



COLNEY HEATH PARISH COUNCIL

Highfield Park Office
Hill end Lane
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Hertfordshire AL4 0RA

Colney Heath Village Office
83 High Street
Colney Heath
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Tel: 01727 825314 Email: clerk@colneyheathparishcouncil.gov.uk

DISCIPLINARY PROCEDURE

1. Policy

Colney Heath Parish Council recognises that discipline is necessary to manage the Council's services effectively, to rectify misconduct, to encourage improvement, to safeguard the health and safety at work of all employees and to maintain appropriate standards of conduct or performance.

The Parish Council therefore adopts a fair and systematic approach to the enforcement of standards of conduct and performance affecting all employees by utilising when appropriate this Disciplinary Procedure which also explains to whom and how employees can apply if dissatisfied with any disciplinary decision and the further steps available by way of appeal.

The Council's approach and procedure conform to the ACAS Code of Practice and none of the action taken by the Parish Council is intended to breach the underlying principle of fairness and equity of treatment for all employees. The Disciplinary Procedure, which is non-contractual, is therefore intended to ensure that employees are dealt with fairly in relation to any alleged breach of our standards of conduct, performance or behaviour and applies to all employees who have satisfactorily completed their period of probationary service.

In using the Procedure, the Parish Council will ensure that:-

- potential issues or areas of concern are addressed promptly to avoid further action being required;
- issues are dealt with consistently;
- investigations are carried out fairly and thoroughly in accordance with the Equality Act 2010;
- employees are informed of the nature and detail of the allegations against them and given an opportunity to comment and put their case;
- employees have the right to be accompanied at any formal meetings as part of the Disciplinary Procedure with the exception of an investigatory meeting when accompaniment is at the Council's discretion for example, a companion may be allowed to attend if otherwise the employee would be put at a disadvantage for example due to a disability.

The Council recognises that misconduct and unsatisfactory work performance are different issues and the Disciplinary Procedure will only apply to work performance issues when a performance management process has been ineffective to meet the Council's required standards.



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In general, minor faults will be dealt with informally by the Clerk, or the Chairman of the HR Committee in the case of the Clerk, with a view to agreeing a course of action to remedy the situation, but where the matter is more serious the formal procedure outlined below will apply.

Nothing in the Procedure is intended to prevent the Clerk (or the Chairman or Vice-Chairman of the Council in the case of the Clerk) raising any work-related issue with an employee at any time.

The Disciplinary Procedure may be entered into at or advanced to any stage in the Procedure depending on the seriousness of the offence(s) involved.

2.Procedure

(a) Scope

The Disciplinary Procedure applies to all employees of Colney Heath Parish Council once the probationary service period has been successfully completed.

(b) Responsibility

The Clerk is generally responsible to the Parish Council for:-

- ensuring that workplace rules and standards of conduct are clearly known, understood and followed;
- securing satisfactory work performance and conduct;
- ensuring employees are suitably trained for their role;
- supporting employees to attain and maintain the required work performance standards; and/or
- instigating action in accordance with this Disciplinary Procedure when necessary with external professional HR advice and assistance engaged if appropriate.

Where disciplinary proceedings are instigated against the Clerk, the Disciplinary Procedure will be followed but the actions prescribed for the Clerk in instigating the Procedure will be the responsibility of the Chair of the HR Committee.

(c) Disciplinary Rules

The Council believes that it is necessary for the efficient and safe performance of work and the maintenance of acceptable standards of conduct and/or good relations between employees and management to have clear disciplinary rules. If an employee breaches a disciplinary rule, they will render themselves liable to action under this Disciplinary Procedure. However, acts of misconduct not falling within one or more of the rules or set out elsewhere may also give rise to disciplinary action. Certain offences will be considered to be gross misconduct (see (d) below).



