

Document control			
Adopted date	15/09/2025	Minute reference	2025/058
Last reviewed	15/09/2025	Minute reference	2025/058
Next review date	15/09/2028		

BRAMERTON PARISH COUNCIL

DISCIPLINARY PROCEDURE

PURPOSE

1. This procedure sets out the action which will be taken when the Council's rules or acceptable standards are breached.

PRINCIPLES

2. This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
3. At every stage in the procedure the employee will be advised of the nature of the complaint, be given the opportunity to state his or her case and be accompanied by a representative of their choice.
4. No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
5. An employee will have a right to appeal against any disciplinary action taken against them.
6. The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
7. At all formal stages the employee will have the right to be accompanied by a trade union representative or other colleague during the disciplinary interview.

INFORMAL RESOLUTION

8. Before taking formal disciplinary action, the Council will make every effort to resolve the matter by informal discussions with the employee. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

FIRST WARNING

9. If an employee's conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. The employee will be advised of;

- the reason for the warning
- that this is the first stage of the disciplinary procedure
- the improvement that is required and the timescales for achieving this improvement,
- together with a review date and any support available (where applicable) and
- his or her right of appeal.

Such warnings will be recorded but disregarded after a subsequent period of six months' satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where a matter is sufficiently serious – for example because it is having, or is likely to have, a serious harmful effect on the Council, it may be considered necessary to move directly to a final written warning.)

FINAL WRITTEN WARNING

10. If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement or change results within 12 months, the employee may be subject to dismissal. Unless dismissal involves gross misconduct, employees will receive a period of notice, or payment in lieu.

DISCIPLINE AND DISMISSAL

11. If the employee faces dismissal or action short of dismissal such as loss of pay or demotion – the following minimum statutory procedure will be followed:
 - i. The employee will receive a written note setting out the allegation and the basis for it
 - ii. a meeting will be held to consider and discuss the allegation
 - iii. the employee will be given a right of appeal, including an appeal meeting
 - iv. the employee will be reminded of their right to be accompanied at any meetings.

GROSS MISCONDUCT

12. If after investigation, it is confirmed that the employee has committed an offence of the following nature (the list is not exhaustive) the normal consequence will be dismissal without notice and with no payment in lieu of notice: theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.
13. Whilst alleged gross misconduct is being investigated, the employee may be suspended, during which time the employee will be paid their normal rate of pay. Any decision to dismiss the employee will be taken by the Council only after full investigation.

APPEALS

14. If the employee wishes to appeal against any disciplinary decision, the employee must appeal, in writing, within five working days of the decision being communicated to them by the Council. Only Councillors who were not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible. An appeal may be raised if;

- the employee thinks the finding or penalty is unfair
- new evidence has come to light
- the employee thinks that the procedure was not applied properly

The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. At the appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the appeal hearing will be final.

GRIEVANCES RAISED DURING DISCIPLINARIES

15. In some circumstances when a disciplinary process has commenced an employee may choose to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. The SLCC (Society of Local Council Clerk) recommends, in line with ACAS (Advisory, Conciliation and Arbitration Service) advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently, but SLCC would advise caution and specialist advice should be sought if this arises.

CRIMINAL CHARGES OR CONVICTIONS

16. If an employee is charged with or convicted of a criminal offence this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties and their relationships with the employer, colleagues, subordinates or customers.

Policy reviewed and readopted 15/09/25