TREWERN COMMUNITY COUNCIL / CYNGOR CYMUNED TREWERN

CODE OF CONDUCT AND DISCIPLINARY PROCEDURE

1. Purpose and Scope of the procedure

1.1 The code of conduct and disciplinary procedure set out below is designed to ensure that all employees of the Community Council are treated fairly and consistently, to ensure the efficient and safe performance of work and to promote the maintenance of good relations between colleagues and between employees and their manager.

1.2 You should familiarise yourself with and abide by the code of conduct and disciplinary procedure, which applies to all employees.

2. Code of conduct

2.1 The code of conduct covers the main standards of behaviour and performance required by the Community Council. You are under a duty to comply with the standards of behaviour and performance required by the Community Council.

2.2 A breach of the Community Council rules set out below will render you liable to disciplinary action in accordance with the disciplinary procedure. An instance of gross (serious) misconduct will normally render you liable to dismissal without notice or pay in lieu of notice.

2.3 The Community Council rules and the examples of misconduct below are not exhaustive. They include the following:

2.3.1 you must comply with the rules relating to notification of absence;

2.3.2 you must arrive at work promptly, ready to start work at your contractual starting times, and must remain at work until your contracted finishing times;

2.3.3 you may be required to work additional hours at short notice, as the needs of the business require;

2.3.4 you must obtain management authorisation if for any reason you wish to arrive later or leave earlier than your normal start and finish times;

2.3.5 the Community Council reserves the right not to pay you in respect of working times lost because of poor timekeeping and persistent poor timekeeping will result in disciplinary action;

2.3.6 you are required to maintain satisfactory standards of performance at work, and a high level of quality, accuracy and diligence;

2.3.7 you must keep confidential, both during your employment and at all times after its terminated, all information gained in the course of your employment about the business of the Community Council, and that of the Community Council's clients, supplier and business partners, except in circumstances in which you are required to disclose information by law or in the course of the performance of your duties with the Community Council;

2.3.8 you are not permitted to engage in any activity outside of your employment with the Community Council which could reasonably be interpreted as competing with the Community Council;

2.3.9 you must dress in a manner appropriate to the function in which you are engaged;

2.3.10 you may be required from time to time undertake duties outside your normal job remit;

2.3.11 you may be required from time to time to work at locations other than your normal place of work;

2.3.12 you must co-operate fully with your colleagues and with management and to ensure the maintenance of acceptable standards of politeness;

2.3 13 you must take necessary steps to safeguard the public images of the Community Council preserve relationships with its clients;

2.3.14 you must comply with the Community Council's operating policies and procedures;

2.3.15 all accidents, however minor, must be reported to management as soon as possible, and an entry made in the Community Council's accident book;

2.3.16 Community Council property and equipment must not be taken from the Community Council's premises other than for use on authorised Community Council business;

2.3.17 you are solely responsible for the safety of your personal possessions while in the Community Council's premises. You must ensure than your possessions are at all times kept in safe place; and

2.3.18 if you find an item of personal property on the premises that does not belong to you, you are required to inform management immediately.

2.4 Gross misconduct

Set out below are examples of behaviour which the Community Council treats as gross (serious) misconduct, which will normally render you liable to dismissal without notice (the list is not exhaustive):

2.4.1 theft, dishonesty, fraud;

2.4.2 assault act of violence, or aggression;

2.4.3 unacceptable use of obscene or abusive language (including language of a discriminatory nature);

2.4.4 possession or use of non-prescribed drugs on Community Council premises or during working hours;

2.4.5 possession or consumption of alcohol on Community Council premises or during working hours, other than on occasions approved by the Community Council;

2.4.6 serious incapacity at work brought on by alcohol or prescribed drugs;

2.4.7 wilful damage of the Community Council's property or the property of its employees or clients, suppliers or business partners;

2.4.8 serious insubordination;

2.4.9 falsification of records or other Community Council documents, including those relating to obtaining employment;

2.4.10 unlawful discrimination, harassment or bullying;

2.4.11 refusal to carry out reasonable management instructions;

2.4.12 gambling, bribery, corruption or tax evasion facilitation;

2.4.13 acts of indecency or sexual harassment;

2.4.14 serious breach of the health and safety policies and procedures, or endangering the health and safety of a fellow employee, client or third party;

2.4.15 breach of confidentiality, including the unauthorised disclosure of Community Council business to the media or any other party (this rule does not apply to making, in good faith, a protected disclosure (whistleblowing or to a relevant pay disclosure);

2.4.16 unauthorised access to or use of computer data or computer hardware;

2.4.17 copying of computer software, other than when authorised in your normal course of employment;

2.4.18 bringing the Community Council into disrepute;

2.4.19 misuse of the Community Council's name;

2.4.20 serious breach of the Community Council's policies or procedures;

2.4.21 serious negligence which causes or might cause unacceptable loss, damage or injury; or

2.4.22 conviction of a criminal offence (except for the minor road traffic offence) that impacts on your suitability to do your job or your relationship with the Community Council, your work colleagues or the Community Council's clients, suppliers or business partners.