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Examples of misconduct and/or unacceptable employee behaviour that may lead to the Council taking disciplinary action in accordance with this Disciplinary Procedure are as follows:-

- failure to comply with a reasonable order, instruction, contractual requirement or Council rule or procedure;
- misuse of the Council's resources and facilities including telephone, email and Internet;
- failure to comply with the Council's Health and Safety Policy and rules including a failure to wear personal protective clothing or using protective equipment provided by the Council;
- failure to wear an acceptable standard of dress and and/or the uniform provided and maintain personal hygiene at all times whilst engaged on Council duties;
- undertaking any work or task for which the employee is not trained or competent to undertake;
- using plant or equipment which the employee is not authorised to use;
- any act which may result in an action against the Council for negligence or for breach of duty of care;
- immoral, indecent or other conduct which is likely to bring discredit to the Council;
- discussing or disclosing to a third-party confidential information obtained during the course of employment without prior permission;
- rudeness, inappropriate or abusive behaviour to service users, colleagues or Councillors;
- persistent late attendance and/or poor timekeeping;
- unauthorised absence from work without proper cause or certification;
- while purporting to be absent sick, working or indulging in activities inconsistent with the reason for absence or not conducive to recovery;
- a breach of trust which may damage the interests of the Council;
- loss, damage to or misuse of the Council facilities, plant, equipment, property, assets or funds through wilfulness, negligence or carelessness;
- use of the Council property or equipment for personal use without prior permission;
- failure to follow the Council's security procedures and rules;
- misuse or loss of Council funds, money or stocks or careless loss or damage to tools or equipment;
- unauthorised use of our computer, telephone system and/or access to the Internet;
- breaches of licensing, excise or employment law and or any statutory obligations and regulations;
- theft of, misappropriation of, failure to account for or falsely claiming entitlement to stock, cash, property or funds of the Council;
- providing false information orally or by the falsification of the Council's application forms, records or documents to secure employment, payment or benefits for gain;
- unauthorised alteration, mutilation, destruction or retention of the Council records or documents;
- possessing, dispensing or using alcoholic beverages (unless with the permission of the Clerk), drugs or controlled substances (except in accordance with documented medical authorisation) whilst at work and/or on the Council premises;



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- any form of harassment, bullying or victimisation or other offensive behaviour on grounds of any protected characteristic under the Equality Act 2010;
- failure to observe the Council's equal opportunities policy and obligations;
- failure to report or record any matter which it is the employee's duty to report or record;
- horseplay, improper, disorderly or unacceptable conduct at, during or when arriving at work;
- committing an act outside work or being convicted of a criminal offence which is liable to adversely affect the performance of the employee's duties and/or relationship with colleagues and the Council;
- any act of misconduct other than or coming within one or more of the above rules or stated elsewhere in your Principal Statement of Particulars of Employment.

The above list is neither exhaustive nor definitive. In the event of the most serious level of any of the above the offence may be considered to gross misconduct as defined below.

(d) Gross Misconduct

Where the Parish Council is satisfied following investigation and a disciplinary hearing, that an act of gross misconduct (see examples below) has occurred, the result will normally be summary dismissal i.e. without notice.

Gross misconduct is regarded as misconduct of such a nature that it fundamentally breaches an employee's contractual relationship with the Parish Council and justifies no longer accepting their continued presence at their place of work. Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed if established after an investigation and a Disciplinary Hearing and without notice or payment in lieu of notice.

The following are examples of gross misconduct, which if established after investigation, may lead to summary dismissal:-

- gross negligence, gross insubordination or wilful refusal to obey a reasonable instruction;
- unauthorised and deliberate alteration, mutilation or destruction or falsification of the Parish Council's documents or records or for claims for personal or financial gain;
- misuse of the Parish Council's bank accounts, credit or debit cards;
- theft, fraud, deception or misappropriation of funds, assets or property from colleagues, the Council or anyone who comes into contact with the Parish Council;
- other offences of dishonesty or corrupt or improper practice and/or in contravention of the Council's Anti-Bribery and Corruption Policy;
- serious professional misconduct or breach of confidence;
- sexual misconduct at work;



