

RENFREWSHIRE VALUATION JOINT BOARD



GUIDE TO DISCIPLINARY PROCEDURES FOR LOCAL GOVERNMENT EMPLOYEES HR3

Practical advice and guidance for Managers/Supervisors
who are responsible for disciplinary procedures

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1. INTRODUCTION

- 1.1 This handbook is intended to complement Renfrewshire Valuation Joint Board's Disciplinary Procedures.
- 1.2 The handbook, in line with guidance from ACAS on good practice in disciplinary matters, provides practical advice and guidance to Managers/Supervisors involved in the application of disciplinary procedures for Local Government Employees and should be used in conjunction with the formal disciplinary procedures held on the Board's document management system.
- 1.3 The procedures comply with the statutory dismissal and disciplinary procedures set out in the Employment Act 2008 and follow guidance in the ACAS Code of Practice effective from 11 March 2015. Managers need to be aware that, if a competent claim is made to an Employment Tribunal and there has been a failure to comply with the statutory procedure and/or to act reasonably, the dismissal will automatically be ruled unfair. The statutory procedure, which represents a minimum standard, is summarised in Appendix 14.4.
- 1.4 All disciplinary matters must be treated with the utmost confidentiality and any Manager/Supervisor uncertain as to the application of any aspect of the policy or advice contained within this booklet should in the first instance seek guidance from the departmental personnel practitioner.
- 1.5 Managers/Supervisors may also require appropriate training in the implementation of the Disciplinary Procedure to augment the guidance contained in this document. Details of training courses and other training opportunities are available from the Board's personnel practitioner.

2. GENERAL

- 2.1 Disciplinary procedures are designed to ensure compliance with the rules and regulations of the Board and the achievement of effective standards of conduct for all employees. This applies not only to an employee's job within the Joint Board, but in the wider context of behavior generally expected of a public service employee as explained in detail in the Code of Conduct for Employees which is issued with an employee's contract and is also available from the Board's personnel practitioner.
- 2.2 The procedures provide a method of encouraging improved performance where necessary rather than just as a way of imposing a punishment.
- 2.3 Any disciplinary action taken must be **fair, equitable and consistent**. It is essential that the agreed formal disciplinary procedures are followed at all times, as failure to adhere to the procedures or act reasonably, may render any action subsequently taken against an employee unfair, if for example an employee were to take his/her case to an Employment Tribunal. In the case of a dismissal, the action would be automatically unfair if the statutory procedures have not been followed.

- 2.3 At all times throughout the disciplinary procedure, an employee has the **right to be accompanied**, if he/she so wishes, by a trade union representative or other appropriate person and must be informed of this right. A sentence to this effect should be included in the letter calling an employee to a disciplinary hearing. (Sample letter 13.3 refers.)
- 2.4 The **types of misconduct** occurring will be many and varied and it is virtually impossible to specify at what stage the disciplinary procedures should be implemented. If any difficulties arise in assessing the situation, advice should be sought initially from the Board's personnel practitioner.
- 2.5 If **sickness** intervenes during an investigation under the disciplinary procedures, the line manager/management should consider the nature and anticipated length of the absence and the nature of the matter under investigation.

Although an employee may be unfit to attend work, he/she may, depending on the nature of the illness, be able to attend a disciplinary hearing. In some cases it may be appropriate to seek advice from Renfrewshire Council's Occupational Health Service, especially where the absence is likely to be prolonged. Management should then discuss the matter with Renfrewshire Council's Head of Human Resources (HR) to consider the options. In certain circumstances it may be necessary to proceed to a disciplinary hearing in the employee's absence, in others it may be appropriate to hold the matter in abeyance pending the employee's return to work.

- 2.6 Managers should bear in mind the requirements of the **Disability Discrimination Act 1995** to make reasonable adjustments where necessary to cater for any employee with a disability.

3. INITIAL FACT- FINDING AND INVESTIGATIONS

- 3.1 Investigations into an incident concerning an employee's alleged indiscipline, misconduct or poor performance, should be conducted as soon after the incident as is possible to allow management to establish **quickly** whether or not disciplinary procedures should be invoked. As fact-finding investigations can lower staff morale within a workplace, it is essential that such matters are carried out without unnecessary delays and the employees concerned should be kept informed of progress in the matter.
- 3.2 All the facts must be thoroughly checked before a decision can be made as to whether to proceed to a disciplinary interview. The nature and seriousness of the incident, whether there are any witnesses, details of the employee's work experience, length of service etc. should all be checked. It is important also to ensure that training has been given, that it has been effective and that the employee is aware of correct procedures, systems of work and required standards. Consideration should also be given to the possibility of any special or mitigating circumstances which may account for, or have contributed to, the employee's behaviour.
- 3.3 To clarify these issues the investigating officer may wish to meet with the employee. Prior to any such meeting, the employee should be made aware of the allegations and it should be made clear to the employee that the meeting is for the purposes of fact finding only and is not a disciplinary hearing. Although

the employee has no **right** to be accompanied/represented at this stage as the interview is not part of any disciplinary proceedings, he/she may be accompanied if this is requested.

3.4 **Informal Action**

- 3.4.1 In many situations, informal action/ counselling can be more appropriate than formal disciplinary action. This is often the initial stage where the alleged misconduct is not of a serious nature or where it is the first occasion of such behaviour to have arisen.
- 3.4.2 A counselling session should take the form of a discussion between the manager and the employee with the objective of encouraging and helping the employee to improve, by pointing out any shortcomings in performance or conduct. The provision of additional training, coaching, advice or support may be needed. There may have been a change in the employee's personal circumstances which have caused the problem and which the manager can perhaps resolve via discussion, and agreement.
- 3.4.3 If it becomes evident that there is no case to answer then this should be made clear to the employee. Otherwise, it must be made clear to the employee exactly what improvement is required and over what period and that no improvement may result in formal disciplinary procedures being invoked.
- 3.4.4 Any counselling session should be noted on file for reference.

3.5 **Formal Action**

- 3.5.1 If, in the course of informal discussions, a manager decides that an employee's performance, actions or conduct **are** more serious than the informal meeting should be adjourned. The employee should be told that the matter will continue under the formal disciplinary procedures and that he/she will have the right to be accompanied by a trade union official or other person of his/her choice who will act as a witness to the proceedings.
- 3.5.2 In some cases, where for example investigations may be a simple matter of checking days on which an employee was working or checking time sheets, etc, and the evidence is conclusive and undisputed, there may be no requirement for an investigatory meeting with the employee and it will be appropriate to go straight to a disciplinary hearing.
- 3.5.3 If the matter concerns possible theft or fraud, it may be necessary to request a full investigation by Internal Audit in accordance with the Defalcation Procedures.
- 3.5.4 An "Incident Report Form/Record Sheet" (PER/DCP/1/98 - Appendix 14.1) should be completed in respect of the employee's details, previous unexpired disciplinary record and details of the incident.

