

RENFREWSHIRE VALUATION JOINT BOARD



DISCIPLINARY PROCEDURES HR3

Title	Disciplinary Procedures
Author	Kate Crawford Depute Assessor & ERO
Approved By	Management Team
Date of Approval	September 2007
Reviewer	Shona Carlton PAO
Review Date	As Required

Review History

Review No.	Details	Release Date

INDEX	PAGE NO
1. PURPOSE	4
2. PRINCIPLES	4 - 5
3. GENERAL	5
4. SUSPENSIONS	
4.1 Precautionary Suspension	5
4.2 Suspension on full pay pending investigation	6
5. DEALING WITH DISCIPLINARY ACTION AT DEPARTMENTAL LEVEL	6 - 7
6. DISCIPLINARY ACTION (Non Punitive)	
6.1 Oral Warning	8
6.2 Written Warning	8
6.3 Final Written Warning	8
6.4 Appeals against Warnings	8 - 9
6.5 Time Limits on Warnings	9
7. DISCIPLINARY ACTION (Punitive)	
7.1 Punitive Action	9
7.2 Appeals against Punitive Action	10 - 11
7.3 Time Limits on Punitive Action Short of Dismissal	11
7.4 Dismissal	12
8. PROCEDURE TO BE FOLLOWED AT HEARING OF AN APPEAL AGAINST PUNITIVE DISCIPLINARY ACTION	12 - 13
9. SPECIAL PROCEDURES	
9.1 Defalcation	14
9.2 Addiction	14
10. CONDUCT OF A DISCIPLINARY HEARING	14
APPENDIX A - <i>Defalcation Procedures</i>	16 - 17
APPENDIX B - <i>Procedures for Dealing with Addiction Problems</i>	18 - 19

Reference: "Discipline at Work", the ACAS* Advisory Handbook
(Advisory, Conciliation and Arbitration Service)

1. PURPOSE

It is recognised that discipline is essential for the conduct of the Board's affairs and for the safety and well-being of all employees.

Clear, well-publicised rules and procedures benefit both employer and employee; they are designed to help all employees to achieve and maintain standards of conduct, attendance and job performance and to encourage an unsatisfactory employee to improve.

The aim of the procedure is to ensure consistent and fair treatment for all.

2. PRINCIPLES

2.1 The Assessor is responsible for ensuring that the rules and accepted standards of conduct and performance are known to all employees.

2.2 **No disciplinary action** (ie, issuing of a warning, suspension, dismissal etc) **should be taken against an employee until he/she has attended a properly convened meeting, accompanied by a trade union representative or other person of his/her choice (if the employee wishes) and been given the opportunity to explain the circumstances.** The employee must be advised, in writing, of the date and time of the hearing and a reasonable time should be set to allow the employee to arrange to be accompanied, if wished. The letter must also set out the reasons for the hearing.

NB It will be the responsibility of the employee to ensure that his/her representative is present at any stage of the procedure.

2.3 An employee will have the right of appeal against any disciplinary action taken in the manner outlined in the procedure. **Appeals should not be heard by the officer who initiated the original disciplinary action.** All appeals against warnings, except a warning signed by the Assessor, end at departmental level.

2.4 The disciplinary procedure may be implemented at any stage, should the employee's alleged misconduct warrant this.

2.5 An employee suspended pending investigation, ie precautionary suspension, will be entitled to full pay and maintenance of conditions (see separate section re. precautionary suspension).

2.6 Where the employee is a trade union representative, no action in terms of these procedures should be taken until a full time official of the trade union concerned has been informed.

2.7 An employee will be informed, **in writing**, of any disciplinary action taken, the reason for it, consequences of further misdemeanour and the procedure to be followed to submit an appeal.

2.8 Following an appeal, should any disciplinary action be reconsidered and revised, the employee will be notified accordingly and records amended.

NB Any decision taken to revise disciplinary action following appeal would involve a **downgrading** of the level of action initially taken. The disciplinary action **cannot be upgraded**.

- 2.9 Following an appeal, should any disciplinary action be reconsidered and **withdrawn**, the employee will be notified accordingly and no further reference will be made to it.

3. GENERAL

Within the limitations of power delegated to him/her and subject to such advice as may be appropriate, the Assessor will be responsible for the management and discipline within the department and shall have the right to issue warnings, final warnings, suspend, reduce the grade of, withhold an increment from, or dismiss an employee, subject to the employee's right of appeal against such disciplinary action in the manner provided within these procedures.

