

Instow Parish Council

Disciplinary Rules and Procedures

(Re-affirmed by IPC – Minute 80, 21st September 2023)

1. In the performance of their duties the Council's employees are required to act in accordance with Local Authority rules procedures and standards, with the Standing Orders of Instow Parish Council, and with the duties and responsibilities set out in the employee's Job Description.

2. In the event of a failure by the employee to observe any of the rules, procedures, standards, duties and responsibilities mentioned above, or of a complaint being made about an employee's conduct either by a Councillor or by a member of the public, the employee will immediately be informed.

If the failure or complaint is sufficiently serious as to amount to gross misconduct the employee may, on a decision of a majority of the whole Council, be suspended from his/her duties on full pay pending the outcome of the subsequent investigation.

3. The Council will subsequently carry out an investigation of the facts concerning the alleged misconduct, taking statements from witnesses when relevant, following which the employee will be asked to attend a disciplinary meeting at which the facts will be explained to the employee and the employee will be given an opportunity to comment on the alleged misconduct.

The meeting will be attended by three Councillors, not including the Chairman of the Council, and the employee will be entitled to be accompanied by a friend. The friend may advise the employee but may not otherwise speak at the meeting. Whenever practicable, the meeting will be held within one week of the employee being informed of the alleged misconduct.

4. If, having considered the facts and any comments made by the employee, the Councillors are of the opinion that the employee has committed misconduct, the Councillors will explain the nature of the misconduct and will give either an oral warning or, in more serious cases, a written warning that, in the event of further misconduct occurring within a stated period (normally one month), the Council may take further disciplinary action that could lead to the employee being dismissed. In the event of further misconduct within the stated period the employee may be asked to attend a second disciplinary meeting following which

a final written warning may be issued, setting out the consequences of further misconduct. If this warning is not heeded the Council may dismiss the employee by giving notice as set out in the employee's Contract of Employment, the notice period to start on the date of the final written warning.

5. When a warning has been given, the employee will be given such help as may be necessary and practical to avoid further misconduct.

6. If, at a disciplinary meeting, the Councillors consider that the employee's misconduct amounts to gross misconduct the employee may be dismissed without notice and without compensation, but such dismissal will require the approval of a majority of the whole Council.

7. Gross misconduct will include, but may not be limited to:

- a) theft or fraud
- b) misuse of the employee's office for personal gain
- c) deliberately presenting false information to the Council
- d) abusive or discriminatory behaviour towards a Councillor or member of the public
- e) any action resulting in a criminal conviction.

8. The employee may appeal to the Chairman of the Council against any disciplinary action. The appeal should be made within one week of the disciplinary action being taken, and the appeal should be heard within one week of the appeal being made. The Chairman's decision will be final.

9. All decisions relating to disciplinary actions, and the reasons for those decisions, will be put in writing, and will be placed with the employee's records.

10. During a probationary period the above procedures will not apply, and the employee may be dismissed at one month's notice subject to the approval of a majority of the whole Council.

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