



# Disciplinary Policy and Procedure

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## Human Resources Employment Policies





## HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

### Quick Reference - Associated Documents

**Key Driver for Change/Policy Development:** Legislation requirements and best practice to ensure a healthy and safe working environment.

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# Disciplinary Policy

## 1. INTRODUCTION

- 1.1 This policy and procedure is designed to help and encourage all employees to achieve and maintain effective and appropriate standards of conduct in the workplace, or where representing West Dunbartonshire Council (the Council), and to ensure that all employees conduct themselves in an appropriate manner. However, there may be occasions when disciplinary action is the only recourse open to the Council.
- 1.2 This policy and procedure is designed to ensure that there is equitable, fair, transparent and consistent treatment of all West Dunbartonshire Council employees in relation to disciplinary situations.
- 1.3 The policy and procedure has been developed in line with the recommendations of the ACAS Code of Practice 1 Disciplinary and Grievance Procedures (6 April 2009) and in consultation with recognised trades unions.

## 2. SCOPE

- 2.1 The policy and procedure applies to local government employees and craft workers. Separate Disciplinary Policy and Procedures exist for Teachers and Chief Officers in line with their Conditions of Service Handbook.
- 2.2 The Council will ensure that good equal opportunities practice underpins the operation of this policy and will apply equally to all employees irrespective of age, disability, gender, gender re-assignment, race/ethnicity, religious faith/beliefs and sexual orientation. The policy and procedure has been fully impact assessed.

## 3. KEY PRINCIPLES

- 3.1 The key principles of the policy are:
  - I. Employers **and** employees must raise and deal with issues **promptly** and must not unreasonably delay meetings, decisions or confirmation of decisions.
  - II. Disciplinary matters must be treated by Managers, trade unions and all employees involved at any stage of the process, with the highest degree of confidentiality
  - III. At every stage of the procedure Managers must endeavour to provide the appropriate assistance to enable employees to achieve the required standards of conduct.

- IV. Informal action will be considered, where appropriate, to resolve minor breaches of discipline and this will not form part of the disciplinary process.
- V. No disciplinary action will be considered until allegations have been fully investigated.
- VI. Where there is a disciplinary case to answer, employees will be notified of this in writing, providing sufficient information to enable the employee to answer the case at a hearing. Copies of written evidence, including witness statements will be issued with the notification.
- VII. Managers must seek advice from Human Resources (HR) at the very earliest stages of any disciplinary situation. HR must also be advised of any potential suspension prior to the suspension taking place, or as soon after the suspension as possible.
- VIII. No employee will be dismissed for a first breach of discipline, except in cases of gross misconduct.
- IX. Managers will ensure that employees are fully aware of their right to be accompanied during the disciplinary hearing.
- X. Throughout the disciplinary process employees will be kept fully advised of any new developments.
- XI. Following the disciplinary hearing the decision will be advised to the employee in writing.
- XII. Employees will have the right to appeal against any disciplinary penalty imposed and will be advised of this.
- XIII. Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 1998 and all documentation will be removed from all files following the expiry of a Warning.
- XIV. Managers will be trained in the application of the policy and procedures to ensure fairness of treatment and consistency of approach.
- XV. Misconduct relating to matters involving employees occurring outside working hours may also result in disciplinary action if it is likely to adversely affect performance at work or bring the Council into disrepute.

## **4. APPLICATION OF POLICY AND PROCEDURE**

- 4.1** Discipline need not be punitive. It should bring employees' shortcomings in conduct or performance to their attention and encourage sustained improvement. Where disciplinary action is invoked the discipline procedures should be followed.

### Additional Aspects

- 4.2** Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it may be advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.
- 4.3** If an employee is charged with or convicted of a criminal offence, this is not necessarily in itself reason for disciplinary action. Consideration will be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with their employer, work colleagues and clients.

## **5. LEGISLATIVE/POLICY FRAMEWORK**

- 5.1** The Policy and Procedure complies with the Employment Right Act 2008 and the ACAS Code of Practice 1 – Disciplinary and Grievance Procedures (6 April 2009).