The Assessor can delegate this responsibility to other appropriate nominated officers in the department.

The Assessor will be responsible for ensuring that adequate investigation is undertaken and for the conduct of disciplinary matters within his level of authority.

The Head of Personnel Services will provide advice to the Assessor at any point in the operation of the procedure.

NOTE:

There are separate Disciplinary Procedures for Directors and the Chief Executive, details of which can be obtained from the Head of Personnel Services.

4 SUSPENSIONS - PRECAUTIONARY/PENDING INVESTIGATION

4.1 Precautionary Suspension

- 4.1.1 An immediate supervisor will have the necessary delegated powers to apply a precautionary suspension to any employee who is considered to be creating a situation where the employee is in personal danger or a danger to others (eg under the influence of alcohol, fighting etc).
- 4.1.2 This will entail the employee leaving or being sent from the workplace and reporting to the Assessor (or nominated senior officer) immediately where possible, but in any event, no later than the forenoon of the next working day. (In certain cases there may be a necessity to extend this deadline, but there must be clear justification for doing so.)

At this time, following investigation and consideration of the matter, a decision will be taken whether or not to proceed to a disciplinary hearing.

- 4.1.3 If an employee is suspended from duty as a precautionary measure pending an interview, the suspension will be **with pay** and this will be normally **for not more than one day**. (Again, in certain cases, there may be a necessity to extend the suspension period, but there must be clear justification for doing so.) **There is no right of appeal against precautionary suspension.**

4.2 Suspension on Full Pay Pending Investigation

- 4.2.1 If it is considered absolutely necessary, an employee may be suspended on full pay whilst an investigation is under way. This should be regarded as only one of the options available to management and must only be applied where the nature of the incident/allegation involving an employee requires the total removal of that employee from duty. All normal contractual payments will be made. **For investigations associated with Defalcation, the Special Procedures contained in Section 9 will apply.**

NOTE:

*Where the total removal of an employee from duty is not necessary, other options such as redeployment to other duties or relocation to another workplace on the same or alternative duties should be considered. Any decision to apply a precautionary suspension, suspend on full pay or to redeploy and relocate **must be notified to the Assessor and confirmed in writing to the employee.***

5. DEALING WITH DISCIPLINARY ACTION AT DEPARTMENTAL LEVEL

- 5.1 Where an incident occurs which is due to an employee's misconduct or performance and it is considered that some form of disciplinary action may be taken, the employee's supervisor or manager to whom the matter is reported, should in turn, report the matter to the Divisional Assessor or Senior Admin Officer as appropriate whilst at the same time ensuring that the employee is advised of his/her intention (investigation stage).
- 5.2 The Incident Report Form (PER/DCP/1/97) should be completed in respect of the employee's details, live disciplinary record and details of the incident.
- 5.3 The Divisional Assessor or Senior Admin Officer as appropriate should then examine the Incident Report Form and assess the authenticity of the information provided, giving careful consideration to the circumstances surrounding the incident, the nature and seriousness of the incident, the previous work record of the person concerned. **A decision is then taken as to whether a disciplinary hearing should be convened or the matter dismissed. If no further action is being taken, the employee should be advised in writing.**
- 5.4 If proceeding to a disciplinary hearing the employee, accompanied, if so wished, by a representative of his/her choice, will be called to a properly convened meeting, apprised of the facts concerning the incident by the disciplining officer and given the opportunity to explain his/her views on the circumstances.
- 5.5 It should be noted that the procedures in conducting such a meeting at local/departmental level will be exactly the same as those applying at an Appeal Panel Hearing. **Particular attention should, therefore, be paid to the "Procedure to be followed at hearing of a Disciplinary Appeal" as outlined in Section 8.**
- 5.6 At this disciplinary hearing, the Incident Report Form (PER/DCP/1/97) should be available and used as a basis for the department's claim. The information contained therein will be made available to the employee and his/her representative.
- 5.7 Both sides will have the right to question any witnesses present at the interview.

- 5.8 If the facts as stated are contested, it is the responsibility of the disciplining officer to suspend or adjourn the hearing to enable the points raised to be investigated.
- 5.9 On completing the further investigations, the disciplining officer will reconvene the hearing and advise the employee and his/her representative of the findings on the contested points and thereafter continue with the hearing, if necessary.
- 5.10 At the completion of the hearing, the disciplining officer will advise the employee and his/her representative of the decision reached, which will be confirmed in writing.
- 5.11 In the event of an employee or his/her representative refraining from offering an explanation or contesting any allegation, the disciplining officer will draw his/her own conclusions from the information available and reach a decision on the appropriate action to be taken which will, again, be confirmed in writing.