3.6 Suspension on Full Pay During Investigations

- 3.6.1 In certain circumstances, where there appears to be serious misconduct, relationships have broken down or there may be a risk to Board property or other people, it may be necessary to remove the employee from duty totally. In such circumstances, a brief period of suspension with full pay pending the outcome of investigations into the matter should be considered. It should be made clear that such a suspension is not considered as disciplinary action.
- 3.6.2 Where the total removal from duty is not identified as an absolute requirement, other options such as redeployment to other duties (which may be different duties) or relocation to another workplace on the same or different duties should be considered.
- 3.6.3 The decision to suspend on full pay or redeploy to other duties must be confirmed in writing to the employee. The duration of the suspension must be detailed and any extension must also be notified to the employee in writing. In addition, the Head of HR for Renfrewshire Council must be notified.
- 3.6.4 Employees who have been suspended on full pay must be available for recall to work at any time during their normal working hours. Accordingly any employee suspended on full pay who falls ill during the period of suspension must report this to his/her supervisor in the normal manner supported by the appropriate self certification/medical certificates.
- 3.6.5 If an employee, suspended on full pay, wishes to go away on leave during the period of the suspension he/she must seek the approval of his/her supervisor to take leave in the normal manner.

4. PREPARATION FOR A DISCIPLINARY HEARING

- 4.1 Once it has been decided that there is a disciplinary case to be answered, a disciplinary hearing should be arranged. The disciplining officer should not normally be an officer who has been involved in investigations into the disciplinary matter.
- 4.2 The employee must be called to a properly convened hearing, accompanied if he/she so wishes by his/her trade union representative or other person of his/her choice. Where necessary, special arrangements should be made to cater for any disability that the employee may have.
- 4.3 The employee must be advised in writing what it is he/she is alleged to have done wrong and be provided with copies of any supporting evidence. All documents which will be produced at the hearing and be used as a basis for the department's claim, such as the part completed Incident Report Form (PER/DCP/1/98). Where applicable, the results of any further investigations of the facts, should be made available to the employee and his/her representative prior to the hearing taking place.

- 4.4 The letter will also state the date, time and location of the hearing and who will be in attendance. A reasonable timescale should be set between written notification and the meeting to allow the employee to prepare and arrange to be accompanied if he/she so wishes. A copy of the disciplinary procedures and also the procedure to be followed at the hearing should be enclosed with the letter which may be hand-delivered or posted. Depending on the circumstances of the case, e.g., persistent absenteeism combined with difficulty in maintaining contact with the employee, it may be appropriate to send the letter by recorded delivery.
- 4.5 Where the chosen companion is not available to attend on the date proposed for the hearing, an alternative time and date offered by the employee should be considered provided it is reasonable and falls within a reasonable timescale.

Note: The right to be accompanied at a formal disciplinary hearing is a statutory right under the Employment Relations Act which also provides the right to have the hearing rescheduled within five days of the date initially proposed. (This 5 day limit may be extended by mutual agreement.) An employee may present a complaint, in respect of these rights, to an Employment Tribunal if he/she is not allowed to be accompanied or the offer of an alternative date for the hearing is refused when the person accompanying the employee is unable to attend on the date originally proposed.

- 4.6 Particular attention has to be given to situations where a trade union representative is the subject of investigation. In such cases, no action should be taken until a full-time official of the trade union concerned has been advised. It is emphasised, however, that the Disciplinary Procedures in all other respects apply equally to trade union representatives.
- 4.7 At the disciplinary hearing, the employee will be appraised of the facts concerning the incident by the disciplining officer and be given the opportunity to explain his/her views on the allegations.
- 4.8 If the employee fails to attend, due to unforeseen circumstances eg. illness, another disciplinary hearing should be arranged. Before a decision is taken in their absence, management must ensure that the employee has been given every reasonable opportunity to attend a disciplinary hearing. All actions taken should be recorded in writing.

4.9 Conducting the Hearing

It is recommended that there be two members of management present at a disciplinary hearing wherever possible and that the disciplining officer should not normally present the department's case. After introducing everyone present, the Disciplining Officer will ensure that everyone is aware of the procedures for conducting the hearing at departmental level as detailed below:-

- 4.9.1 There may be present at all times (1) the employee, (2) the employee's representative (if applicable), (3) the department's representative, (4) any appropriate advisers (5) the disciplining officer and (6) the note taker (if applicable).

- 4.9.2 The department's representative, will put forward its case in the presence of the employee and his/her representative and call such witnesses as may be required.
- 4.9.3 The employee's representative or the employee (if not represented) will have the opportunity to question any witnesses called by the department which may include the department's representative.
- 4.9.4 The disciplining officer will then have the opportunity to ask questions of the department's representative and any witnesses called by the department.
- 4.9.5 The department's representative will have the opportunity to ask further questions of the witnesses, to make points of clarification arising from questions from the employee's representative and the disciplining officer.
- 4.9.6 The employee or his/her representative will put his/her case in the presence of the department's representative and may call any witnesses required.
- 4.9.7 The department's representative will have the opportunity to ask questions of any witnesses called by the employee or his/her representative which may include the employee him/herself.
- 4.9.8 The disciplining officer will then have the opportunity to ask questions of the employee or his/her representative and any witnesses called by the employee.
- 4.9.9 The employee, or his/her representative will then have the opportunity to ask further questions of the witnesses, to make points of clarification arising from questions from the department's representative and the disciplining officer.
- 4.9.10 The department's representative and thereafter the employee or his/her representative will have the opportunity, if they wish, to sum up their case, introducing no new material at this stage.
- 4.9.11 The department's representative, the employee and his/her representative, along with any advisers present (with the exception of the HR Advisor assisting), will then withdraw.
- 4.9.12 The disciplining officer, if necessary, in the presence of the HR Advisor assisting, will then deliberate, in private, only recalling if necessary the department's representative, the employee and his/her representative, to clarify points of uncertainty on evidence already given. If recall is necessary, **both** parties have to return even if only one of the parties is required to clarify a point giving rise to doubt.

