for the employee.

5.3 The Council will decide "in camera" whether dismissal is justified and will communicate the decision to the parties concerned verbally after the close of the meeting if the parties so wish.

5.4 In the event that the Council is unable to make the decision e.g. because of the Council's need to seek further advice or information, the reason for not reaching a decision will be conveyed in writing to the parties concerned.

5.5 In any event the decision will be conveyed in writing within 5 working days.

5.6 If the employee wishes to appeal against the decision of the Council, they must do so in writing to the Chairman of the Council within 21 working days of receipt of the decision notice.

5.7 On receipt of such notice of appeal, the Chairman will instruct the Clerk to convene a meeting of the council within 10 working days. The Council will hear the case and, according to the procedures set out in Appendix A, will communicate their decision in writing to the parties concerned.

5.8 The decision of the Council is final.

6. Gross misconduct

6.1 Where the Town Clerk decides that the misdemeanour amounts to gross misconduct, the Chairman of the Council will immediately be informed and, in consultation with the Chairman, the Town Clerk shall decide whether the employee will be suspended on full pay while the matter is investigated.

6.2 The Town Clerk will convene a meeting of the Council within 7 working days wherever possible, subject also to the availability of the employee's representative, who will hear the case as detailed in section 5 above.

6.3 The employee may appeal to the Council whose decision will be final.

Notes
The following are examples of offences which would be regarded as gross misconduct (this is not an exhaustive list).

Theft; fraud; being unable to perform duties satisfactorily due to the influence of drink or illegal drugs whilst at work or on Council premises; disclosure of confidential information; deliberate damage to Council property or that of other employees or members of the public; disorderly, indecent or violent behaviour during employment or whilst on Council premises; acts of incitement or actual acts of harassment or discrimination on the grounds of sex, race, religion or age; negligence which could endanger employees and members of the public; any breaches of computer security.

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