



Contents

Section 1: Introduction

Informal Action	1
Statutory Guidance	1
Aim Of The Procedure	2
Application	2
Variations	
Temporary Staff	2
Staff On Probation	2
Senior Staff	2
Capability Procedure	3
Code Of Conduct	3
Contract Outside The Workplace	3
Criminal Offences	3
Role Of The HR Team	4
Right To Representation	4
Co-Operation	4
Varying The Timescales And Personnel	5
Confidentiality	5
Revisions To Disciplinary Procedure	5

Section 2: Disciplinary Levels & Offences

Disciplinary Levels	6
Disciplinary Offences	6
Records	8
Procedural Steps	8

Section3: Disciplinary Procedure

The Investigation	10
Suspension During Investigations	12
Supporting Documents	13
The Disciplinary Hearing	13
Adjournments	14
Taking The Decision	15
Disciplinary Sanctions	15
Communicating The Decision	15
Summary Dismissal	16

Section 4: Appeals

Appeals Against A Disciplinary Decision	17
Written Notice Of Appeal	17



Procedure For Appeal	17
Decisions	18
Appeals Against A Decision	18
Payment Of Salary For The Period Between Dismissal And Appeal	18
Exhausting The Appeals Procedure	18
Delaying A Disciplinary Hearing Pending An Appeal	18



Section 1: Introduction

Introduction

The Council recognises that discipline is necessary for the efficient and harmonious delivery of its services and for the health and safety of all employees. The disciplinary policy and procedure forms part of the Council's approach to performance management.

The Council will address breaches of discipline or failures of performance as early as possible in order to ensure that its employees are clear about what is expected of them. The disciplinary procedure is written to support managers and is intended for use when informal means of correcting breaches of discipline or misconduct have not achieved improvement or change or where more serious breaches have occurred. It sets out guidance for managers on how to handle disciplinary matters and provides a source of information to employees.

If you are the subject of a disciplinary investigation, you will find it helpful to read the procedure, as it will tell you what to expect and what your rights are.

Informal action

Day-to-day supervision and monitoring of performance and conduct is an important element in the managerial process. Any oral correction, instruction or advice which managers may give does not constitute formal disciplinary action – such exchanges are an important element in setting and monitoring standards of performance and conduct.

There may be times when managers will want to have an informal discussion with a member of staff in order to improve their conduct or performance or to change behaviour. If problems are brought to their attention at an early stage and discussion is constructive, the need to take formal disciplinary action may be avoided. Discussions of this sort will be recorded as usual in the supervisory meeting notes.

However, if informal means fail to effect an improvement in performance, then the disciplinary procedure should be followed.

Statutory guidance



Our disciplinary procedure follows all current statutory guidance and best practice. The Council's disciplinary policy and procedure forms part of our contract of employment and will always be applied fairly and consistently.

Aim of the procedure

The aim of this procedure is to ensure that the Council treats all staff fairly and equitably. It lays down a process for dealing with breaches of behavioural standards and failure to meet required standards of work. The procedure aims to encourage staff to improve their conduct and/or performance to meet required standards; it is not primarily intended for use as a means of applying sanctions.

Application

The procedure applies to all staff irrespective of status or grade, and includes staff on temporary and fixed term contracts. There are however, variations within the procedure:

Variations

Temporary staff employed through an agency

If, as a manager, you are faced with a disciplinary issue or a failure of performance concerning a temporary member of staff who is employed through an agency, you must discuss this with the agency at the earliest opportunity and inform the agency that you no longer wish to use the services of the individual concerned and terminate the contract immediately.

Staff on probation

Our contracts of employment contain a clause, which places the new employee on probation for a period of up to six months. This is intended to allow the employee and their line manager to be sure that the appointment is successful, and to ensure that there is a clear induction process to enable the employee to settle into their new post over a period of time.

