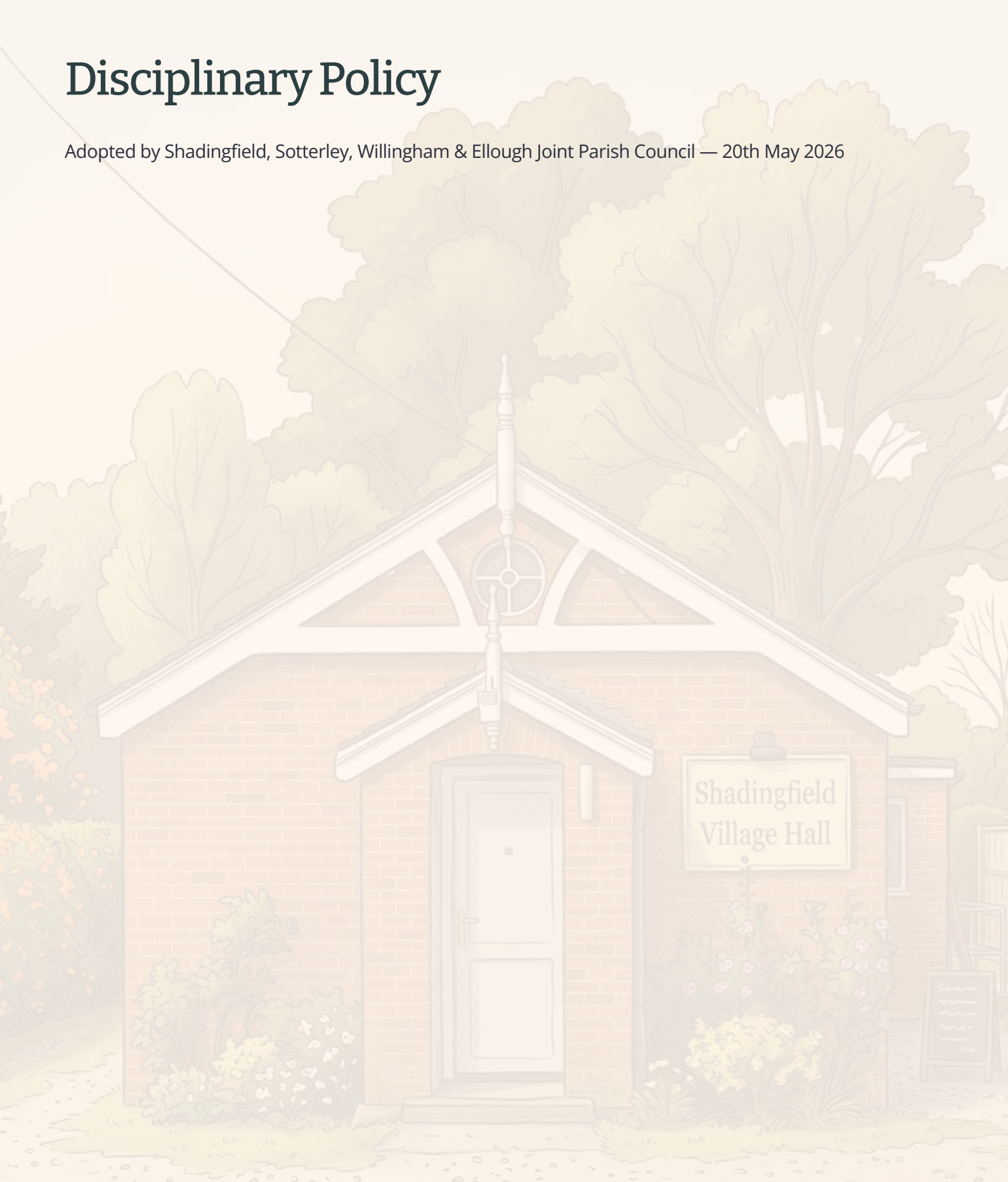
Disciplinary Policy

Adopted by Shadingfield, Sotterley, Willingham & Ellough Joint Parish Council — 20th May 2026



This policy will be reviewed every two years or sooner if legislation or ACAS guidance changes.

Next review: April 2028.

Purpose and Scope

This policy sets out the standards of conduct, attendance and performance expected of all employees of the Parish Council. Its purpose is to ensure that concerns are dealt with fairly, consistently and in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

The procedure applies to all employees. It aims to support improvement and to ensure that disciplinary matters are managed transparently and proportionately.

Key Principles

The Parish Council will ensure that:

- Informal resolution is considered first where appropriate.
- No disciplinary action is taken until a reasonable and proportionate investigation has been completed.
- Employees are informed of the allegations in writing, provided with relevant evidence, and given the opportunity to respond.
- Employees have the right to be accompanied by a trade union representative or work colleague at all formal meetings. The companion may address the meeting, put the employee's case and confer with the employee. The companion may not answer questions put directly to the employee, address the meeting against the employee's wishes, or prevent the employee from explaining their case.
- If the employee's chosen companion is not available on the proposed date, the employee may request a postponement and propose an alternative date within five working days of the original.
- Decisions are based on evidence and made by individuals who have not been involved in earlier stages.
- Disciplinary action will not normally be taken for a first offence unless it constitutes gross misconduct.
- Employees have the right of appeal at every formal stage.
- The procedure may begin at any stage if the alleged misconduct is sufficiently serious.
- Recordings of proceedings at any stage of this procedure are not permitted, unless all parties agree to this as a reasonable adjustment for a medical condition.
- If an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended to allow the grievance to be dealt with first. Where the two matters are related, it may be appropriate to deal with them together.
- The council may consider mediation at any stage of this procedure where appropriate, for example where there has been a communication breakdown or allegations of bullying. Mediation requires the agreement of both the council and the employee.

