

**East Dunbartonshire Council**

# Discipline at Work Policy & Procedures

**Chief Officers,  
Craft & Local Government Employees**

Education, People & Business

October 2019



sustainable thriving achieving

**East Dunbartonshire Council**

[www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

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### 1. POLICY STATEMENT

- 1.1 This policy is based on the recognition that fair, transparent and consistent treatment of all employees is necessary in handling all situations related to discipline at work. The Council in partnership with Trade Union colleagues recognises that disciplinary procedures are essential to maintain effective and appropriate standards of conduct and/or poor performance within the workplace and for the successful delivery of services.
- 1.2 The policy is based on the principle of addressing issues related to discipline at the earliest possible stage. This approach will apply in all cases where informal measures are appropriate as an attempt to reach early resolution.
- 1.3 East Dunbartonshire Council is committed to ensuring all employees are treated consistently, fairly and equally in disciplinary situations. This policy has been developed in accordance with the ACAS code of Practice on Disciplinary and Grievance Procedures (2019), with strong emphasis on informal resolution.
- 1.4 Disciplinary situations have been defined in this policy to include misconduct and/or poor performance. This policy has been developed to outline the standards of behaviour expected of all employees and how the Council will address such issues as they arise.
- 1.5 Employees are expected to carry out their duties and responsibilities in line with the relevant Employee Code of Conduct, as detailed in section 5.1 of this document. Teachers and those on SNCT Conditions of Service should refer to the General Teaching Council Scotland (GTCS) Code of Professionalism and Conduct and the Scottish Negotiating Committee for Teachers (SNCT) Disciplinary Framework.

### 2. SCOPE

- 2.1 The Discipline at Work policy applies to Local Government Employees, Craft Employees and Chief Officers.
- 2.2 Specific procedural requirements, relating to the application of the Discipline at Work policy for those employees on SNCT Conditions of Service are detailed in the Education Procedure Manual 2/18 - Disciplinary Procedures for Teachers.
- 2.3 The Discipline at Work Policy does not apply to redundancy dismissals or the expiry of fixed term contracts.

### 3. REFERENCES & RELATED DOCUMENTS

- 3.1 This forms part of the Councils Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment legislation.
- 3.2 This Policy should be applied with reference to the [Charter of Roles & Responsibilities](#) for Employment based Policies and Procedures.

### 4. DEFINITIONS

- 4.1 **An irregularity** is defined as the misappropriation or embezzlement of monies or materials placed in the employee's charge or any suspected such incident in the exercise of the functions of the council.
- 4.2 **Misconduct** is defined as unacceptable or improper behaviour, especially by an employee or professional person.
- 4.3 **A companion/employee representative** may be a fellow worker, Trade Union Representative or Official employed by a Trade Union. Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

### 5.0 POLICY OUTLINE

#### 5.1 Conduct and Behaviour at Work

##### 5.1.1 Employee Code of Conduct

Implicit in a contract of employment is an assumption that employees will demonstrate acceptable standards of behaviour in their work roles. Some sections of the Council's workforce are also governed by standards drawn up by professional bodies (e.g. the General Teaching Council for Scotland (GTCS) and the Scottish Social Services Council (SSSC). These behavior standards will, where appropriate, be taken into consideration when implementing this and other related procedures.

All employees of the Council will be expected to conduct themselves in an appropriate manner at all times. As an employee you have the **right** to:

- Be spoken to politely
- Be treated with respect
- Be treated fairly
- Have points of view and differences of opinion respected
- Work in a culture free from bullying, discrimination, harassment or victimisation
- Have channels for addressing issues which have a negative impact on your working life

As an employee you have a **responsibility** to:

- Act in a professional manner when dealing with colleagues and customers.
- Treat and respect colleagues as individuals
- Consider others in the exercise of duties
- Be mindful of your own experience and value others opinions and experience
- Express your views without being aggressive or overbearing
- Listen to others and respect differences in points of view
- Not discriminate unlawfully in discussions, behaviours or decision making
- Take action where you are aware of improper conduct, harassment, discrimination or bullying
- Safeguard the protection of children and vulnerable adults and where appropriate be PVG registered
- Use IT services appropriately in line with the agreed policies
- Represent the Core Values of the Council in dealing with internal and external colleagues and customers