Any failure of performance, or failure to reach an acceptable standard of performance, during this period will be dealt with through the supervision process (see probation guidance). Other misconduct – for example, failure to follow the Code of Conduct, harassment of a colleague or member of the public – will be dealt with through the disciplinary procedure. However, staff on probation will normally be given one warning only, no matter what level of disciplinary offence they are found to have committed. Staff on probation will have the right of appeal.

CorporateManagers

- If the subject of the disciplinary investigation is a Corporate Manager then:A Chief Officer, either the Chief Executive or Executive Director, will undertake any investigation and conduct an informal investigatory interview with the HR Manager in attendance
- The formal disciplinary hearing will be conducted by either the Chief Executive or Executive Director plus one member from the Employment Committee.
- The right to appeal will be to a panel of members drawn from the Employment Committee, but must not include any members previously involved in the investigation.
- The Employment Committee panel members will have the power to apply disciplinary actions other than dismissal. A recommendation to dismiss will have to be approved by full Council

Capability Procedure

The disciplinary procedure is not intended for use where an employee is unable to discharge the duties of their post because of reasons of capability. The capability procedure will be applied in the following situations:

- Where the individual cannot, due to lack of skill, aptitude or training, reach the required standards of performance;
- Where ill health or injury renders an employee unable – either permanently or temporarily – to discharge his or her duties.

Code of conduct

The Council has a Code of Conduct, which sets clear standards on issues such as:

- service to the public
- disclosure of information
- political neutrality
- relationships with Councillors, service users and contractors
- conflict of interest

Breaches of this Code will be dealt with under this disciplinary procedure.

Conduct outside the workplace

There are circumstances under which action may be taken which relate to an action or omission outside working hours. Off-duty conduct may form the basis of disciplinary

action if it is relevant to the individual's employment and is deemed to make them unsuitable for their post.

Examples of such misconduct include:

- a disclosure of confidential information
- damaging the Council's reputation
- behaving in such a way as to compromise the Council or damage public confidence
- taking outside employment which conflicts (or could conflict) with the Council's interests
- accepting significant personal gifts or hospitality

Criminal offences

Employees must immediately inform their manager if they are charged with, or convicted of, a criminal offence. If an employee is charged with, or convicted of, a criminal offence, the disciplinary procedure will be applied if the alleged offence is deemed to affect the employee's ability to carry out their duties, or their suitability for continued employment.

In these circumstances, the employee may be suspended on full pay pending the outcome of the court case.

Role of the HR Team

The HR team is there to advise managers and employees involved in disciplinary proceedings about the procedure and its application. A member of the team will attend all formal disciplinary interviews to advise and ensure that the procedure is followed. It is not, however, the role of members of that team to take part in decision-taking or to conduct disciplinary interviews.

If you are a line manager and are considering taking formal disciplinary action against a member of your staff, or are unsure of what action to take when you are faced with a possible disciplinary matter, you are advised to speak, in confidence, to a member of the HR team at an early stage.

If you are an employee facing disciplinary action, you may wish to contact your Union representative, who will be able to discuss the issue(s) with you, and support you through the procedure. You may also wish to contact the HR team to discuss the procedure and what you can expect to happen. Members of the team are not able to discuss the material issues with you and will only advise on the process.

External consultants

External consultants may be contracted to assist with disciplinary matters if the HR Manager feels that such input is necessary.

Right to representation

If you are the subject of formal disciplinary action you have the right to be represented by a Trade Union official or a SCDC colleague at every stage, including investigatory interview and appeals. It is up to you to arrange this support, and to notify the HR team who will be representing you at the hearings. The role of the official or colleague is to support the employee, and they have the right to speak on their behalf. However, it is not the role of the official or colleague to answer questions put to the staff member concerned. Reminders of this right are included in 'Notification of formal disciplinary' letters.

Co-operation

Most employees will realise that it is in their interest to co-operate. However, some may refuse to attend disciplinary hearings, in which case the Manager will make a decision based on the information available at that time, this may result in the employee being dismissed in his/her absence.