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- sexual, racial or other unlawful discrimination, harassment, bullying or victimisation or other serious offensive and unwanted behaviour;
- serious verbal abuse, intimidation, physical assault, fighting or other violent behaviour within the workplace;
- deliberate damage, misuse or unauthorised disposal of the Parish Council's goods, property or equipment;
- being under the influence of alcohol or drugs (except in a case where it would be appropriate to regard this as a medical/psychiatric condition requiring treatment) whilst at work or in the environs of the workplace;
- being found dealing, trafficking or being in possession of illegal drugs whilst at work or in the environs of the workplace;
- serious breach of the Parish Council's Health and Safety Policy and health and safety rules and regulations;
- intentional misuse or negligence with Parish Council equipment, materials, funds or cash;
- unauthorised or personal use or purchases of the Council's suppliers or contractors;
- conviction of a criminal offence which affects the employee's ability to perform their duties and/or brings the Parish Council into disrepute;
- bringing the Parish Council into serious disrepute or behaviour which is prejudicial to the Parish Council and affects the relationships with the community, service users, suppliers or contractors;
- unauthorised use, alteration, mutilation or destruction of Parish Council computer programmes or systems contrary to the Council's computer use policy and rules;
- divulging, without approval, confidential Parish Council information or personal data contrary to the Data Protection Act, General Data Protection Regulations 2018 and the Council's Data Protection Policy;
- sending abusive, scandalous, obscene or defamatory communication of any kind including by e-mail, on the Internet or on any social media;
- serious contravention of the Council's Social Media Policy which damages the reputation of the Parish Council or amounts to serious bullying and harassment of a colleague or a Councillor;
- accessing or downloading any pornographic, obscene or offensive images or other material from the Internet or by e-mail or otherwise being in possession of pornographic, rude, obscene or offensive material or publications or images in any media whilst at work and on or by using the Parish Council's computers or other devices;
- being responsible for any act which jeopardises or is likely to jeopardise any of the Council's licences or insurances;
- any wilful breach of licensing, excise, health and safety or employment law or regulation.

The above list is neither exhaustive nor definitive. In appropriate circumstances other acts of misconduct may be considered to come within the definition of gross misconduct. If considered appropriate the gross misconduct offence may be referred



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to the police or another relevant authority but this will not delay any appropriate action by the Parish Council.

(e) Informal Warning

For minor breaches of misconduct an informal warning will be given by the Clerk (or Chairman of the HR Committee if concerning the Clerk) and the employee made aware of the change in conduct or required improvement in performance that needs to be achieved within a specified period. A note that an informal warning has been given may be recorded in the employee's file and it is expected that if possible this warning may quickly resolve any minor concerns. The employee will be informed at this point that this warning is informal and does not constitute part of the official disciplinary process as it is intended to alert the employee that unless performance improves or there is the same or other misconduct, formal proceedings will begin and potentially, formal disciplinary action will be taken. The file note will be removed in the required improvement is achieved and in any event after three months.

(f) Suspension

If considered necessary an employee may be immediately suspended from work by the Clerk or in the case of the Clerk by the Chairman of the HR Committee on normal pay pending or whilst an investigation is undertaken into suspected misconduct and in particular:-

- if the matter to be investigated is thought to involve gross misconduct leading to the possibility of summary dismissal; or
- due to the nature of the allegation, to enable the investigation to take place or to protect sensitive information or witnesses or
- where there are grounds as to the employee's unsuitability to continue to work or it is not in the Council's best interest that they continue to attend work.

Similarly, if during the course of an investigation it is considered at that stage that a serious breach of discipline has occurred and any of the above apply the employee may then be suspended. The suspension will be precautionary, not disciplinary, pending the outcome of the matter. The employee will normally be advised personally of the suspension, the reasons for the suspension and the likely duration and this will be confirmed in writing as soon as possible afterwards. During the period of suspension, which will be kept as short as possible, the employee will be paid normal pay and the employee will be kept informed of any delay in the investigation or process.