## **6. RESPONSIBILITIES**

- 6.1** In order to ensure fair and consistent application of the Policy and Procedure, all parties have responsibilities as follows:

### The Council

- Will delegate responsibility to Executive Directors for ensuring maintenance of disciplinary standards within their department.

### Manager:

- Implement and communicate policy to employees.
- Responsible for management and leading on disciplinary issues and seeking advice from HR.
- Ensure fair, effective, transparent and consistent treatment of employees and act reasonably in a discipline situation, applying the procedures of the policy.
- Encourage improvements in employees' performance and behaviour in a proactive and supportive manner.
- Ensure necessary investigations are carried out to establish the facts of the case.

- Inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Allow employees to be accompanied at any formal disciplinary meeting.
- Allow employee the opportunity to appeal against any formal decision.
- Undertake training as appropriate, and keep skills and knowledge up-to-date.
- Ensure that at the end of the disciplinary warning period, all reference to the disciplinary action is removed from the employee's personal file (manual and electronic) and destroyed.

#### Employee:

- Accept and understand the terms and conditions of the policy and procedure.
- Familiarise themselves with rules and standards of conduct expected and abide by them.
- Co-operate with management during investigations and throughout the disciplinary process.

#### HR&OD

- Will support Managers in the process and provide advice and guidance on disciplinary issues, and facilitate processes.
- Will provide corporate training courses on disciplinary procedures
- Will monitor disciplinary action taken within departments on an equality and diversity basis.

#### Trades Unions:

- Provide support, guidance to their members.
- Represent members at disciplinary meetings if requested by member.
- Work within the processes provided by the Policy and Procedure.

## **7 SCHEME OF DELEGATION**

- 7.1** Executive Directors have delegated responsibility for ensuring the maintenance of disciplinary standards within their department, through their Managers. Appendix 1 provides a Scheme of Delegation which identifies the level of Officer authorised to take disciplinary action.

## **8 REVIEW AND MONITORING**

- 8.1** The policy and procedure will be reviewed on an annual basis after implementation, or earlier if legislative changes are required. Any

amendments to the policy will be implemented after full consultation with the trades unions.

- 8.2** Complaints about the implementation of the policy or procedures should be referred to the Head of Human Resources and Organisational Development.
- 8.3** All disciplines will be monitored by HR&OD. Managers therefore require to ensure that their HR Advisor is provided with copies of all correspondence and information relating to the discipline and this will include:
- Date disciplinary hearing
  - Date of any suspension and reason
  - Reason for any delay
  - Date investigation undertaken if appropriate
  - Date outcome notified and outcome
  - Date any appeal lodged
  - Outcome of appeal

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# **Disciplinary Procedure**

## **1.0. INTRODUCTION**

- 1.1** The Disciplinary Procedure has been developed to provide guidance and support to Managers and employees in the effective implementation of the policy.
- 1.2** The procedure provides a clear framework and outlines the steps to be taken at an early stage to tackle any problem identified in order to prevent the situation deteriorating into a disciplinary matter. Where this has not been successful the procedure outlines the process to be followed when undertaking disciplinary action.

## **2.0. MEDIATION**

- 2.1** An independent third party or mediator can sometimes help resolve disciplinary issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute and not the mediator.
- 2.2** Where mediation is deemed to be an appropriate method of resolving the issue the discipline procedure can be held in abeyance. In-house trained mediators will be used.

## **3.0. INFORMAL ACTION**

- 3.1** Minor breaches of discipline, unless persistent, are usually best dealt with on an informal basis without recourse to the formal procedure. It is recognised that this is most effective when only the employee in question and their immediate line Manager are involved. Such interviews should normally be carried out on a one-to-one basis but employees should be advised of the right to be accompanied should they so wish. This should be regarded as a two way process through which employees have the opportunity to raise and discuss any difficulties they are experiencing.
- 3.2** This informal stage does not form part of the formal disciplinary procedure.
- 3.3** Any follow-up actions/resolutions to the problem, which have been agreed, will be recorded with details and timescales. This will be reviewed throughout the agreed period to ensure its effectiveness and/or revise any solutions if necessary.
- 3.4** In the event that no agreement to resolve the problem is achieved, then formal actions/steps will be required.