Varying the timescales and personnel

The timescales set out in this procedure may be varied with the agreement of both parties, and a request to extend the timescale will not be unreasonably refused. If the designated personnel are not available at a given time, then others of the same status may be substituted in order not to prolong proceedings unnecessarily.

Confidentiality of proceedings

If you are involved in any way with a formal disciplinary matter you are expected to keep information confidential and not discuss it. Failure to do so may result in disciplinary action being taken against you.

Revisions to disciplinary procedure

The operation of this procedure will be reviewed periodically through the normal consultation process. Any amendments proposed as a result of these reviews will be advised to all staff, and you will be informed of the date from which changes are to be implemented.

Section 2: Disciplinary levels & offences

Disciplinary levels

There are four levels to the disciplinary procedure, which broadly equate to levels of offence.

The four levels are:

- level 1 - for minor offences (level 1 warning)
- level 2 - for misconduct or repetition of a minor offence (level 2 warning)
- level 3 - for gross misconduct, repetition of misconduct or persistent repetition of a minor offence (final warning)
- level 4 - for gross misconduct (dismissal, including summary dismissal)

The difference between the levels of offence is often one of degree. Which level is applied initially depends on the severity of the offence and whether it is a first offence of that sort, or a repetition of something which has already been dealt with using this procedure. Normally, the procedure will start at level 1 and go on through the other levels if the offence is repeated within a given timescale. Depending on the severity of the offence, gross misconduct may be dealt with either at level 3, or under the summary dismissal procedure. The level at which the procedure is applied will be decided on a case by case basis once the initial investigation has been concluded.

The warning issued at each level has a 'shelf life' – that is, length of time it remains on the employee's file. If a repetition of a matter which has already been dealt with under the disciplinary procedure occurs once the 'shelf life' of the earlier misconduct has expired, then the procedure must apply from the appropriate level again. For example, if an employee is disciplined at level 1 for poor timekeeping, and attendance improves for a time, but lapses again once the shelf-life has expired, then the repetition must be dealt with at level 1. However, if the repetition occurs before the shelf-life has expired, then it will be dealt with at level 2.

If there is an active disciplinary matter on file and the employee commits a different offence, then a new procedure must be instigated – the second offence cannot be 'rolled up' into the first. However, if several disciplinary offences are committed at the same time, they can all be dealt with at once.

Disciplinary Offences

Level 1

For minor offences the procedure will be initiated at level 1. Examples of minor offences include:

- failure to comply with a reasonable instruction
- failure to observe confidentiality
- failure to record hospitality, a conflict of interest or a potential conflict of interest

- negligently breaching the health and safety rules and procedures
- failure to comply with your terms and conditions of employment, including failure to comply with reporting requirements such as sickness absence
- failure to observe 'Smoke Free' rules
- persistent lateness

Note: these are examples only, and the list is neither exhaustive nor exclusive, and is intended for guidance only.

A minor offence attracts a level 1 written warning. The duration (shelf-life) of the warning is 6 months, after which it is expunged from the employee's record and cannot be relied on should the misconduct be repeated at a later date.

A level 1 warning may be issued by the line manager (or a manager of higher status) of the employee concerned once the disciplinary process has been followed

Level 2

For misconduct, the procedure will be initiated at level 2. Examples of misconduct include:

- destruction, alteration or mutilation of any Council record or document
- accepting gifts or hospitality from contractors, clients or members of the public without authorisation
- misuse of the Council's information technology systems
- breach of the Data Protection Act
- causing loss, damage or injury to any person or property, either carelessly or negligently
- wilful refusal to reach required standards of performance or follow procedures
- wilful disregard of safety standards, rules or procedures
- bullying or harassing a member of staff or the public

Note: these are examples only, and the list is neither exhaustive nor exclusive, and is intended for guidance only.

Misconduct attracts a level 2 written warning. The duration (shelf-life) of the warning is 9 months, after which it is expunged from the employee's record and cannot be relied on should the misconduct be repeated at a later date.

Similarly, once the disciplinary process has been completed a level 2 warning may be issued by a Corporate Manager from within the employee's department.

