

DISCIPLINARY PROCEDURE

Totton and Eling Town Council's aim in this disciplinary procedure is to promote fairness, and encourage an efficient and harmonious working environment. It sets out the action that will be taken when an employees actions or conduct are not in line with the Council's policies and procedures.

If you are subject to disciplinary action this procedure is designed to encourage good and fair management practice. At every stage of the procedure you will be advised of the nature of the complaint, and be given an opportunity to state your case, accompanied by a friend, union representative or colleague of your choice if you wish. You will not be dismissed for a first breach of discipline, except in cases of Gross Misconduct, when the penalty can be dismissal without notice or pay in lieu of notice. You have the right to appeal against any disciplinary action taken against you.

1. INFORMAL DISCUSSIONS

Before taking formal disciplinary action every effort should have been made to resolve the matter by informal discussions.

2. FORMAL DISCIPLINARY PROCEDURE

For Gross Misconduct, dismissal may be instant. For other unsatisfactory conduct or actions, the procedure is as follows:

Stage 1 - Verbal Warning

If, despite informal discussions, your conduct or actions do not meet acceptable standards, you will be given a formal verbal warning. You will be told:

- > The reason for the warning
- > That this is the first stage of the disciplinary procedure
- > That you have the right of appeal

A brief note of the warning will be kept on your personal file, but will be disregarded for disciplinary purposes after six months, subject to satisfactory conduct.

Stage 2 - Written Warning

If a further offence occurs, or there is no improvement in standards, a written warning will be given. This will state the reason for the warning, and that if there is no improvement within a specified period, then a final written warning will be given. A copy of this warning will be kept on file, but disregarded after one year, subject to satisfactory conduct. You have the right to appeal.

Stage 3 - Final Written Warning

If conduct or your actions remain unsatisfactory, or are sufficiently serious to issue only one written warning, then a final written warning will be issued. A copy will be kept on file for a specified period, after which it will be disregarded for disciplinary purposes. Dismissal can result from failure to comply. You have the right to appeal.

A Final Written Warning will remain active for a period specified in writing at the time it is issued (normally between 12 and 18 months), in accordance with Section 3a of this policy.

Stage 4 - Dismissal

If there is no satisfactory improvement within the agreed timescale, you may be dismissed. In the case of Gross Misconduct dismissal may be instant. Except in cases of Gross Misconduct, employees will receive notice. You have the right to appeal.

3. GROSS MISCONDUCT

You will be advised of the nature of the complaint and given a chance to state your case.

You will be suspended on full pay whilst the complaint is under investigation. If after investigation it is deemed that you are responsible for Gross Misconduct you may be dismissed without notice or pay in lieu of notice. You have the right to appeal. Examples of Gross Misconduct are as follows:

- > Serious or persistent breach of confidentiality
- > Theft, fraud or deliberate falsification of Council documents
- > Abusive or offensive behaviour in person or in correspondence either in hard copy or electronically
- > Gross insubordination
- > Gross negligence
- > Serious sexual or racial harassment
- > Unfit for work through alcohol or illegal drugs
- > Deliberate, serious damage to Council property
- > Serious or persistent breach of Health and Safety rules
- > Unauthorised use of Council monies

This is not an exhaustive or exclusive list.

3a - Duration of Warnings

To ensure fairness and consistency, the following time limits will normally apply to disciplinary sanctions:

Type of Warning	Duration Warning Remains Active	When It Will Be Disregarded
Verbal Warning	6 months	After 6 months of satisfactory conduct
Written Warning	12 months	After 12 months of satisfactory conduct
Final Written Warning	12 months (unless otherwise stated)	After 12 months of satisfactory conduct

After the live period has expired, the warning will be disregarded for disciplinary purposes. A confidential record of the warning will be kept on the employee's file for internal HR purposes only.

Such records will **not** be referred to in any employment reference provided by the Council, which will confirm only the employee's dates of employment and job title.

4. UNAUTHORISED ABSENCE

Employees have a duty to inform their Line Manager within two hours of their normal start time of their absence from work through ill health or injury, and to keep their manager informed of the likely duration of absence.

Unauthorised absence will be dealt with as a disciplinary matter.

5. DISCIPLINARY PROCEDURE FOR THE TOWN CLERK

In any cases of proposed dismissal or cases involving the Town Clerk or the Deputy Town Clerk the matter will be dealt with by the Personnel Sub Committee and any final appeal shall be to the Appeals Panel.

6. APPEAL

If you wish to appeal against any disciplinary decision, you must first appeal to the Town Clerk in writing within five working days of the disciplinary decision being communicated to you. You will be given reasonable notice of an appeal hearing which will be carried out by the Town Clerk or Deputy Town Clerk if not involved in the original disciplinary action. The Town Clerk or Deputy Town Clerk will hear the appeal and decide as impartially as possible. Employees have the right to appeal further against the decision made by the Town Clerk or Deputy Town Clerk. All further appeals will be heard by the Personnel Sub Committee, who will make a decision recommendation to the Full Council which will be

communicated to the employee within 10 working days of the hearing. The Full Council's decision is final, and the matter shall be deemed to have been resolved.

In matters relating to the Town Clerk or the Deputy Town Clerk will be heard directly by the Personnel Sub Committee.