Written confirmation of disciplinary action taken against an employee must also contain advice on the employee's right of appeal against such action and to whom the appeal should be submitted within the designated time limits.

5.12 **NOTES:**

- 5.12.1 All Incident Report Forms which relate to the disciplinary hearing and the resultant action taken should be filed with the employee's records and a note of the decision attached.
- 5.12.2 If proceeding to a disciplinary hearing, this should be arranged within a reasonable timescale.
- 5.12.3 Appeals against disciplinary action cannot be heard by the same person who implemented the action in the first place **and any appeal should be heard by a more senior officer.**
- 5.12.4 Every attempt should be made to deal with appeals against warnings at **as near source level as possible.**
- 5.12.5 All appeals against warnings, except a warning signed by the Assessor, shall end at departmental level. **The Assessor should not normally, therefore, sign a warning letter unless the person concerned is his/her own depute or assistant.**
- 5.12.6 **An appeal against a Final Written Warning signed by the Assessor** will be submitted to the Head of Personnel Services for consideration by the sub-committee appointed by Renfrewshire Valuation Joint Board.
- 5.12.7 All appeals against punitive disciplinary action (eg suspension without pay, dismissal etc.) will also be submitted to the Head of Personnel Services for consideration by the sub-committee appointed by Renfrewshire Valuation Joint Board. Appeals against any disciplinary action should be heard as quickly as possible and every effort should be made not to exceed the time limits as contained within the procedures.

6 DISCIPLINARY ACTION (NON PUNITIVE)

6.1 Oral Warning

Where an employee's work or conduct does not meet acceptable standards, the appropriate supervisor will give a warning to the employee. When an Oral Warning is given, it must be confirmed in writing for record purposes. The employee should be left in no doubt about the reason and grounds for the Oral Warning and should also be advised of the potential consequences of any further misdemeanour.

6.1.2 Further misconduct (either of a similar nature or a subsequent but different offence) may result in a Written Warning, Final Written Warning or punitive disciplinary action.

6.2 Written Warning

6.2.1 Where an employee has previously received an Oral Warning which is still admissible and further misconduct occurs, or if it is felt that the nature of the misdemeanour warrants it, a Written Warning will be given. Again, the employee should be left in no doubt about the reason and grounds for the Written Warning and should also be advised of the potential consequences of any further misdemeanour.

6.2.2 Further misconduct (either of a similar nature or a subsequent but different offence) may result in a Final Written Warning or punitive disciplinary action.

6.3 Final Written Warning

6.3.1 Where an employee has received previous warnings and further misconduct occurs, or it is felt that the nature of the misdemeanour warrants it, a Final Warning will be given in writing and must indicate that a further infringement may result in punitive disciplinary action. The employee's trade union will be formally notified, if applicable.

6.3.2 Further misconduct (either of a similar nature or a subsequent but different offence) may result in punitive disciplinary action.

6.4 Appeals Against Warnings

6.4.1 Appeals against warnings (oral or written) should be made in writing, **using form PER/DCP/2/96**, to the Assessor within 14 days of receipt of notification. On such an appeal being submitted, the employee, represented/accompanied if so wished by a trade union representative or another person of his/her choice, shall be interviewed by the Assessor (or nominated Senior Officer) and given adequate opportunity to explain the grounds of his/her appeal. The Disciplining Officer should be available as required.

6.4.2 The Assessor (or nominated Senior Officer) is authorised to **uphold, reject or reduce the disciplinary action taken.**

- 6.4.3 Appeals will be dealt with as soon as possible and normally within 14 days after receipt.
- 6.4.4 Appeals against warnings will be concluded at departmental level **with the exception of a Final Written Warning which has been issued and signed by the Assessor**. In such cases, the appellant may submit a written appeal to the Head of Personnel Services, Renfrewshire Council, North Building, Cotton Street, Paisley PA1 ITS, requesting that the matter be heard by the sub-committee appointed by Renfrewshire Valuation Joint Board. As above, the employee may be represented/accompanied by a trade union representative or another person of his/her choice, if so wished.

