

WARWICK DISTRICT COUNCIL - DISCIPLINARY PROCEDURE

1. INTRODUCTION

- 1.1 The purpose of the Warwick District Council Disciplinary Procedure is to help and encourage all employees achieve and maintain acceptable standards of conduct, attendance and performance. The procedure aims to ensure consistent and fair treatment for all employees.
- 1.2 Those employees who can not, rather than will not, carry out their duties to an acceptable standard will be dealt with in accordance with the Poor Performance at Work Procedure.

2. SCOPE

- 2.1 All permanent employees of Warwick District Council, *subject to NJC Conditions of Service for Local Government Services and JNC for Local Authority Craft* and Associated Employees are within the scope of this procedure. *Heads of Business Units and employees covered by the JNC for Chief Officers of Local Authorities are subject to the JNC for Chief Officers procedure.* The procedure does not apply to notice given:
 - i. on termination of a fixed term contract;
 - ii. in the event of redundancy
 - iii. where less than six months probationary service has been completed and dismissal arises from unsuitability for confirmation of employment.

3. PRINCIPLES

- 3.1 All disciplinary issues should be dealt with as quickly as is practicable.
- 3.2 No disciplinary action will be taken against an employee until the case has been fully investigated. *Signed* statements should be taken and facts established as soon as possible.
- 3.3 All employees will be given the opportunity to be represented/accompanied by either a trade union representative or work colleague at all stages of the investigatory and disciplinary procedure. *The person accompanying will be allowed to confer with the employee and address the hearing but not answer questions on the employee's behalf.*
- 3.4 *If the employee's representative is unable to attend the hearing it may be postponed by up to 5 days by the employee.*
- 3.4 During both investigatory and disciplinary hearings an employee must be given ample opportunity to present and support his/her version of events.
- 3.5 Before deciding whether a disciplinary *action* is appropriate the employee's general service and disciplinary record should be considered. The action proposed is intended to encourage an improvement in performance/conduct. **In some situations counselling may be a more satisfactory method of resolving problems rather than a disciplinary warning.**
- 3.6 No action beyond a verbal warning will be taken against a trade union representative until the circumstances of the case have been discussed with a

branch or full-time official.

- 3.7 The disciplinary procedure may be started at any stage depending on the severity of the indiscipline.
- 3.8 The employee should be in no doubt as to the nature of the disciplinary action taken, the improvement expected and the consequences of further misconduct or unsatisfactory performance.
- 3.9 The lifetime of a warning issued is normally six months, however this may be extended for serious *or repeated* breaches of discipline, or when a previous warning for an offence of a similar or different nature has been issued and is still current. After the lifetime of the warning has expired it will be disregarded for disciplinary purposes, although a copy will be kept on file.
- 3.10 Disciplinary action taken will normally comprise a warning that further proven misconduct of a similar or different nature will result in further disciplinary action being taken. However, in certain circumstances other sanctions may also be included, such as redeployment or demotion.
- 3.11 *A dismissal cannot take place without reference to the Head of Unit or a senior manager and first taking personnel advice.*
- 3.12 *The Legal Unit must be informed prior to a dismissal taking place.*
- 3.13 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.
- 3.14 Dismissal for gross misconduct without warnings or notice will only be for very serious offences and will occur after a normal disciplinary investigation and interview.
- 3.15 Employees have the right of appeal in accordance with the Council's Disciplinary Appeals Procedure against disciplinary warnings issued.

4. **THE PROCEDURE**

Minor incidents are dealt with as part of the normal day-to-day working relationship between supervisor and subordinate, this may result in an informal verbal warning. Where the matter is *considered* more serious the following procedure will apply:

4.1 **STAGE 1 - VERBAL WARNING**

Following an investigation if conduct or performance does not meet acceptable standards the employee will normally be given a verbal warning.

4.2 **STAGE 2 - WRITTEN WARNING**

Following an investigation a written warning will be issued in the case of serious misconduct or when previous verbal warnings for offences of a similar or different nature have been issued and conduct or performance is still unsatisfactory.

4.3 **STAGE 3 - FINAL WRITTEN WARNING**

Following an investigation a final written warning will be issued in the case of more serious misconduct or when previous warnings for offences of a similar or different nature have been issued and conduct or performance is still unsatisfactory.

Any final written warning should contain a clear statement that further misconduct may lead to dismissal.

4.4 **STAGE 4 - DISMISSAL**

If the previous stages have been observed, following an investigation, further misconduct will result in dismissal. A three stage procedure is recommended before dismissal namely: verbal warning, first written warning and final written warning.

This does not mean that three warnings must be given before dismissal is considered. There may be occasions where depending on the seriousness of the misconduct, it will be appropriate to start the procedure at stage 2 or 3.

Except in cases of summary dismissal following gross misconduct an employee is entitled to be paid in lieu of the appropriate period of notice as laid down in their conditions of employment.

5. **SUMMARY DISMISSAL -GROSS MISCONDUCT**

- 5.1 A dismissal for gross misconduct should only take place after the normal investigation to establish all facts. In most cases the employee should be suspended on full pay, pending and during the investigation.

6. **CONFIRMATION OF ACTION TAKEN AND RIGHT OF APPEAL**

- 6.1 Except in the event of an informal verbal warning, details of the disciplinary action will be confirmed in writing to the employee. This will include setting out the nature of the offence and the likely consequences of further offences, together with the right of appeal in accordance with the Council's Disciplinary Appeals Procedure.