Levels 3 and 4

For gross misconduct, the procedure will be initiated at either level 3 or summary dismissal. Examples of gross misconduct include:

- deliberate, malicious and serious damage to the Council's property or that of a colleague, service user or member of the public
- discrimination against another employee on the grounds of, for example, gender , marital status, disability, age, sexual orientation, religion or ethnic origin
- falsification or omission of information for personal gain, for example, on an application form or medical questionnaire
- physical attack on a colleague, client or member of the public
- serious negligence or dereliction of duty which causes or might cause loss, damage or injury
- theft, fraud or deliberate falsification or destruction of records
- unauthorised access to, or disclosure or distribution of confidential papers or computerised information
- victimisation of a member of staff who has made an allegation of discrimination
- victimisation of a member of staff who has raised a concern through the whistleblowing procedure

Note: these are examples only, and the list is neither exhaustive nor exclusive, and is intended for guidance only.

Gross misconduct attracts a final written warning, or summary dismissal. The duration (shelf-life) of the warning is 12 months, after which it is expunged from the employee's record and cannot be relied on should the misconduct be repeated at a later date.

Once the disciplinary process has been completed a level 3 warning should be issued by a Chief Officer, but could be delegated to second tier level according to the needs of the service.

Dismissal must be approved by the Chief Executive.

Records

It is important, and in the interests of both employer and employee, to keep written records during the disciplinary process. Records will include:

- The nature of the disciplinary
- Notes of interviews and meetings
- Evidence
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome
- Subsequent developments

Records will be kept in confidence and in accordance with the Data Protection Act 1998

A copy of the transcript of all meetings will be provided to the employee. This should be checked and signed by the employee to confirm that it is an accurate reflection of the meeting.

Records of dismissal, including summary dismissal are kept for at least a year, in case the employee concerned instigates further statutory action.

Procedural steps

The procedure for each level is broadly similar and, in summary, the steps are as follows:

- (if appropriate) notification that an investigation is under way
- the investigation is conducted, including investigatory interview with the employee concerned, interviews with any witnesses, gathering documentary evidence and witness statements
- notification of the outcome of the investigation and further action, if any
- disciplinary hearing
- notification of the outcome of the hearing.

Then, at the employee's instigation:

- notification of appeal by the employee
- notification of appeal hearing
- appeal hearing
- notification of the outcome of the appeal hearing.

Each step has a timescale within which action must be taken.

Section 3: Disciplinary Procedure

This section sets out the basics of the disciplinary procedure, and the steps, which must be followed. Model letters and documents can be found on the Intranet under “Disciplinary Policy Guidance for Managers”.

The investigation – gathering & reviewing evidence

Before the formal disciplinary procedure is initiated an investigation must be conducted – the facts must be collected and reviewed before a decision to instigate the formal disciplinary procedure is taken.

Although essential, this stage is not a part of the formal procedure – it is the stage at which evidence is reviewed to decide whether or not the acts or omissions complained of are serious enough to warrant formal disciplinary action.

This is the stage at which the investigating manager (usually the line manager for the staff member concerned) gathers the evidence about the disciplinary matter. Evidence may include, for example:

- attendance records to establish absence patterns
- hours of work if the matter involves poor timekeeping
- examples of work which does not meet the required standard or follow procedure.

The investigation may also include:

- an investigatory interview with the staff member concerned
- interview with witnesses
- requesting witness statements.

How this process is tackled depends on the complexity of the alleged disciplinary matter. If the issue is straightforward (for example, poor timekeeping), then the investigation stage will be short and the evidence may well already be to hand. Equally, if the line manager witnessed the act (or omission), or there is clear evidence (for example, a document) there will be little need for further investigation. However, if the issue is complex (for example, an allegation of fraudulent practice), then the investigation stage will take longer. It is in the interests of all parties that the investigation be undertaken speedily, therefore, this stage should not normally take longer than five working days, unless the matter is so complex that more time is needed.