(g) Investigation

Where a matter arises that is suspected or believed to be a disciplinary matter it will be



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investigated promptly and thoroughly by the Clerk or, if appropriate, the Parish Council may appoint a Councillor with experience of undertaking such investigations and/or an independent external HR Adviser to undertake the investigation. The investigation will be a factfinding exercise to obtain all relevant information and evidence. It will include interviewing and obtaining statements from any witnesses or third parties who can provide relevant information and as well as the employee (the latter will be an investigatory, not disciplinary, meeting and they will not necessarily be entitled to be accompanied by at the meeting as explained earlier). The purpose of the investigation will be to determine whether there is a case to answer and a referral to a formal Disciplinary Hearing is justified.

The terms of reference of the investigation will be to outline:-

- what the investigation is required to examine;
- whether a recommendation to a disciplinary hearing is appropriate;
- how the findings should be presented;
- to whom the findings should be reported and who to contact for further direction if unexpected issues arise or advice is needed during the investigation.

The employee will be advised, in writing, of the alleged misconduct and invited, to attend a meeting with the Investigator. The employee will be given at least five (5) working days' notice of the meeting so that they have reasonable time to prepare for it. The letter will explain the investigatory process and the purpose of the meeting whilst being provided with a copy of the Council's Disciplinary Procedure and making it clear that the employee will have the opportunity to comment on the allegations of misconduct at the meeting.

Employees may not be accompanied or represented at any investigatory meeting unless the Council uses its discretion to allow this as explained earlier.

The Investigator will have no authority to take disciplinary action as their role is to establish the facts of the case as quickly as possible and prepare a report that recommends to Chairman of the HR Committee whether or not the matter requires consideration by a Disciplinary Hearing. The Investigator's report will contain recommendations and the findings on which they were based and the outcome will be that either:-

- the employee has no case to answer and there should no further action under the Council's Disciplinary Procedure;
- the matter is not serious enough to justify further use of the Disciplinary Procedure and can be dealt with informally; or
- the employee has a case to answer and there should be action under the Council's Disciplinary Procedure.

Notes of each meeting and/or witness statements as part of the investigation will be obtained and a report prepared on the investigation findings. When the investigation



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is concluded, the employee will be advised whether the matter is considered on the balance of probabilities to require action more than informal action and whether or not that there is a case to answer at a Disciplinary Hearing. In cases of minor misconduct or poor work performance, the matter will then be dealt with informally as set out above.

If it is determined that disciplinary action is not required, the Council may consider whether mediation would be appropriate in the circumstances.

(h) Invitation to Disciplinary Hearing

If appropriate following the investigation the employee will be invited in writing to attend a Disciplinary Hearing, which will be held as soon as practicable, normally within ten (10) working days of completion of the investigation report and at a reasonable time and in a convenient location. The employee will be given reasonable notice of the Hearing (at ten (10) working days so that he /she has sufficient time to prepare for it.

The invitation will include:-

- the details of the Disciplinary Panel and any others to be in attendance;
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting;
- a copy of the investigation report, all the supporting evidence and a copy of the Council's Disciplinary Procedure;
- the date, time and place for the meeting;
- that witnesses may attend on the employee's and/or the Council's behalf and that both parties should inform each other of their witnesses' names at least five (5) working days before the meeting
- that the employee and the Council will provide each other with all supporting evidence at least five (5) working days before the Hearing;
- that if witnesses are not attending the meeting, witness statements will be submitted to the other side at least five (5) working days before the Hearing;
- that the employee may be accompanied by a companion who must be a workplace colleague, a certificated trade union representative or a trade union official;
- the level of disciplinary action or dismissal which may result from the Disciplinary Hearing.

If the date of the Hearing is not convenient for the employee or their companion, the employee will have the right to ask for the meeting to be re-arranged normally by up to five (5) working days of the original proposed date by writing to the Chairman of the HR Committee setting out the reasons for the postponement request. If the request is due to the employee's ill-health it must be accompanied by a medical report from the employee's GP confirming that the employee should not attend the Hearing.