**3.5** Where the problem has been resolved, any information pertaining to this will be destroyed (after a period of 6 months). However where there is no resolution to the problem and further action/steps are required, the record(s) may be used for investigative purposes.

**3.6** Where an informal discussion takes place, a document reflecting the content and the agreed outcomes of the discussion will be signed by both the Manager and the employee. This document will be retained by the Manager and the employee for the duration of the agreed resolution period i.e. until the issue is resolved or improved, and then must be destroyed.

#### **4.0. SUSPENSION**

**4.1** In certain circumstances suspension from duty may be appropriate while an investigation is being carried out.

**4.2** Suspension will only be imposed after careful consideration and an employee being suspended will be clearly advised that suspension is not an assumption of guilt and is not considered a disciplinary sanction. It will normally take place pending investigation where, for example:

- there are reasonable grounds to believe that an employee may have committed gross misconduct
- in cases falling short of gross misconduct, there is evidence to suggest the continuation of an employee on duty would significantly affect the ability to investigate the allegation(s)
- there are risks to an employee's or the Council's property or responsibilities to other parties
- where relationships have broken down
- where there is reasonable grounds for concern that evidence has or may be tampered with, destroyed or witnesses pressurised
- employees are under investigation for or charged with the alleged commission of a criminal offence and the alleged offence is such that it may have relevance to the type of work that they undertake or affect the employment relationship

**4.3** Under normal circumstances suspension will be carried out by Section Head level or above. In exceptional circumstances however, where an immediate suspension requires to be applied, authority to undertake suspension can be delegated to an appropriate Line Manager. HR must also be advised of any potential suspension prior to the suspension taking place, or as soon after the suspension as possible. Where possible an HR Adviser should be in attendance. If the timescales and circumstances of the suspension permit, then the employee may request to be accompanied at the suspension and this request will not be unreasonably denied.

- 4.4** Suspension will be on full pay which will include all contractual earnings.
- 4.5** Employees on suspension must remain contactable. Once contacted he/she must be able to return to the place of work within 24 hours. Managers will act reasonably with regard to situations where annual leave has previously been booked, or where there are other legitimate reasons for absence. Any employee who has been suspended will not be allowed on West Dunbartonshire Council premises during the suspension period, unless with authorisation.
- 4.6** At the suspension interview, employees will be informed why the suspension is taking place and given the opportunity to give a statement should they wish. Notification of the suspension and the reasons for it, must also be conveyed in writing to employee either after the suspension interview or as soon as possible, normally within 2 working days.
- 4.7** The formal letter of suspension will include the following:
- The reason for the suspension
  - The date and time from which it took effect
  - The duration of the initial suspension
  - A statement outlining the rules of the suspension.
- 4.8** Where employees are not on duty at the time an alleged offence justifying suspension comes to light, they will be required to attend a suspension interview as soon as is possible.
- 4.9** Suspension should initially be for a period of not more than 7 days but may be extended if the investigation has not been finalised. The suspension should be kept under review to ensure it is not unnecessarily protracted. Managers will undertake to ensure that all investigations are full and complete and that, as far is possible, all relevant witnesses are interviewed.
- 4.10** There is no right of appeal against suspension as it is a means of ensuring that the procedure is followed and not considered a formal disciplinary sanction.

## **5.0. INVESTIGATION**

- 5.1** In all instances of alleged misconduct, an investigation will be undertaken before disciplinary action is considered.
- 5.2** When investigating a disciplinary matter care must be taken to deal with the employee in a fair and reasonable manner. All investigations will be undertaken thoroughly, objectively and expediently and should be confined to establishing the facts of the case.

- 5.3** The investigatory stage will be the collation of evidence by the employer for use at the disciplinary hearing. In some cases this may require the appointment of an Investigation Officer to undertake a full investigation. In such cases the Investigation Officer will be trained to undertake this role. In other cases the investigatory stage will require to be the collation of evidence by the Manager for use at the disciplinary hearing.
- 5.4** The employee(s) concerned will be informed as soon as is practicable that an investigation is being carried out and the reasons for it.
- 5.5** The Investigation Officer will be concerned only with establishing the facts of the case, defining the problem, the persons affected by the problem and obtaining all relevant facts and information. Witnesses will be asked to provide a written statement and to sign and date their statements. The Investigating Officer will also wish to interview the employee in order to establish the facts. The employee or witnesses should not be refused the right to be accompanied at the meeting but this should not unreasonably inhibit the progress of the investigation.
- 5.6** The Investigating Officer shall forward to the Disciplining Manager a copy of the report and any accompanying statements that are taken.