Informal Resolution

Where conduct or performance concerns are minor, the Chair or councillors may address them informally through discussion, guidance or additional support. Informal action is not part of the formal disciplinary process but may be recorded for reference.

Formal Procedure

Investigation

Where a formal disciplinary matter arises, an investigating officer will be appointed to establish the facts. The investigating officer will normally be a councillor who has no prior involvement in the matter. If no suitable councillor is available, the council will appoint someone from outside the council.

The investigating officer will be given clear terms of reference covering: what they are to investigate; how to present their findings; and to whom they should report. The investigating officer will aim to complete and submit their report within **20 working days** of appointment. Their report will recommend one of the following:

No Case to Answer

There is no case to answer and no further action is required.

Informal Resolution

The matter can be resolved informally without a formal hearing.

Formal Hearing

There is a case to answer and a formal disciplinary hearing should be convened.

The investigating officer will not sit on the disciplinary hearing or the appeals panel.

In cases of minor misconduct or performance concerns, the council may decide that no formal investigation is necessary and may proceed directly to a disciplinary meeting.

The employee will be informed in writing of the investigation and may be asked to attend a meeting with the investigating officer.

⚠ **Suspension**
Suspension on full pay may be considered where necessary to protect the investigation, the employee or the council. Suspension is not a disciplinary sanction. Any suspension will be confirmed in writing. While suspended, the employee must remain available during their normal working hours and must not contact anyone connected with the investigation. They should not attend the workplace unless asked to do so by the council.

First Stage – Improvement Note or First Written Warning

Depending on the nature of the concern, the council may issue one of the following at the first formal stage.

Improvement Note (Performance)

Used where performance falls below expected standards. It will set out:

- The performance concerns
- Required improvements
- Support to be provided
- Timescales
- Right of appeal

A note of this action will be placed on the employee's personnel file and a copy will be provided to the employee. The note will remain active for **12 months**, after which it will be disregarded if improvement is sustained.

First Written Warning (Conduct)

Issued where conduct does not meet expected standards. It will:

- Describe the misconduct
- State required changes
- Warn that further misconduct may lead to a final written warning
- Confirm the right of appeal

A note of this warning will be placed on the employee's personnel file and a copy will be provided to the employee. This warning also remains active for **12 months**.

Final Written Warning

A final written warning may be issued where:

- The misconduct or performance issue is serious, or
- There is insufficient improvement following a previous warning.

The warning will:

- Set out the issue and required improvements
- Specify the review period
- Warn that dismissal may result if improvement is not achieved
- Confirm the right of appeal

A note of this warning will be placed on the employee's personnel file and a copy will be provided to the employee. It will remain active for **12 months**, unless the seriousness of the case justifies a longer period.

Dismissal

If issues persist or are sufficiently serious, the council may decide to dismiss the employee.

Formal disciplinary hearings will be conducted by the full council, excluding any councillors who were directly involved in the matter or the investigation. Where fewer than three councillors are available who have not been previously involved, appropriate external support will be sought to ensure a fair hearing.

The employee will receive written confirmation of:

- The decision and reasons
- The termination date (if applicable)
- Notice arrangements
- Their right of appeal

Misconduct and Gross Misconduct

Examples of Misconduct

Misconduct is behaviour that may lead to disciplinary action. The following are examples; the list is not exhaustive:

- Unauthorised absence
- Poor timekeeping
- Misuse of council resources or equipment, including telephone, email and internet
- Inappropriate behaviour
- Refusal to follow reasonable instructions
- Minor breach of health and safety rules

Examples of Gross Misconduct

Gross misconduct is behaviour so serious that it fundamentally breaches trust and may justify summary dismissal (dismissal without notice). The following are examples; the list is not exhaustive:

- Theft, fraud or falsification of documents
- Physical violence, intimidation or bullying
- Deliberate damage to council property
- Serious misuse of council equipment or name
- Accessing pornographic, offensive or inappropriate material
- Serious insubordination
- Harassment or unlawful discrimination
- Bringing the council into serious disrepute
- Serious incapacity due to alcohol or illegal drugs
- Gross negligence causing loss, damage or injury
- Serious breach of health and safety rules
- Breach of trust or confidentiality

If accused of gross misconduct, the employee may be suspended on full pay while the matter is investigated. If proven, the outcome will normally be summary dismissal.

Appeals

Employees may appeal any disciplinary decision. Appeals must be submitted in writing within **five working days** of receiving the decision, and must state the grounds for appeal. The grounds for appeal may include:

- Procedural Failure: A failure by the council to follow this procedure.
- Insufficient Evidence: The decision was not supported by the evidence.
- Disproportionate Sanction: The disciplinary action was too severe in the circumstances.
- New Evidence: New evidence has come to light since the hearing.

The employee will be notified of the time, date and place of the appeal hearing within **10 working days** of the council receiving the appeal.

The appeal will be heard by councillors who were not involved in the original hearing. Where it is not possible to form an independent appeals panel from within the council, appropriate external support will be sought to ensure the appeal is heard fairly. The outcome of the appeal will be confirmed in writing and will be final.

Record Keeping

Records will be kept confidentially and in accordance with UK GDPR and the Council's Data Protection Policy. Records will include:

- The Allegation
- Evidence Gathered
- Notes of Meetings
- Decisions and Reasons
- Actions Taken
- Outcome of Any Appeal