

HAMBLETON PARISH COUNCIL DISCIPLINARY PROCEDURE

1. Purpose and Scope

- 1.1 The disciplinary procedure provides for steps to be taken if an employee fails to meet the Parish Council's standards of attendance, behaviour, and performance or for any breach of any of the terms and conditions of employment.

2. Keys to handling disciplinary issues in the workplace

- 2.1 Establish the facts of each case.
- 2.2 It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case
- 2.3 In misconduct cases, where practicable, different people should carry out the investigation and disciplinary hearing.

3. Inform the employee of the problem

- 3.1 If it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct or poor performance and the possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification.
- 3.2 The notification should also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.

4. Principles

- 4.1 The disciplinary procedure is designed to be fair to all and to ensure that all employees have a chance to put their side of the case where a disciplinary matter arises.
- 4.2 Any breach of any of the terms of employment, or other serious breach of contract, misconduct, inefficiency, or neglect while carrying out duties may be treated as a disciplinary matter.
- 4.3 Conduct outside working hours which, in the opinion of the Parish Council, affects employee's performance/duties or may bring the Parish Council into disrepute or adversely affect it may also be considered a reason for implementing the disciplinary procedure.

5. Informal Procedure

- 5.1 If an employee's work or conduct is considered unsatisfactory, an informal meeting may be arranged to explain any shortcomings and suggest ways of correcting them.
- 5.2 If any conduct or breach is considered sufficiently serious, the Parish Council in its absolute discretion may implement the formal procedure without reference to the informal procedure.
- 5.3 If the informal procedure is adopted, the Parish Council may write to an employee confirming the nature of the problem, agree objectives to remedy it and the timescale within which any breaches must be rectified. The informal warnings may be kept on file for a period of six months and any further breaches may lead to the formal procedure being implemented.
- 5.4 The formal procedure will be initiated by the Parish Council if the informal procedure fails to result in the desired improvement or in the case of any matter that is considered sufficiently serious.

6. Formal Procedure

6.1 Investigation

- 6.1.1 If there is a concern about an employees conduct, the Parish Council will investigate and for this purpose may, at its discretion, suspend any employee from work. In this case employees will be paid the basic remuneration. This suspension may last as long as any investigation and disciplinary process is continuing.
- 6.1.2 In its absolute discretion, the Parish Council may:

- a) Require an employee to attend investigatory hearings for the purpose of being questioned about the allegation(s). Refusal to answer appropriate questions may, in itself, be regarded as a disciplinary matter.
- b) Take witness statements from other individuals that were involved in relation to the allegation(s) or who may assist.
- c) Take time to collate documentary or other evidence that may be relevant to the allegation(s).

- 6.1.3 The Parish Council will ensure that the investigation is carried out as quickly as possible but there are no time limits relating to the length of the investigation.
- 6.1.4 The above procedure is not contractual and may be amended by the Parish Council at its absolute discretion.
- 6.1.5 If, following any investigation, the Parish Council considers that an employee has committed a disciplinary offence, the employee will be informed in writing of the allegation(s) and the employee will be requested to attend a disciplinary hearing.

7. Right to be accompanied at a disciplinary hearing

- 7.1 Employees have the right to be accompanied at a disciplinary hearing where they have been required or invited by the Parish Council to attend.
- 7.2 If an employee makes a request to be accompanied, they will be allowed to have a single companion at the hearing either a work colleague, or friend.
- 7.3 The companion may be permitted to address the disciplinary panel but will not be permitted to answer questions on behalf of the employee.
- 7.4 If the companion is not available at the time that the Parish Council has proposed for a disciplinary hearing, an alternative time may be proposed for the hearing provided it is a reasonable time and is no further than five working days after the day that the Parish Council had proposed for the disciplinary hearing.

8. Oral Warning

- 8.1 In the case of minor offences, employees will be given a formal oral warning. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained. Details of the oral warning will be placed on personnel files but will be disregarded after a period of six months.