Investigatory interview

If the issue is a straightforward level 1 matter, the investigation will be carried out without an investigatory interview and the matter dealt with by means of a disciplinary hearing at level 1,

Otherwise unless the circumstances are exceptional, the investigating manager will interview the staff member concerned as part of the initial investigation. They must also be informed that they may be represented by a Trade Union representative or a SCDC colleague.

See Proforma 1(See the intranet “Disciplinary Policy Guidance for Managers”)

Notice of investigatory interview

The employee, subject to the investigation must be given at least three working days written notice of an investigatory interview (in the form of a letter). That letter will set out:

- details of the matter causing concern
- when the interview is to be conducted
- where the interview will be conducted
- that the employee has the right to be represented

The employee should be given copies of any documents that will be produced at the meeting.

See Model letter 1(See the intranet “Disciplinary Policy Guidance for Managers”) for content and format.

Informing the subject of the investigation

Unless the matter is a level 1 issue and no investigatory interview will be held, the employee concerned will be informed that an investigation is taking place and told what the likely timescale is, except when notifying them may hamper the investigation for example where the investigation is prompted by a suspicion of fraud or theft.

Outcome

Once the initial investigation is complete, including any interviews, the investigating manager may decide:

- that there is no case to answer
- that the alleged breach was so minor, or the evidence so insubstantial, that the matter should go no further
- that there is a case to answer, but the matter is best dealt with by, for example, training or counselling rather than by instigating the formal disciplinary procedure
- that there is a case to answer, and the formal disciplinary procedure will be instigated.

The staff member concerned must be informed of the result of the initial investigation within three working days of completion of the investigation. They may be told orally or

in writing, and any decision communicated orally must be confirmed in writing within three working days of the date the decision is communicated.

If the outcome is that there is no case to answer, or that there is a case to answer, but it will not be dealt with by instigating the disciplinary procedure, see Model letter 2.

Suspension during investigations

You, as the line manager, or as a senior manager in the Department concerned, may decide to suspend the employee from work on full pay at any time during the course of the disciplinary procedure if:

- the matter being investigated might be gross misconduct, or
- it is felt that the employee's presence may impede or interfere with the investigation – because, for example, there is the opportunity to tamper with evidence, or
- the employee's presence at work is detrimental to the conduct of the disciplinary hearing.

The HR team must be consulted before an individual is suspended from work and a member of the HR team should be present at the suspension meeting.

Suspension from work is a precautionary measure taken pending the outcome of the disciplinary process, and is not a disciplinary sanction. Any such suspension will be on full pay and should be for a brief period during which the investigation will be carried out. If the suspension continues beyond ten working days, the need for it must be reviewed regularly in consultation with the HR team.

Notifying the employee of suspension

When suspending an employee the manager concerned should normally inform the employee orally that they are being suspended, and the reasons for the suspension. This will be confirmed in writing within three working days, and sent to the employee's home address. This letter will set out:

- the matter being investigated and the fact that there is an allegation of misconduct
- the expected timescale for the investigation, or if that is impossible to estimate, then
- when the employee can expect to hear from the Council again.

Notification of disciplinary action

Once the initial investigation has been carried out, the employee concerned will be notified of the outcome.

If the investigation finds that there is a case to answer, then the employee concerned must be notified of:

- the fact that the formal disciplinary procedure is to be applied

- the date and place of the disciplinary hearing
- who will conduct the hearing, and who else will be present
- the names of any witnesses to be called
- the nature of the alleged offence, misconduct, breach of the Council's code of conduct or other disciplinary matter
- the level of offence and procedure
- the right to be accompanied

-and, if the hearing is at level 3 (final warning) or 4 (summary dismissal):

- of the fact that the outcome of the hearing may be termination of employment.

Notification of the disciplinary hearing will be issued at least seven working days before the date of the hearing.

See Model letter 3 (See the intranet "Disciplinary Policy Guidance for Managers")

Supporting documents

The subject of a disciplinary hearing and their representative are entitled to see all supporting documents to be used as evidence, including witness statements. Similarly, any documentation, including witness statements, which will be used by the subject of the disciplinary action must be copied to the manager conducting the hearing.

