



**FAREHAM** BOROUGH  
COUNCIL

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**FAREHAM BOROUGH COUNCIL**

**DISCIPLINARY CODE OF PRACTICE**

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**DISCIPLINARY CODE OF PRACTICE**

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## SECTION 1 - FOREWORD

*Discipline* is defined as “a system of rules for conduct” and *conduct* as “behaviour”. Discipline in employment is concerned not only with a disciplinary procedure, but with a system of rules that if breached, can lead to that procedure being invoked. The maintenance of discipline is among the most important responsibilities of managers and supervisors. Without it, instructions may not be followed, motivation and efficiency will deteriorate and productivity is likely to decline.

The Council's code of conduct, disciplinary rules and procedures aim to establish and maintain appropriate standards of conduct at work; promote fairness and order in the treatment of its employees, and support a healthy and harmonious working environment, through the application of fair and effective management of disciplinary matters.

It is important that management, employees and their representatives accept responsibility for maintaining standards of conduct, not only for their own interests but in the interests of the Council and the communities it serves.

The Council expects all employees to conduct themselves in a way that ensures that standards of service and the reputation of the Council are maintained. An employee is required to observe the conditions of service laid down by national and local agreements which are supplemented by the Council's code of conduct and disciplinary rules.

A clear code of conduct and disciplinary rules also protects employees from misunderstandings and criticism by setting standards and ensuring that employees know what is required of them.

*“Disciplinary rules and procedures are necessary for promoting fairness and order ..... They also assist an organisation to operate effectively ..... Rules set standards of conduct at work; procedure helps to ensure that the standards are adhered to and also provides a fair method of dealing with alleged features to observe them.”*

ACAS: Code of Practice No 1

“Disciplinary Practice and Procedures in Employment”

## **SECTION 2 - PERFORMANCE STANDARDS**

### **Purpose**

1. To meet statutory obligations and the requirements of the Council's Disciplinary Code of Practice.
2. To enable standards of conduct to be specified and monitored fairly and effectively.
3. To promote fairness and order in the conduct of disciplinary matters.

### **Standards**

4. Managers must ensure that:
  - they apply the Council's code of conduct, disciplinary rules and procedures consistently and in full and that they comply with statutory requirements;
  - the code of conduct, disciplinary rules and procedures and individual rights are brought to the attention of all employees under their responsibility;
  - authority is clearly devolved to designated individuals to implement the disciplinary process, including dismissal;
  - management action taken in accordance with the procedure is fair, unbiased and consistent.
  - all disciplinary hearings are conducted confidentially, fairly and in accordance with the procedure;
  - full and accurate records are kept of all formal disciplinary investigations and hearings;
  - cases of misconduct, which should be dealt with through the disciplinary procedures, are distinguished from cases of incapability, either due to ill health or lack of skill or aptitude, which should be dealt with separately.
5. Employees must:
  - conduct themselves in a way that is consistent with the high standards of service and the good reputation of the Council;
  - comply with conditions of service laid down by national and local agreements;
  - comply with the Council's code of conduct and disciplinary rules.

### **Legal Requirements**

6. The Employment Rights Act 1996, (formerly the Employment Protection (Consolidation) Act 1978), is the primary legislation relating to unfair dismissal. Employees must generally have one years' service to qualify for the right to pursue

unfair dismissal claims. There is, however, no service requirement for claims against dismissal in certain circumstances for example taking part in trade union activities or being (or not being) a union member; or for claims of discrimination.

7. Tribunals will take account of the guidance in the ACAS Disciplinary Code of Practice and extensive case law in the interpretation of the statutory provision. Copies of the Code are available from Personnel Services.

### **Reference Documents**

Fareham Council's code of conduct and disciplinary rules: Attached

ACAS "Code of Disciplinary Practice and Procedures"

ACAS Handbook - "Discipline at Work"

Employment Rights Act 1996

Local Government and Housing Act 1989

## **SECTION 3 - INTRODUCTION TO DISCIPLINARY RULES AND PROCEDURE**

### **Preamble**

1. The Council's code of conduct, disciplinary rules and procedures aim to establish and maintain appropriate standards of conduct at work; promote fairness and order in the treatment of its employees, and support a healthy and harmonious working environment, through the application of fair and effective management of disciplinary matters.
2. It is important that management, employees and their representatives accept responsibility for maintaining standards of conduct, not only for their own interests but also in the interests of the Council and the communities it serves.

### **Introduction**

3. The Council expects all its employees to conduct themselves in a way that ensures that standards of service and the reputation of the Council are maintained. An employee is required to observe the conditions of service laid down by national and local agreements, which are supplemented by the Council's code of conduct and disciplinary rules. A clear code of conduct and disciplinary rules also protects employees from misunderstandings and criticism by setting standards and ensuring that employees know what is required of them.
4. Any breach of the code of conduct and disciplinary rules can lead to action being taken against the employee concerned in accordance with the disciplinary procedure. Where appropriate, warnings will normally be given. In cases of persistent misconduct and after a final written warning, an employee may be dismissed with notice or be subject to other disciplinary action as an alternative to dismissal. More serious breaches of the code of conduct and disciplinary rules will be treated as gross misconduct. Gross misconduct means conduct which the Council cannot tolerate the continued presence of the employee at work. Subject to any mitigation, gross misconduct will lead to an employee being dismissed without notice.
5. In addition to this code of conduct and disciplinary rules there are council rules, financial regulations and standing orders which dictate the way that the Council operates. Management may issue further rules from time to time either in writing or by oral instruction (oral instructions should be recorded by management). Failure to observe the code of conduct or any of the rules, regulations, standards and orders may lead to disciplinary action. If this is taken, it will be in accordance with the Council's disciplinary procedure.
6. A copy of this code of conduct and disciplinary rules will be supplied to all employees who will confirm in writing that they have received them. Managers will take steps to ensure that all employees understand the rules and management requirements in respect of work performance and the observance of working procedures, operational regulations, safety rules and regulations, standing orders, etc.
7. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any

deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedures.

8. If there is anything in this document that employees do not understand they should seek the advice of their manager. This document applies to all employees of Fareham Borough Council (and includes employees who hold particular offices as a result of their employment such as the Monitoring Officer, etc).

### **Scope of the Procedure**

9. The procedure applies to employees working under conditions of services laid down by:
- Joint Negotiating Committee for Chief Officers of Local Authorities
  - National Joint Council for Local Government Services
  - Joint Negotiating Committee for Local Authorities' Services (Building & Civil Engineering)
  - Joint Negotiating Committee for Local Authorities' Services (Engineering Craftsmen)
  - Standing Conference for Electricians
  - Standing Conference for Heating, Ventilating and Domestic Engineers
10. The procedure has been developed in consultation with the following trade unions:
- UNISON
  - Electrical, Electronic, Telecommunication and Plumbing Union
  - Transport and General Workers Union
  - Union of Construction, Allied Trades and Technicians
11. The procedure does not apply to:
- termination of a temporary appointment where the reason for termination is that the need for the employee's service has expired, or is about to expire;
  - termination during or at the end of a probationary period of service, whether or not extended beyond its originally specified duration;
  - termination of employment by reason of redundancy;
  - resignation by the employee, or other termination by mutual consent.
  - termination due to incapability; incapability due to ill-health and incapability due to lack of skill or aptitude.

### **Review**

12. The code of conduct, disciplinary rules and procedures will be reviewed from time to time. Any amendments needed to ensure their continuing relevance and effectiveness will be made in consultation with the recognised trade unions.

## **SECTION 4 - CODE OF CONDUCT AND DISCIPLINARY RULES**

### **General Conduct**

1. Employees are expected to conduct themselves at all times in a manner that will maintain public confidence in both their integrity and the services provided by the Council. In general what an employee does while not at work is her/her personal concern but an employee shall at all times, while at work, endeavour to ensure value for money to the local community and observe the requirements of the law; the standing orders of the Council and Committees, and the Council's financial regulations and the rules contained within this document (copies are available on the Council's intranet). Failure to observe the rules procedures and requirements set out in this section could result in allegations of potential misconduct, paragraphs 1 – 39 and/or gross misconduct as exemplified in paragraph 40.

### **Conduct Towards Others**

2. Whilst carrying out his/her duties or acting as a representative of the Council, an employee shall not:
  - (a) act in an oppressive or abusive manner, use threatening language or take action likely to cause offence, towards another employee, manager, member or member of the public, nor by word, act, or demeanour, abuse the authority vested in him/her, or be insubordinate to his/her supervisor or any other level of management;
  - (b) fail to observe the terms of the Council's code of practice for ensuring equality of opportunity in employment or unlawfully discriminate against or harass another employee, member or member of the public, or incite another individual to do so, on any grounds including those of gender, race or ethnic origin, marital status, disability, age, sexual orientation, gender reassignment, HIV status, religion or other personal characteristic. (See the Council's code of practice for ensuring dignity at work).
  - (c) 'Harassment' is regarded as objectionable and/or offensive comments, actions, conduct, materials, suggestions, jokes or physical contact, unrelated to the requirements of an individual's or group's job, and has the potential to create an intimidating and unpleasant working environment and would include:
    - physical assault, threats or intimidation;
    - bullying;
    - derogatory language, remarks, jokes, or statements (oral or written), also conduct and actions, either formal or informal, which ridicules, abuses, degrades, or insults individuals or groups of people;
    - displaying or distributing within Council premises or vehicle any material such as leaflets, posters or magazines, which are degrading or offensive. This includes graffiti, the display of "pin up" pictures and electronic graphics e.g. Screen savers;



- victimisation of, or discrimination against, any employee, member or member of the public who has made or is contemplating making a complaint or who has provided or is contemplating providing information to management about discrimination or any other disciplinary offence;
- (d) disregard of the Council's code of practice for ensuring equal opportunity in employment. All members of the public and other employees have a right to be treated with fairness and equity;
- (e) be involved in any appointment to the Council where he or she is related to the applicant or has a close personal relationship with him or her. Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. Employees must make their manager aware if a relative or friend applies for a job with the Council. Similarly, an employee must not be involved in decisions relating to discipline, grievance, promotion, pay adjustments or other similar employment related matters for any other employee who is a relative or with whom they are having a relationship etc;
- (f) be knowingly an accessory to, condone or fail to report a disciplinary offence, unless there are justifiable mitigating circumstances.

### **Proper Conduct of the Council's Business**

#### *Working Arrangements*

3. An employee shall comply with the agreed arrangements relating to his/her hours of work, meal breaks and requests for leave etc.
4. Employees shall not absent themselves from duty, report late or cease work before the authorised finishing time without permission.
5. An employee included in the flexible working hours scheme shall observe its related rules and conditions.
6. When an employee is absent from work because of sickness he/she must report the absence in accordance with the instructions issued by management. The employee must not abuse the sickness scheme. The advice and instructions of any medical adviser(s), where appropriate, shall be observed. The employee must not commit any act that is likely to be inconsistent with the reasons for absences or do anything which may delay his/her return to work.

#### *Working procedures, Council rules, standing orders, financial regulations, etc*

7. An employee shall observe agreed working procedures, operational regulations, safety rules, regulations and safe working procedures, management policies, procedures and codes of practice, standing orders, Council rules and financial regulations and shall carry out reasonable and proper instructions given in matters relating to duties.

**8.** An employee shall not:

- (a) disobey or omit to carry out a reasonable instruction or be insubordinate;
- (b) breach the Smoking Policy Statement
- (c) fail to comply with a health and safety requirement;
- (d) fail to discharge through carelessness, or neglect an obligation placed upon him/her by contract or statute;
- (e) use public funds entrusted to them in an irresponsible and unlawful manner;

**NOTE**

All employees have the duty to report any suspicions that they may have of irregularities, financial or otherwise, to the appropriate manager, internal audit or Director of Finance and Resources.

- (f) fail to report any matter that he/she is required to report;
- (g) fail to wear in full, or as modified by instruction or authorisation, such uniform as may be issued;
- (h) fail to properly wear any safety clothing or footwear, or properly use any safety equipment which has been issued as being necessary in the interests of health and safety or otherwise fail to have due regard to health and safety requirements;
- (i) commit any act that could result in an action against the Council which arises from negligence or breach of the duty of care;
- (j) knowingly breach a copyright owned by a third party

*Records/Documentation*

**9.** On any matter for which an employee is accountable, all reasonable steps shall be taken to ensure that required information is complete, accurate, and available at the proper time. This requirement applies to all records and documentation (manual or computerised) including time sheets, flexible working hours sheets, time recording sheets, car allowance claims, bonus sheets, expense claim forms, drivers record books, returns of ticket sales, payments, etc.

**10.** An employee shall not:

- (a) knowingly or through neglect make any false, misleading, or inaccurate oral or written statement or entry in any record or document;
- (b) alter or erase any entry with intent to deceive or misrepresent the true position. This includes unauthorised access and viewing of computerised records (see Information Systems Security Regulations);

- (c) destroy or mutilate any document or record for malicious purposes or without sufficient cause;
- (d) fail properly to account for, or make a prompt, accurate and complete return of, any money or property which is received in the course of the employee's duties, incur cash shortages or fail to pay in cash at the correct time, or in any way fail to comply with the Council's financial regulations;
- (e) make an obscene, or any other unauthorised comment on any sheet, document, or any other manual or electronic record.
- (f) make a defamatory remark or statement in reports, correspondence, internal correspondence, or electronic communications within the Council or with external persons or organisations

*Care of Tools, Materials, etc*

- 11. Employees are required to take due care of all stores, materials, tools, plant, equipment and vehicles and any other property of, or under the control of, the Council. The employee must report to the supervisor any loss, defect or damage to any such property which has been issued to or used by him/her, or where care has been entrusted.
- 12. An employee shall not:
  - (a) remove property from offices, stores, depots or other locations without prior authorisation. This includes any items or materials collected or deposited for disposal by the Council;
  - (b) use or allow others to use any such items without prior authorisation;
  - (c) use any such items for unauthorised purposes;
  - (d) wilfully, or by neglect, cause any waste, loss or damage;
  - (e) misuse the Council's telephone, radio or electronic systems, including the use of mobile telephones, postal system, facsimile system or personal computers;
  - (f) use a computer diskette, tape or CD ROM or downloaded file from any source on a Council personal computer without first having it virus checked by the Information Services Business Unit;
  - (g) use the Council's photocopiers, telex or fax machines, electronic mail system, computers or other equipment and materials for private purposes, without the permission of the Manager.

*Alcohol, Drugs and other Substances*

- 13. An employee shall not through the use of intoxicating substances, for example, alcoholic drink or drugs, either report for duty unfit, or become unfit for the duties that he/she is required, or likely, to perform.

14. Employees may be prohibited from consuming alcohol or taking drugs illegally before reporting for, or during, periods of duty, by specific management instruction or regulation.

#### **NOTES**

- i) Employees who, due to a medical condition, are prescribed drugs that may affect their performance at work should bring this to the notice of their manager.
- ii) The Council proposes to develop an Alcohol, Drugs and Substance Abuse Policy designed to assist employees who experience problems through the use or misuse of alcohol, drugs or other substances.

#### *Political Neutrality*

15. Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.
16. Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.
17. Employees serve the Council as a whole. It follows they must serve all members and not just those of the controlling group(s), and must ensure that the individual rights of all members are respected.
18. Subject to the Council's conventions, employees may also be required to advise political groups. They must do so impartially in ways that do not compromise their political neutrality.
19. Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

#### **Confidentiality and Disclosure of Information**

20. Many employees have regular access to confidential information, (for example on Council tenants, clients, businesses, contractors, other employees, members and members of the public). All Council information should be treated as confidential unless the employee is sure that it is for public consumption. Employees must be aware of which information within the Council is open and which is not, and act accordingly. Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment. For guidance contact your line manager.

21. An employee must not communicate information or documents, which are the property or copyright of the Council, to a third party without proper authority.
22. An employee must not use, or attempt to use, his/her official position for an improper purpose or any information obtained in the course of his/her employment for personal gain or benefit, nor pass it on to others who might use it in such a way.
23. An employee must not use in a private capacity (for example in a public meeting) any information gained through employment with the Council that is not available to the public at large.
24. An employee must not make statements to the press or any other person/media, regarding the business of the Council and purporting to be acting on behalf of the Council without prior authority.
25. Any particular information received by an employee from a member which is personal to that member and does not belong to the Council should not be divulged by an employee without the prior approval of that member, except where such disclosure is required or sanctioned by the law.

#### **NOTES**

- i) In certain circumstances the disclosure of information could be regarded as Gross Misconduct (see Para 8).
- ii) See also the Council's Information Systems Security Regulations available on the Council's Intranet.

#### **Separation of Roles during Tendering**

26. Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness. Employees involved in tendering are required to comply with the Council's Standing Orders on Contracts, Financial Standard 3 and Part 4 of Standing Orders with respect to meetings.
27. Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
28. Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
29. Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager, register their intent in the Council's register of employee interests and withdraw from the contract awarding processes.
30. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them.

## **Outside Interests**

31. Whilst the Council does not wish to unreasonably prevent its employees from taking other paid employment or pursuing personal business interests, it is important that this should not interfere with their work for the Council in any way. If an employee has paid employment or business interests in addition to his/her job with the Council or is considering one/them, he/she should discuss it with his/her supervisor or manager. Employees will need the specific approval of their senior manager or Chief Officer and, for senior employees, it may not be allowed at all. All employees should be clear about their contractual obligations and should not take outside employment that conflicts with the Council's interests.
32. An employee who is a member of any organisation that is not open to the general public without formal membership and commitment of allegiance, and maintains secrecy about rules, membership, or conduct should tell his/her manager and register his/her membership in the Council's register of employee interests.
33. Employees, or their partners or relations, who have any formal or informal relationship with a contractor(s), and/or have previously had, or currently have, a private or domestic relationship with a contractor(s), must tell their manager and complete the Council's register of employee interests.
34. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager and declared in the Council's register of employee interests. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example friends, partners or relatives, in the tendering process. No part of the community should be discriminated against. Employees, who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager and complete the register of employee interests.
35. Where there is any potential conflict of interest, financial or otherwise, with any part of the Council's services, an employee must ensure that the outside interests are brought to the attention of their manager, and recorded in the Council's register of employee interests.
36. If the Council has entered, or is proposing to enter, into a contract in which the employee has knowledge of a direct or indirect pecuniary or personal interest, the employee must inform his/her manager and register the interest in the Council's register of employee interests.

## ***Sponsorship***

37. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

38. Where the Council wishes to sponsor any event or service no employee or his/her partner, spouse, relative or close associates should benefit directly without there being a full disclosure to the appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

### **Off-duty Hours**

39. Off-duty hours are the personal concern of employees but they shall not:
- (a) subordinate their duties to private interests;
  - (b) allow duties and private interests to conflict;
  - (c) engage in employment in off-duty hours or conduct themselves in any way which, in the view of the Council, could conflict with or react detrimentally to the Council's interest, in any way weaken public confidence in the conduct of the Council's business or contravene statutory provisions relating to their jobs;
  - (d) wear issued uniform during off-duty hours except when travelling to and from work, or when specifically authorised.

### **NOTE**

Where an employee is charged with a criminal offence that took place during off-duty hours, he/she must report the fact to his/her Chief Officer. The need for disciplinary action will be considered in the light of its relevance to his/her employment.

### **Examples of Gross Misconduct**

40. The following acts, **and offences of a like nature or a similar gravity**, are regarded as gross misconduct and any employee may, after careful investigation of the alleged offence, be summarily dismissed (ie without notice or previous warning) although any mitigating circumstances will be taken into account. The following rules are not considered to be comprehensive or exhaustive:
- (a) theft, or attempted theft, from the Council, or its employees, members or associates, or from premises being visited during the course of employment.
  - (b) unauthorised possession or use of the Council's property, or the property of its employees, members, the public and contractors. Criminal and/or malicious damage to or any other unlawful act which involves the property of the Council, its employees, members, the public, suppliers or contractors or associated associations.
  - (c) offences of a dishonest or fraudulent character, including failure to disclose material information, eg convictions, or knowingly making a false statement or omission when applying for an appointment, or falsification of records, time sheets, flexi sheets, time recording sheets, bonus sheets, expense

claim forms, car allowance claims, returns of ticket sales, drivers record books, etc.;

- (d) deliberate disregard of the Council's rules and financial regulations and general instructions concerning the collection, transfer, security and paying in of monies, the issue and receipt of tickets or receipts and the completion and submission of associated documents;
- (e) deliberate action or omission which endangers life or limb including deliberate damage to, or neglect of, or misappropriation of, safety equipment and any violations of safety rules and codes of practice which could give rise to serious consequences;
- (f) physical violence, actual or threatened;
- (g) sexual offences, deliberate sexual harassment or sexual misconduct at work;
- (h) racial offences, deliberate racial harassment or inciting racial hatred;
- (i) serious harassment of another employee;
- (j) consumption of alcohol or the taking of drugs or other substances in direct contravention of a specific management instruction or regulation, or being under the influence of alcohol or illegal drugs or intoxicating substances in circumstances where it could constitute a health and safety hazard or where it would be in breach of a position of responsibility and trust;
- (k) unauthorised disclosure of information which is treated as exempt or confidential under the Local Government Act 1972 or which may not be disclosed under the Data Protection Act 1984;
- (l) unauthorised disclosure of confidential and personal information including that, which may be of use to a competitor within any market testing or procurement situation;
- (m) serious breach of the Council's information systems security regulations (see Appendix 1);
- (n) omission or conduct liable to lead to serious loss of confidence in the public service;
- (o) without prior management agreement engage in other paid employment whilst receiving sick pay or other benefits from the Council during a period of sickness or unauthorised absence;
- (p) the use, or attempted use, of an employee's official position for an improper purpose, for his/her own private advantage or for the advantage of a third party, including without authorisation, accepting any fees, gifts, hospitality, favours or other reward (see Appendix 2);
- (q) a breach of the standards of behaviour detailed in the Council's code of conduct and disciplinary rules, where such a breach could bring the



employee and/or their role into disrepute; jeopardise open, efficient service delivery, and/or damage the image of the Council;

- (r) criminal offences and other conduct outside employment, whether on or off duty which affects the employee's suitability to perform his/her work, makes him/her liable to be unacceptable to other employees or management, or is liable to damage the Council's business and are such that the employees presence at work cannot be allowed;
- (s) failure to comply with the requirements of the Local Government Act 1972, which requires an employee or office holder to declare an interest where it comes to their knowledge that a contract in which he/she has any, either direct or indirect, pecuniary interest has been or is proposed to be entered into by the Council. Employees to whom this may apply must seek advice.

## **SECTION 5 - DISCIPLINARY PROCEDURE**

### **INTRODUCTION**

1. This procedure has been designed to provide a fair method of dealing with alleged breaches of disciplinary rules. It should not be viewed solely as a means of imposing sanctions but wherever appropriate to encourage improvement in conduct.
2. The procedure applies to all employees with the exception of the Chief Executive Officer (who is subject to a procedure laid down in the National Agreement drawn up by the Joint Negotiating Committees for Local Authorities' Chief Executives).
3. The procedure will be reviewed from time to time in the light of any developments in employment legislation or employee relations practice and, if necessary, revised in order to ensure its continuing relevance and effectiveness, after joint consultation.

### **DAY-TO-DAY SUPERVISION OF EMPLOYEES**

4. The day-to-day supervision of employees and monitoring of their conduct is part of the normal management process within the Council.
5. When a minor incident occurs and it is suspected that an employee has committed an act of misconduct, the employee shall normally be interviewed by the supervisor or manager (see Appendix 3), told of the incident and given the right to reply.
6. It is expected that in the majority of cases, the matter will be resolved at this stage by warning and instruction.
7. Where the employee's conduct or omission is considered to constitute a more serious breach of discipline, or where the employee has failed to respond to previous instructions, the matter shall be the subject of further consideration and investigation.
8. Where there is a suspected irregularity affecting the resources of the Council, the supervisor or manager should comply with the Council's financial regulations on the subject (Ref. Financial Standard 15 'Financial Irregularity' and the Financial Irregularity Procedures).
9. Where the supervisor or manager has reasonable grounds for believing that the incident is one of gross misconduct or believes there are grounds to doubt the suitability of the employee continuing at work, the employee must be suspended pending investigation, in accordance this procedure.

## **PRELIMINARY INVESTIGATION AND CONSIDERATION**

10. Any alleged breach of discipline which has not been, or is not appropriate to be, resolved by the day to day supervision of employees shall be fully investigated by, or under the direction of, a person designated for this purpose (see Appendix 3) and a representative from Personnel Services.
11. An investigatory meeting(s) shall be held with the employee, at which the employee has the right to be accompanied by a trade union representative or some other person of his/her choice. Appropriate notice of the meeting shall be given.
12. If, after careful consideration of all the information available, the person(s) investigating, in consultation with any other offices of the Council as appropriate, decides that the alleged breach of discipline should be the subject of a disciplinary hearing, arrangements shall be made for the disciplinary hearing to take place as soon as is practicable. The person conducting the hearing (see Appendix 3), must be accompanied by a representative from Personnel Services.
13. The employee shall be notified, in writing, of:
  - the date, time and place of the hearing;
  - the nature of the allegation(s) against him/her;
  - the right to be accompanied by a trade union representative or some other person of the employee's choice and the right to call witnesses and/or present documentary evidence at the hearing.

## **SUSPENSION PENDING INVESTIGATION**

14. Suspension from work, with pay, is not a disciplinary penalty but is intended to allow for a proper investigation.
15. If a designated manager:
  - (a) has reasonable grounds for believing that an alleged breach of discipline constitutes an act of gross misconduct; or
  - (b) believes that the investigation could be prejudiced by the continued presence at work of the employee;
  - (c) believes there are grounds, at any stage of the investigation to doubt the suitability of the employee continuing at work;

he/she must suspend the employee on full pay. In this context, full pay shall be the employee's normal holiday pay, calculated in accordance with national conditions of service as modified by local agreement.

16. His/her decision shall be confirmed in writing.

### **THE DISCIPLINARY HEARING**

17. In a case of an alleged breach of discipline other than gross misconduct, the hearing may be conducted by the manager or senior manager or other appropriate employee designated for this purpose (see Appendix 1) in conjunction with a representative from Personnel Services.
18. In a case of alleged gross misconduct or where an employee has persisted in acts of indiscipline or misconduct after a final written warning, the hearing shall be conducted by a senior manager, chief officer, Director or other person designated for this purpose (see Appendix 3) and the Head of Personnel and Development.
19. In the event of the authorised absence of the employee on the date of the disciplinary hearing as originally scheduled, the hearing shall be postponed and re-arranged within a reasonable timescale and where possible on a date agreed by all parties and all parties informed. If the employee is unable to attend the re-arranged hearing, a decision will be taken on whether to proceed in his/her absence, with his/her representative being provided with the opportunity to present the employee's case on his/her behalf. Any written submission by the employee or his/her representative will be considered.
20. Both parties may call witnesses employed by the Council, and present documents in support of their case. Any documents to be presented must normally be circulated 5 working days in advance of the hearing.
21. Witnesses not employed by the Council may also be called subject to their availability and willingness to attend the disciplinary hearing.
22. At the hearing, the events and circumstances of the alleged offence(s), shall be put to the employee. The employee or his/her representative will be allowed to question the witnesses at the hearing.
23. The employee or his/her representative shall be given an opportunity to state his/her case. Management will be allowed to question the employee and others giving evidence.
24. The person conducting the hearing and the Personnel Services representative may ask questions of any person(s) giving evidence.
25. If, after full and careful consideration of all the evidence, it is adjudged that the alleged breach of discipline is substantiated and that disciplinary action shall be taken, such action shall be determined in accordance with the principles and considerations set out in the following sections.
26. The employee shall be advised of the decision and rights of appeal in accordance with this procedure, at the conclusion of the hearing or as soon as practicable thereafter. In any event, the decision shall be conveyed within

seven working days. This will be by the issue of a disciplinary notice setting out the reasons except for recorded oral warnings that will just be confirmed in writing. The employee's representative shall be given a copy of the disciplinary notice or recorded oral warning issued.

## **DISCIPLINARY ACTION**

### **Basic Principles**

27. Disciplinary action shall be based upon the principles that:
- (a) A consistent, fair and effective approach is maintained.
  - (b) Wherever possible the primary aim is to effect an improvement in the conduct of the employee concerned.
  - (c) The action is appropriate to the seriousness of the offence(s), or, in certain cases, the frequency with which offences are committed.
  - (d) Full consideration is given to the employee's circumstances, length of service, past conduct, health or any domestic, personal or social factors that may be relevant.

### **Forms of Disciplinary Action**

28. This procedure provides that following a disciplinary hearing the following forms of disciplinary action or a combination of them, may be taken:
- recorded oral warning;
  - written warning, which in some circumstances may be a final written warning;
  - withholding or withdrawal of increments;
  - suspension with or without pay;
  - suspension of sick pay;
  - disciplinary transfer;
  - demotion;
  - dismissal with notice;
  - summary dismissal in cases of gross misconduct.

**Note:** It shall be open to the manager taking the decision to agree with the employee and his/her chosen representative the alternatives of withdrawal of increments, suspension without pay, disciplinary transfer and demotion as opposed to dismissal. In this context, disciplinary transfer or demotion is without salary protection. Transfer may be to a similar level job or a lower level job.

29. Disciplinary action as an alternative to dismissal would not exclude:
- the possibility of dismissal should further disciplinary action be necessary.
  - a warning or final written warning also being given.
30. It may also be appropriate in exceptional and extenuating circumstances, to take other measures. The employee shall be given a written explanation for any measure(s) imposed.

#### **Disciplinary Action in cases other than Gross Misconduct**

31. In a case where a number of minor breaches of discipline have occurred or, on the first occasion a more serious individual offence has taken place, then after a disciplinary hearing the employee shall be warned by the manager, senior manager or other officer designated for this purpose.
32. For minor offences, where an employee's conduct or behaviour does not meet acceptable standards, he/she will normally be given a formal oral warning. He/she will be advised of the reasons for this first warning and that it is the first stage of the disciplinary procedure. A brief note of the oral warning will be kept on the employee's personal file but it will be considered spent after six months, subject to satisfactory conduct and behaviour.
33. If, however, the breach of discipline is regarded as more serious or there are further instances of matters previously warned, then after a disciplinary hearing, the manager, senior manager or other designated employee shall issue a written warning. The disciplinary notice will set out the nature of the offence, the improvement required and the timescale. The warning will also detail the likely consequences of a further breach(es) of discipline which could be an offence of the same or a different nature and advise of the right of appeal.
34. A copy of the notice will be placed on the employee's personal file. It will be disregarded after two years subject to satisfactory conduct and behaviour.
35. If the unsatisfactory conduct or behaviour persists and previous written warning(s) has not been heeded or in those circumstances where the offence is so serious that, although the employee has not received any previous warnings, repetition would justify the dismissal of the employee, a final written warning shall be given. A disciplinary notice shall be issued by the manager or senior manager or other designated employee giving details of the complaint and appeal rights. It shall be emphasised that the warning is final and that any subsequent breach of discipline will lead to dismissal or some other appropriate form of disciplinary action.
36. A copy of the notice will be placed on the employee's personal file. It will be disregarded after two years subject to satisfactory conduct and behaviour.

37. If after a final written warning an employee persists in acts of indiscipline or misconduct the final written warning shall be enacted subject to a disciplinary hearing and any mitigating circumstances being considered. This action shall be confirmed in writing, by the issue of a disciplinary notice, which will include appeal rights.

#### **Disciplinary Action in Cases of Gross Misconduct**

38. If the senior manager, Chief Officer, Director or other employee designated to conduct the hearing, is satisfied that the employee has committed an act of gross misconduct, (see code of conduct and disciplinary rules, section 9) he/she shall, subject to consideration of any mitigating circumstances, summarily dismiss the employee (i.e. without notice).
39. The decision shall be confirmed in writing by the issue of a disciplinary notice, which will include appeal rights.

#### **Disciplinary Action against Trade Union Representative**

40. Although normal disciplinary standards apply to their conduct as employees, no disciplinary action shall be taken against Trade Union Representative until the circumstances of the cases have been discussed with a full-time official of the Union concerned.
41. This does not prejudice management's right to suspend the employee on full pay pending investigation if it is considered appropriate, in accordance with Section D of this procedure.

### **APPEALS**

#### **42. Right of Appeal**

An employee has the right of appeal against any disciplinary action. This right together with the procedure to be followed to initiate the appeal shall be set out in the disciplinary notice.

#### **43. Originating the Appeal**

- (a) an appeal must be lodged in writing within five working days of the receipt of a disciplinary notice, using the appeal form available for this purpose. The appeal form should state the specific reasons for the appeal and whether the appeal is against:-
- (b) the finding that the employee committed or was involved in the offence; and/or
- (c) the form of disciplinary action taken against him/her.

### **Appeal Against Disciplinary Transfer or Dismissal**

44. The Appeals Panel shall hear appeals. The appeal hearing will normally be arranged to take place with the employee, and, where applicable, his/her representative, within 6 weeks of the receipt of the appeal and the employee shall be given notice at least five working days in advance of the date, time and place.
45. The Appeals Panels will consist of up to three members with designated deputies, and shall be a sub-committee of the Policy and Resources Committee. It is considered appropriate that the members of the panel should be drawn from the membership of the Management Board. The Appeals Panel shall not hear an appeal unless the three members (or their deputies) are present throughout. The Chief Corporate Policy Officer or nominated representative (not previously involved in the case) will be present to advise members.

### **Appeals Against other forms of Disciplinary Action**

46. Appeals shall be heard by a manager at a more senior level than the manager who took the disciplinary action (see Appendix 3).
47. Within 1 month of the receipt of an appeal, the Director/Chief Officer, or other senior officer specifically designated for the purpose, shall arrange for and hold an appeal hearing, with the employee and where applicable his/her representative.

### **The Appeal Hearing**

48. The parties shall be advised of the procedure to be adopted at the appeal hearing (see Appendix 4).
49. The procedure shall provide an opportunity for management to present, as appropriate, an account of the events and circumstances of the alleged breach(es) of discipline, the investigations undertaken, the statements made and the decisions reached at the disciplinary hearing.
50. The employee and/or his/her representative shall also be given an opportunity to state his/her case.
51. Both parties may call witnesses, present documents in support of their case and can question the evidence presented. Witnesses not employed by the Council may also be called subject to their availability and willingness to attend the disciplinary hearing. Any documents to be presented must be circulated in advance of the hearing.
52. The officer/Committee hearing the appeal must be accompanied by the Director of Regulatory and Democratic Services or his/her representative as an adviser.



53. Unless varied by mutual agreement the detailed procedure for any appeal hearing is that set out in Appendix 4.

### **Appeal Decision**

54. The appeal decision shall be given at the conclusion of the hearing or as soon as practicable thereafter. Under normal circumstances the decision will be given orally at the conclusion of the hearing, but if this is not possible then the employee will be given an explanation of the reason(s). In any event the appeal decision shall be given or confirmed in writing within five working days.
55. The person or Appeals Panel hearing the appeal has the power to remove, decrease or confirm the penalty imposed at the disciplinary hearing.
56. Where an appeal decision confirms a dismissal, the date of dismissal will be the date originally notified to the employee, providing that notification complies with employment legislation. There will be no liability to pay the employee for the period between the dismissal and the disposal of the Appeal.

### **DISCIPLINARY RECORDS**

57. Any record of disciplinary action taken against an employee shall be carefully safeguarded and treated as confidential.
58. Except in special circumstances or in the case of recorded oral warnings (6 months), disciplinary action will be disregarded after two years if the employee's work and conduct had been completely acceptable. Where the circumstances warrant it the disciplinary notice may direct that a warning is effective for a longer period but disciplinary notices will not be "open ended".

### **AMENDMENT TO TIME LIMITS**

59. The parties involved in a particular disciplinary matter may, on occasion and by mutual agreement, modify the time limits referred to in this procedure.

## **SECTION 6 - PERFORMANCE INDICATORS**

1. The management of breaches of discipline is being conducted effectively when:
  - (a) the disciplinary procedure is consistent with statutory requirements and the nature and needs of the business and management processes of the Council;
  - (b) the rules and procedures have been produced and brought to the attention of every employee;
  - (c) the procedure clearly states the employees who are designated as having authority to implement the disciplinary process, including dismissals;
  - (d) designated managers/supervisors are competent in the exercise of their authority under the procedure;
  - (e) all supervisors and managers handle the informal aspects of discipline with a view to improving unsatisfactory conduct and, wherever practicable, adopt a counselling approach in the first instance;
  - (f) employees are suspended on full pay only when it is judged necessary to ensure a thorough investigation, prevent further misconduct, or allow a “cooling-off” period where appropriate;
  - (g) full and accurate records are kept of all formal disciplinary investigations and hearings and absolute confidentiality maintained at all times;
  - (h) dismissal without previous warnings and without notice is only affected in cases of gross misconduct, when professional advice has been sought before implementation;
  - (i) disciplinary decisions are notified to employees in writing within the specified timescale, giving reasons and drawing attention to appeal rights (other than recorded oral warnings);
  - (j) appeals are heard by designated officers/elected members who have not been directly involved in earlier stages of the disciplinary process;
  - (k) cases of unsatisfactory performance due to incapability (including ill-health), or basic unsuitability for the work involved and cases involving frequent or lengthy periods of genuine incapacity due to ill-health are dealt with outside the disciplinary process.

### **Methods of Monitoring**

2. Existence of a published disciplinary procedure.
3. Compliance of the procedures with statutory and case law principles.
4. Attendance as an observer at disciplinary and appeals hearings.

- 5.** Records of disciplinary investigations and hearings.
- 6.** Incidents, i.e. number and frequency of dismissals analysed by reasons.
- 7.** Copies of warning letters and dismissal notices.
- 8.** Outcome of Appeals Hearings.
- 9.** Incidents of Industrial Tribunal cases and outcomes.
- 10.** Incidents of out-of-court settlements, and sums involved.

### INFORMATION SYSTEMS SECURITY REGULATIONS - DISCIPLINARY GUIDELINES

Under the Data Protection Act, there are significant controls on computer based systems which hold information about people, and on the way that information is used. Amongst other things, all such systems have to be legally registered. The development of small and powerful computers means that it is possible for an individual employee to set up a computer system that might contravene the law.

Employees, who are considering setting up a system that includes data relating to identifiable individuals, must consult a senior manager who must take advice from the Council's Data Protection Officer.

Under the Council's Information Technology Security Policy the following are considered a disciplinary offence and potentially Gross Misconduct (see Section 9 of the Council's Code of Conduct and Disciplinary Rules):

Misuse of the Council's computer systems or breach of the Data Protection Act 1984 or breach of other statutory provisions or regulations prohibiting disclosure of controlled data, whether stored on paper or electronically including as follows:

- the deliberate manipulation of information, entry of false information and unauthorised disclosure of confidential information as per the Data Protection Act 1984 or other statutory provisions or regulations;
- unauthorised access via a computer to computer facilities e.g. Internet;
- unauthorised access with criminal intent and amendment or damage to data as per the Computer Misuse Act 1990;
- tampering with the operation of computer systems;
- making or using unauthorised copies of computer software, or breach of the Council's software copyright agreement;
- unauthorised use of E-Mail systems (internal or external) or passwords etc;
- unauthorised playing of computer games or use of computer;
- sending, deliberately attempting to receive or storing pornographic, indecent or similar material which is likely to cause offence or any material which harasses any other employee or third party on any basis;
- making indecent remarks, proposals or other comments by email which might defame the council or any third party;
- unauthorised use of the Internet to obtain, access, and/or transfer information and/or material other than for legitimate council purposes;
- unauthorised loading of software or running of demonstration disks;

- setting up or using any unregistered database;
- gambling, conducting illegal activities or soliciting for personal profit by email.

**NOTE.** The Data Protection Act 1984 specifies that **ALL** databases containing personal details must be registered with the Data Protection Registrar and thereafter used as registered. No database may be set up by an employee without first contacting the Data Protection Officer for the Council. Use of an unregistered database is a criminal offence under the Data Protection Act 1984.

## **GIFTS OR HOSPITALITY – DISCIPLINARY GUIDELINES**

The Council provides a wide range of services. To do this it has to place large orders with suppliers for materials and equipment, and contractors. In spending public money it is essential that the Council be seen to be scrupulously correct and fair in its dealings. If an employee is involved in contract tendering **in any way** he/she must speak to his/her manager about the rules and procedures related to these activities.

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

Employees must not accept any cash offered to them. Employees must treat with caution gifts, favours or hospitality offered to them personally as individuals. Employees are advised to courteously but firmly refuse any gift or hospitality worth more than £20.

If such an offer is made, the employee must enquire the reason and to how many people the offer is being made. Invitations given formally to or through the Council may be more acceptable than invitations given personally. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. Hospitality must only be accepted when it is properly authorised by the employee's manager and registered in the Council's register of employee interests held by Personnel Services.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

When hospitality has to be declined the offer or should be courteously but firmly informed of the procedures and standards operating within the Council.