- 4.9.13 The disciplining officer will recall the department's representative, the employee and his/her representative and advise verbally of the decision reached (paragraph 4.15 refers), which will then be confirmed in writing. The decision may, if necessary, be given at a reconvened hearing on a different day, to allow sufficient time for all the facts of the case to be considered.
- 4.9.14 The remainder of form PER/DCP/1/98 should be completed by the disciplining officer after the disciplinary hearing.
- 4.10 In cases where there are witnesses who are not being called to the disciplinary hearing, an attempt should be made to provide signed written statements. These should be made available to both sides in advance of the hearing. However, it should be noted that the value of such written statements may be limited, and every effort should be made to ensure that any witnesses to an incident can attend.
- 4.11 The individual representing the employee will have the right to ask questions of clarification and separately consult with the employee at any point in the proceedings.
- 4.12 At any stage of the procedure the chairperson has the right to ask questions of clarity on any of the points discussed/raised.
- 4.13 If, during the disciplinary hearing, the factual basis of the allegations is contested and cannot be clarified by the witnesses or representatives present to the satisfaction of the disciplining officer, it is incumbent upon the disciplining officer to suspend or adjourn the hearing to enable the points raised to be investigated.
- 4.14 On completing the further investigations, the disciplining officer will reconvene the hearing and advise the employee and the individual accompanying him/her of the findings on the contested points and thereafter continue with the hearing.

4.15 Reaching a Decision

- 4.15.1 Each case must be looked at on its own merits, as similar actions/offences may not always justify similar disciplinary action. Before deciding on the appropriate disciplinary action to take, consideration should be given to the employee's length of service, age, position, disciplinary record, and any mitigating circumstances. Additionally, to ensure consistency, the action taken in any similar cases in the past should also be considered. The aim is to ensure that the penalty imposed is **reasonable and appropriate** taking account of all the circumstances of the case.
- 4.15.2 In many situations there will be a hierarchy of penalties imposed, starting with an oral warning and progressing to a written warning, final written warning and finally punitive action. This may be where there has been a series of relatively minor offences which through their persistency or frequency have become totally unacceptable. However, there will also be situations where the offence is serious enough to warrant the immediate application of

a more serious penalty such as a final written warning or even dismissal.

- 4.15.3 In the event of an employee refusing to offer an explanation, the disciplining officer will draw his/her own conclusions from the information available and reach a decision on the appropriate action to be taken.
- 4.15.4 Should the employee appeal against the decision it is important to remember that a note of the proceedings at the hearing, including the deliberations resulting in the decision, will be required at any appeal hearing.

5. COMMUNICATING AND RECORDING THE DECISIONS REACHED

- 5.1 As soon as possible after the hearing, the decision given verbally to the employee, including an oral warning, **must** be confirmed in writing.
- 5.2 Written confirmation of disciplinary action taken against an employee must detail the reason(s) for the disciplinary action, the expected improvement in conduct/performance and over what period and must also contain advice as to the employee's right of appeal against such action and to whom any appeal should be submitted within the designated time limits. The employee should also be advised that if he/she wishes to appeal the decision, Form PER/DCP/2/98 will require to be completed. (Appendix 13.2 refers).
- 5.3 **Examples** of the form such letters should take are contained in Section 12 but, where punitive disciplinary action is taken, the Head of HR for Renfrewshire Council should be consulted on the particular wording as it is unlikely that any two cases will be identical.
- 5.4 In all cases where disciplinary action has been taken all incident report sheets, which relate to the disciplinary hearing and the resultant action taken, should be filed with the employee's personnel records and a note of the decision appended. Where the disciplinary action taken has been punitive, a copy of the letter confirming the decision to the employee, should be forwarded to the relevant trade union (if applicable) and also to the Head of HR for Renfrewshire Council. Additionally, the trade union should receive a copy of a letter confirming a final written warning.
- 5.5 **Punitive Disciplinary Action** (Suspension/Dismissal/Demotion/Withholding an annual increment/Reduction in salary placing)
 - 5.5.1 If, having considered all the evidence produced and having consulted where necessary with the Board's personnel practitioner, the Assessor (or nominated Senior Officer) considers that the employee should be suspended, dismissed, have an annual increment withheld, or be reduced in grade i.e. demoted, he/she shall proceed to take disciplinary action.
 - 5.5.2 Completed form PER/DCP/1/98 and a copy of the letter to the employee intimating the disciplinary action taken, should be forwarded to the Head of HR, Renfrewshire Council, Renfrewshire House Cotton Street, Paisley PA1 1TS.

5.5.3 Where an employee appeals against the decision taken and the appeal is received timeously, i.e. within the 14 day deadline, the Head of HR for Renfrewshire Council will immediately inform the Board and advise on the appropriate documentation for the Appeals Panel. At a minimum, the papers listed below will be required:

Incident report form
Minutes of disciplinary hearing and conclusion
Letter to employee confirming disciplinary action taken
Witness statements if any
Letter requesting attendance at disciplinary hearing

5.5.4 It should be noted that only one form of punitive action may be applied at any one time.

6. TIME LIMITS ON DISCIPLINARY ACTION

6.1 Disciplinary action will cease to be “live” and admissible against any further misdemeanor following the periods specified below:

- Oral warning - 6 months
- Written Warning - 6 months
- Final written warning - 12 months
- Punitive action - 12 months

6.2 For **other purposes** (e.g. appointments, references etc) the warning should be held on file without time limit and used as is felt appropriate in the particular circumstances.

7. APPEALS - KEY POINTS

7.1 In order to be processed to an appeal hearing, an appeal, against any form of disciplinary action, must be received in writing, by the person to whom an appeal may be made (as detailed in the letter confirming the disciplinary action), within 14 days of receipt by the employee of the notification of the disciplinary action.

7.2 The opportunity to appeal against a disciplinary decision is essential to natural justice and new evidence may be introduced and discussed at the appeal hearing.