6.5 Time Limits on Warnings

- 6.5.1 Oral and Written Warnings will be recorded and be admissible against further misdemeanour for **a period of 6 months** from the date of the letter confirming the outcome of the disciplinary hearing.
- 6.5.2 Final Written Warnings shall be recorded and stand to be admissible against further misdemeanour **for a period of 12 months** from the date of the letter confirming the outcome of the disciplinary hearing.
- 6.5.3 After the above time limits, warnings shall not be held against an employee involved in any further disciplinary incident **except in the following circumstances:-**

The special circumstances referred to are defined in the ACAS handbook on disciplinary procedures as cases where the employee's conduct is satisfactory for the period that the warning is in force, only to become unsatisfactory again shortly thereafter. Where a pattern of behaviour like this emerges and there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any current warning will last.

The ACAS handbook also details special circumstances when the misconduct is so serious, verging on gross misconduct, that the warning cannot be disregarded for future disciplinary purposes. In such circumstances, the Final Written Warning should make it clear that it can never be removed and any recurrence may lead to dismissal.

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

7 DISCIPLINARY ACTION (PUNITIVE)

7.1 Punitive Action

7.1.1 The Assessor (or nominated Senior Officer) may consider taking punitive disciplinary action, i.e. where the employee has previously received a written warning or where the misconduct or act of indiscipline is so serious as to warrant **punitive** action. Punitive action encompasses the following:-

- Suspension without pay (maximum of 2 weeks)
- Demotion
- Reduction in salary placing
- Withholding an increment
- Dismissal (with or without notice)

Only one of the above may be applied at any one time, and he/she is advised to seek advice on the suitable form of letter to be sent to the employee concerned from the Head of Personnel Services.

7.1.2 Before suspension, dismissal etc can be instituted, it will be necessary for the Assessor (or nominated Senior Officer) to show that either the stages detailed in Section 6 have been effected **or** that the gravity of the situation warrants such action.

7.1.3 Prior to any action being taken, the employee will be interviewed and given adequate opportunity to explain him/herself. The employee can be represented/accompanied by his/her trade union representative or other person of his/her choice.

7.1.4 Following this interview, if the Assessor (or nominated Senior Officer) wishes to proceed with the intended punitive disciplinary action, the employee will be notified **in writing** of the proposed action and also of the right of appeal against such action. A copy of this letter will be sent to the employee's trade union, if applicable, and also to the Head of Personnel Services.

7.1.5 Where action has been taken short of dismissal, the employee will be advised that further misconduct may result in dismissal. Where an employee is **suspended as a disciplinary measure**, the suspension will be **without pay** and **should not exceed a period of 2 weeks.**

7.2 Appeals Against Punitive Action

7.2.1 If an employee considers the disciplinary action taken to be unfair, an appeal may be submitted, in writing, and preferably through a trade union.

7.2.2 Appeals must be submitted to the Head of Personnel Services for hearing by the sub-committee appointed by Renfrewshire Valuation Joint Board which has delegated powers to decide appeals in the interests of a speedy resolution. Details of the procedures adopted by the sub-committee will be supplied to the appellant(s) and their trade union representatives.

- 7.2.3 Appeals will be considered only if they are lodged, **in writing**, either individually or through a trade union, **within 14 days** of the employee receiving written notification of the punitive disciplinary action. Form PER/DCP/2/96 is available for this purpose.
- 7.2.4 Appeals will be heard as soon as possible and normally not later than 28 days after receipt. The appellant and the trade union will be advised of the right to be represented at the hearing and to call any witnesses, if necessary. Notice will be given in writing at least 7 days in advance, unless otherwise mutually agreed, of the time and place of the appeal hearing.
- 7.2.5 While the necessary time off with pay etc will be granted to witnesses at a hearing, it is the responsibility of the appellant and his/her representative to make the necessary arrangements to call any witnesses they require to attend and be heard.
- 7.2.6 Should the appellant fail to appear on the set date, the sub-committee appointed by Renfrewshire Valuation Joint Board will dismiss the appeal unless, within 14 days of the date of the hearing, the appellant has provided, in writing, valid and acceptable reasons why the sub-committee should not do so.

7.3 Time Limits on Punitive Action Short of Dismissal

- 7.3.1 All punitive action shall be recorded and stand to be admissible against further misdemeanour for a period of **12** months.
- 7.3.2 After the above limit, such action shall not be held against an employee involved in any further disciplinary incident except for the following circumstances:-

The special circumstances referred to are defined in the ACAS handbook on disciplinary procedures, as cases where the employee's conduct is satisfactory for the period that the punitive action is in force, only to become unsatisfactory again shortly thereafter. Where a pattern of behaviour like this emerges and there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any current warning will last.