- Adhere to the policies and procedures in place within the Council to ensure that effective and high quality service delivery is achieved
- Contribute to the Council meeting its commitments and providing high quality services
- Never consume at work alcohol, illegal drugs or substances
- Never present at work under the influence of alcohol, illegal drugs or substances that have been misused or have higher levels than the legal or prescribed limits with your system
- Decline gifts or hospitality that may compromise professionalism or be offered with improper intent
- Declare all gifts or hospitality in line with the Probity Policy

### **5.1.2 Unsatisfactory Conduct**

- Unacceptable time keeping.
- Unauthorised absence
- Unacceptable standards of work performance.
- Unacceptable levels of sickness absence
- Negligence
- Unauthorised use of vehicles and equipment or facilities.

The list above is not considered to be exhaustive and other conduct may be considered as unsatisfactory in individual circumstances.

### **5.1.3 Gross Misconduct**

Gross misconduct is seen as misconduct serious enough to invalidate the contract between the employer and employee therefore justifying summary dismissal action being taken. The following list provides some examples but is by no means exhaustive and other acts of misconduct may warrant summary dismissal in individual circumstances:

- Breach of the Council's Alcohol, Drug and Substance Misuse Policy
- Breach of the Council's Fraud & Corruption Policy Neglect of duties which has serious consequences.
- Failure to adhere to critical instructions
- Serious health and safety breach
- Theft from the organisation, another employee or client/customer
- Physical violence or threatened acts of violence
- Deliberately falsifying information at the recruitment and selection process
- Criminal offences/convictions having an impact on the employment relationship
- Serious misuse of Council property or name including serious damage to Council Property
- Breach of the Council's IT policies (e.g. accessing offensive or obscene materials)
- Unreasonable and/or persistent refusal to comply with management instructions
- Action which brings the name of the Council into disrepute
- Serious breach of confidence and trust
- Breach of Child or Adult Protection policy or procedure
- Carrying out work in Council time for financial or personal benefit or breach of the Secondary Employment Policy
- Bullying, discrimination, harassment or victimisation.

### 5.2 Registered Bodies

- 5.2.1 Where an employee must be registered with a professional body or undertake checks through a Government Executive checking Agency to be able to undertake the duties of their post there are certain requirements on the Council as an employer with regard to advising the body of any actual, or depending on the body's requirements, alleged misconduct in line with the Council's Discipline at Work Policy.
- 5.2.2 It is the responsibility of the employee's line manager, in consultation with the appropriate Executive Officer and HR, to make a referral to the relevant professional body in accordance with the body's protocols.
- 5.2.3 A registered body may find it appropriate to conduct their own investigation or ask for a copy of relevant paperwork. The registered body could then find it necessary to impose a sanction which may require the Council to revisit the Discipline at Work Policy (i.e. if registration is removed then the employee may no longer be able to fulfil contractual requirements).

### 5.3 Suspension

- 5.3.1 Following an incident, it may be felt necessary to remove an employee from current duties. This may involve suspending or redeploying the employee to other duties or another location for their own and the service benefit. This will be as an interim precautionary measure and should only be considered if all other alternative options have been explored and the necessary risk assessment taken place and determines this. The suspension risk assessment is available in the [Discipline Managers Toolkit](#).
- 5.3.2 An employee's suspension will be reviewed on a fortnightly basis by the Human Resources and Organisational Development Manager and if any significant new information comes to light e.g. there is no disciplinary case to answer to, a recommendation that the suspension should be lifted should be made immediately to the appropriate manager and HR.
- 5.3.3 In all cases where this action is felt to be appropriate, the Team Leader HR Operations and appropriate HR Case Adviser must be contacted.
- 5.3.4 Suspensions will only be applied by third tier managers or above and the employee has the right to be accompanied, while being informed of the action being taken. This action will be confirmed in writing to the employee following the suspension meeting and any subsequent extensions to the suspension period. If an employee is suspended then annual leave should continue to be used as planned and they are expected to be available for work during the suspension period should an alternative to suspension be found. Any leave that has not been taken by the end of the leave year will be lost. More information and guidance is available in the [Discipline Managers Toolkit](#).