7.3 It should be noted that appeal hearings may result in the appeal being upheld whereupon all references to disciplinary action will be removed from the employee’s personal file or the disciplinary action may be varied in so far as the action taken may be downgraded to a less severe penalty. **In no circumstances can the disciplinary action be upgraded as a result of an appeal hearing.**

- 7.4 Appeals against any disciplinary action should be heard as quickly as possible and every effort should be made to keep within the agreed time limits i.e. departmental appeals against oral/written/final written warnings should normally be heard within 14 days of receipt and appeals to the appropriate Sub Committee of the Board against punitive action, or a final written warning issued by the Assessor, should normally be heard within 28 days of receipt of the appeal. In the latter case, as dates for the appeal hearing are set based upon the availability of the elected members of the Sub Committee, it is important that the relevant personnel/trade union representatives who will be attending the hearing take every possible step to ensure that they or another representative is available to attend on the dates agreed by the Appeals Panel.
- 7.5 Appeals against disciplinary action must not be heard by the same person who implemented the action. An appeal should normally be heard by an officer senior to the disciplining officer. Where an appeal is to the Sub Committee, an experienced officer at a senior level will present the Board's case.
- 7.6 Every attempt should be made to deal with appeals against warnings at as near source level as possible.
- 7.7 If the Assessor issues a Final Warning, the right of appeal is to the appropriate Sub Committee of the Board. Consequently, an appeal against a Final Warning, signed by the Assessor, shall be submitted to Renfrewshire Council's Head of HR for consideration by the Sub Committee.
- 7.8 All appeals against punitive disciplinary action shall be submitted to the Head of Personnel Services for Renfrewshire Council for consideration by the appropriate Sub Committee of the Board.
- 7.9 If an appellant or his/her representative wishes to have witnesses who are Board employees at an appeal hearing, and has already approached and agreed this with the employees, he/she will require to approach the witnesses' line manager to arrange/agree time off to attend the hearing. Time off, which will be with pay, should be granted unless there are exceptional circumstances which will not allow this. In such cases witnesses may provide written statements and management should ensure that the reasons for a witness not attending are made clear to the appellant and/or his/her representative.
- 7.10 Where the disciplinary action taken is dismissal and the employee has lodged an appeal, the post should not be filled on a substantive basis until the internal appeals procedure is completed. If no appeal is lodged within the requisite time scale, the post may be filled on a substantive basis.

Note: Where an employee appeals against disciplinary action there are no informal meetings or investigatory interviews prior to the appeal hearing. For clarification, the statement in paragraph 6.4.1 of the Disciplinary Procedures (attached as Appendix 14.5), that "the employee shall be interviewed by the Assessor" refers to the formal appeal hearing (outlined at Section 7 of the document) which will be heard by the Assessor or nominated Senior Officer. The full procedure for such an appeal hearing is detailed below at 7.11.

7.11 Conducting the Appeal Hearing at Departmental Level

The procedure for conducting such a hearing at departmental level will be as follows:

- 7.11.1 There may be present at all times (1) the appellant, (2) the appellant's representative (if applicable), (3) the department's representative, (4) any appropriate advisers (5) the chairperson and (6) the note taker (if applicable).
- 7.11.2 The department's representative will put forward its case in the presence of the appellant's side and may call any witnesses required.
- 7.11.3 The appellant's representative or the appellant (if not represented) will have the opportunity to question any witnesses called by the department, which may include the department's representative.
- 7.11.4 The chairperson will then have the opportunity to ask questions of the department's representative and witnesses.
- 7.11.5 The department's representative will have the opportunity to ask further questions of the witness, to clarify points arising from questions from the appellant's representative and the chairperson.
- 7.11.6 The appellant's side will put forward his/her case in the presence of the department's representative and may call any witnesses required.
- 7.11.7 The department's representative will have the opportunity to ask questions of any witnesses called by the appellant or his/her representative, which may include the appellant him/herself.
- 7.11.8 The chairperson will then have the opportunity to ask questions of the appellant's representative, the appellant, and any witnesses called.
- 7.11.9 The appellant, or his/her representative, will have the opportunity to ask further questions of the witness, to make points of elucidation arising from questions from the department's representative and the chairperson.
- 7.11.10 The department's representative and thereafter the appellant or his/her representative will have the opportunity, if they wish, to sum up their case, **introducing no new material**.
- 7.11.11 The department's representative, the appellant and his/her representative along with any advisers present (with the exception of the Personnel Advisor assisting), will then withdraw.

- 7.11.12 The chairperson, if necessary, in the presence of the HR advisor assisting, will then deliberate, in private, only recalling if necessary the department's representative and the appellant, and his/her representative, to clarify points of uncertainty on evidence already given. If recall is necessary, **both** parties have to return even if only one of the parties is required to clarify any point.
- 7.11.13 The chairperson will recall the department's representative, the appellant and his/her representative and advise of the decision which will then be confirmed in writing. The decision may, if necessary, be given at a reconvened hearing on a different day, to allow sufficient time for all the facts of the case to be considered.

8. DEALING WITH GROSS MISCONDUCT

Where an employee is guilty of gross misconduct (para 13.1 refers) and is therefore potentially liable for summary dismissal, it is still important to establish the facts before taking any action. In such a situation a short period of suspension on full pay may be necessary (para 3.9 refers). The employee will thereafter have the opportunity to state his/her case at a disciplinary hearing and the normal disciplinary procedures will apply.

However, there may be some very limited cases where despite the fact that an employee has been dismissed immediately without a meeting, an employment tribunal will, very exceptionally, find the dismissal fair. In such cases there is a statutory modified procedure which must be followed otherwise if the case is brought to an employment tribunal it will automatically be deemed unfair.

The modified procedure requires that a letter is sent to the dismissed employee setting out the reasons for the dismissal and the employee's right of appeal. (Sample letter 13.10 refers).

9. DISMISSAL AND PAYMENTS IN LIEU

Gross misconduct, no payment will be made in lieu of notice. Taking account of the Working Time Regulations, payment must, however, be made for accrued annual leave. This will be up to a maximum of 20 days which is the statutory entitlement to paid annual leave (see 'Note' over, for calculation of same).

Gross misconduct is generally seen as misconduct serious enough to invalidate the employment contract between the employer and the employee and make any further working relationship and trust impossible. It is normally restricted to very serious offences e.g. physical violence, theft or fraud.

The ACAS guidelines on gross misconduct are attached for guidance (see Appendix 14.3). It should be noted, however, that this list is not exhaustive and further advice may be sought as necessary from the Board's personnel practitioner.

- 9.2 When an employee is dismissed for misconduct (as opposed to summary dismissal on the grounds of gross misconduct), payment will be made in lieu of accrued annual leave entitlement (see 'Note' over, for calculation of same). and the employee will also be entitled to notice. Before deciding to make a payment in lieu of notice, consideration should be given to the circumstances, since, in specific instances, it may be appropriate for the employee to work the period of notice rather than be paid salary in lieu of notice. Advice should be sought from the Board's personnel practitioner on the appropriate decision in each case.
- 9.3 If the grounds for dismissal are other than misconduct, e.g., lack of capability and it is considered inappropriate for the employee to remain and work the period of notice, it will be appropriate to make a payment in lieu of notice/accrued annual leave. In such cases, advice should be sought from the Head of HR for Renfrewshire Council.
- 9.4 Lack of capability may be defined as work performance which is so poor that the employee is unable to carry out the job for which he/she has been recruited despite assistance through training, coaching, setting of goals etc. This should not be confused with termination on grounds of lack of capability due to ill-health.

