

ANNEX 2

DISCIPLINARY PROCEDURE

PURPOSE AND SCOPE

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. It applies to all permanent employees other than those who prove unsatisfactory during their probationary period. The aim is to ensure consistent and fair treatment for all. Additional provisions apply to the Chief Executive and Chief Officers as set out in their national conditions of service.

PRINCIPLES

- a) No disciplinary action will be taken against an employee until the case has been fully investigated.
- b) At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- c) Any employee subject to disciplinary action will be given a minimum of 24 hours notice of the disciplinary interview.
- d) At all stages the employee will have the right to be accompanied by a shop steward, employee representative or work colleague during the disciplinary interview.
- e) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when in the absence of exceptional mitigating circumstances, the penalty will be dismissal without notice or payment in lieu of notice.
- f) An employee will have the right to appeal against any disciplinary penalty imposed.
- g) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- h) No disciplinary action will be taken against an accredited trade union representative without the appropriate union full time official being offered the opportunity to discuss the case.
- i) No disciplinary action will be taken against an employee without the officer intending to take the action having first consulted a member of the Personnel Service.

ANNEX 2

THE PROCEDURE

Minor faults will be dealt with informally but where the matter is more serious the following procedure will be used:

STAGE ONE - ORAL WARNING

If conduct or performance does not meet acceptable standards the employee will normally be given a formal ORAL WARNING. He or she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of his or her right of appeal. A brief note of the oral warning will be sent to the employee. It will be spent after a period of up to six months, as determined by management, subject to satisfactory conduct and performance.

STAGE TWO - WRITTEN WARNING

If the offence is a serious one, or if further offence occurs within the life of a previous oral warning, a WRITTEN WARNING will be given to the employee by the Manager. This will give details of the complaint, the improvement required and the time scale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept by the Manager but it will be spent for disciplinary purposes after a period of up to 12 months, as determined by management, subject to satisfactory conduct and performance.

STAGE THREE - FINAL WRITTEN WARNING

If, within the life of the written warning there is still failure to improve, and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the manager but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

STAGE FOUR - DISMISSAL

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, DISMISSAL will normally result. Only the Service Chief Officer or Chief Executive can take the decision to dismiss following a hearing at which the employee may be accompanied as in Principle (d) above. The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

ANNEX 2

GROSS MISCONDUCT

The following list provides examples of offences which are regarded as gross misconduct, but it must be stressed that this list is not exhaustive;

theft, fraud, deliberate falsification of records fighting, assault on another person deliberate damage to council property serious incapability through alcohol or being under the influence of illegal drugs serious negligence which causes unacceptable loss, damage or injury serious act of insubordination

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary process, the Chief Officer considering the case is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

APPEALS

An employee who wishes to appeal against a disciplinary decision should inform the Central Service Director in writing within five working days. The Manager of the officer who has taken the disciplinary action will normally hear appeals other than appeals against dismissal, which will be heard by the Authority's Licensing and Appeals Sub-Committee.

August 2004