

Hesket Parish Council

DISCIPLINARY POLICY

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DISCIPLINARY POLICY

Adopted by Full Council on 13th January 2026

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This policy sets out the standards of conduct expected from all employees of the Council and the process for dealing with allegations of misconduct or poor performance. It is based on the principles of fairness, consistency and transparency in line with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

1. Purpose and Scope

This procedure applies to all employees of the Council. It provides a clear framework for addressing disciplinary issues and aims to promote good conduct and performance. The objective is to encourage improvement where necessary, not simply to impose sanctions.

2. Principles

Issues of minor misconduct or unsatisfactory performance will normally be dealt with informally.

No formal disciplinary action will be taken until the case has been properly investigated.

Employees will be informed in writing of any allegations and given the opportunity to respond before any decision is made.

Employees have the right to be accompanied by a trade union or other representative at any formal disciplinary hearing.

Decisions will be made impartially and based on evidence.

Employees will have the right to appeal against any formal disciplinary action.

Confidential records of all proceedings will be kept in accordance with data protection law.

3. Definitions

Misconduct refers to behaviour or conduct below the standards expected by the Council, such as breaches of policy, timekeeping, unauthorised absence, or failure to follow reasonable management instructions.

Gross Misconduct refers to behaviour so serious that it fundamentally breaches the employment contract and justifies summary dismissal. Examples include (but are not limited to):

Theft, fraud or deliberate falsification of records

- Physical violence or assault
- Serious insubordination
- Harassment, bullying or discrimination
- Serious breaches of health and safety rules

- Deliberate damage to Council property
- Disclosure of confidential or sensitive information without authorisation
- Unauthorised use or misuse of Council systems or data

4. Procedure

4.1 Investigation

When potential misconduct is identified, the Council will appoint an investigating officer to establish the facts. This may include interviews with the employee and any witnesses, and collection of relevant evidence.

Suspension on full pay may be considered where necessary, for example where there is a risk to the integrity of the investigation or to other employees. Suspension will only be used where appropriate and will not be regarded as disciplinary action.

4.2 Notification of Disciplinary Hearing

If, following investigation, there is a case to answer, the employee will be invited in writing to a disciplinary hearing. The letter will include:

- The nature of the alleged misconduct
- The evidence supporting the allegation
- The time, date and place of the hearing
- The possible outcomes
- The right to be accompanied

Employees will normally be given at least 48 hours' notice to prepare for the hearing.

4.3 Disciplinary Hearing

The hearing will be chaired by a Councillor who has not been involved in the investigation where practicable. The hearing panel will consist of two Councillors and one independent observer. The employee will have the opportunity to:

- State their case
- Present evidence
- Call witnesses
- Respond to the allegations

The chairperson may adjourn the hearing if further investigation is required before a decision can be made.

4.4 Decision and Outcome

After the hearing, the manager will decide whether disciplinary action is justified. The outcome will be confirmed in writing and will include:

- The decision and reasons
- Any disciplinary sanction to be applied
- Any required improvement and timescale
- The period during which the warning will remain active
- The right of appeal

4.5 Disciplinary Sanctions

Depending on the seriousness of the misconduct, one of the following sanctions may be applied:

- Verbal Warning – for minor misconduct.
- First Written Warning – where the matter is more serious or where there has been a further incident following informal action.
- Final Written Warning – for serious misconduct or where there is a failure to improve after a previous warning.
- Dismissal – with notice, or summary dismissal without notice in cases of gross misconduct.

Each warning will specify how long it will remain active (normally six to twelve months for a written warning, and up to two years for a final warning).

4.6 Appeals

Employees have the right to appeal against any formal disciplinary decision. Appeals must be submitted in writing within 10 working days of receiving the decision letter.

The appeal will be heard by a Councillor not previously involved in the case. The appeal hearing will consider whether the decision was fair, reasonable and consistent with this procedure. The outcome of the appeal will be confirmed in writing and will be final.

4.7 Gross Misconduct

Acts of gross misconduct are those so serious that they may justify dismissal without notice or payment in lieu of notice (summary dismissal).

Where an allegation of gross misconduct arises, the full disciplinary procedure set out above will still be followed to ensure a fair process.

If, after investigation and hearing, the allegation is substantiated, the employee may be summarily dismissed. Examples of gross misconduct are listed in Section 3, but the list is not exhaustive. The Council reserves the right to treat other serious offences as gross misconduct where appropriate.

5. Record Keeping

Written records will be kept of all investigations, hearings, decisions and appeals. These records will be treated as confidential and held in accordance with data protection legislation.

Warnings will normally remain active for the period stated in the decision letter and will then be disregarded for future disciplinary purposes unless further misconduct occurs.

6. Review of the Procedure

This disciplinary procedure will be reviewed regularly to ensure compliance with employment law and ACAS guidance. Any updates or amendments will be communicated to all employees.