### 5.4 Special Investigation Procedures

- 5.4.1 In certain instances, where 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 established guidance.
- 5.4.2 The instances, to which such procedures relate and can be invoked, are:
- a) **Professional conduct, competence**  
Where an incident/situation occurs which gives rise to doubt as to an employee's professional conduct or competence to perform his/her duties.
  - b) **Defalcation**

Where an incident/situation occurs involving the suspected or actual misappropriation or embezzlement of cash, monies, etc. placed in a person's charge. See the '[Corporate Fraud and Corruption Policy](#)' for further guidance.

**Note:** For employees under investigation by the Crown Office and Procurator Fiscal Service (COPFS) for fraud, it is the line manager's duty to inform the Council's Employee Services Team of the outcome. This is a requirement under The Scottish Council on Archives Records Retention Schedule (SCARRs) due to implications for document retention.

5.4.3 Following relevant investigations and fact finding processes established within this policy and consideration of each case, a decision shall be taken as to whether or not the employee should be disciplined and/or the police advised.

5.4.4 If an employee is suspended during a Special Investigation, the suspension shall be with full pay and all cases of suspension with pay are to be reported to the Team Leader HR Operations.

5.4.5 In certain circumstances it may be necessary that an approach is made to the police.

### ***5.5 Criminal Charges and Offences***

5.5.1 The Council as an employer has an interest if an employee is alleged to have committed or is convicted of committing a criminal offence whether the offence relates to or has an impact on their employment or the reputation of the Council. Employees are therefore expected to disclose this information to their Line Managers. Line Managers should seek advice from their HR Case Adviser and use the [Criminal Charges/Offences Risk Assessment](#). A fact finding will be undertaken into the criminal charges or offences where these are assessed to have an impact on the employee's employment with the Council. In considering these matters, the disciplinary officer should establish whether sufficient information exists before moving to any disciplinary hearing or action.

5.5.2 Disciplinary action should not be taken solely because a charge is pending or due to absence through being remanded in custody. Decisions may be taken independent of the outcome of court proceedings.

### ***5.6 Offences Arising from or having a Bearing on Employment***

5.6.1 If the Police are called in where an allegation or conviction of a criminal offence arises, the Depute Chief Executive should be informed before allowing the Police to interview employees within the workplace. The Police should not be involved in conducting the disciplinary fact finding or subsequent disciplinary hearing. Any disciplinary fact finding and/or subsequent disciplinary hearing and criminal investigations should be handled separately by the appropriate authorities.

### ***5.7 Custodial Sentences***

5.7.1 If a custodial sentence is imposed and an employee is unavailable for work, the disciplinary officer must be mindful of the need to act reasonably in deciding whether or not to dismiss. This decision must involve consideration of the need of the service and the wider Council. All cases involving alleged criminal offences **must** be brought to the attention of the Team Leader HR Operations and the Human Resources & Organisational Development Manager.

## **5.8 Discipline Process**

### **5.8.1 Best Practice Principles**

The Council takes the approach of aiming to resolve misconduct and/or poor performance informally in the first instance to avoid formal processes being taken in all cases. The informal approach may be appropriate in cases of minor misconduct or unsatisfactory performance.

It is recognised that this is not always possible due to the severity of a case and there may also be circumstances that do not lend themselves to this approach. The steps outlined below follow the ACAS Code of Practice on Disciplinary and Grievance Procedures (2019).

### **5.8.2 Informal Process**

The Council will aim to resolve matters at the informal stage where possible. In minor cases of misconduct and in most cases of poor performance the informal approach is recommended to allow the employee to alter and/or improve their behaviour or conduct. The possibility of resolving issues at the informal stage will be dependent on the circumstances around the case, the approach taken and openness from parties involved in discussing the matter to reach agreement.

Line Managers and employees are encouraged to address issues at the earliest point possible to encourage sustainable improvement. In applying the informal approach, outcomes may be identified and could include Coaching, link to Performance Development Review's, Informal Performance Improvement Plan, Mediation or Training - **further information can be obtained from the relevant HR Adviser.**

Using informal approaches will depend on the nature of each case and in some instances informal measures may not be appropriate. It is recognised that the circumstances of some cases may not allow for this approach and it may be appropriate to instigate the formal process.

