

St Endellion Parish Council

Disciplinary Rules and Procedures

A) INTRODUCTION AND PRINCIPLES

1. The aim of our disciplinary rules and procedures is to encourage improvement in individual conduct or performance. We reserve the right to amend these rules and procedures where appropriate.
2. The 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. On some occasions temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind.
3. Employees will be informed in writing of what is alleged and will be given the opportunity to state their case at a disciplinary hearing. Other than for an "off the record" informal reprimand, employees have the statutory right to be accompanied at all stages of the formal disciplinary process by a fellow employee, including appeals.
4. Employees have the right to appeal against formal disciplinary action. If you wish to exercise this right you should apply, normally in writing within 5 working days, to a member of the Council, giving details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances. The result of the appeal will be made known to you in writing, normally within 5 working days after the hearing. This is the final stage of the appeal process.

B) DISCIPLINARY RULES

In addition to the specific examples of rules shown below, a breach of other specific conditions, procedures etc. that are contained within this statement or that have otherwise been made known to you, will also result in this disciplinary procedure being used.

C) RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- a. failure to abide by general health and safety rules and procedures;
- b. smoking in designated non-smoking areas;
- c. consumption of alcohol on the premises;
- d. persistent absenteeism and/or lateness;
- e. unsatisfactory standards or output of work;
- f. rudeness towards customers, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- g. failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- h. unauthorised use of E-mail and Internet;
- i. failure to carry out all reasonable instructions or follow our rules and procedures;
- j. unauthorised use or negligent damage or loss of our property;
- k. failure to report immediately any damage to property or premises caused by you;
- l. use of our vehicles without approval or the private use of our commercial vehicles without authorisation;

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- m. failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
- n. if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
- o. carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain.

D) SERIOUS MISCONDUCT

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

E) RULES COVERING GROSS MISCONDUCT

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- a. theft, financial misdemeanour or fraud;
- b. physical violence or bullying;
- c. deliberate damage to property;
- d. deliberate acts of unlawful discrimination or harassment;
- e. possession, or being under the influence, of illegal drugs at work; and
- f. breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

F) DISCIPLINARY ACTION

1. Disciplinary action taken against you will normally be based on the following:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION
UNSATISFACTORY CONDUCT/ MISCONDUCT	Written warning	Final written warning	Dismissal
SERIOUS MISCONDUCT	Final written warning	Dismissal	
GROSS MISCONDUCT	Dismissal without notice		

2. We reserve the right to take account of your length of service and to vary our procedures and disciplinary action accordingly. If you have a short amount of service you may not receive any warnings before dismissal.

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3. In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.
4. A written warning will normally be disregarded for disciplinary purposes after a 6 month period. A final written warning will normally be disregarded for disciplinary purposes after a 12 month period.
5. Demotion to a lower status at the appropriate lower rate or suspension from work without pay for up to 5 days may be considered as an alternative to dismissal in appropriate cases.

Grievance Procedure

1. It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which such a grievance can be aired and, where appropriate, resolved.
2. Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.
3. If you feel aggrieved at any matter relating to your work you should first raise the matter with the Chairman of the Council, either verbally or in writing, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at which your grievance will be investigated fully. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.
4. If you wish to appeal you must inform a member of the Council in writing, within five working days. You will then be invited to a further meeting.
5. Following the appeal meeting you will be informed of the final decision, which will be confirmed in writing.

Adopted by Full Council 10th February 2020