The ACAS handbook also details special circumstances when the misconduct is so serious verging on gross misconduct that the action cannot be disregarded for future disciplinary purposes. **In such circumstances, the letter advising of the action should make clear that it can never be removed and any recurrence may lead to dismissal.**

For other purposes (eg appointments, references etc) the action should be held on file **without time limit** and used as is felt appropriate in the particular circumstance.

7.4 Dismissal

7.4.1 Gross Misconduct

Where the Assessor considers an employee's misconduct serious enough to invalidate the employment contract and make any further working relationship and trust impossible, the employee can be summarily dismissed on the grounds of gross misconduct. **No payment will be made in lieu of notice. Payment of accrued annual leave based on the statutory entitlement of 4 weeks will be made.**

Gross misconduct is normally restricted to very serious offences, eg physical violence, theft, fraud, gross negligence of duties.

7.4.2 Misconduct

Where an employee's conduct and/or work performance does not improve, **despite previous written warnings having been given**, the employee can be dismissed on the grounds of misconduct. **Payment of accrued annual leave based on the statutory entitlement of 4 weeks will be made.** However, the employee **will** be entitled to be paid in lieu of notice.

7.4.3 Lack of capability

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 his/her 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 Personnel Services.

8 PROCEDURE TO BE FOLLOWED AT HEARING OF AN APPEAL AGAINST PUNITIVE DISCIPLINARY ACTION

- 8.1 There may be present at all times, the appellant, his/her representative and the department's representative.
- 8.2 Advisers to either the department's or appellant's side may be allowed to attend the hearing, provided the sub-committee appointed by Renfrewshire Valuation Joint Board has advance notice.
- 8.3 The department's representative will put forward their case in the presence of the appellant's side and may call any witnesses required.
- 8.4 The appellant's side will have the opportunity to question any witnesses called by the department.
- 8.5 The members of the sub-committee appointed by Renfrewshire Valuation Joint Board will then have the opportunity to ask questions of the department's witnesses.
- 8.6 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 side and members of the sub-committee appointed by Renfrewshire Valuation Joint Board

- 8.7 The appellant's side will put his/her case in the presence of the department's representatives and may call any witnesses required.
- 8.8 The department's representative will have the opportunity to ask questions of any witnesses called by the appellant or his/her representative.
- 8.9 The members of the sub-committee appointed by Renfrewshire Valuation Joint Board will then have the opportunity to ask questions of the appellant's representative, the appellant or any witnesses called.
- 8.10 The appellant's side will have the opportunity to ask further questions of the witness, to make points of clarification arising from questions from the department's representative and members of the sub-committee appointed by Renfrewshire Valuation Joint Board.
- 8.11 The department's representative, followed by the appellant's side, will have the opportunity, if they wish, to sum up their case **introducing no new material**.
- 8.12 The department's representative, the appellant's side and any advisers, if present, will then withdraw.
- 8.13 The sub-committee appointed by Renfrewshire Valuation Joint Board, presence of the officer(s) appointed to assist the sub-committee will then deliberate in private, only recalling if necessary the department's representatives, 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.
- 8.14 The sub-committee appointed by Renfrewshire Valuation Joint Board will recall the department's representative, the appellant and his/her representative and announce their decision on the appeal which will be confirmed in writing.
- 8.15 Under the Board's Scheme of Delegation, the sub-committee appointed by Renfrewshire Valuation Joint Board is authorised to uphold or reject appeals against disciplinary action or to order the varying of the disciplinary action taken. The form of the decision to be announced by the sub-committee will be one of the following as appropriate:
- (a) **That the grounds of the appeal have been substantiated and the appeal upheld.**
 - (b) **That the grounds of the appeal have been substantiated in part and the appeal is upheld to the extent that**
 - (c) **That the grounds of the appeal have not been substantiated and the appeal is not upheld.**

NOTE:

*Where the grounds of an appeal against dismissal have been substantiated in part and the sub-committee vary the disciplinary action previously taken to action other than dismissal, the appellant shall be deemed to have been reinstated to the employ of the Board **with effect from the date of the dismissal**.*

9 SPECIAL PROCEDURES

In certain cases, where it is considered that the circumstances relating to an incident/situation warrant special investigation prior to punitive disciplinary action being considered, such investigations shall be carried out in accordance with the procedures as contained in the attached appendices.

The instances to which these procedures relate to, and can be invoked, are as follows:

9.1 Defalcation (See Appendix A)

Where an incident/situation occurs involving the suspected or actual misappropriation or embezzlement of cash, monies etc, placed in a person's charge;

9.2 Addiction (See Appendix B)

Where an incident/situation occurs in which it is suspected or known that an employee's misdemeanour is due to an addiction problem;

Following investigation and consideration of action, a decision will be taken as to whether or not the employee should be disciplined.

If an employee is suspended during a Special Investigation, the suspension **will be with pay**.

All cases of suspension with pay **must** be notified to the Head of Personnel Services.

10. CONDUCTION OF A DISCIPLINARY HEARING

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

The Joint Board's representative, will put forward it's case in the presence of the employee and his/her representative and call such witnesses as may be required.

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 Joint Board's representative.

The disciplining officer will then have the opportunity to ask questions of the Joint Board's representative and any witnesses called by the Joint Board.

The Joint Board'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.

The employee or his/her representative will put his/her case in the presence of the Joint Board's representative and may call any witnesses required.

The Joint Board'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.

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.

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 Joint Board's representative and the disciplining officer.

The Joint Board'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.

The Joint Board's representative, the employee and his/her representative, along with any advisers present (with the exception of the Personnel Advisor assisting), will then withdraw.

The disciplining officer, if necessary, in the presence of the Personnel Advisor assisting, will then deliberate, in private, only recalling if necessary the Joint Board'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.

The disciplining officer will recall the Joint Board's representative, the employee and his/her representative and advise verbally of the decision reached 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.

DEFALCATION PROCEDURES

1. Whenever any matter arises which involves or is thought to involve irregularity concerning cash, stores or other property of the Board or any suspected irregularity in the exercise of the functions of the Board the Assessor will forthwith notify the Director of Finance and Information Technology or his/her nominated officer. Such irregularities will be dealt with in accordance with the Board's Defalcation Procedures.
2. In order to comply with the above, **the Assessor will make arrangements to ensure that where defalcation is suspected or known within their department, the matter will be reported immediately to him/her**, or the senior officer nominated for this purpose.
3. The Director of Finance and IT has nominated the Chief Internal Auditor as the contact in terms of these procedures. Reports can either be verbal or in writing, but have to be immediate in order to protect the Board's interests.
4. Internal Audit will investigate cases of irregularity. This includes the right to "require and receive such explanations as are necessary concerning any matter under examination" (ref. Board's Financial Regulations). An initial investigation will be carried out as a normal part of the Internal Audit function to ascertain whether there is any substance to the allegations and may include obtaining information and explanations from Board employees as appropriate. However, where the allegations concern a named individual (or individuals), then the individual will have the right to have an independent observer present at the initial interview. The observer may be a trade union representative or a colleague, but it should be noted that the employee does not have the right to union representation at this stage, and the observer should not participate in the interview. In addition, to protect the Board's interests, the individual may be asked to attend for interview without prior notice.
 - 4.1 Where appropriate, the Chief Internal Auditor may delegate the investigation of certain cases to departmental management who would comply with all aspects of these procedures.
5. On the basis of the outcome of the initial investigation from the Chief Internal Auditor, a decision will be taken by the Assessor or the nominated senior officer as to whether any employee (or employees) should be removed from his/her existing workplace and found alternative work or be suspended **with pay** pending the results of further investigations. This decision must be made in conjunction with the Chief Internal Auditor and the Head of Personnel Services.
6. Prior to this decision being implemented, the employee(s) concerned will be called to an interview (accompanied, if they so wish by a trade union representative or other person of their choice) and advised of the reasons for the interview, of the decision to extend the audit investigation and whether they are to be moved to another work location or suspended with pay pending the completion of the investigation. **The decision will be confirmed to the employee in writing.**

