



# Disciplinary Policy

We want SKDC to be a great place to work where all employees respect each other and the business by behaving in line with our business standards. This policy is designed to encourage all employees to maintain standards of conduct including behaviour. It also outlines the approach that will be taken if an employee does not meet the expected standards of conduct and behaviour.

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### Related Guidance:

- [Manager guidance and templates](#)
- [Employee Code of Conduct](#)

If you have any questions about this policy or require any further support, please contact the HR team by emailing [hr@southkesteven.gov.uk](mailto:hr@southkesteven.gov.uk)

For independent support, our Employee Assistant Support service offer a completely confidential helpline for employees. Call 0800 716 017 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

## 1.0 Introduction

The Disciplinary Policy outlines the approach that will be taken if an employee does not meet the expected standards of conduct or behaviour. Resolving issues informally with support and guidance will be used where appropriate to encourage improvement. Where the issue is potentially more serious, formal disciplinary action will be considered as outlined in this policy.

## 2.0 Scope

This disciplinary policy applies to all employees of South Kesteven District Council with the exception of the Chief Executive and Chief Officers.

No formal disciplinary action will be taken against an accredited trade union representative until the case has been discussed by HR and the Branch Secretary (after obtaining the employee's agreement).

## 3.0 Guiding principles

- Employees should make every effort to meet the business standards of conduct and behaviour.
- Issues can be dealt with informally or formally depending on the nature of the issue.
- Where appropriate, minor conduct issues should be dealt with informally before they become more serious.
- No disciplinary decisions will be taken without a full investigation and the employee being given the opportunity to state their case.
- Cases will be handled in a timely manner and where delays occur, the employee will be notified of the reason and when a decision is to be made.
- Employees in a disciplinary process will be treated with respect and kept informed.
- Employees may be suspended on full pay while investigations are carried out.
- HR may support cases providing advice and guidance.
- The disciplinary process should remain confidential at all times.

## 4.0 Employee obligations

South Kesteven District Council expects all employees to:

- Take a responsible approach to their work, residents and fellow employees.
- Maintain standards of conduct appropriate to their role.
- Seek help as soon as they recognise that they are in a situation which could compromise their behaviour or if they have any concerns regarding their job.
- Notify SKDC as soon as possible if they are charged with a criminal offence.
- Follow reasonable instructions of their manager.

## 5.0 Approach to Disciplinary - Informal Resolution

Informal resolutions may be used where the act of misconduct is not serious and has a limited impact on the Council.

Informal resolution could involve:

- An informal discussion where the manager and the employee resolve the issue without needing formal action.
- Using a 'letter of concern' to confirm discussions and inform that a continued failure to adhere to the rules could result in formal action.

The objective of this informal stage is to resolve the matters of concern, and formal action should follow only where it becomes apparent during the discussion that the matter is more serious than was initially apparent, or where the issues discussed persist following the discussion.

## **6.0 Approach to Disciplinary - Formal**

In more serious cases, it is necessary to proceed straight to the formal disciplinary process and the employee will be informed of this.

### **6.1 Seeking an Explanation**

The manager should try to seek an explanation from the employee to get some facts as soon as possible after the incident happens or is reported. This may include briefly questioning the employee to understand the situation and determine what the next course of action should be. This may include asking the employee and/or witnesses for written statements. The individual would not usually have representation at this stage.

### **6.2 Precautionary Suspension and Alternative Arrangements**

Precautionary suspension should only be considered when a serious incident occurs or is reported to a manager. The main circumstances when it may be appropriate to consider precautionary suspension are (but are not limited to):

- Alleged inappropriate behaviour, for example violent or threatening behaviour.
- Alleged serious breach of conduct for example suspected or admitted theft or fraud.
- There is a reasonable belief that the investigation may be hampered if the employee remains at work.

Prior to a potential suspension, the manager should meet with the employee to seek an explanation of the facts of the case (see section 6.1). If the manager believes that the incident is serious and there is reasonable belief that the serious breach could be repeated and/or there is a risk to people, property or the good image of the Council then the manager should suspend the employee.

Alternative options to suspension should be considered such as temporary redeployment or an adjustment to the role be undertaken that removes the risk of reoccurrence.

It is important that all cases of precautionary suspension only last as long as necessary and suspension cases must be kept under review. Employees on precautionary suspension may be asked to return to work whilst the investigation is ongoing if new information means there is no longer a risk of the above.

Precautionary suspension will be with pay.

### 6.2.1 'Cooling-off' Period

It may be appropriate to initiate a 24 hour 'cooling off' period where an employee is asked to go home. In this case, they will agree a time for a discussion with the manager within the 24 hour period. The manager may need to gather more facts in this time before making a decision as to whether a suspension is necessary, e.g. gathering witness statements. The employee will be communicated with within the 24 hour period to advise of the next steps.

### 6.2.2 Sick whilst Suspended

In the event an employee is unwell whilst suspended, they should follow the normal sick absences process in line with the Attendance Policy. The line manager will engage with the employee to try and support them in their recovery. The manager will also explore potential adjustments to continue and conclude the sick absence process such as the facility to provide written submissions or other additional support for the investigation meeting or hearing. Occupational Health may be approached for advice on fitness to participate in the process and guidance on assistance that may help support the employee during the disciplinary procedure.