Note: In accordance with the Working Time Regulations, employees are entitled to 20 days' paid annual leave. Any payment in lieu of accrued annual leave will therefore be calculated on the basis of an annual leave entitlement of 20 days, not 25 or 28 days. The payment to be made will be based on the proportion of 20 days which would be due up to the date of dismissal less the number of days annual leave already taken. If the employee has taken more days annual leave than would otherwise be due, no deduction will be made in respect of same.

10. TEMPORARY SUSPENSION OF THE DISCIPLINARY PROCEDURE

If in the course of a disciplinary case, an employee raises a grievance about the behavior of the manager handling the case, it may be appropriate, depending on the circumstances, to suspend the disciplinary procedure for a short period until the grievance can be considered. Consideration may also be given to bringing in another manager to deal with the disciplinary case.

11. CRIMINAL CHARGES/OFFENCES

An employee should not be dismissed or otherwise disciplined merely because he or she has been charged with or convicted of a criminal offence. The question to be asked in such cases is whether the employee's alleged conduct or conduct warrants action because it makes the employee unsuitable for his/her job or unacceptable to other employees.

- 11.2 Depending on the nature of the criminal charges or offences and having regard to the potential work implications, it may be necessary to consider: -
- (i) redeployment to other duties/another work location pending the outcome of criminal proceedings; or

- (ii) suspension with pay; or
- (iii) punitive disciplinary action

11.3 Where it is thought that the alleged conduct or conduct warrants disciplinary action, the following guidance should be borne in mind: -

10.3.1 The Assessor (or nominated Senior Officer) should investigate the facts as far as possible, come to a view about them and consider whether the matter is sufficiently serious to warrant instituting the disciplinary procedure.

10.3.2 The Assessor (or nominated Senior Officer) need not await the outcome of the prosecution before taking fair and reasonable action on the facts determined from the investigation.

10.3.3 The Assessor, (or other nominated officer acting on his behalf), can sanction the Police being called to investigate reported circumstances and pursue criminal charges against individual employees. The Police enquiries are and must be kept completely independent of the Board's disciplinary procedures.

11.4 If an employee has been imprisoned, it will be necessary for the departmental management to consider the specific circumstances and the needs of the department to have the employee's duties performed. The matter should then be discussed with your departmental personnel practitioner before proceeding.

12. OTHER SPECIAL CASES

12.1 Sickness Absence

Reference should be made to the Board's Supporting Attendance at Work Policy before taking any decisions regarding disciplinary action.

12.2 Fraud, theft and/or misuse of Board resources

Where there is evidence that an employee may be abusing their position in connection with money, stores or other property of the Board, or there is any suspected irregularity in the exercise of the functions of the Board, reference should be made to the Board's Defalcation Procedures as detailed in the separate Disciplinary Procedures Policy held on the Board's Document Management System.

12.3 Addiction

Where an addiction problem is suspected or known, reference should be made to the Board's Alcohol and Substance Misuse Policy as detailed in the separate Disciplinary Procedures Policy held on the Board's Document Management System.

However, it should be noted that the Board's personnel practitioner should now arrange addiction referrals liaising directly with the Employee Counselling

Service and the employee concerned. The Board's personnel practitioner will undertake the role of the Link Officer.

12.4 Lack of Capability

- 12.4.1 This section provides guidance on dealing with poor performance at work where the difficulties are not related to the employee's health but are indicative of a lack of necessary skills or qualifications to carry out the job for which he/she was recruited. Careful recruitment and selection along with appropriate training and information once in post, should minimise the risk of poor performance. Each function of the Board will have its own set of standards according to the particular job to be carried out and employees should be fully informed of these as soon as possible.
- 12.4.2 Where poor work performance is identified, this should be discussed with the employee at an early stage through informal discussion/counselling with a view to identifying possible causes and agreeing how these may be overcome. Time scales for improvement should also be discussed and the consequences of not meeting the agreed targets. This is carried out as part of the normal management /employee relations aimed at encouraging improved performance as highlighted throughout these procedures. If an employee's performance does not improve within the agreed time scales, the normal disciplinary procedures should be followed ensuring that the standards of improved performance are discussed and agreed at each stage. Where the desired improvement is not forthcoming despite training, supervision and any other assistance which will have been offered, the employee may ultimately be dismissed.
- 12.4.3 Where an employee commits a single error and the actual or potential consequences of that error are extremely serious, warnings may not be appropriate and summary dismissal may be taken in such circumstances.
- 12.4.4 It is important to be aware in assessing poor work performance, that there may be a distinction between an inherent incapability and lack of adaptability on the part of the employee which no amount of assistance, training, discipline etc. can overcome and which may therefore lead to termination of the employee's contract and negligence, idleness or poor attitude on the part of the employee which will justify taking disciplinary action.
- 12.4.5 Managers must also take into consideration the duty of care to clients, other employees and also the safety of the employee him/herself. All these factors must ultimately be considered, depending on the circumstances of the case and no decision to dismiss should be taken without full discussion with Renfrewshire Council HR Department.

Note: An appeal arising from termination on the grounds of ill health or lack of capability will be submitted to Renfrewshire Council's Head of HR for consideration by the appropriate Sub Committee of the Board.

12.5 Protection of Children Scotland Act 2003

“Under the terms of the Protection Of Children (Scotland) Act 2003 the Board is required to refer to the Scottish Ministers for inclusion on the Disqualified from Working with Children List any individual who accepted a child care position* as defined by Schedule 2 of the Act when he/she has harmed a child, or put a child at risk of harm **and** has been dismissed or moved away from contact with children as a consequence.

The Disciplining Officer should also ensure that the individual is advised at the Hearing that the Board will refer their name for inclusion on the List. This should be confirmed in writing.

Please note:- The Board also has a duty to refer the employer or volunteer to the Scottish Ministers for inclusion on the List if the individual would have been dismissed or redeployed to a post with no access to children if they had not resigned, retired, been made redundant, or left at the end of a temporary contract. Consequently, the Investigating Officer(s) must collect all the available data so that information can be provided to the Scottish Ministers in the event of a person appealing against their name being included on the Disqualified List.

* Renfrewshire Council’s HR Department have a list of posts which are designated as Childcare Posts in terms of Schedule 2 of the Protection Of Children (Scotland) Act 2003 “

13. SAMPLE LETTERS

- 13.1 The sample letters contained in this section are for general guidance only and will require adjustment to take account of individual circumstances. References to previous disciplinary action should only be included where there is a previous disciplinary record which is still live.

13.2 Letter Intimating Suspension on Full Pay During Investigation

Dear (name)

I refer to the (hearing type) which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I have to advise you that you (are/will be) suspended from work with pay from (date) to (date) inclusive.

The reason for your suspension is to enable me to carry out an investigation concerning (incident).

Your suspension from duty with pay is a temporary measure which will not be recorded on your personal record, consequently you have no right of appeal.

Since your suspension is on full pay you are required to be available for recall to work at any time during your normal working hours. Accordingly, if you fall ill during the period of suspension you must report this to your supervisor in the normal manner providing the appropriate self certificate/medical certificates. If you wish to go away on leave during the period of suspension you must seek the approval of your supervisor to take leave in the normal manner.

You will be advised in due course of the outcome of the investigation and of any further proceedings which the Board may wish to instigate.

A copy of this letter has been forwarded to your Trade Union and to the Head of HR of Renfrewshire Council.

Yours sincerely

13.3 Letter Calling Employee to Disciplinary Hearing

Dear (name)

In accordance with the Disciplinary Procedures for Local Government Employees you are required to attend a disciplinary hearing at (time) on (date) at (location). The Hearing will be chaired by (name of the manager) and also in attendance will be (name of anyone else attending e.g., personnel officer, witnesses etc)

The reason(s) for the hearing is/are (detail)

You will be given the opportunity to explain your views on the allegations. If you wish, you may be accompanied by your trade union representative or other person of your choice.

A copy of the disciplinary procedures, the procedure to be followed at the hearing, and the incident report/record sheet (PER/DCP/1/98) plus (any other documentation to be presented at the hearing) are enclosed for your information.

Yours sincerely

Enc.

13.4 Letter Intimating Oral Warning

Dear (name)

I refer to the disciplinary hearing which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I have to confirm that I issued you with an Oral Warning regarding (specify reason).

This warning will be noted on your personal record and will stand to be admissible against any further misdemeanor for a period of six months. Any further complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you.

I have to advise you that the Disciplinary Procedure entitles you to appeal to (specify name and address of individual) within fourteen days of receipt of this letter if you believe the issuing of an Oral Warning to be unfair in the circumstances. If you do appeal, you will be given an opportunity to explain your reasons at an interview with (specify individual) at which you may be represented by your trade union official or other person of your choice.

Yours sincerely

13.5 Letter Intimating Written Warning

- * This sentence will only be required where previous disciplinary action has been taken and the action is still **live**.

<p>Dear (name)</p> <p>I refer to the disciplinary hearing which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I am issuing this Written Warning to you regarding (specify reason).</p> <p>Your (specify conduct/work performance as appropriate) has previously given cause for concern and resulted in an oral warning being issued to you on (date).*</p> <p>This written warning will be noted on your personal record and will stand to be admissible against any further misdemeanor for a period of six months. Any further complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you.</p> <p>I have to advise you that the Disciplinary Procedure entitles you to appeal to (specify name and address of individual) within fourteen days of receipt of this letter if you believe the issuing of a Written Warning to be unfair in the circumstances. If you do appeal, you will be given an opportunity to explain your reasons at an interview with (specify individual) at which you may be represented by your trade union official or other person of your choice.</p> <p>Yours sincerely</p>
--

13.6 Letter Intimating Final Written Warning

Note: If the Assessor signs a Final Written Warning, the right of appeal is to the appropriate Sub-Committee of the Board.

Dear (name)

I refer to the disciplinary hearing which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I am issuing this Final Written Warning to you regarding (specify reason).

Your (conduct/work performance, specify as appropriate) has previously given cause for concern and resulted in an Oral Warning being issued to you on (date) and a Written Warning being issued to you on (date).*

This Final Written Warning will be noted on your personal record and will stand to be admissible against any further misdemeanor for a period of one year. Any further complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you which may be dismissal.

I have to advise you that the Disciplinary Procedure entitles you to appeal to (specify name and address of individual) within fourteen days of receipt of this letter if you believe the issuing of a Final Written Warning to be unfair in the circumstances. If you do appeal, you will be given an opportunity to explain your reasons at an interview with (specify individual) at which you may be represented by your trade union official or other person of your choice.

A copy of this letter has been forwarded to your Trade Union.

Yours sincerely

* This sentence will only be required where previous disciplinary action has been taken and the action is still **live**.

13.7 Letter Intimating Suspension Without Pay**

* This sentence will only be required where previous disciplinary action has been

<p>Dear (name)</p> <p>I refer to the disciplinary hearing which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I have to advise you that you (have been/will be) suspended from work without pay from (date) to (date) inclusive.</p> <p>The reason(s) for your suspension (detail).</p> <p>Your (conduct/work performance, specify as appropriate) has previously given cause for concern and resulted in an (Oral Warning/Written Warning/Final Written Warning) being issued to you on (date).*</p> <p>This suspension will be noted on your personal record and will stand to be admissible against any further misdemeanor for a period of one year. Any further complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you which may be dismissal.</p> <p>If you consider this action to be unfair in the circumstances you may appeal, in writing, and preferably through your Trade Union, within fourteen days of receipt of this letter to the Head of HR, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1TS for consideration by the appropriate Sub committee of the Board. A copy of this letter has been forwarded to your Trade Union and the Head of HR of Renfrewshire Council.</p> <p>Yours sincerely</p>

taken and the action is still **live**.

** A period of suspension imposed as a disciplinary measure, should not exceed 2 weeks.

13.8 Letter Intimating Dismissal With Payment In Lieu Of Notice

- * This sentence will only be required where previous disciplinary action has been

<p>Dear (name)</p> <p>I refer to the disciplinary hearing which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I write to advise you that your employment in the post of (insert designation) within the Department of Assessor and Electoral Registration Officer terminated with effect from (date).</p> <p>You will receive a payment of (number) weeks salary/wages in lieu of notice, together with any other payment due for accrued annual leave.</p> <p>The reason(s) for your dismissal (detail).</p> <p>Your (conduct/work performance, specify as appropriate) has previously given cause for concern and resulted in an (Oral Warning/Written Warning/Final Written Warning) being issued to you on (date).*</p> <p>If you consider this action to be unfair in the circumstances you may appeal, in writing, and preferably through your Trade Union, within fourteen days of receipt of this letter to the Head of HR, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1TS for consideration to the appropriate Sub Committee of the Board.</p> <p>A copy of this letter has been forwarded to your Trade Union, and to the Head of HR of Renfrewshire Council.</p> <p>Yours sincerely</p>

taken and the action is still **live**.