Offers of gifts should be made to the Council, for the purposes of its functions or for the benefit of the Council's area, and not to individuals. Employees should not accept significant personal gifts from contractors and outside suppliers, although they may keep insignificant items of token value such as pens, diaries, folders etc. Everything below £20 in value, with the exception of smaller work-related items such as calendars and desk diaries, must be registered in the Council's register of employee interests held by Personnel Services and reported by the employee to his/her manager.

If an employee is unable to refuse a gift or hospitality worth over £20, the details must be recorded in the register and must be brought to the attention of his/her manager. The

Manager will consider if it is appropriate to donate the gift or hospitality to the Mayor's charity a gift may appear to be innocent, but may place the employee in a position where their impartiality is brought into question or the giver expects a favour in return. Visits to exhibitions, demonstrations and conferences should be authorised, in advance, by the employee's manager.

Broadly, acceptance of hospitality in the following circumstances would be approved:

- attendance at a general demonstration of office or other equipment;
- attendance at ceremonies associated with the opening of buildings;
- attendance at dinners or functions organised by societies or other bodies, and in some cases by contractors or associations of contractors.

In all such cases travelling expenses and the cost of overnight accommodation should be borne by the employee, and if approved by the line manager, re-charged to the Council.

Where an outside organisation wishes to sponsor a Council activity, the same conventions apply concerning acceptance of gifts or hospitality.

Apart from participating in concessionary schemes arranged by trade unions or other groups for their members, employees should not use contractors employed by the Council to get materials or work done at cost, trade or discount prices.

Ultimately, improper behaviour may not just be a disciplinary matter, it could be a criminal offence.

**LEVELS OF MANAGEMENT AUTHORISED TO ACT  
UNDER THE DISCIPLINARY PROCEDURE**

**Day to day supervision**

1. In the initial stages of the procedure action will normally be taken by an employee's immediate supervisor or manager. In the case of a senior manager, this would be a Director, Chief Officer or the Chief Executive Officer.

**Investigations**

2. In most cases a manager or supervisor will be designated to undertake formal investigations, however where the circumstances implicate a Director or Chief Officer, the Chief Executive Officer or his/her nominated representative shall investigate the circumstances. In some cases it may be appropriate to set up a sub-committee of three Members to undertake the investigation.

**Disciplinary Hearings**

3. In most cases managers and senior managers may be delegated to hold disciplinary hearings. However, where a final written warning exists or where the allegations could be construed as gross misconduct and could lead to dismissal, a senior manager, Chief Officer or Director shall hear the case.
4. In cases where the allegations are against a Chief Officer or Director, a disciplinary sub-committee of three Members shall hear the case. These Members should not have taken part in any investigation.

**Appeal Hearings**

5. The appeal shall be heard by a manager at a higher level than the manager who took the disciplinary action.
6. The appeal of an employee against dismissal shall be heard by an Appeals Panel. An Appeals Panel shall normally consist of three Members.
7. Appeals by a Chief Officer or Director will be heard by a "senior appeals" panel of three Members who have taken no part in the earlier investigation/disciplinary hearing.





**LOWEST LEVEL OF MANAGEMENT AUTHORISED TO ACT UNDER THE DISCIPLINARY PROCEDURE**

<b>EMPLOYEE/ GROUP</b>	<b>FORMAL ORAL WARNING</b>	<b>WRITTEN WARNING</b>	<b>FINAL WRITTEN</b>	<b>DISMISSAL (INC ACTION SHORT OF)</b>	<b>OFFICER APPEAL</b>	<b>DISMISSAL APPEAL</b>
Director/Chief Officer	Disciplinary Sub-Committee of 3 members				Senior Appeals Panel of 3 members	Independent Senior Appeals Panel of 3 members
Senior Manager reporting direct to a Director or Chief Officer	Director/ Chief Officer	Director/ Chief Officer	Director/ Chief Officer	Director/ Chief Officer	Independent Director/ Chief Officer	Appeals Panel
Employees reporting direct to a Senior Manager	Senior Manager	Senior Manager	Senior Manager	Director/ Chief Officer	Independent Director/ Chief Officer	Appeals Panel
Other employees including Chief Executive's/ Director's/Chief Officer's Secretary/ Personal Assistant	Supervisor/ Line Manager	Supervisor/ Line Manager	Senior Manager	Senior Manager	Director/ Chief Officer	Appeals Panel

**PROCEDURE AT DISCIPLINARY APPEAL**

Note: At the commencement of the hearing the Chairman may clarify the reason for the appeal and the remedy sought.

- (a) The management representative(s) shall put the case in the presence of the appellant and his/her representative and may call witnesses.
- (b) The appellant (or his/her representative) shall have the opportunity to ask questions of the management representative(s) on the evidence given by him/her, and any witnesses whom he/she may call.
- (c) The manager(s)/Committee hearing the appeal may ask questions of the management representative(s) and witnesses.
- (d) The appellant (or his/her representative) shall put his/her case in the presence of the management representative(s) and shall call such witnesses as he/she wishes.
- (e) The management representative(s) shall have the opportunity to ask questions of the appellant and his/her witnesses.
- (f) The manager(s)/Committee hearing the appeal may ask questions of the appellant and his/her witnesses.
- (g) The management representative(s) and the appellant (or his/her representative) shall have the opportunity to sum up their case if they so wish.
- (h) The management representative(s) and the appellant and his/her representative and witnesses shall withdraw.
- (i) The manager(s)/Committee hearing the appeal shall, together with the Personnel adviser, deliberate in private.

In the event of uncertainty concerning evidence already given, both parties will be recalled, regardless of the fact that the point in question relates only to the evidence of one of the parties.

- (j) The decision of the Panel should, whenever possible, be announced to both parties at the conclusion of the hearing.
- (k) The decision will be confirmed in writing by the Director of Regulatory and Democratic Services or his/her representative within seven working days giving reasons for the decision.