

BRANSTON & MERE PARISH COUNCIL

DISCIPLINARY PROCEDURE (REDRAFT)

1. INTRODUCTION

1.1 This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance, including the need to:

- Fulfil the duties specified in their contract of employment.
- Be honest and act beyond suspicion of dishonesty.
- Maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.

1.2 The Council will deal with disciplinary matters fairly and consistently, in accordance with the Acas Code of Practice on Disciplinary and Grievance Procedures.

1.3 The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive:

- Unsatisfactory time keeping.
- Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- Failure to comply with rules, instructions, policies or regulations applicable to job requirements.
- Failure to perform the duties and responsibilities of the post to the standard expected by the Council.
- Insubordination.
- Any other conduct that from time to time is defined by the Council as amounting to misconduct.

1.4 For first instances of minor misconduct the Clerk may speak to the employee informally before implementing the formal disciplinary procedure. There is no obligation to do so, and the informal stage may be omitted where the matter is more serious.

1.5 Equality and reasonable adjustments: The Council will apply this procedure consistently and without discrimination. Reasonable adjustments will be considered for disabled employees (for example adjustments to meeting format, support needs, or timescales).

2. SCOPE

2.1 This procedure applies to all employees of Branston & Mere Parish Council.

2.2 It does not apply to dismissal by reason of redundancy or the non-renewal of fixed-term contracts on expiry.

3. VERBAL (INFORMAL) WARNING – not used in cases of Gross Misconduct

3.1 Verbal warnings are normally issued for first instances of minor misconduct, depending on seriousness.

3.2 The employee will be told:

- what the issue is;
- what improvement is required;
- the likely consequences of any further misconduct or failure to improve.

3.3 A written note confirming the verbal warning will be placed on the employee's personnel file and a copy provided to the employee. A verbal warning will normally remain live for 6 months.

3.4 This stage may be omitted if the offence is sufficiently serious.

4. FIRST WRITTEN WARNING – not used in cases of Gross Misconduct

4.1 In the case of a serious offence, or repetition of earlier minor misconduct, the employee will normally be given a First Written Warning.

4.2 A First Written Warning will normally be issued by the Clerk (or by the Chairman of the Staffing Committee where the Clerk is the subject) and will set out:

- the nature of the offence and the improvement required (if appropriate) and over what period;
- the likely consequences of any further offence or failure to improve;
- that further offences may result in more serious disciplinary action; and
- the employee's right of appeal.

4.3 A First Written Warning will normally remain live for 6 months.

4.4 This stage may be omitted if the offence is sufficiently serious.

5. FINAL WRITTEN WARNING – not used in cases of Gross Misconduct

5.1 If further misconduct occurs within the live period of a First Written Warning, or if misconduct is sufficiently serious, the employee will be given a Final Written Warning.

5.2 A Final Written Warning will set out:

- the nature of the offence and the improvement required (if appropriate) and over what period;
- the likely consequences of any further offence or failure to improve;
- that further offences may result in disciplinary action up to and including dismissal; and
- the employee's right of appeal.

5.3 A Final Written Warning will normally remain live for 12 months.

5.4 A Final Written Warning may be issued without a First Written Warning if the misconduct, while not gross misconduct, is sufficiently serious to justify a final warning.

6. STANDARD COUNCIL DISCIPLINARY PROCEDURE

(for matters that may lead to a further warning, demotion, dismissal or other serious sanction)

6.1 If further misconduct occurs within the live period of a Final Written Warning, or if the alleged misconduct is sufficiently serious to contemplate dismissal, demotion, or suspension without pay, the following formal procedure will be followed.

Investigation

6.2 The Council will appoint an Investigating Officer to investigate the alleged misconduct and establish the facts. Wherever possible, the Investigating Officer will not be the person who decides any disciplinary outcome.

6.3 The employee may be suspended on full pay while an investigation takes place if necessary. Suspension is a neutral act and not a disciplinary penalty. Any suspension will be kept under review and as brief as practicable.

6.4 The Investigating Officer will gather evidence as necessary, including witness statements and relevant documents, and may interview the employee as part of the investigation.

Invitation to disciplinary hearing

6.5 If, after investigation, there is a case to answer, the Council will write to the employee setting out:

- the allegations;
- the possible consequences;
- the evidence to be relied upon (copies enclosed); and
- the date, time and location of a disciplinary hearing.