#### Deciding on Appropriate Action following Investigation

- 5.7** On completion of the investigatory stage, the Manager will decide whether or not there is a disciplinary case to answer and if the employee should be asked to attend a disciplinary hearing, the employee should be advised of the decision. In all cases where, following an investigation, there is no case to answer, the Manager and the HR Adviser will, to the best of their ability, ensure that all documentation is destroyed and records should be treated as confidential and will be kept no longer than necessary in accordance with the Data Protection Act 1998.

### **6.0 INFORMING THE EMPLOYEE OF THE PROBLEM**

- 6.1** Where it is decided that there is a disciplinary case to answer the employee must be notified of this in writing. The letter should contain sufficient information about the alleged misconduct and its possible consequences to enable the employee to prepare to answer the case at the disciplinary meeting.
- 6.2** An employee will be given a minimum of 10 working days notice of a Disciplinary Hearing and also be given a copy of the Investigation Report, witness statements and copies of any other written evidence. The Manager may anonymise witness statements to protect witnesses **only** where there are legitimate concerns that the provision of a signed witness statement may result in injury to persons or property.

- 6.3** The notification should also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.
- 6.4** Any documentation which the employee wishes to present or have considered at the hearing must be submitted to the Disciplining Officer/Manager at least 5 working days in advance. Timescales for the disciplinary procedure as outlined in Appendix 1 should be followed.

## **7.0 AUTHORITY TO TAKE ACTION**

- 7.1** Please refer to Appendix 2 for “Scheme of Delegation” for Warnings and Dismissal.

## **8.0 BUSINESS IRREGULARITIES**

- 8.1** Where it is suspected or known that business irregularities have occurred (i.e. misappropriation or embezzlement of monies, materials etc placed in employee’s charge) then the Council Business Irregularity Procedure must be followed. The matter should be reported immediately to the Executive Director who will contact Internal Audit for further details on how to proceed in line with procedure.
- 8.2** The Manager shall retain responsibility for ensuring that a full investigation is undertaken and the audit report, whilst it may be a significant contribution to the investigation, must not be substituted for the disciplinary investigation to be undertaken as outlined in the disciplinary procedure.

## **9.0 HOLDING THE DISCIPLINARY MEETING**

- 9.1** The disciplinary meeting must be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.
- 9.2** An HR Adviser will be in attendance at all disciplinary meetings to ensure disciplinary procedures are being adhered to and to advise Managers on equitable employment practice and consistency of approach.
- 9.3** No disciplinary action will be taken without a disciplinary meeting being held at which the employee will have the opportunity to state their case. Employees and their companion should make every effort to attend the meeting. However, where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause a decision will be made by the Manager on the evidence available. In taking this decision the Manager will act reasonably.
- 9.4** In the event that the employee under investigation either refuses to participate in the disciplinary investigation, or behaves in such a way as

to impede the setting up of an investigation or hearing, or refuses to attend the disciplinary hearing then the Manager will progress with the hearing in their absence.