If it becomes clear that the issue is more serious than first thought, informal meetings should be adjourned and the employee informed that the matter will be dealt with through the formal route.

In all instances of alleged unsatisfactory and/or gross misconduct it may be appropriate to move to the formal process rather than any informal measures.

The Council will follow the procedures set out in the policy with detailed fact findings being conducted and communication being maintained with all parties involved.

## **5.9 Process – Fact Finding**

5.9.1 It is important that necessary fact finding of potential disciplinary matters are carried out as close to the time of the incident as possible. Fact finding will involve meeting with the employee at which time they must be made aware of the allegations/issue and that fact finding may form part of disciplinary procedures being invoked. Employees will have the opportunity to be accompanied at the fact finding stage of the process.

- 5.9.2 The fact finding stage will be the collation of evidence or information for use by the Council at any disciplinary hearing. This may also be and include information gathered within reviews under the established procedures outlined in other relevant policies.
- 5.9.3 There may be physical evidence, such as CCTV and vehicle tracking relevant to the fact finding. The Council reserves the right to use such evidence to assist in the effective resolution of matters, which arise in the course of disciplinary proceedings, where it is not practicable to establish the facts of the matter through the collection of other evidence only. Consideration should be given as to whether there are any mitigating factors relating to the case and where appropriate these should be taken into account. The HR Case Adviser should be contacted prior to using such information.
- 5.9.4 Employees within the fact finding process should be made aware of support offered by the Employee Assistance Programme and any other employee assistance and support available.
- 5.9.5 A fact finding officer will be appointed to establish the facts of the case by gathering information and evidence. The fact finding officer will not form an opinion or make a decision on whether disciplinary action is taken or any outcomes of the process
- 5.9.6 On concluding the fact finding, a report will be produced by the fact finding officer and will then be forwarded to the appropriate disciplinary officer to consider the content. The fact finding report will establish whether or not disciplinary procedures are necessary. Therefore, the fact finding must be concluded before moving onto any disciplinary processes being invoked.
- 5.9.7 Where no further disciplinary action has been identified based on the fact finding process, the relevant employee(s) will meet with the relevant manager to discuss the conclusion and any other factors within the case which are relevant. Employees will then be formally notified of this outcome within a reasonable timescale.
- 5.9.8 If a Trade Union representative is subject to fact finding, the matter must be discussed with an appropriate full time official before proceeding.

### **5.10 Formal Action – Disciplinary Hearing**

Where the fact finding report establishes the need for formal disciplinary procedures, an employee will be invited to a formal disciplinary hearing.

#### **5.10.1 Before the Hearing – Key Points**

- If there is a disciplinary case to answer the employee must be notified in writing **no less than 7 Calendar days** before the date of the meeting
- Notification must contain information on the details of the issue, any allegations against the employee and the potential consequences following the meeting
- The employee will receive a copy of the fact finding report and appendices including their fact finding statement, any witness statements and information related to the issue where appropriate. This will be sent to the employee with the notification to enable the employee to respond
- All Fact Finding Statements must be signed and dated to confirm the accuracy of the content
- In certain cases, where deemed appropriate redacted/anonymised statements and reports will be provided

- Employees must be made aware of their right to representation in the written notification and restated at the beginning of the disciplinary hearing.

### 5.10.2 The Hearing - Key Points

The hearing with the employee should be held within a reasonable time on the conclusion of the fact finding however, in certain circumstances this may be subject to a delay due to the nature of the case.

- All employees have the right to be accompanied by a companion/employee representative. A representative acting in a legal capacity will only be considered where professional registration is at risk and the circumstances merit it. This right should be made available to the employee both before and on commencing the hearing. It is the employees responsibility to make arrangements to ensure they are represented if they so desire. Confirmation should be made with the employee that they have received all relevant paperwork and evidence
- Employees should be given the opportunity to respond to information presented by witnesses
- A written record will be taken of the hearing. No electronic recording devices will be permitted in the course of any hearings.
- At the hearing a companion/employee representative may:
  - Address a hearing to present and sum up the employees' case
  - Respond on the employees' behalf to any views expressed
  - Ask questions
  - Confer with the employee during the meeting.