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If the employee is unable to attend the re-arranged hearing, it will, depending on the circumstances, proceed in their absence, but, if requested by the employee, with their companion being provided with an opportunity to present their case on their behalf. Any submission the employee wishes to make in writing at this stage will be considered.

(i) Disciplinary Hearing

The Disciplinary Hearing will be conducted by a Disciplinary Panel of three Members of the HR Committee including either the HR Chair and either the Chairman or Vice-Chairman of the Council. Any appeal panel should include the Chairman or Vice-Chairman of the Council whomever was not present at the first hearing. The purpose of the Hearing will be to hear both sides of the case, to examine the evidence and to reach a conclusion on the basis of the evidence. The Hearing will be chaired by the Chairman of the HR Committee and conducted fairly so as to ensure that the employee has every chance to understand and respond to the allegations. The Investigator may be required to attend the Disciplinary Hearing to present the investigation report but will have no voting rights. An external HR Adviser may be invited to attend to give legal and professional practice guidance to the Panel but will not have voting rights.

At the Disciplinary Hearing the outcome of the investigation will be outlined by the Clerk (or other Investigator as appropriate) together with any supporting evidence. The Disciplinary Panel and the employee and/or their companion will be given a full opportunity to question the Investigator on the content of the investigation report.

The employee may respond to the allegations, present their evidence and call witnesses and have the opportunity to address the Hearing to provide any explanation or evidence in mitigation and be questioned by the Panel. The employee or their companion will have the opportunity to sum up their case.

Witnesses may be called by the employee or the Council or support their statements and may be questioned by all parties when appropriate.

The Hearing may be adjourned at any stage if it appears necessary or desirable to allow matters raised during the course of the meeting to be further investigated, to check or obtain further information and/or to afford the Disciplinary Panel time to consider the decision. Any adjournment will be for a stated purpose and an estimated period.

At the end of the Hearing, after any necessary further investigation has been concluded or time is required to reach a conclusion the Disciplinary Panel will consider, in private, all the facts, responses and any mitigating circumstances thoroughly before coming to a decision on the appropriate disciplinary action, if any, on the basis of the balance of probabilities (the usual civil proceedings test).



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The employee will therefore be advised of the decision after thorough consideration either at the Disciplinary Hearing or in writing as soon as possible after its' conclusion and, if appropriate, the disciplinary action that will be imposed. Every attempt should be made to do this quickly and generally within a maximum of five (5) working days. As part of this notification the employee will also be informed of their right of appeal against the disciplinary action or dismissal and the process to be followed to make the appeal. A written record of all proceedings will be made and retained on the employee's personnel file for the life of any warning or other appropriate period and in accordance with the Data Protection Act, the General Data Protection Regulations 2018 and the Council's Data Protection Policy.

(j) Disciplinary Action

In cases, other than those involving gross misconduct or where an informal warning is sufficient, where there is a reasonable belief, on the balance of probabilities of the employee's guilt of the alleged misconduct or performance failure has been established at the Disciplinary Hearing, the following disciplinary action may be taken which must always be appropriate, reasonable and proportionate to the offence. The Council will not dismiss an employee on the first occasion of misconduct unless it is determined that the offences amount to gross misconduct.

If the Disciplinary Panel decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

Action imposed as a result of the disciplinary meeting will remain in force for the prescribed period and unless and until it expires or is modified as a result of an appeal.

• First Written Warning

Where, following an investigation and Disciplinary Hearing it is a case of more serious misconduct or where there has been a repetition of the misconduct or no change in performance as a result of an informal warning, a first written warning may be issued, which will normally be current for 12 months. This first written stage of the Procedure may be omitted if the offence is of a sufficiently serious nature.

The written warning will set out:-

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement;
- that further misconduct or failure to improve will result in more serious disciplinary action;
- the employee's right of appeal;
- that the written warning will be placed on the employee's personnel file, a copy provided to the employee and the warning will remain in force for 12 months.

