

## **NORTH WILTS DISTRICT COUNCIL**

### **DISCIPLINARY CODE**

This document is intended to give an outline of the North Wiltshire District Council Disciplinary Code. It will examine why there is a Disciplinary Code, Breaches of Discipline and the ways it is dealt with. The principles of the Disciplinary Code are based on the ACAS guidelines on Disciplinary Procedures.

#### **1. WHY A DISCIPLINARY CODE?**

- 1.1 It is hoped that use of the Disciplinary Procedure will be minimal. Where it is necessary the object is to improve rather than to punish. Regretfully certain conduct and capability issues do have serious consequences and it is necessary to have a procedure to deal with these.
- 1.2 It is in the interest of both management and employees that disciplinary matters are dealt with as fairly and quickly as possible.
- 1.3 The code will ensure that all employees know how conduct that may result in disciplinary action will be dealt with and that every case is dealt with fairly.

#### **2 BREACHES OF DISCIPLINE**

**2.1** Formal disciplinary action may be taken in cases of misconduct, gross misconduct, poor performance or incapability to do the job. Some examples of breaches of discipline are :

- Unauthorised removal of the Council's property
- Theft from the Council, its Members, members of staff or the public, and other offences of dishonesty.
- Sexual offences
- Sexual misconduct at work, including harassment
- Fighting
- Physical assault
- Deliberate falsification of time sheets flexi-time sheets, subsistence and expense claims, etc.
- Falsification of qualifications which are a stated requirement of employment or which result in financial gain, also false information related to experience and ability.
- Malicious damage to the Council's property

- Serious breaches of safety regulations endangering other people, including deliberate damage to, neglect of, or misappropriation of safety equipment
- Discrimination against a fellow employee or a member of the public on grounds of sex, sexual orientation, colour, race, creed, nationality, disability, age trade union activity or ethnic origin.

2.2 Employees are reminded that activities outside work may in some circumstances cast doubt on the suitability of a person to remain in Council employment and may, therefore, lead to disciplinary action. Paragraph 2.1 of the National Joint Council for Local Government Services (Green Book) reads as follows :

‘Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.’

The Council’s Code of Conduct is contained within the ‘Employee Handbook’. The Code outlines existing laws, regulations and conditions of service and provides standards for you to follow in your day to day work.

### 3 **TYPES OF DISCIPLINARY ACTION**

3.2 The type of disciplinary action will depend upon the nature of the breach of discipline, the officer’s previous conduct, and any other relevant matter.

3.2 The types of formal disciplinary action recognised by the Council include :

- Verbal warning - given when the offence is minor
- Written warning - given for serious infringements of the disciplinary rules
- Final written warning - given after a written warning when there has been no improvement, or if the offence is serious, or a similar or different offence has occurred after the issue of a previous warning.
- Dismissal - given when an act of gross misconduct has occurred or where conduct or performance has not improved in spite of previous warnings.

In cases of gross misconduct employees will be immediately dismissed without notice or payment related to notice.

However, other disciplinary action which may be taken includes :-

- a) dismissal with due notice
- b) suspension without pay, for a specified period as an alternative to dismissal
- c) withholding of incremental progression (in cases of capability)
- d) relegation with no protection of salary, wages or bonus
- e) a combination of any of the above

3.3 In the case of lack of performance/capability the process will be dealt with under the Council’s Capability Procedure.

3.4 An employee may be suspended on full pay pending an investigation. This however, should not be regarded as constituting disciplinary action.

#### 4 **DISCIPLINARY PROCEDURE**

4.1 If there are reasonable grounds for thinking that formal disciplinary action is warranted, the **Head of Service/Team Manager** (or if the employee is a **Head of Service/Team Manager, the Chief Executive or Deputy Chief Executive Officer**) will be informed and will ensure the Council's Disciplinary Procedure is followed.

4.2 This matter will be investigated in accordance with the guidance contained in the Council's Disciplinary Guidance Investigations. If thought appropriate, the employee concerned will be invited to a Disciplinary Hearing, allowing reasonable time for the employee to arrange for a representative to attend.

4.3 If you are called to a Disciplinary Hearing, in brief you will be :

- \* entitled to be accompanied and represented by a representative of a recognised Trade Union or a work colleague
- \* advised of the disciplinary procedure, which applies
- \* informed of the substance of the allegations against you
- \* given the opportunity to state your case before a decision is taken

The Disciplinary Panel will then decide whether the alleged breach of discipline is substantiated and if so, whether it is a minor or serious breach of discipline.

They will decide upon the appropriate disciplinary action and you will be told in writing of this as soon as possible after the interview. If no disciplinary action is to be taken you will be informed of this in writing within 7 days.

You then have the right of appeal in accordance with the Council Disciplinary Procedure. You must appeal in writing to the **Head of Human Resources** within 14 days after receiving the written decision.

It must be emphasised that this document is only intended to be a summary of the main provisions of the Procedure, which has been agreed between the employer and trade union. A copy of the Procedure which sets out in greater detail the procedures involved and the kinds of matters which may warrant disciplinary action can be found **in the Human Resources section of the Intranet** or obtained from the **Head of Human Resources**, your **Head of Service/Team Manager** or your Union Representative.

#### **Revision History**      Disciplinary Procedure 2003 (summary)

<b>Revision date</b>	<b>Summary of Changes</b>	<b>Revised by</b>
6 Nov 2007	New job titles following implementation of hybrid Senior Mgmt Structure	Elaine Orchard