A companion **does not have the right to:**

- Answer questions on the employee's behalf
- Address a hearing if the employee does not wish it
- Prevent the employer from explaining their case.

### 5.11 The Appeal/Hearing - Format

5.11.1 In the interests of consistency, within all disciplinary and/or appeal hearings, management will always present the case first followed by the employee/appellant following the format outlined below:

- For the initial hearing it should be established whether the employee is prepared to accept that they may have done something wrong or are not performing to the required standards. This can be established by the Chair of the hearing asking if they accept the allegations on the outset of the hearing
- The Manager presenting the management case shall present the fact finding report in the presence of the employee (and their representative where in attendance) and call any relevant witnesses from the fact finding process,
- The employee/employee representative and Chair of the hearing shall have the opportunity to ask questions of the Manager presenting managements case and any relevant witnesses
- The employee/employee representative shall put forward the employee/appellant case in the presence of the Manager presenting management's case and call any relevant witnesses from the fact finding.
- The Manager presenting managements case shall have the opportunity to ask questions of the employee/appellant representative (or the appellant if not represented) and of any witnesses called by the employee/appellant

- The Chair of the hearing shall have the opportunity to ask questions of the employee/appellant and of any witnesses.
- The Manager presenting managements case and the employee/representative shall have the opportunity if they so wish to sum up their case.
- Prior to adjourning the hearing to consider the information presented the Chair should confirm with the employee that they have received a fair hearing.

5.11.2 The format of Human Resource Appeals Board hearings has been outlined within section **Appendix 2**.

5.11.3 If an employee raises a grievance during a disciplinary process, there may be a requirement to suspend the process temporarily to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both in tandem.

### ***5.12 The Hearing - Outcome***

5.12.1 In making decisions on the appropriate outcome all information presented and any mitigating factors that were highlighted will be considered. A decision will be made as to whether disciplinary or other action is justified and reasonable in the circumstances. Any mitigating factors should be considered when making a decision on the level of warning being issued. Following adjournment, where possible, the disciplinary officer should verbally inform the employee of the outcome and follow this up in writing normally, within 7 calendar days. The employee should be informed of any delays to this timescale.

5.12.2 The Disciplinary Officer in line with the delegated authority table may choose at what level to invoke disciplinary sanctions.

- In cases of gross misconduct, the appropriate officer in line with the delegated authority table may invoke the procedure directly at the summary dismissal stage.
- In cases of unsatisfactory performance, employees will be given at least one opportunity to improve before they are issued with a final written warning or dismissed. This can be done through Formal Improvement Plans being set for the employee.
- If the employee's misconduct (or its continuance) is serious, or follows an obvious pattern of inappropriate behaviour, the appropriate officer in line with the delegated authority table can decide to move directly to a final written warning or dismissal with notice.

### ***5.13 The Hearing - Non attendance***

5.13.1 Where either party requires a hearing to be rescheduled, this will be accommodated as far as possible. Rescheduling of hearings should be agreed with reference made to the reasons given. In the event an employee's companion is not available at the time proposed by the Manager, they must postpone the hearing to a reasonable date within 7 calendar days, proposed by the employee. There may be other circumstances where the manager could consider an employee's request to reschedule the hearing, normally within 7 calendar days. Unavailability of a specific companion where there is a suitable alternative available will not be considered as a reason to prevent a hearing taking place.

5.13.2 Where an employee is unable or unwilling to attend a disciplinary hearing without good cause, the hearing will take place in their absence and the relevant officer should make a decision on the evidence available. The employee should be advised of this in advance.

The decision should then be confirmed in writing as soon as the decision is made and normally within 7 calendar days.

- 5.13.3 If an employee has submitted a fit note, the employee will be assumed to be fit to attend a hearing unless they or their GP advise they are not fit to participate in the process. In such circumstances a GP letter or Occupational Health report may be requested to confirm such. Support and advice can be sought from the appropriate HR Case Adviser.

### **5.14 Hearing Outcomes:**

#### **5.14.1 Formal Written Warning (Improvement Plan)**

The first stage of the formal procedures will involve issuing a formal written warning which may include a formal improvement plan outlining the expected improvement and the timeline for achieving this. This will also highlight the consequences of failure to improve leading to a final written warning and ultimately, dismissal.