• Final Written Warning



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Where there is a further misconduct, a repetition of the misconduct or no improvement in poor work performance/attendance for which a warning has previously been issued and is still in force, or where a serious first offence is committed which falls just short of gross misconduct, a final written warning may be issued which will normally be current for 12 months. The employee will be advised in the warning that a further offence of any kind within the currency of the final warning will result in dismissal from employment. The final written warning will set out:-

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement;
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal;
- the employee's right of appeal;
- that a note confirming the final written warning will be placed on the employee's personnel file, a copy will be provided to the employee and the warning will remain in force for 12 months.

- **Dismissal**

An employee may be dismissed:-

- for gross misconduct (see below);
- if there is no improvement within the specified time period in the misconduct which has been the subject of a final written warning;
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

Any decision to dismiss will be considered very carefully and if an employee is dismissed, they will receive a written statement of the reasons for the dismissal, the date on which the employment will end and details of their right of appeal.

(k) Appeal

Employees have the right to appeal against any disciplinary action taken against them, except a precautionary suspension. Should the employee wish to appeal it should be done in writing (the "Appeal Statement") to the Clerk (or in the case of the Clerk, the Chairman of the HR Committee), within five (5) working days of receipt of the disciplinary warning or dismissal letter. Appeals made outside of this time limit will not be accepted. The written statement of appeal must specify the full grounds of the appeal.

An appeal will not normally be by way of a re-hearing and the usual grounds of appeal will be expected to be:-

- a failure by the Council to follow its disciplinary procedure;
- the disciplinary decision was not supported by the evidence;



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- the disciplinary action determined by the Disciplinary Panel was not proportionate and too severe in the circumstances of the case;
- new evidence has come to light since the Disciplinary Hearing.

An Appeal Hearing will be arranged as quickly as possible of the appeal being lodged and, if possible, within ten (10) working days of receipt of the Appeal Statement. The Appeal will be heard by a Panel made up of three Members of the HR Committee who were not involved in the case or served on the original Disciplinary Hearing. The Investigator may be asked to attend to answer any questions of the investigation findings but will have no voting rights. An external HR Adviser may be invited to attend to give legal and professional practice guidance to the Panel but they will not have voting rights.

If there are insufficient Members of the HR Committee to form the Panel who have not previously been involved in the matter or served on the Disciplinary Hearing other Members of the Council may be serve on the Panel. The Appeal Panel will appoint a Chairman from amongst its' Members.

The employee will be notified, in writing, within ten (10) working days of receipt of the notice of appeal of the time, date and place of the Appeal Hearing. The employee will be advised of their right to be accompanied by a workplace colleague, a certificated trade union representative or a trade union official.

At the Appeal Hearing, the Chairman will:-

- introduce the Panel members to the employee and their companion;
- explain the purpose of the meeting and process to be followed;
- explain that the employee (or his companion) will be asked to explain the grounds for appeal, call any witnesses and provide any relevant new evidence;
- explain the options for action that the Appeal Panel may take.

Any new evidence or relevant witnesses (remembering this is not a full rehearing) may attend the Appeal Hearing at the request of the employee and having read and heard all the evidence the Appeal Panel will ensure that any mitigating circumstances are considered and make a judgement based upon the soundness of the previous decision and in line with current employment law and advice.

The Appeal Panel's decision, which will be final and binding, and the reasons for the decision will be confirmed in writing normally within 5 working days of the Appeal Hearing and either be:-

- to reject the appeal and confirm the original decision; or
- to uphold the appeal in full or part and/or substitute a less serious sanction or decide that no disciplinary action is necessary.

If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. If an appeal against dismissal is upheld, the employee



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will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

3. Disciplinary Action Notifications

All formal disciplinary action will be confirmed in writing by the Clerk or Chairman of the HR

Committee as appropriate within five (5) working days of the decision and will include the following:-

- the reason for the warning
- the improvement or change in conduct required
- the timescale for improvement to be achieved or maintained
- the life of the warning
- the consequence(s) of a further recurrence of the issue(s) within the currency of the warning
- the right and procedure to follow to appeal against the disciplinary action.