Supporting documents must be made available no less than three working days before the date of the hearing.

The disciplinary hearing

All disciplinary hearings will follow the same agenda, whatever the severity of the misconduct or level of the procedure being applied.

The hearing will be conducted by the Service Manager responsible for the employee's service area , unless:

- it is a level 1 (minor offence) hearing, in which case it will normally be conducted by the Employee's line manager
- the matter complained of is deemed to be gross misconduct, in which case only officers at second tier level or above may conduct the hearing

Agenda

The Chairman will:

- Introduce those present, and explain their roles
- Explain that this is a formal disciplinary hearing at stage x of the procedure
- Outline the format of the hearing

- Explain the nature of the disciplinary matter being reviewed.

The investigating (line) manager will:

- Present the information gathered
- Call any witnesses, and/or
- Present witness statements.

The employee concerned or their representative will:

- Respond to the manager's presentation
- Call any witnesses, and/or
- Present witness statements

The HR team member will:

- Advise and ensure correct procedures are followed.

Note: the employee's representative will not respond to any questions put to the employee concerned – that is for the employee.

The Chairman and any other party involved in the proceedings (excluding witnesses) have the right to put questions to anyone involved at any time during the proceedings.

Once both sides have presented their case (and clarified any issues if necessary,) the Chairman will summarise both the management and the employee case.

See Proforma 2 (See the intranet "Disciplinary Policy Guidance for Managers")

Level 1 hearings

Where the person conducting the hearing is the individual's line manager, then the agenda for the hearing is the same as noted above, except that it is the Chairman (ie line manager) who both conducts the hearing and introduces the management evidence.

Adjournments

If at any point during the proceedings it becomes clear that further information is needed or there are other witnesses who have not been called, in order to conclude the matter, the Chairman will decide when to reconvene – this should be done as speedily as possible, in order not to prolong the proceedings unnecessarily. The adjournment may be for any period (i.e. from half an hour up to a few weeks, depending on the circumstances).

The employee or their representative may ask for an adjournment if they need time to discuss an issue – this will not be unreasonably refused, and will usually be for no more than half an hour.

Note: an adjournment is a break in proceedings, and the reconvened hearing is a continuation of the original hearing, not a second hearing.

Taking the decision

The Chairman will adjourn proceedings while s/he comes to a conclusion. Everyone except the HR team member will withdraw. The decision is a matter for the Chairman and while s/he may choose to consult the HR team member, it is not that person's role to advise as to outcome.

In coming to their conclusion, the Chairman will consider matters such as:

- The employee's length of service
- Their past record
- The seriousness of the offence
- Any mitigating circumstances (e.g. provocation, if the issue includes an alleged assault)
- The outcome of other, similar, disciplinary hearings with other members of staff (to ensure consistency).

The matter does not have to be proved beyond reasonable doubt, but on the 'balance of probabilities'.

Disciplinary sanctions

The Chairman of the disciplinary hearing, in consultation with the HR Team member, will decide what disciplinary sanction (if any) is appropriate.

The Chairman may decide to, for example:

- Issue a formal first, second or third level warning, or dismissal
- Recover any property, or the cost of any property if the matter under investigation involves the loss, abuse or misappropriation of Council property
- Recover any monies if the matter under investigation involves theft
- Impose a monitoring period
- Take no disciplinary action

(This list is neither exhaustive nor exclusive)

Communicating the decision

If the matter is straightforward, the Chairman will reconvene the group as quickly as possible to communicate the decision orally. The decision will be confirmed in writing to the employee concerned within no more than three working days. The decision will include:

- The finding – that is, whether or not the misconduct complained of was found to have occurred
- (If appropriate) the level of warning being issued
- What sanctions, if any, will apply
- The action expected to correct the misconduct
- The date by which the action must be taken
- How the action will be monitored, or when the matter will be reviewed (if appropriate)
- How long the matter will remain on the employee's file (this is dependant upon the level at which the procedure was applied)
- A reminder that repetition of the misconduct will invoke the disciplinary procedure at the next level (for level 1, 2 & 3 actions)
- (if the disciplinary hearing is at level 3), the fact that further misconduct may lead to dismissal.