3 Disciplinary procedure

3.1 The disciplinary procedure will be used where there are possible issues of misconduct. It does not apply to cases where an employee fails to perform to the required standard as a result of lack of skill, capability or training or has genuine sickness absence.

3.2 The disciplinary procedure does not form part of your contract of employment. It may be amended at any time and the Community Council may use an alternative procedure depending on the circumstances of the particular case.

3.3 If you, or your chosen companion, anticipate or experience any difficulty at any stage of the procedure because of a disability or a medical condition, you should contact your Manager.

4 Investigation

4.1 If any complaint of misconduct is made against you, an investigation will usually be carried out by your Manager, without unreasonable delay, to establish the facts of the case. You must cooperate fully and promptly in any investigation.

4.2 On completion of the investigation, the investigating Officer will recommend whether a disciplinary hearing should be convened or some other step(s) taken in relation to the situation.

4.3 You do not have a statutory right to be accompanied at any investigatory meeting that may take place but may request to be accompanied by a work colleague or trade union representative. Whether or not such a companion is allowed and, if they are, what their role will be, is a matter for the Community Council's absolute discretion.

5 Suspension

If we have grounds to believe that you may be guilty of misconduct which we consider to be serious (gross) misconduct, where relationships have broken down, or where we have grounds to consider that our property or responsibilities to other parties are at risk, or where we consider that your continued presence at our premises would hinder an investigation, we will be entitled to suspend you on full pay. Any such suspension will be as brief as possible and will be kept under review. A decision to suspend you is not considered a disciplinary action, nor does it imply that any decision has been taken about your case.

6 Attendance and companions at disciplinary and appeal meetings

6.1 You should make every effort to attend any disciplinary hearing (including any appeal hearing). If you or your companion cannot attend the meeting, you should let us know as soon as possible and propose a reasonable alternative date and time. If this is within five working days of the original date, we will accept it and the meeting will take place then. If it is not, we will make reasonable attempts to agree another alternative date and time. If you are persistently unable or unwilling to attend a disciplinary meeting without good cause, we will male a decision on the evidence available.

6.2 You are entitled to be accompanied at any disciplinary meeting (including any appeal) by a fellow work colleague of your choice or trade union representative who meets the statutory requirements. Please note that it is your responsibility to secure the attendance of any fellow work colleagues. You may not be accompanied by any other person, such as a relative, without our prior agreement, or by a legal representative.

6.3 The person accompanying you is entitled to address the hearing to put and sum up your case, respond on your behalf to any views expressed at the hearing and confer with you during the hearing. The person accompanying you does not have the right to answer questions on your behalf, address the hearing if you do not wish it or prevent the Community Council from explaining its case. Any work colleague who you have requested to accompanying you will be given a reasonable amount of paid time off to prepare for and attend the hearing.

7 Stage one: Invitation to disciplinary meeting

7.1 Where the Investigating Officer decides that there is a disciplinary case to answer, disciplinary meeting will be convened without unreasonable delay, while allowing you

reasonable time to prepare your case. You will ne notified in writing of the date, time and venue for the meeting.

7.2 The letter will contain sufficient information about the alleged misconduct and its possible consequences to enable you to prepare to answer the case at the meeting. It will also usually provide copies of any witness statements.

8 Stage two: disciplinary meeting

8.1 Where possible the meeting will usually be heard and chaired by your Manager (the 'Chairperson'). Another employee will be present at the meeting to take notes.

8.2 At the hearing, the Chairperson will explain the complaint against you and go through the evidence that has been gathered. You will have an opportunity to state your case in relation to the allegations and challenge any evidence produced in support of the allegations by the Community Council. You will be given a reasonable opportunity to ask questions, present evidence and call witnesses. You should notify us in advance of the hearing of the names of such witnesses and their relevance to the allegations. You will also be given the opportunity to raise points about any information provided by witnesses. Any witness you have requested to attend a hearing with you who is a fellow colleague will be given a reasonable amount of time off work to prepare for and attend the hearing.

8.3 The proceedings, any statements and all documents and records relating to disciplinary hearings will be kept confidential.

9 Adjournment

9.1 The Chairperson may adjourn any disciplinary meeting (including any appeal), for example if further investigation or evidence is required. The meeting will usually be reconvened afterwards.

10 Decisions

At the end of the disciplinary meeting, the Chairperson will normally adjourn the meeting before making a decision. Following the adjournment, the Chairperson may issue an oral decision or may deliberate further and issue a decision in writing, In any event written notification, of the outcome of the meeting will usually be sent to you within 7 working days of the last meeting, or as soon as reasonably practicable, together with an explanation of any disciplinary action to be taken and notification of your right to appeal.

11 Levels of disciplinary sanction

11.1.1 Very minor cases of misconduct will be dealt with informally, with the objective of improving your conduct. Where the matter is more serious, or where you have failed to improve your conduct, formal action will be taken as described below.

11.1.2 There are three levels of disciplinary sanction. Other than in cases of gross (serious) misconduct, you will not normally be dismissed for a first offence but the Community Council reserves the right to impose sanctions at any level, or to skip levels, depending on the circumstances of the case.

11.1.3 Level 1: written warning

Where misconduct is confirmed you will usually be given formal written warning. A first written warning will normally remain in force for six months.

11.1.4 Level 2: final written warning

If you fail to improve or change your behaviour during the currency of a prior written warning or where the misconduct, infringement or offence is sufficiently serious, you may be given a final written warning. A final written warning will not normally remain in force for 12 months.

11.1.5 Level 3: dismissal or other sanction

If you fail to improve or change behaviour or improve conduct during the currency of a prior warning, or where misconduct, infringement or offence is sufficiently serious to warrant dismissal, or you are guilty of an act of gross (serious) misconduct (see paragraph 2.4 for a non-exhaustive list of examples), dismissal will normally result. A decision to dismiss will only be taken by a manager who has the authority to do so.

11.1.6 Alternatively, a sanction other than a dismissal may be imposed (e.g demotion, loss of seniority). If that is the case, you will, as soon as is reasonably practicable, be provided with written confirmation of the action to be taken, how it is to be implemented, the reason for the action, the date on which it will come into force (if appropriate) and information on your right to appeal. There sanctions may be used in conjunction with a written warning.

12 Written warnings: information to be provided

12.1 A first or final written warning will set out the nature of the misconduct and the change in behaviour required, and the timescale. It will also set out the consequences of further misconduct within the set period following warning. A copy of the first or final written warning will be kept on your personal record. In exceptional cases, depending upon the seriousness and nature of the behaviour, misconduct or infringement, the period for which warning remains in force may be longer than that specified above. A first written warning will normally be disregarded for disciplinary purposes after six months and a final written warning after 12 months (or any longer period specified in the warning) subject to satisfactory conduct and performance during that time, but will form a permanent part of your personnel record.

13 Dismissal: Information to be provided

13.1 Where you are dismissed, you will be given written confirmation setting out details of the reason for dismissal, the date on which your employment terminated or will terminate, the appropriate period of notice or pay in lieu of notice (if any) and your right to appeal against the dismissal.

14 Summary dismissal

14.1 If you are guilty of an act of gross (serious) misconduct or some other fundamental breach of the Community Council's rules or of the contract of employment you may be summarily dismissed. This means that there will be no obligation on the Community Council to allow you to work your notice period or make a payment in lieu of notice.

15 Appeals

15.1 If you wish to appeal against a disciplinary decision or sanction, you must inform the Chairperson in writing within five working days of receiving notification of the disciplinary decision, setting out in full grounds for your appeal. If you wish to produce additional evidence to support you case then this must be provided to the Chairperson in advance of the appeal hearing.

15.2 All appeals will be dealt with as promptly as possible and a date will be set for the appeal hearing as soon as is reasonably practicable after the Chairperson has received written notification of your appeal.

15.3 Whenever possible, the appeal will be heard by a Manager who has not been involved in the investigation or disciplinary hearing (the 'Appeal Chairperson').

15.4 You will be informed of the arrangements for the appeal hearing, confirmation of the Appeal Chairperson, details of any other representative of the Community Council who will be present at the meeting to take notes and of the right to be accompanied at the appeal hearing.

15.6 The Appeal Chairperson will confirm to you in writing the outcome of the appeal hearing usually within five working days of the appeal, or as soon as is reasonably practicable.

15.7 The Appeal Chairperson's decision will be final. There is no further right of appeal.

Trewern Community Council adopted/reviewed this Disciplinary Procedure at its meeting on:

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Signed:……Date:……..……..

Print Name:…….…….

Position:……..……..

Version No:……..……

Review Date = Annual

Amended or Reviewed	Date	Version No	Who
Approved			