

# COLLINGHAM *Parish Council*

---

## DISCIPLINARY AND DISMISSAL PROCEDURE

Adopted: October 2025

Next Review: October 2026

### 1. Introduction

1. This procedure aims to encourage improvement in conduct and performance, and to ensure that disciplinary matters are handled fairly, consistently, and without unreasonable delay.
2. The Council follows this procedure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures (2024) and relevant employment legislation.
3. This procedure applies to all employees of Collingham Parish Council. It may be entered at any stage depending on the seriousness of the alleged misconduct.

### 2. Roles and Responsibilities

1. The Staffing Panel is authorised by the Council to consider disciplinary matters, including suspension and dismissal, in consultation with the Chair of the Parish Council.
2. Appeals will be heard by councillors who have not been involved in the initial decision, ensuring impartiality.
3. Where possible, the person investigating an allegation will not take part in any later disciplinary decision.

### 3. Principles

1. All allegations will be handled promptly, confidentially, and consistently. No disciplinary action will be taken until a reasonable investigation has been carried out.
2. Employees will be informed in writing of the nature of any allegation, have the opportunity to respond and to be accompanied by a trade union representative, colleague, or friend, and receive written confirmation of any decision and the reasons for it.
3. An employee has the right of appeal against any disciplinary action. Except in cases of gross misconduct, no employee will normally be dismissed for a first offence.
4. Where an allegation is found to be unfounded, this will be confirmed in writing and no record will be kept on file.

## 4. Informal Resolution

1. Minor issues of conduct or performance should normally be resolved informally through discussion, coaching or counselling.
2. If appropriate, a note of the discussion may be agreed with the employee and retained for up to six months, after which it will be deleted from the personnel file. Informal action is not a disciplinary sanction.

## 5. Formal Procedure

### Stage 1 – Investigation

1. Where a matter cannot be resolved informally, an Investigating Councillor (or external person if required) will establish the facts.  
The employee will receive written notice of the allegations and be given a chance to respond.
2. If the investigation shows there may be a disciplinary case to answer, a disciplinary hearing will be arranged. The employee will receive copies of all evidence at least five working days before the hearing.
3. Where the evidence does not justify further action, the employee will be informed in writing and the case closed.

### Stage 2 – Disciplinary Hearing

1. The employee will be invited in writing to a disciplinary hearing before the Staffing Panel. They will be advised of the allegations and evidence, their right to be accompanied, and the possible outcomes.
2. At least ten working days' notice will normally be given to allow preparation. Possible outcomes include: no action, informal advice or counselling, written warning (valid for 12 months), final written warning (valid for 24 months), or dismissal (with notice or pay in lieu, or summary dismissal in cases of gross misconduct).
3. The decision will be confirmed in writing within five working days, stating the reasons and right of appeal.

### Stage 3 – Appeals

1. An employee wishing to appeal must write to the Chair of the Council within ten working days of receiving the decision, setting out the grounds for appeal.
2. An Appeal Panel of councillors not previously involved will hear the appeal within twenty working days.
3. The Appeal Panel may uphold, amend, or overturn the original decision. The outcome will be final and confirmed in writing within five working days.

## 6. Suspension

1. Suspension may be considered where it is necessary to investigate serious allegations. It is a neutral act and not a disciplinary sanction.

2. Suspension will be confirmed in writing as soon as possible, normally within one working day, and kept under regular review.
3. Employees will continue to receive normal pay during suspension.

## **7. Gross Misconduct**

1. Gross misconduct is behaviour so serious that it may justify summary dismissal (dismissal without notice).
2. Examples include, but are not limited to: theft, fraud, or deliberate falsification of records; physical violence or bullying; serious breach of confidentiality or data protection; discrimination or harassment; deliberate damage to property; serious breach of health and safety rules; being under the influence of alcohol or drugs at work; accessing or sharing obscene or inappropriate online material; or wilful refusal to follow a reasonable instruction.
3. Each case will be considered on its merits. No dismissal will take place until after a disciplinary hearing.

## **8. Record Keeping and Confidentiality**

1. Records of disciplinary proceedings will be kept securely and only as long as necessary, in line with data protection legislation.
2. Typical retention periods are: Verbal warning – 6 months; Written warning – 12 months; Final written warning – 24 months.
3. All proceedings are confidential. Councillors, employees and witnesses must not discuss cases outside formal meetings or post information online or on social media.

## **9. Equality and Fairness**

1. The Council is committed to ensuring that all disciplinary proceedings are conducted in line with the Equality Act 2010, ensuring that no employee is treated less favourably because of a protected characteristic.
2. Adjustments will be made to support employees with disabilities or other needs.

## **10. Aftercare and Support**

1. Where disciplinary action short of dismissal is taken, the Council will support the employee to achieve the required improvement through training, mentoring, or supervision.
2. If dismissal occurs, any final pay, holiday entitlement, or other arrangements will be confirmed in writing.

## **11. Review of the Policy**

1. This procedure will be reviewed annually or earlier if required by legislation or organisational changes.

## Appendix A – Overview Flowchart

Concern Raised → Informal Discussion → Investigation → Hearing → Outcome →  
Appeal (if requested)

## Appendix B – Key Timescales

Stage	Normal Timescale
Notice of disciplinary hearing	10 working days
Circulation of documents	5 working days before hearing
Appeal submission	Within 10 working days of decision
Appeal hearing	Within 20 working days of appeal
Confirmation of decision	Within 5 working days