

CYNGOR TREF LLANWRTYD TOWN COUNCIL



DISCIPLINARY PROCEDURE

Introduction

This policy applies to Employees and Elected Members of Llanwrtyd Town Council. Although there are distinct differences in Employees, who are paid workers, and Elected Members, who fulfil their role in a voluntary capacity, the disciplinary procedure would still be the same. Elected Members, although unpaid, still have duties to perform and a Code of Conduct to uphold. For the purpose of this document, 'Workers' will mean Councillors and paid Employees. The Mayor is the key person; however, where the Mayor is the person whose conduct is under question, the Deputy Mayor would take a lead in the proceedings.

The aim is to encourage improvement in individual conduct and performance. This procedure sets out the action that will be taken when rules are breached or behaviour is inappropriate. The procedure aims to ensure that disciplinary action is fairly and consistently applied throughout, and seeks also to ensure that all concerned are aware of their rights and obligations in respect of disciplinary and appeals machinery.

A disciplinary interview will take place with a Worker at every stage of the procedure if formal action is being considered. In this case, the Worker will be informed in advance by the Mayor of the reason for the interview, and be afforded the opportunity to state his/her case. A representative or colleague of the Worker's choice may accompany them for support at all stages of the disciplinary procedure and appeals.

When a case of misconduct involving a Worker comes to light, the first course of action should be to speak with the Worker to establish their account of the issue. Before taking formal disciplinary action, every effort should be made to resolve the matter by informal discussions with the Worker, only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented. It is essential however to always record in writing all details of the issue and the action taken even if this is only an informal chat.

Types of Warning

There are three main types of warning as outlined below. Wherever a case of misconduct occurs, until the facts can be established it is best to suspend the Worker [on full pay where appropriate] but for as short a time as possible. It is essential to record fully in writing all stages of any disciplinary procedure. The types of warning are: -

- Oral warning
- Written warning
- Final written warning

Gross Misconduct

Examples of gross misconduct include: -

- Discriminatory behaviour/serious personal harassment
- Serious act(s) of insubordination and disloyalty, including the unauthorised release of confidential information
- Unauthorised use or possession of property belonging either to Llanwrtyd Town Council, other colleagues, employees or members of the community.
- Corrupt practices including the unauthorised receipt or offer of money, goods or favours
- Fraud - any attempt to de-fraud or misappropriate funds.
- Physical assault - violence or malicious treatment of any kind.
- Incapacity at work through misuse of alcohol, drugs or other substances
- Intentionally causing damage to property belonging to Llanwrtyd Town Council.
- Serious breach of trust and confidence between Llanwrtyd Town Council and the Worker.
- Any malicious and/or deliberate action that could seriously endanger the health and safety of Employees, Elected Members or members of the community.
- The supply of false information when applying for a position, which could materially affect a Worker's suitability for selection for the position.

Reasons for Dismissal

Workers are advised that there are 5 grounds for dismissal. These are as follows: -

- I. The Worker unacceptable conduct as outlined above.
- II. The competence and capability (including ill health) of the Worker for performing work of the kind he/she was employed to do.
- III. A legal restriction making continued employment impossible.
- IV. Redundancy.
- V. Some other substantial reason justifying the dismissal of a Worker from his/her post.

Authorised Officers

Formal action under the disciplinary procedure will be administered only by the Mayor or other relevant person and the relevant Disciplinary Sub-Committee comprising Elected Members.

The Worker's signature on all letters confirming receipt of formal disciplinary warnings will be required.

FORMAL DISCIPLINARY PROCEDURE

Oral Warning

If a Worker's performance or conduct is not of the required standard, the Mayor or other relevant person will issue an oral warning. The Worker will be informed in writing of the improvements required and the time limit within which improvements in either work performance or conduct must be achieved and that the warning will remain on his/her personnel file for 6 months. The Worker will be informed that he/she has the right to appeal in writing to the Mayor or Chairperson of the relevant Disciplinary Sub-Committee within seven working days.

Written Warning

If the incident/offence is of a more serious nature, or if performance or conduct continues to be unsatisfactory, a written warning will be issued by the Mayor or other relevant person. The Worker will be informed of the improvements required and the time limit within which improvements in either work performance or conduct must be achieved, and that this warning will remain on his/her personnel file for 6 months. The Worker will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. The Worker will be informed that he/she has the right to appeal in writing to the Mayor or Chairperson of the relevant Disciplinary Sub-Committee within seven working days.

Final Written Warning

The Mayor or other relevant person will issue a final written warning: -

- In the case of further incidents/offences
- Where serious misconduct has taken place

Such a warning will be confirmed in writing and the Worker will be warned that continuing similar misconduct will lead to dismissal. The Worker will be informed of the areas and time limit within which improvement in either work performance or conduct must be achieved and how long this warning will remain on his/her personnel file [usually 6 months]. The Worker will be informed that he/she has the right to appeal in writing to the Mayor or Chairperson of the relevant Disciplinary Sub-Committee within seven working days.

Dismissal

Dismissal will take place: -

- ❖ Where there are further incidents/offences and a final written warning has already been issued. In such cases the right is reserved to pay salary in lieu of notice. The decision to dismiss a Worker will be taken by the Mayor or relevant Disciplinary Sub-Committee
- ❖ Following an act of gross misconduct. In a case of gross misconduct, dismissal will take place without notice or payment in lieu of notice. The decision to dismiss a Worker will be taken by the Mayor or relevant Disciplinary Sub-Committee. The Worker will be informed that he/she has the right to appeal in writing to the Mayor or Chairperson of the relevant Disciplinary Sub-Committee within seven working days. A letter confirming dismissal will be issued to the Worker within five working days stating the reasons for dismissal.

Appeals

- The Sub Committee dealing with appeals should comprise of different people to the original Disciplinary Committee.
- The Worker should send their written appeal to the Mayor or Chairperson of the relevant Disciplinary Sub-Committee.
- A date for the hearing is agreed.
- At the hearing the Chairperson makes introductions and outlines the case.
- The Worker or their representative outlines the appeal.
- The relevant Disciplinary Sub-Committee may ask questions for clarification and interpretation.
- The Worker or their representative may ask questions for clarification or interpretation at the invitation of the Chairperson.
- Witnesses may be called by either party to clarify the situation.
- The relevant Disciplinary Sub-Committee alone will consider the appeal.
- The participants, except the witnesses, return to the hearing.
- The Chairman gives the decision.
- Decisions will be confirmed in writing within 5 working days.
- The decision of this Appeals committee will be final.