

Lydd Town Council

DISMISSAL AND DISCIPLINARY PROCEDURE



1. Introduction

The purpose of these procedures is to ensure a clear understanding of the relationship between the management of Lydd Town Council and its employees. They are intended to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. Lydd Town Council aims to ensure consistent and fair treatment for everyone in the organisation.

2. Informal Procedure

2.1 Informal action may often be a more satisfactory method of resolving problems than the use of formal disciplinary procedures.

2.2 It should take the form of a discussion between either the Clerk or Chairman of the Staffing Committee and employee with the objective of encouraging and helping the employee to improve. The employee should fully understand that formal action may be taken if there is no improvement.

3. Formal Procedure

3.1 The formal procedures apply to an employee's conduct or performance/capability.

3.2 In most cases, the formal disciplinary procedures should only be used when the informal stage (2.2) has failed to produce the required level of improvements or when the seriousness of the offence warrants it.

3.3 Appropriate investigations should be carried out without unreasonable delay to establish the facts. This may include holding an investigatory meeting and/or the collection of evidence for use at a disciplinary meeting. An investigation panel for the meetings will be appointed from members of the Staffing Committee.

3.4 Before any formal action such as a warning, other disciplinary action or decision to dismiss is taken by Lydd Town Council the following procedures will be followed

- The employee will be advised in writing about the alleged conduct, unsatisfactory performance or other circumstances which lead Lydd Town Council to contemplate dismissing or taking disciplinary action against them.
- The employee will be invited to a meeting with appointed members of the Staffing Committee where he/she will be given the opportunity to state their case before any decision is made.
- The employee will be advised that he/she may be accompanied at any point during the formal proceedings by another member of staff or a trade union representative or that they may make a written request for another individual to accompany them which will be given consideration by the Council.
- The employee may appeal against any dismissal/disciplinary action

3.5 The formal disciplinary procedure described above exists for:

- Performance and/or capability issues
- Misconduct
- Gross misconduct

3.6 In the case of gross misconduct the Council may proceed immediately to Stage Three of the formal disciplinary procedure at their discretion.

4. Formal Disciplinary Procedure Stage 1 Unsatisfactory Performance (improvement note)

4.1 If performance does not meet acceptable standards the employee will be advised in writing following a disciplinary meeting as described in 3.4. This will take the form of an improvement note which will set out the performance problem, the improvement required, the timescale for improvement and any help that may be given. The employee will be advised that this is the first stage of disciplinary procedures and that failure to improve could lead to a final written warning.

4.2 A copy of the improvement note will be kept on the employees file for six months.

4.3 The employee will be informed that he/she may appeal

5. Formal Disciplinary Procedure Stage 1 Misconduct (first warning)

5.1 If conduct does not meet acceptable standards the employee will be informed in writing following a disciplinary meeting as described in 3.4

5.2 The employee will be given a written warning setting out the nature of the misconduct and the change in behaviour required. The employee should be informed that a final written warning may be considered if there is no sustained improvement.

5.3 A copy of the warning will be kept on the employee's personnel file for a period of six months.

5.4 The employee will be informed that he/she may appeal.

6. Formal Disciplinary Procedure Stage 2 Final Written Warning

6.1 If an employee has a current warning about conduct or performance then further misconduct or unsatisfactory performance may lead to a final written warning. It may also be relevant where 'first offence' misconduct is significantly serious but would not justify dismissal. The final written warning, which would be issued following a disciplinary meeting as described in 3.4, should contain a summary of the complaint, the improvement required and the timescale. It will also specify the duration of the warning and that failure to improve may lead to stage 3 (dismissal or other action short of dismissal)

6.2 A copy of the warning will be kept in the employee's personnel file for a period of twelve months.

6.3 The employee will be informed that he/she may appeal

7. Formal Disciplinary Procedure Stage 3 Dismissal or Other Sanction

7.1 An employee may be dismissed due to a first act of gross misconduct or from a repeat of misconduct (of the same or similar type) during the currency of an earlier warning or by failing to meet the acceptable standards of performance. Dismissal may be with or without notice or pay in lieu of notice.

7.2 The decision to dismiss the employee will not be taken without reference to the Staffing Committee. Decisions to dismiss an employee must be confirmed in writing without delay.

7.3 Should the decision result in a sanction short of dismissal being imposed on the employee this should be put in writing and the employee advised that dismissal may be the outcome if there is not a satisfactory improvement. A copy of the warning letter will be kept in the employee's personnel file for 12 months.

7.4 The employee will be informed that he/she may appeal.

8. Misconduct

Examples of misconduct are as follows:

- Poor timekeeping
 - Unauthorised absence
 - Minor damage to Council property
 - Minor breach of rules and procedures of the Council
 - Abusive behaviour
 - Poor standard of work
- This list is not exhaustive

9. Gross Misconduct

Examples of gross misconduct are as follows:

- Theft of property belonging to the Council or an employee of the Council
- Serious damage to Council property
- Fraud, falsification of reports, accounts, expense claims or self-certification forms
- Unauthorised entry to computer records
- Serious act of insubordination
- Serious incapacity whilst at work due to alcohol or illegal drug use
- Violent, dangerous or intimidating conduct
- Bullying or harassment
- Serious infringement of Health and Safety rules
- Serious breach of confidentiality

This list is not exhaustive

10. Suspension during investigation

The employee may be suspended for a period of two weeks whilst an investigation for an allegation of gross misconduct is carried out. During this time payment of salary will continue but the employee will not be entitled to access the Guild Hall unless specifically invited to do so.

11. Appeals Procedure

11.1 An employee has the right to appeal against all disciplinary or dismissal decisions and this should be put in writing to the Chairman of the Staffing Committee, or to the Clerk within 5 working days of the decision stating the reasons for appeal.

11.2 The appeal will be heard by the Town Council's Appeals Committee, as far as possible comprising Councillors who have not had previous involvement in the issue and the employee has the right to be accompanied by a fellow employee or union representative (or another individual if appropriate)

11.3 The appeal hearing will be conducted, where possible, within 5 working days of the appeal being lodged.

11.4 If new evidence comes to light during the appeal the employee should be given the right to comment before a decision is taken. If necessary the appeal may be adjourned.

11.5 The employee will be informed of the results of the appeal and the reasons for the final decision in writing within 10 working days. If there is any reason for a delay the employee will be given an explanation and advised when a decision may be expected.

12. Grievance during Disciplinary Action

If an employee raises a grievance during the disciplinary procedure there may be a short period of suspension of the procedure until the grievance can be considered.

13. Records

Records should be kept to detail the nature of any breach of disciplinary rules or unsatisfactory performance, including the employee's response, actions taken and the reason for it, any appeal made and the outcome. Records will be kept confidential at all times.