- 9.5 If a disciplinary situation arises which also involves a police investigation, it will not prevent the disciplinary meeting taking place, provided sufficient information is available to enable the Manager to make a decision.
- 9.6 Each side will be advised of the other side's witnesses and a list will be provided to each party as soon as possible, but at least 2 working days in advance of the meeting. Each side is responsible for ensuring that its witnesses attend and subject to operational requirements and notice being given to Managers, potential witnesses will be released from duty.
- 9.7 At the meeting the Manager should explain the alleged misconduct against the employee and go through the evidence that has been gathered. The Investigating Officer will normally present the findings of the investigation report.
- 9.8 The employee will be then be allowed to set out their case and answer any allegations which have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. Questions will always be presented through the Manager as the chair of the meeting. The employee will also be given an opportunity to raise points about any information provided by witnesses concerning **the facts of the matter**. It is understood that in exceptional circumstances and for reasons of sensitivity, this may not be the case.
- 9.9 Either party may request an adjournment of the Hearing at any time and the Manager will not unreasonably refuse such a request.
- 9.10 Where the Manager considers that further information or evidence is required he/she may adjourn at any time and require the Investigating Officer to carry out such further investigations as considered necessary. In such circumstances the Hearing may require to be reconvened and any additional information shared with the employee and their representative. Any new information to be considered should be given to the employee and their Representative at least 3 working days before the reconvened hearing.
- 9.11 When all the evidence has been presented the Manager will carefully consider all the facts of the matter and any mitigating circumstances, and on this basis, decide what disciplinary action, if any, requires to be taken. Following adjournment, the employee and their representative will be informed of the decision. This decision will be confirmed in writing within 3 working days of the date of the decision. In circumstances where the decision cannot be made at the meeting the

employee will be notified of the decision in writing normally within 3 working days of the meeting.

- 9.12** In all cases where, following the disciplinary meeting, no disciplinary penalty has been imposed the Manager and the HR Adviser involved will, to the best of their ability, ensure that all documentation is destroyed.

## **10.0 RIGHT TO BE REPRESENTED/ACCOMPANIED AT THE DISCIPLINARY MEETING**

- 10.1** Employees have a statutory right to be accompanied at the disciplinary meeting by a companion who may be:

- a fellow worker
- an official employed by a trade union
- a workplace trade union representative, as long as they have been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary hearings. Certification may take the form of a card or letter.

- 10.2** It will not be acceptable to request a specific companion who would not be available to attend the hearing, where this would prevent the hearing taking place within a reasonable timescale, if an alternative companion is more readily available.

- 10.3** If the companion cannot attend on a proposed date, the employee can suggest an alternative date and time so long as it is reasonable and it is not more than **5** working days after the original date.

- 10.4** The companion will be allowed to address the meeting, to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the meeting. The companion, however, cannot answer questions on behalf of the employee or address the meeting if the employee does not wish it.

## **11.0 DISCIPLINARY ACTION**

- 11.1** In every case when determining disciplinary action, and/or deciding whether a disciplinary penalty is appropriate and what form it should take, the Manager must bear in mind the need to satisfy the test of reasonableness in all circumstances. So far as is possible, account shall be taken of the employee's current disciplinary record and all other relevant factors.

### Content of Letter

- 11.2** Following a warning at any stage of the procedure a letter confirming the level of warning issued will be sent to the employee together with details of:
- the reason for action taken
  - the improvement required, where appropriate
  - the name of the person giving the warning, and their designation
  - the time period after which it will be removed from file
  - which stage of the disciplinary procedure it constitutes and the right of appeal.

All correspondence will be sent to employees by Recorded Delivery.

## **12.0 DISCIPLINARY SANCTIONS**

- 12.1** The following procedure may be invoked at any stage should the misconduct warrant this level of action.

### Stage 1 – Recorded Verbal Warning

- 12.2** In the case of minor offences, where previous warnings have not been given, employees should be given a verbal warning, which will be formally recorded. The employee will be verbally advised of the decision taken and this will be confirmed in writing.

A letter will be sent to employees containing information as stated under Paragraph 11.2.

The warning will also inform the employee that action under Stage 2 may be taken if there is any further misconduct of a similar level of seriousness within 6 months of the verbal warning. The recorded verbal warning will expire and be removed from the file after 6 months subject to satisfactory conduct.

### Stage 2- First Written Warning

- 12.3** In the case of a more serious offence or in the case of another minor offence having been committed within 6 months of a previous verbal warning, the employee shall be given a first written warning.
- 12.4** The employee will be verbally advised of the decision taken and this will be confirmed in writing.
- 12.5** A letter will be sent to employees containing information as stated under Paragraph 11.2.



- 12.6** The warning will also inform the employee that action under Stage 3 may be taken if there is any further misconduct of a similar level of seriousness within 6 months. The first written warning will expire and be removed from the file after 6 months subject to satisfactory conduct.