13.9 Letter Intimating Dismissal (Notice To Be Worked)

- * This sentence will only be required where previous disciplinary action has been taken and the action is still **live**.

Dear (name)

I refer to the disciplinary hearing which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I hereby formally give notice that your employment in the post of (designation) within the Department of Assessor and Electoral Registration Officer will terminate with effect from (date).

The reason(s) for your dismissal (detail).

Your (conduct/work performance, specify as appropriate) has previously given cause for concern and resulted in a (Oral Warning/Written Warning/Final Written Warning) being issued to you on (date).*

If you consider this action to be unfair in the circumstances you may appeal, in writing, and preferably through your Trade Union, within fourteen days of receipt of this letter to the Head of HR, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1TS for consideration by the appropriate Sub Committee of the Board.

A copy of this letter has been forwarded to your Trade Union and the Head of HR of Renfrewshire Council.

Yours sincerely

13.10 Letter of Summary Dismissal

Dear (name)

I refer to the disciplinary hearing which was held on (date). In terms of the Disciplinary Procedures for Local Government Employees, I write to advise you that your employment in the post of (designation) within the Department of Assessor and Electoral Registration Officer terminated with effect from (date).

You will not be entitled to any payment in lieu of notice. You may, however, be due a payment for accrued annual leave.

The reason(s) for your summary dismissal (detail the reasons for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct).

Your (conduct/work performance, specify as appropriate) has previously given cause for concern and resulted in an (Oral Warning/Written Warning/Final Written Warning) being issued to you on (date).*

If you consider this action to be unfair in the circumstances you may appeal, in writing, and preferably through your Trade Union, within fourteen days of receipt of this letter to the Head of HR, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1TS for consideration by the appropriate Sub Committee of the Board.

A copy of this letter has been forwarded to your Trade Union and to the Head of HR of Renfrewshire Council.

Yours sincerely

* This sentence will only be required where previous disciplinary action has been taken and the action is still **live**.

13.11 Clause Re Addiction Related Problems

The following clause may be added to letters intimating disciplinary action when it has been decided not to proceed with the action pending the outcome of a referral under the Board's Alcohol and Substance Misuse Policy.

Note: As per the above policy, it may not always be appropriate to hold disciplinary

However, as you have indicated that you may have an (alcohol/drug/gambling/solvent abuse) related problem and have accepted the offer of assistance offered by the Board's policy, I am holding the above mentioned disciplinary action in abeyance pending the outcome of your attendance at the appropriate helping agency.

action in abeyance. A referral may still be appropriate after disciplinary action has been taken.

12.12 Letter Calling Employee To Appeal Hearing (Appeals Against Warnings)

Dear (name)

I refer to your letter dated (date) appealing against the (oral/written/final written) warning issued to you on (date).

I have to advise you that, in accordance with the Disciplinary Procedures for Local Government Employees, an Appeal Hearing will be held at (time) on (date) at (location).

You will be given the opportunity to put forward your case for appeal. If you wish, you may be represented by your trade union representative or other person of your choice.

Yours sincerely

13.13 Letter Intimating Outcome of Appeal Against A Warning (Appeal Not Upheld)

Dear (name)

I refer to the Appeal Hearing which was held on (date) to consider your appeal against the (oral/written/final written) warning issued to you on (date) regarding (specify reason).

Following consideration of the case put forward by you (and/or your representative), I have to advise you that I have decided not to uphold your appeal. In terms of the Disciplinary Procedures, you have no further right of appeal against this decision.

Consequently, in accordance with the Disciplinary Procedures for Local Government Employees, the (oral/written/final written) warning issued to you on (date) will stand and will continue to be admissible against any further misdemeanor for a period of (six months/one year) from that date.

A copy of this letter has been forwarded to your Trade Union.

Yours sincerely

13.14 Letter Intimating Outcome of Appeal Against a Warning (Appeal Upheld)

Dear (name)

I refer to the Appeal Hearing which was held on (date) to consider your appeal against the (oral/written/final written) warning issued to you on (date) regarding (specify reason).

Following consideration of the case put forward by you (and/or your representative), I have to advise you that I have decided to uphold your appeal.

Consequently, in accordance with the Disciplinary Procedure for Local Government Employees, the (oral/written/final written) warning issued to you on (date) will be expunged from your record and no written reference to the warning will be held in your personal file.

A copy of this letter has been forwarded to your Trade Union.

Yours sincerely

14. APPENDICES

- 14.1 Incident Report Form/Record Sheet, PER/DCP/1/98
- 14.2 Notification of Appeal, PER/DCP/2/98
- 14.3 ACAS Guidelines on Gross Misconduct
- 14.4 Statutory Disciplinary and Dismissal Procedure

PER/DCP/1/98

RENFREWSHIRE VALUATION JOINT BOARD

DISCIPLINARY PROCEDURES

INCIDENT REPORT FORM/RECORD SHEET

NOTE: If completing by hand please do so clearly and in black ink. If you require any assistance in completing this form, contact HR.

SECTION A

To be completed by the employee's supervisor as soon as possible following an incident and BEFORE the disciplinary hearing

PERSONAL DETAILS

Name		Department	
N.I. Number		Post No.	
Home Phone No.		Work Phone No.	
Date of Birth		Designation	
Date Entered Service		Grade/Rate of Pay	
Home Address		Work Location	

TRADE UNION DETAILS

Name of Trade Union		Trade Union or Other Representative	
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SUMMARY OF LIVE DISCIPLINARY ACTION

DISCIPLINARY ACTION	Tick	DATE ISSUED	DETAILS
Oral Warning			
Written Warning			
Final Written Warning			
Suspension Without Pay			
Demotion			
Reduction in Grade			
Withhold Increment			

BRIEF OUTLINE OF REASONS FOR CALLING EMPLOYEE TO INVESTIGATORY INTERVIEW

SECTION A (Cont.)