6.6 The employee will be given reasonable time to prepare for the hearing. The employee must take all reasonable steps to attend.

6.7 The employee has the right to be accompanied at the disciplinary hearing by:

- a work colleague; or
- a trade union representative or official.

6.8 A disciplinary hearing will normally be convened within 5 working days of the written invitation, unless a longer period is reasonable in the circumstances.

6.9 If the proposed date is inconvenient, the employee may request one postponement of up to 5 working days.

The hearing and decision

6.10 The hearing will be conducted by the Council's Staffing Committee (or another properly appointed panel). The Investigating Officer will present the case. The employee will be able to respond fully and present evidence.

6.11 The hearing may be adjourned to allow further investigation or consideration.

6.12 After the hearing the panel will decide what action, if any, is appropriate. Possible outcomes include:

- no further action;
- a First Written Warning;
- a Final Written Warning;

other appropriate management action (for example training, redeployment, or demotion where contractually permitted); dismissal with notice (or pay in lieu) where justified.

6.13 The employee will be informed of the decision as soon as reasonably practicable and normally within 5 working days, and the decision will be confirmed in writing with reasons.

Appeal

6.14 The employee may appeal any formal disciplinary sanction. The employee must notify the Council in writing within 5 working days of receiving the written decision, stating the grounds of appeal.

6.15 The appeal will be heard by a panel of councillors who have not previously been involved in the case. The employee has the right to be accompanied as in 6.7.

6.16 The appeal hearing will normally be convened within 7 working days of receipt of the appeal, unless an extension is reasonable.

6.17 The appeal panel will review the case, consider any new evidence, and decide to:

- uphold the original decision;
- reduce the sanction; or
- overturn the decision.
- The sanction will not be increased on appeal.

6.18 The appeal decision is final and will be confirmed in writing within 5 working days.

7. COUNCIL PROCEDURE FOR GROSS MISCONDUCT

7.1 Gross misconduct is misconduct so serious that it destroys the employment relationship and may justify summary dismissal (dismissal without notice).

7.2 The following list provides examples of conduct that will normally be regarded as gross misconduct. The list is not exhaustive:

- Refusal or repeated failure to carry out duties.
- Falsification of documents or information (including expense claims).
- Unauthorised disclosure of confidential information.
- Assaulting a fellow employee or any other person whilst acting (or purporting to act) on behalf of the Council.
- Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting (or purporting to act) on behalf of the Council.
- Serious or repeated harassment (including sexual or racial harassment).
- Incapacity at work due to alcohol, unprescribed drugs or other substances.
- Wilful damage to Council property.
- Theft, unauthorised use or possession of Council property or that of a fellow employee.
- Conduct bringing the Council into disrepute.
- Any other conduct defined by the Council as amounting to gross misconduct.

7.3 If an employee is accused of gross misconduct they may be suspended on full pay pending investigation. Suspension will not normally exceed 10 working days, unless extended for good reason and kept under review.

7.4 The Council will investigate the matter in line with section 6.2–6.4.

7.5 If there is a case to answer, the employee will be invited in writing to a gross misconduct disciplinary hearing, with the same rights to evidence disclosure and accompaniment as in sections 6.5–6.9.

7.6 Following the hearing, if gross misconduct is found, the employee may be dismissed summarily without notice or pay in lieu of notice. The decision and reasons will be confirmed in writing, including the right of appeal.

7.7 The appeal process in sections 6.14–6.18 will apply to gross misconduct dismissals.

8. GENERAL PROCEDURAL INFORMATION

8.1 Records and confidentiality: Written records will be kept of investigations, hearings, decisions and appeals. Information will be handled confidentially and shared only with those who need it for the process.

8.2 Grievances raised during disciplinary action: If an employee raises a grievance during disciplinary proceedings, the grievance will normally be considered after completion of the disciplinary process unless it relates directly to the disciplinary case itself.

8.3 Audio/video recording: Audio or video recording of meetings is not permitted unless agreed by all parties as a reasonable adjustment.

8.4 Timescales: The timescales in this procedure are targets and may be extended where reasonable, taking account of case complexity, availability, or agreed reasonable adjustments.

8.5 Roles where the Clerk is the subject:

Where disciplinary proceedings are instigated against the Clerk, all stages (including investigation and hearings) will be led by the Staffing Committee or an appointed external Investigating Officer. The employee's appeal will be heard by councillors not previously involved.

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