See model letters 4 & 5 (See the intranet "Disciplinary Policy Guidance for Managers")

Summary dismissal

Even if the misconduct complained of is so severe that summary dismissal is a possible outcome, the disciplinary hearing will be conducted as set out above. It is likely that the employee concerned will have been suspended during the course of the investigation. The normal timescales will apply, although they may be varied with the agreement of the employee if the matter is complex and the investigation will take longer than the suggested five working days.

See model letter 6 (See the intranet "Disciplinary Policy Guidance for Managers")

Notes

The notes taken at the disciplinary hearing will be copied to:

- The Chairman
- The employee concerned, and
- Their representative

Within five working days of the disciplinary hearing.

See Proforma 2 (See the intranet "Disciplinary Policy Guidance for Managers")

Section 4: Appeals

Appeals against a disciplinary decision

The appeals procedure applies to any disciplinary decision taken after a disciplinary hearing. All appeals must be put in writing within ten working days of receipt of the written decision.

An employee may choose to appeal, if for example:

- They think that the finding or penalty is unfair
- New evidence has come to light
- They think the disciplinary procedure was not used correctly

Written notice of appeal

The written notice of appeal must contain details of the complaint, which may be for, example:

- The finding of the hearing, that is, that the employee feels the case against them was not proved, and/or
- The disciplinary action decided upon, that is, the employee feels the action is not appropriate to the finding, and/or
- A sanction which has been applied
- The procedure followed during the hearing, that is, that there was a breach of the procedure, or it was otherwise incorrectly applied.

Procedure for an appeal

Panel

Appeals against disciplinary decisions will be heard by the Chief Executive or Executive Director and they will be accompanied by a representative of the HR team. Appeals against dismissal must be heard by a panel of the Employment Committee. Employees have the right to be accompanied by a trade union official or work colleague.

Timescale

An appeal against a disciplinary decision will normally be heard within ten working days of receipt of your notice of appeal.

Agenda

The agenda for an appeals hearing is:

- The employee concerned or their representative will present the grounds of the appeal
- The Chairman of the original disciplinary hearing will ask any questions
- Appeals panel members will question the employee concerned and any witnesses
- The Chairman of the disciplinary hearing will explain the disciplinary decision
- The employee concerned or their representative will question the Chairman of the original disciplinary hearing.

Once all representations have been made, the panel members and the HR team representative will adjourn to take the decision. This will be notified, in writing, to the employee concerned within three working days.

Decisions

The Appeals Chairman may decide to:

- Uphold the original decision
- Overturn the original decision and issue a less serious warning
- Overturn the original decision and decide no disciplinary action is required
- Increase the level of warning given

Appeals against a decision to dismiss

If the appeal is against a decision to summarily dismiss, and the decision is upheld, employment with the Council will be deemed to have been terminated at the operative date of the disciplinary hearing decision.

Payment of salary for the period between dismissal and appeal

If an employee is summarily dismissed without notice the Council will not pay salary for the period between dismissal and the appeal **unless** on appeal the employee is reinstated, when backdated salary will be paid for the period between dismissal and the conclusion of the appeal.

Exhausting the appeals procedure

Once the appeal procedure has been completed, there is no further right of internal appeal, and the decision taken is final.

Delaying a disciplinary hearing pending an appeal

Where there is an appeal outstanding against a previous disciplinary measure then the disciplinary hearing for the further alleged acts of misconduct will, if possible, be delayed pending the outcome of that appeal.

If this appeal cannot be arranged within a reasonable timescale, then the final disciplinary hearing to decide on the further alleged misconduct and possible dismissal will go ahead. The appeal against the previous disciplinary measure and any appeal against the current disciplinary action and/or dismissal can be held at a later date.

Revised February 2007