## 6.3 Fact finding

Where a potential disciplinary matter arises, a prompt and detailed investigation of the facts will take place. Employees, including potential witnesses, may be asked to provide a written statement shortly after an incident.

The fact-finding stage will include:

- A fair and balanced view of the facts relating the disciplinary allegations.
- A fact-finding meeting where the employee has a right to be accompanied by their union representative or by a work colleague.
- Examination of relevant documentary evidence and physical evidence (if applicable).

The fact-finding investigation is usually completed by the line manager but could be an alternative appropriate Officer. HR may provide support in the fact-finding meeting.

During the course of the investigation, the employee will be given the opportunity to respond to all of the allegations/concerns which may mean that the employee is requested to attend an investigatory meeting on more than one occasion.

Notes of meetings will be shared with the interviewee either as typed notes or, if agreed by all parties, an audio recording.

Following the fact-finding investigation, consideration will be given as to whether the case can be dealt with informally, formally or closed if there is no case to answer.

If the Officer who conducts the fact-finding feels there is a case to answer, they pass the case to another manager, usually the second line manager in readiness for a Disciplinary Hearing.

## 6.4 Disciplinary Hearing

The manager hearing the case will invite the employee to attend a formal disciplinary hearing. The letter will include the allegation(s) and will provide the employee with at least 3 working days' notice. The employee will also be sent copies of notes or evidence that will be referred to in the hearing.

The employee has a right to be accompanied by their union representative or a work colleague.

Where an employee is repeatedly unable or unwilling to attend the hearing, the manager will come to a reasonable decision on how to proceed and may conclude that a decision will be made on the evidence available.

At the hearing, the employee will be given opportunity to present their case and respond to the allegations against them.

## 6.5 Disciplinary Outcomes

Disciplinary actions are dealt with on a case-by-case basis. Employees will always be notified in writing of any formal action as an outcome to a disciplinary.

Penalty	Authority	Timescale
First written warning	First line manager level or above	12 months
Final written warning	First line manager level or above	18 months
Final written warning with a compulsory transfer*	First line manager level or above	18 months (for warning)
Dismissal with notice	Second line level or above	N/A
Dismissal without statutory notice (summary dismissal)	Second line manager level or above	N/A

\*This would be at the same grade as the individual's original role.

Employees will be informed of their right to appeal (see section 8).

## 7.0 Gross Misconduct

Some types of behaviour are so serious in nature that if proved, they would warrant dismissal without notice (summary dismissal) and without pay in lieu of notice. It is not possible to construct a definitive list of what constitutes gross misconduct and all cases will be dealt with on a case-by-case basis. However, the following examples show some types of behaviour which could be judged to be gross misconduct:

- Fraud, falsification of records or making false statements to SKDC with regard to matters of employment including in application forms, references, expenses and other information supplied to SKDC on appointment or thereafter.
- Theft

- Violence
- Serious negligence or gross incompetence
- Bullying or harassment
- Acts of incitement or discrimination
- Being under the influence of illegal drugs or alcohol
- Gambling on SKDC premises, using SKDC's ICT, or during SKDC time.
- Criminal acts (e.g. against the Council or our employees) or a criminal conviction which makes an employee unsuited to or incapable of carrying out their role
- An undeclared conviction
- Dishonesty
- Failure to carry out reasonable instructions of management including serious insubordination
- Breach of SKDC's rules and regulations
- Any conduct liable, or potentially liable, to bring SKDC and/or the employee in the capacity as a representative of SKDC into disrepute
- Non-compliance with SKDC's information technology policy, including accessing internet sites containing pornographic, offensive or obscene material
- Breaching Data Protection regulations
- Issuing inappropriate, offensive or slanderous comments about an employee, service users or SKDC via any method, including on social networks.
- Behaving in such a way as to breach the trust implicit in your employment at SKDC or behaviour that results in the working relationship being no longer tenable.
- Being bribed – accepting, agreeing to accept or requesting a reward in return for performing an activity improperly. Or bribing another person.

## 8.0 Disciplinary Appeal

Employees have the right to appeal against a disciplinary policy. If the employee wishes to appeal, they should put this in writing or email to the manager who imposed the penalty and HR ([hr@southkesteven.gov.uk](mailto:hr@southkesteven.gov.uk)) within 5 working days of receiving the written explanation of the penalty. Employees should state the reasons for their appeal.

A hearing will be arranged with a Senior Manager and the employee will be notified in writing of the time and place of the hearing at least 3 working days beforehand.

The employee has a right to be accompanied to the appeal by their union representative or a work colleague.

In the event of a successful appeal and consequential reinstatement, continuity of employment will be preserved.

For further information about this policy, please contact the HR Team at [hr@southkesteven.gov.uk](mailto:hr@southkesteven.gov.uk).

- This policy applies to all employees within South Kesteven District Council unless stated otherwise within the policy.
- This policy does not form part of contracts of employment.
- The Council reserves the right to amend this policy from time to time.