
Downend & Bromley Heath Parish Council - Disciplinary Policy

1. Purpose

1.1. This procedure applies to all Employees of Downend & Bromley Heath Parish Council (the “Parish Council”) and is designed to help and encourage employees to achieve and maintain standards of conduct, attendance, and job performance. The aim is to ensure consistent and fair treatment for all.

1.2. Every effort will be made to deal with matters as quickly as possible.

2. Principles

2.1. No disciplinary action will be taken against an Employee until the case has been fully investigated. The investigation will include gathering relevant evidence, witness statements, and documentation, and will be conducted by an appropriate person (e.g., line manager, external investigator, or designated councillor).

2.2. At every stage in the procedure, the Employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.

2.3. At all stages, the Employee will have the right to be accompanied by a fellow worker or a trade union official, as stipulated under the **Employment Relations Act 1999**. The companion can be a colleague, a trade union representative, or a trade union official.

2.4. No Employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

2.5. The Employee will be given an explanation for any penalty imposed.

2.6. The Employee will have the right to appeal against any disciplinary penalty imposed.

2.7. The procedure may be implemented at any stage if the Employee’s alleged misconduct warrants such action.

2.8. All records relating to the proceedings will be kept confidential and in compliance with **GDPR**. Access will be restricted to authorized personnel only (e.g., HR, relevant managers), and records will be retained for the following periods:

- Oral warnings: 3 months.
- Written warnings: 6 months.
- Final written warnings: 12 months.

3. Procedure

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

- **Stage 1 - Oral Warning**
If conduct or performance does not meet acceptable standards, the Employee will normally be given a formal oral warning by their line manager. The warning will be documented but will be spent after six months, subject to satisfactory conduct and performance.
- **Stage 2 - Written Warning**
If the offence is serious or a further offence occurs, a written warning will be issued. The warning will remain on record for 12 months, subject to satisfactory conduct and performance.
- **Stage 3 - Final Written Warning or Disciplinary Suspension**
If conduct remains unsatisfactory, a final written warning will be issued. Alternatively, disciplinary suspension without pay for up to five working days may be considered.
- **Stage 4 - Dismissal**
If conduct remains unsatisfactory, dismissal will be considered. The Employee will receive written reasons for dismissal, the date of termination, and the right to appeal.

4. Gross Misconduct

4.1. Examples of gross misconduct include, but are not limited to:

- Theft, fraud, or deliberate falsification of records.
- Physical violence or serious harassment.
- Deliberate damage to property.
- Serious insubordination.
- Misuse of company property or name.
- Bringing the employer into serious disrepute.
- Serious incapability due to alcohol or drugs.
- Gross negligence causing harm.
- Serious health and safety breaches.
- Unauthorized entry to computer records.
- Discriminatory behavior (e.g., racial, sexual, or disability discrimination).
- Misuse of social media that damages the council's reputation.

4.2. An Employee accused of gross misconduct may be suspended on full pay while an investigation is conducted. If found guilty, summary dismissal without notice or payment may result.

5. Appeals

5.1. Employees wishing to appeal must inform the Chairperson within 10 working days of receiving written notification of the disciplinary decision.

5.2. Appeals will be reviewed by a panel of independent councillors who were not involved in the initial decision. The panel will be selected to ensure impartiality.

5.3. A final decision will be communicated within 20 working days of the appeal submission. Employees have the right to submit additional evidence during the appeal process.

Additional Provisions

Anonymous Complaints

The Council will not normally act upon anonymous complaints unless they raise serious concerns regarding misconduct, fraud, or safeguarding.

Vexatious Complaints

A separate policy will be maintained to manage persistent or vexatious complaints.

Timelines for Disciplinary Resolution

- Acknowledgment of complaints will occur within five working days.
- A formal response will be provided within 20 working days where possible.
- In the event of delays, employees will be notified with an estimated timeframe for resolution.

Review History

Adopted by Parish Council: 26/6/2025

Latest review:

Date of next review: 26/6/2027