9. Written Warning

- 9.1 In the case of more serious offences or a repetition of earlier minor offences, a written warning will be given, and the employee will be informed of the likely consequences of further offences. A copy of the written warning will be placed on personnel files but will be disregarded after a period of twelve months.

10. Final Written Warning

- 10.1 In the case of a further repetition of earlier offences or in the event that the employee fails to improve or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, the employee will be given a final written warning and will be informed that any reoccurrence may lead to the termination of employment.
- 10.2 Depending on the seriousness of the matter and all the circumstances, any of the above stages may be omitted.
- 10.3 In the case of gross misconduct &/or if the appropriate stages of the formal procedure have been exhausted, employment will normally be terminated.

11. Appeal

- 11.1 If an employee does not agree with the result of any disciplinary decision, they will have the right of appeal provided it is made in writing to the Clerk to the Council (or to the Chairman if the disciplinary procedure relates to the Clerk) within three working days of being notified. The employee must set out in full the grounds on which they are appealing the decision, stating whether it is because they disagree with the findings of misconduct or the sanction that was imposed.

- 11.2 On receipt of notice of an appeal, the Parish Council shall be entitled to seek such other submissions, orally or in writing, from the employee or such other persons as appropriate.
- 11.3 The employee has the right to a hearing which will be by way of a review of the decision and not a full re-hearing. The employee has the right to have a companion present at the appeal hearing as they did with the disciplinary hearing.
- 11.4 Where an employee is dismissed, the date of dismissal will stand if the appeal is rejected and the date of the termination of your employment will not be the date that your appeal was rejected.

12. Gross Misconduct

- 12.1 If the Parish Council reasonably forms the view that an employee is guilty of gross misconduct, they may be summarily dismissed.
- 12.2 The following is a non-exhaustive list of examples of offences which the Parish Council may regard as amounting to gross misconduct:

- a) Accepting any bribes or gifts which could be construed as bribes.
- b) Attendance at work while intoxicated or influenced by drugs that have not been prescribed by a medical practitioner.
- c) Being abusive or rude to Councillors, the public or other work associate.
- d) Breach of rules and regulations relating to health & safety matters that may constitute a danger to the health & safety of the employee, fellow workers or anyone visiting the premises or properties of the Parish Council.
- e) Bringing the Parish Council into disrepute by conduct whether at work or outside.
- f) Conviction for any offence that is incompatible with your employment, which may place the Parish Council in disrepute, or which causes the Parish Council to lose trust and confidence in the employee.
- g) Damaging the Parish Council's property or the property of an employee with deliberate intent.
- h) Discrimination against, or harassment of, any fellow worker or client or customer on the grounds of sex, race, sexual orientation, or disability.
- i) Dishonesty at work or outside work, whether, or not, it will cause actual loss to the Parish Council or bring the Council into disrepute.
- j) Failing to adhere to any statutory or regulatory requirements where such failure is wilful or amounts to gross negligence or incapability.
- k) Failing to correctly fill out an application or any documents relating to employment which affect qualifications for a job, the ability to carry out the job, or may affect the Parish Council's trust.
- l) Falsification of any of the Parish Council's documents whether or not they give a pecuniary advantage or whether it is likely to cause loss to the Parish Council.
- m) Negligent behaviour which may be gross, or which may affect the Parish Council's trust and confidence in an employee's ability to carry out a job.
- n) Misuse of any confidential information belonging to the Parish Council or of information which the Parish Council considers may cause the Parish Council harm or bring it into disrepute.
- o) Violent behaviour towards fellow workers or clients or customers. This will include physical and verbal behaviour or conduct or words that may be regarded as intimidating.
- p) Theft or reasonable suspicion of theft or other criminal offence.
- q) Absence from work that is unauthorised.
- r) Receiving a custodial sentence regardless of the length of that sentence.

Reviewed and approved at a meeting held on 6th October 2026

Signed:
Chairman

Date: