

# Disciplinary Procedure



<b>Adopted by:</b>	Watton Town Council
<b>Date:</b>	April 2026
<b>Review date:</b>	April 2029

## 1. Purpose and Scope

**1.1** This procedure explains how Watton Town Council will deal with concerns about employee conduct. Its purpose is to ensure that disciplinary matters are handled fairly, consistently and reasonably, while supporting acceptable standards of behaviour and protecting the Council, its employees and the public.

**1.2** The Council uses the NJC Green Book (2024) and the NALC Model Contract of Employment (2023) as guidance when determining employment terms and conditions. Not all provisions apply automatically. Where this procedure, an employee's contract, or another adopted Council policy sets out a local arrangement, that local arrangement will apply.

**1.3** This procedure applies to employees of Watton Town Council. It does not apply to councillors in their elected capacity, self-employed contractors, agency workers or volunteers. Concerns about councillor conduct are dealt with separately under the Members' Code of Conduct and the Council's governance arrangements. However, councillors may be involved in disciplinary matters where the Council's delegated staffing arrangements require member oversight or an appeal hearing.

**1.4** This procedure should be read alongside the Capability Policy, Grievance Procedure, Anti-Bullying and Anti-Harassment Policy, Whistleblowing Policy, Data Protection Policy and Employee Privacy Notice.

**1.5** This procedure is non-contractual and may be amended by the Council from time to time, subject to any contractual rights that apply.

## 2. Legal Framework and General Principles

**2.1** The Council will handle disciplinary matters in line with the Acas Code of Practice on disciplinary and grievance procedures and relevant Acas guidance. The Acas Code sets the minimum standard of fairness employers should follow in disciplinary cases, and employment tribunals may take it into account where relevant.

**2.2** Disciplinary matters should, where appropriate, be addressed informally first. Formal action will normally be taken only where the matter is too serious for informal handling, informal action has not resolved the concern, or there is a repeated pattern of misconduct.

**2.3** No formal disciplinary sanction will normally be imposed until the facts have been investigated. Employees will be told in writing what the concerns are, will be given a reasonable opportunity to respond, and will have the right to be accompanied at formal disciplinary meetings by a trade union representative or workplace colleague.

**2.4** The Council will act consistently, maintain confidentiality as far as reasonably possible, keep appropriate records, and make reasonable adjustments where required. No employee will normally be dismissed for a first act of misconduct unless the matter amounts to gross misconduct.

### **3. Management Roles and Scope**

**3.1** For the purposes of this procedure, references to the line manager mean the Clerk or the appropriate line manager for the employee's role.

**3.2** As a small council, the Council may need to adapt who carries out each stage depending on the circumstances, availability and the need for independence. An investigating officer, hearing officer and appeal officer should, as far as reasonably practicable, be different people.

**3.3** Watton Town Council's HR Committee Terms of Reference state that the HR Committee is responsible for staffing matters for the whole Council. All committees have delegated powers, subject to the Council's own governance arrangements. Where member involvement is needed under this procedure, the Council will allocate that role in line with those arrangements.

### **4. Misconduct and Gross Misconduct**

**4.1** Misconduct means behaviour falling below the standard reasonably expected of an employee. Examples may include unauthorised absence, persistent poor timekeeping, failure to follow reasonable management instructions, inappropriate behaviour or language, misuse of Council property or systems, minor breaches of Council policies, or failures to follow health and safety requirements.

**4.2** Gross misconduct means behaviour so serious that it may justify summary dismissal, which is dismissal without notice or pay in lieu of notice. Examples may include serious bullying, harassment, discrimination or victimisation, violence or threats, theft or fraud, deliberate falsification of records, serious negligence, serious breaches of health and safety, being under the influence of illegal drugs or alcohol at work, serious misuse of IT systems, serious breaches of confidentiality, or criminal conduct relevant to the role.

**4.3** The examples in this section are not exhaustive. The Council will consider the facts and seriousness of each case individually.

### **5. Informal Action**

**5.1** Where appropriate, concerns will first be raised informally by the Clerk or appropriate line manager. Informal action may include a discussion, management instruction, clarification of standards, training, closer supervision or another reasonable step aimed at improving conduct.

**5.2** A brief note may be kept of an informal discussion for management purposes, but this will not amount to a formal disciplinary warning.

**5.3** If the issue is not resolved informally, or if the matter is too serious for informal action, the Council may start the formal disciplinary procedure.

### **6. Suspension**

**6.1** Suspension is a neutral act and is not a disciplinary penalty. The Council may consider suspension only where there is an allegation of potential gross misconduct, the employee's presence may affect the investigation, there may be a risk to people, property or the Council's interests, or suitable alternative working arrangements cannot reasonably be put in place.

**6.2** Any suspension will normally be on full pay, will be kept under review, and will last no longer than is reasonably necessary. The Council will confirm the suspension in writing.

**6.3** During a period of suspension, the employee must remain available during normal working hours, must not interfere with the investigation, and must follow any reasonable instruction given by the Council. The Council may agree appropriate welfare contact during suspension.

## **7. Investigation**

**7.1** If formal action is being considered, the Council will appoint an investigating officer. The investigating officer may be the Clerk, an appropriate manager, a councillor or an external HR adviser, depending on the circumstances and the need for independence.

**7.2** The purpose of the investigation is to establish the relevant facts. It may involve reviewing documents, taking witness statements, meeting the employee, and making any other reasonable enquiries.

**7.3** An investigatory meeting is not a disciplinary hearing and will not itself result in a disciplinary sanction. The employee will normally be told the nature of the concerns before any investigatory meeting takes place.

**7.4** At the end of the investigation, the investigating officer will decide whether there is no case to answer, whether informal management action is more appropriate, or whether the matter should proceed to a disciplinary hearing.

## **8. Disciplinary Hearing**

**8.1** If there is a case to answer, the Council will invite the employee to a disciplinary hearing in writing. The letter will normally set out the allegations, enclose the evidence to be considered, confirm the date, time and place of the hearing, and explain the employee's right to be accompanied.

**8.2** The hearing will normally be chaired by a person who has not previously been involved in the investigation. Depending on the circumstances, this may be the Clerk, another appropriate manager, a councillor, or an external HR adviser.

**8.3** At the hearing, the Council will explain the allegations and evidence. The employee will have the opportunity to respond, ask questions, comment on the evidence and raise any relevant mitigation. Witnesses may be called where appropriate.

**8.4** The hearing may be adjourned if further enquiries are needed before a decision can be made.

**8.5** The Council will confirm the outcome in writing as soon as reasonably practicable after the hearing.

## **9. Disciplinary Outcomes**

**9.1** Where misconduct is found, the Council may decide that no sanction is necessary, that management guidance is sufficient, or that a formal warning is appropriate.

**9.2** A first written warning will normally be issued where misconduct is substantiated but is not serious enough to justify a final written warning. Unless stated otherwise, a first written warning will normally remain active for 12 months.

**9.3** A final written warning may be issued where the misconduct is more serious, where there is further misconduct during the life of an earlier warning, or where the circumstances otherwise justify a more serious sanction. Unless stated otherwise, a final written warning will normally remain active for up to 12 months.

**9.4** Dismissal may occur where there is further misconduct during the life of a final written warning, where misconduct is sufficiently serious to justify dismissal, or where gross misconduct is established. Dismissal for gross misconduct may be without notice or pay in lieu of notice.

**9.5** Outcome letters will normally explain the decision, the reasons for it, any expected improvement, the period for which any warning will remain active, and the right of appeal.

## **10. Appeals**

**10.1** An employee may appeal against a formal disciplinary sanction by writing to the Council within five working days of the date of the outcome letter, unless the Council agrees a different period.

**10.2** The appeal should state the grounds of appeal. For example, the employee may believe the procedure was not followed fairly, the evidence did not support the decision, the sanction was too severe, or new information has come to light.

**10.3** The appeal will be heard by a person or panel not previously involved in the case, in accordance with the Council's governance arrangements.

**10.4** The appeal outcome will be confirmed in writing. The appeal decision is final.

## **11. Records, Confidentiality and Related Matters**

**11.1** Disciplinary matters will be handled confidentially as far as reasonably possible. Information will be shared only with those who need it for the purposes of the procedure or related governance responsibilities.

**11.2** The Council will keep records of investigations, hearings, outcomes and appeals in accordance with data protection law and the Council's retention arrangements.

**11.3** Warnings will normally be treated as spent after their active period has expired, although a record of the matter may still be retained in accordance with the Council's lawful record-keeping requirements.

**11.4** Knowingly false or malicious allegations made against another person may themselves be treated as a disciplinary matter.

**11.5** This procedure does not apply to capability issues arising mainly from lack of skill, aptitude, knowledge, health or attendance, which should normally be dealt with under the Capability Policy or Sickness and Absence Policy, unless there is evidence of misconduct.

## **12. Monitoring and Review**

**12.1** This procedure will be reviewed periodically and may be amended where required by changes in law, Acas guidance, NJC or NALC guidance, or Council decision.