Has Employee been advised of potential disciplinary hearing and advised of his/her rights.	Yes	No
--	------------	-----------

PERSON REPORTING ALLEGED

NAME **DESIGNATION**

--	--

Having considered the alleged offence/incident, do you wish to continue to a formal disciplinary hearing? If YES, move to Section B.	Yes	No
--	------------	-----------

PERSON TAKING THIS DECISION (If different from above)

NAME **DESIGNATION**

--	--

SECTION B To be completed prior to the date of the disciplinary hearing.

1 Has standard letter calling employee to disciplinary hearing been issued?	Yes	No
---	------------	-----------

2 Date of disciplinary hearing

3 If the employee is a Trade Union representative, has the full time official been advised?	Yes	No
---	------------	-----------

NOTE: Sections A & B must be completed prior to the start of the disciplinary hearing and if requested the information contained therein should be made available to the employee.

SECTION C To be completed during/after the disciplinary hearing

REPRESENTING MANAGEMENT

NAME **DESIGNATION**

ACCOMPANYING EMPLOYEE

NAME **T.U.** **ADDRESS** **TEL NO.**

SECTION C (Cont.)

STATEMENTS SUBMITTED

NAME	STATUS	WORK LOCATION ADDRESS	TEL No

SECTION D

DECISION OF DISCIPLINING OFFICER

NON PUNITIVE ACTION

PUNITIVE ACTION

No Action	<input type="checkbox"/>	Suspension Without Pay	<input type="checkbox"/>
Counselling	<input type="checkbox"/>	Demotion	<input type="checkbox"/>
Addiction Referral	<input type="checkbox"/>	Reduction in Grade	<input type="checkbox"/>
Oral Warning	<input type="checkbox"/>	Withhold Increment	<input type="checkbox"/>
Written Warning	<input type="checkbox"/>	Dismissal with Notice	<input type="checkbox"/>
Final Written Warning	<input type="checkbox"/>	Dismissal without Notice	<input type="checkbox"/>

COMMENTS


DATE ADVISED IN WRITING

PLEASE GIVE BRIEF OUTLINE OF REASONS FOR ACTION TAKEN

NOTES

1. If no disciplinary action is taken advise employee accordingly.
2. If disciplinary action is taken then issue employee with appropriate model letter.
3. In the case of **punitive action**, a copy of this form PER/DCP/1/98, together with a copy of the letter to the employee and other relevant papers **must** be sent to the Head of HR, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1TS.

DISCIPLINING OFFICER

Name (Block Capitals)	_____	When completed, please 
Designation	_____	
Work Telephone No.	_____	
Signature	_____	
Date	_____	

PER/DCP/2/98

RENFREWSHIRE VALUATION JOINT BOARD DISCIPLINARY PROCEDURES

NOTIFICATION OF APPEAL

NOTE: If completing by hand please do so clearly and in black ink. If you require any assistance in completing this form, contact HR.

PERSONAL DETAILS

Name		Department	
N.I. Number		Post No.	
Home Phone No.		Work Phone No.	
Date of Birth		Designation	
Date Entered Service		Grade/Rate of Pay	
Home Address		Work Location	

TRADE UNION DETAILS

Name of Trade Union		Trade Union or Other Representative	
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DISCIPLINARY ACTION TAKEN (Tick Appropriate Box)

Dismissal

Demotion

Withhold Increment

Written
Warning

Suspension without pay

Reduction in Grade

Final Warning

Oral
Warning

GROUNDS OF APPEAL

I wish to appeal against

1 the decision to discipline me

2 the level of disciplinary action taken against me

Please state fully the grounds of the appeal, using page 2 or pages 3 and 4 of this form.

SIGNATURE _____

DATE _____

Use separate sheet if necessary

APPEAL AGAINST:-

Oral/Written/Final Written Warning

Suspension/Dismissal/Other Punitive Action

When completed, send to:-

Assessor & Electoral Registration Officer

(or other officer as indicated in your disciplinary letter)

When completed, send to:-

Head of HR
Renfrewshire Council
Renfrewshire House
Cotton Street
Paisley PA1 1TS Tel 0141 618 ****

GROUNDS FOR APPEAL (Optional Guide)

1 Do you admit or deny the offence for which disciplinary action was taken against you, as was explained at the disciplinary hearing?

2 If you admit the offence, but wish to submit an explanation of your conduct, or provide a statement in mitigation, please do so.

3 If you deny the offence, please give your version of the incident.

4 If you wish to submit additional evidence not considered at the disciplinary interview please do so, together with clarification of why it was not previously raised.

GROUNDS OF APPEAL

5 If you dispute the Management's reasons for disciplinary action please state what in your opinion was the reason for the action taken against you.

6 If you consider the form of disciplinary against you excessive, please give reasons.

7 Any other comments?

APPEAL AGAINST:-

Oral/Written/Final Written Warning

Suspension/Dismissal/Other Punitive Action

When completed, send to:-

Assessor & Electoral Registration Officer

(or other officer as indicated in your disciplinary letter)

When completed, send to:-

Head of HR

Renfrewshire Council

Renfrewshire House

Cotton Street

Paisley PA1 1 TS

Tel 0141 618 ****

14.3 ACAS GUIDELINES ON GROSS MISCONDUCT

14.3 Gross misconduct is generally seen as misconduct serious enough to destroy the employment contract between the employer and employee and make any further working relationship and trust impossible. It is normally restricted to very serious offences such as physical violence, theft or fraud.

The following list provides examples of offences which are normally regarded as gross misconduct:

- theft, fraud, deliberate falsification of records;
- fighting, assault on another person, bullying;
- deliberate and serious damage to Board property;
- fraudulent misuse of the Board's property or name
- serious incapability through alcohol or being under the influence of illegal drugs;
- serious negligence which causes unacceptable loss, damage or injury;
- serious act of insubordination;
- serious infringement of health and safety rules;
- serious breach of confidence;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;
- unlawful discrimination or harassment;
- bringing the Board into disrepute.

14.4 STATUTORY DISCIPLINARY AND DISMISSAL PROCEDURE

14.4 Where an incident has occurred which is serious enough for punitive disciplinary action to be contemplated (dismissal, suspension without pay, demotion etc), the three step statutory procedure must be followed. The main steps, which represent a minimum standard, are summarised below:

STEP 1

Write to the employee letting them know of the allegations against them

- Invite them to a meeting to discuss the matter

STEP 2

- Hold a meeting with the employee at which he/she may be accompanied, to discuss the matter
- Notify the employee of the decision and the right to appeal

STEP 3

- If the employee wishes to appeal, hold an appeal meeting at which he/she may be accompanied
- Inform the employee of the outcome of the appeal