7. If, in the course of the investigations, further interviews by Internal Audit or other council officials are required with the employee concerned, the employee **must** be given the opportunity of being accompanied by a trade union representative or other person of their choice. Where an employee has been suspended with pay, they will remain available for interview.
8. On completion of the investigation, the Director of Finance and IT or nominated officer will submit a written report to the Clerk to the Board and the Head of Personnel Services.
9. Where disciplinary procedures appear necessary, the Assessor will consult with the Head of Personnel Services, the Director of Finance and I. T. and the Clerk to the Board.
10. In the event of disciplinary action being contemplated, the employee will be given written information on the broad nature of the findings of the investigation. Thereafter, the employee will be called, by letter, to a disciplinary hearing by the Assessor or nominated senior officer and may be accompanied by a trade union representative or other person of their choice.
11. At this disciplinary hearing, an opportunity to answer the case will be given to the employee before any decision is taken and thereafter the normal disciplinary procedures shall apply.
12. In the event that no disciplinary action is required, the employee concerned will be called to a further interview by the Assessor or nominated Senior Officer and advised of the outcome of the investigations, prior to a return to normal working.
13. The Assessor concerned will advise the Director of Finance and IT, the Head of Personnel Services and the Clerk to the Board of the outcome of the disciplinary hearing, including any action taken against the employee concerned.
14. In relevant cases the Director of Finance and IT may refer the case to the Police, **after receiving the authorisation of the Clerk to the Board. No approach is to be made to the Police regarding defalcation except by the Clerk to the Board or such other nominated person acting on his/her behalf.**
15. Where immediate Police action is necessary to protect the Board's interests, the Director of Finance and IT is authorised to make appropriate arrangements.

PROCEDURES FOR DEALING WITH ADDICTION PROBLEMS

The following remarks and procedures outlined apply equally to alcohol related problems, drug related problems, solvent abuse and gambling addiction.

Employees who suspect or know they have such a problem will be encouraged to seek help and treatment voluntarily either through the Board's voluntary procedures or through resources of the employee's own choosing.

Employees who come to notice through normal disciplinary procedures or as the result of a decision by the sub-committee appointed by Renfrewshire Valuation Joint Board as possibly having an addiction problem, will be offered the opportunity to seek diagnosis and treatment, if necessary, from the appropriate agencies. Those employees who:

- (i) decline to accept the offer of referral for diagnosis and/or help and treatment
- (ii) discontinue a course of treatment before its satisfactory completion
- (iii) continue to return unsatisfactory levels of work performance

will be subject to the normal and recognised disciplinary procedures.

Where an employee has work capability problems, the cause of which is known or suspected to be addiction related and where disciplinary measures have been applied or are indicated, the following procedures will apply:

1. The Assessor (or nominated Senior Officer) will interview the employee in the normal course of endeavouring to rectify work performance difficulty, in the presence of a trade union representative or other person of his/her choice, if the employee so wishes.
2. The Assessor (or nominated Senior Officer) will offer referral to the Addiction Service via the Head of Personnel Services.

3. **REFERRAL**

This can be carried out as an **alternative** to taking disciplinary action **OR** dependant on the nature of the misconduct, **after** disciplinary action has been applied.

- a) If the employee **accepts** the offer of referral as indicated, the Assessor (or nominated senior officer) will arrange an immediate interview with the Link Officer in Personnel Services.
 - b) If an employee **rejects** the offer of referral, the next stage of the disciplinary procedures will be applied.
4. If the employee accepts the offer of referral, the Link Officer will see the employee and arrange an immediate appointment with an approved Employee Counselling Service.

5. The Employee Counselling Service will assess the nature and extent of the problem and arrange, if indicated, a suitable programme of help and treatment in conjunction with its Medical Advisor. (This may include a medical examination at the discretion of the Medical Advisor or at the employee's request.)
6. The Employee Counselling Service will notify the Link Personnel Officer whether or not an addiction problem is confirmed.
7.
 - a) **If confirmed**, the Link Officer will obtain the co-operation and agreement of the Assessor regarding any absence from work, if necessary, and any other aid required.
 - b) **If not confirmed**, the employee will be referred back to the Assessor (or nominated Senior Officer) and the next appropriate stage of the disciplinary procedures applied.
8.
 - a) If confirmed and the employee **co-operates** and accepts the help and treatment prescribed and returns to an acceptable level of work performance, the problem is then resolved.
 - b) If confirmed and the employee **does not co-operate**, the Employee Counselling Service will notify the Link Officer who, in turn, will refer the employee back to the Assessor (or nominated senior officer).
9. The Assessor (or nominated Senior Officer) will then apply the disciplinary procedures backdated to the date of any suspension of proposed disciplinary action.
10. If work performance problems continue or recur, a decision will be taken as to whether the employee should be sent for further treatment or if the next stage of the disciplinary procedure should be applied.