A warning may be referred to in any subsequent disciplinary proceedings or action during the currency of the warning and a copy will be placed on the employee's personal file for the period that it is current. Once the time period of the warning has expired all written documentation relating to the matter will be removed from the employee's personnel file.

Where the Disciplinary Hearing decision is to dismiss, the letter will confirm:-

- the details of the offence(s) and reasons for dismissal
- the effective date of termination and final salary/remuneration arrangements
- the right of appeal against the dismissal and the procedure to be followed.

4. Overlapping Grievance and Disciplinary Issues

If an employee raises a grievance during a formal disciplinary process the disciplinary process will normally be halted temporarily in order to deal with the grievance. However, if the two issues are related, then the two procedures may run concurrently.

5. Confidentiality/Records

Where a disciplinary issue arises, it may be inevitable that other employees will sometimes find out what is going on. However as far as possible it is the Parish Council's intention that all disciplinary action is treated as confidential between the employee and any persons directly concerned in the matter and the process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee and the records of any disciplinary action will be placed in the employee's personal file only and maintained only for the life of the warning.



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Under normal circumstances therefore the disciplinary documents and records of any employee free of any disciplinary action for the life of a disciplinary warning will be removed from the file and disregarded in the consideration of any future disciplinary issues. These records will be kept and used in accordance with the Data Protection Act, the Council's Data Protection Policy and the General Data Protection Regulations 2018. Employees involved may of course exercise their Subject Data Right to Access and view any documents or other material, electronic or paper based that contains their personal data.

Recordings of the proceedings at any stage of the Disciplinary Procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's physical or mental impairment.

6.Special Requirements

If the employee requires assistance in using the Disciplinary Procedure due to a disability or other impairment or language difficulty, it should be made known to the Clerk or the Chairman of the HR Committee as appropriate prior to any investigatory interview or Disciplinary Hearing (or if given a warning) so that suitable arrangements can be made to ensure that the employee can take a full part and/or understand the true meaning of the subject matter. This may include permission to be accompanied but not represented by a suitable person at all stages of the procedure to provide specific assistance to the employee e.g. sign language, mobility support, mental health support worker, or where English is the employee's first language.

7.Right to be Accompanied

As explained above, the employee has the right to be accompanied at a Disciplinary or Appeal Hearing by a work colleague, certified trade union representative or trade union official or at any such meetings held in respect of the grievance except for any investigatory meeting, although the Council has discretion to allow the latter in special circumstances as explained earlier. If the employee so wishes, their companion may address the Disciplinary or Appeal Hearing during of the proceedings to put the employee's case, to sum up that case and to confer with the employee during the Hearing. The companion may not answer questions directly on behalf of the employee, address the Panel against the employee's wishes or prevent the employee or the Council from explaining their case. The companion may not therefore prevent the case against the employee being explained or any other authorised person from contributing to the Disciplinary Hearing. The employee may request a postponement of a Disciplinary Hearing, if they or their companion is not available as outlined above.



COLNEY HEATH PARISH COUNCIL

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8. Mediation

There may be circumstances at any stage of the Disciplinary Procedure where both sides jointly agree to mediation being carried out by a suitably competent and experienced third-party mediator. The mediator will not be connected to the case or either of the parties and both parties will need to agree to abide by the outcomes and agreement reached.

9. Review

The Disciplinary Procedure will be reviewed as necessary, to assess its effectiveness and make any appropriate changes. Any proposed changes to the Disciplinary Procedure will conform to all current legal requirements and be subject to appropriate consultation with employees.

Note:

This Disciplinary Procedure was reviewed, amended and recommended by the HR Committee at the meeting held on 27th June 2019. It was adopted at Full Council on 18 July 2019 and recommended for review in July 2021 or as legislation changes.

COLNEY HEATH PARISH COUNCIL
CLERK TO THE COUNCIL

DATE – 18th July 2019