#### Stage 3 – Final Written Warning

- 12.7** In the case of serious misconduct or in the case of a further minor offence having been committed within 6 months of a previous written warning, the employee shall be given a final written warning.
- 12.8** The employee will be verbally advised of the decision taken and this will be confirmed in writing.
- 12.9** A letter will be sent to the employee containing information as stated under Paragraph 11.2.
- 12.10** The warning will also inform them that action under Stage 4 may be taken if any further misconduct occurs.
- 12.11** A final written warning will expire and be removed from file after a period of 12 months subject to satisfactory conduct. In exceptional circumstances an extended timescale may be implemented.

#### Stage 4 - Dismissal with Notice

- 12.12** In the case where there are further issues of misconduct within the period stipulated in the final written warning, a further meeting will be held. Where there is a decision to dismiss, unless the employee is being dismissed for reasons of gross misconduct, the employee shall be dismissed with notice or payment in lieu of notice.
- 12.13** The employee will normally be verbally advised of the decision taken and this will be confirmed in writing. Where a decision cannot be advised verbally at the meeting the decision will be issued in writing, as soon as possible and within 5 working days of the meeting.
- 12.14** In exceptional circumstances, by mutual agreement, it may be felt that demotion or transfer to another post is a more satisfactory alternative to dismissal. Where demotion or transfer to another post is the preferred and agreed option, it must be made clear that the employee will transfer to the terms and conditions and remuneration associated with the new post.
- 12.15** In exceptional or mitigating circumstances where conduct would normally warrant dismissal, the disciplining manager may, following consultation with an HR Adviser, commute this to a final warning with an extended timescale.

## Summary Dismissal

- 12.16** Summary dismissal is normally the penalty for acts of gross misconduct. Summary dismissal will be a dismissal without notice or payment in lieu of notice.
- 12.17** Acts of gross misconduct are those which result in a serious breach of the terms of employment and warrant summary dismissal. Examples of such misconduct are:
- Theft, attempted theft or unauthorised possession of property belonging to clients, employees of West Dunbartonshire Council or another person. Fraud or attempted fraud, including deliberate falsification of accounts, financial statements or records
  - Physically violent, threatening or bullying behaviour. Indecent or inappropriate sexual behaviour
  - Deliberate and serious damage to West Dunbartonshire Council's property
  - Serious misuse of West Dunbartonshire Council's property or name
  - Deliberately accessing internet sites containing pornographic, offensive or obscene material
  - Serious insubordination
  - Unlawful discrimination or harassment
  - Bringing West Dunbartonshire Council into serious disrepute
  - Serious incapability at work brought on by alcohol or illegal drugs
  - Causing loss, damage or injury through serious negligence including willful or negligent failure to comply with legal or other statutory requirements
  - A serious breach of health and safety rules
  - A serious breach of trust and confidence
  - Conviction of a criminal offence that makes the employee unsuitable for their type of employment and no other suitable employment is available.

The above list is illustrative of what is considered as gross misconduct. However, the list is neither exclusive nor exhaustive and therefore, does not preclude the possibility of dismissal for other offences of similar gravity not specified.

- 12.18** The employee will be provided, as soon as is reasonably practicable, with the following information, which will be contained within the dismissal letter;
- written reasons for dismissal
  - the date on which employment will terminate
  - the appropriate period of notice or payment in lieu of notice
  - information regarding the right of appeal.

## **13.0 APPEALS**

### Appeals Against Warnings

- 13.1** Employees, who are aggrieved by disciplinary action that results in the issue of a warning, shall have a right of appeal. Please refer to Appendix 2 “Scheme of Delegation”.
- 13.2** Appeals must be lodged with the person or persons specified within the disciplining letter within 10 working days of receipt of the letter confirming the disciplinary action. Appeals will normally be held as soon as possible and no later than 6 weeks after receipt of the employee’s written appeal. Appeals should be submitted in writing using the standard Appeal Form (DCP2/01 - Appendix 3) setting out the grounds for the appeal. Notification of the outcome of the appeal will be confirmed as soon as possible and within 5 working days of the meeting.

### Appeals Against Dismissal

- 13.3** Any employee who has been dismissed will have the right of appeal to the Council Appeals Committee. The Council Appeals Committee will comprise a minimum of 3 Elected Members.
- 13.4** The employee must lodge their appeal in writing with the Executive Director within 10 working days of receiving the dismissal letter. The employee must complete and submit the standard Appeals Form setting out the grounds of their appeal.
- 13.5** The Executive Director will acknowledge receipt of the appeal in writing, and will copy the acknowledgement letter and the appeals pro-forma to the Head of Human Resources & Organisational Development, who will progress the appeal to the Council’s Appeals Committee. If the employee does not exercise the right to appeal within the **10** working days specified then the right to appeal will expire.
- 13.6** The Disciplining Manager must prepare the management case in line with the Council’s standard template. Trades Unions are also encouraged to submit background paperwork to support the appeal.
- 13.7** The Disciplining Manager must submit the management case and supporting paperwork to the Head of Human Resources & Organisational Development as soon as possible and at least 15 working days prior to the date of the Appeal Hearing.
- 13.8** The employee will be advised in writing of the arrangements for the Appeals Committee and this will be at least 10 days in advance of the Appeals Committee hearing. This will include all supporting paperwork submitted by both sides.

- 13.9** The employee will have the right to be accompanied at the Appeals Hearing by a companion in line with section 10. The companion will be allowed to address the Hearing, to put and sum up the employees case, respond on behalf of the employee to any views expressed at the Hearing and to confer with the employee during the Hearing. The companion, however, cannot answer questions on the employee's behalf or address the Hearing if the employee does not wish it.
- 13.10** The decision of the Appeals Committee will be notified to the employee and confirmed in writing within 5 working days of the Hearing. The decision of the Appeals Committee is final. If the appeal is upheld employees will have the right to be re-instated and all back pay reimbursed and contractual rights reinstated.

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### TIMESCALES FOR DISCIPLINARY PROCESS

It is important that all parties adhere to the required timescales.

Person	Action	Timescale (working days) within:
	<b>INFORMAL PROCESS</b>	
Manager	Discuss matter informally on one-to-one basis. Agree follow up action/resolutions to problem.	As soon as possible
	<b>FORMAL PROCESS</b>	
Manager	Suspension (if appropriate)	As soon as required. Suspension should not be for a protracted period (initially not more than 7 days)
Manager	Date for disciplinary meeting	Without unreasonable delay. Employee should receive minimum of 10 days notification of hearing.
Employee	Submitting any information for consideration at meeting	Submitted at least 5 working days before hearing.
Manager	Notification of outcome in writing	3 working days of meeting'
Employee	Appeal	10 working days of receipt of letter
Appeal Person	Hear Appeal	Within 6 weeks
Appeal Panel	Hear Appeal	Within 6 weeks
Appeal Person or Legal (Appeal Panel)	Notification of appeal outcome	5 working days

**SCHEME OF DELEGATION****AUTHORITY TO TAKE ACTION FOR WARNINGS AND DISMISSALS**

<b>Level of Action</b>	<b>Employees Grade 1-8</b>	<b>Section Head Grades 9-10</b>	<b>Service Managers Grades 11-12</b>
Verbal Warning	Line Manager (must be minimum grade 6 level)	Service Manager or Line Manager	Head of Service
Appeal	Line Manager's Manager	Head of Service or Line Manager's Manager	Director
First Written Warning	Line Manager	Service Manager or Line Manager	Head of Service
Appeal	Line Manager's Manager	Head of Service or Line Manager's Manager	Director
Final Warning	Line Manager	Service Manager or Line Manager	Head of Service
Appeal	Line Manager's Manager	Head of Service or Line Manager's Manager	Director
Dismissal	Section Head, or Service Manager, or Head of Service	Head of Service or Director	Director
Appeal	Council Appeals Committee	Council Appeals Committee	Council Appeals Committee

(1) Where the line manager is under Grade 6 then a Line Manager senior to the immediate Line Manager, of a Grade 6 or above, must conduct the meeting. This list is for illustrative purposes and levels may be changed to reflect structure arrangements.