Employees will be informed of timescales for improvement and the expected level of improvement. It is essential that the employee is made aware of the consequences of further misconduct and/or failure to improve performance.

Written warnings will remain live on the employee's record for 6 months.

Any further performance or conduct issues raised within the monitoring period may warrant further action being taken. This will be dependent on the circumstances of the case but could include extending monitoring periods or moving to issuing a final written warning following a further fact finding. This should be confirmed to the employee in writing.

#### **5.14.2 Final Written Warning**

A Final Written Warning may be appropriate where the employee's first misconduct or unsatisfactory performance is sufficiently serious in the circumstances. This may occur where actions by the employee have a serious or harmful impact on the organisation or other employees.

Final Written Warnings will set out the nature of misconduct or poor performance and the change in behaviour or improvement in performance expected. This will set out the expected improvement and will remain on file for 12 months with any further issues possibly leading to dismissal.

It is possible to move directly to a final written warning from the outset where the misconduct or performance is deemed to be sufficiently serious. This should be confirmed to the employee in writing.

#### **5.14.3 Expired Warnings**

The warning once expired should cease to be 'live' following the specified period of satisfactory conduct. There may however be occasions where an employee's conduct is satisfactory throughout the warning period only to lapse soon thereafter. Where a pattern emerges and/or there is evidence of abuse the employee's disciplinary record should be borne in mind in deciding the length and level of any future warnings.

#### 5.14.4 Punitive Action

If serious misconduct occurs, consideration should first be given to disciplinary action short of dismissal. This action may include disciplinary transfer, disciplinary suspension without pay for up to 5 working days, demotion, loss of seniority or loss of increment. Special consideration should be given before imposing any punitive action involving loss of pay. This should be confirmed to the employee in writing.

#### 5.14.5 Dismissal with Notice

If the application of the Discipline at Work Policy results in or is likely to result in dismissal, the following must have been actioned:

- Appropriate disciplinary warnings issued
- Appropriate investigations taken place
- Employee made aware that continued unacceptable conduct would result in disciplinary action possibly leading to dismissal
- Employee given an opportunity to make improvements
- Action taken applied fairly and consistently in line with the Discipline at Work Policy

An employee dismissed for misconduct will be entitled to notice. A decision should be made as to whether it is appropriate for the employee to remain and work the period of notice or whether a payment in lieu of notice should be made. This decision should be made by giving close consideration to the circumstances of the case. Payment will be received for outstanding accrued holidays on termination

The HR Case Adviser must be contacted where there is a potential for dismissal.

#### 5.14.6 Dismissal without Notice (Summary Dismissal)

Cases concerning gross misconduct may call for dismissal without notice for a first offence. An employee summarily dismissed without notice on the grounds of gross misconduct will not have a payment in lieu of notice.

#### 5.14.7 Recording and Monitoring of Disciplinary Outcomes

All information should be recorded using the [Notification of Discipline Form](#).

All actions from the process must be accurately recorded and where Improvement Plans are in place, regular review and discussion must take place.

#### 5.15 Appeal

An employee has the right of appeal against decisions where they feel the action taken or level of action is unfair in the circumstances. Appeals must be submitted in writing using the Discipline Appeal Form within 14 Calendar days from the date of the outcome.

Disciplinary Action	Authorised Level of Management to issue Disciplinary Action	Consultation with HR Case Adviser Essential	Authorised Level of Management to hear Appeals against Disciplinary Action	HR Appeal Board Appeal Possible
Formal Improvement Plan - Written Warning	5 <sup>th</sup> Tier Team Leader/Manager or above	Advisable	Next Level Line Manager	No

**Discipline at Work Policy**

Final Written Warning	3rd Tier Manager or above	Yes	Next Level Line Manager	No
Punitive Action	Executive Officer	Yes	Depute Chief Executive	No
Dismissal/Summary Dismissal	Depute Chief Executive/Executive Officer	Yes	HR Appeals Board	Yes

All appeals will be considered by a manager and/or Executive Officer. All appeals will be dealt with by an individual who is impartial and has not been involved in the case at any stage. Appeals will be considered based on the information presented by the employee on the Disciplinary Appeal Form.

In the interests of consistency, within appeal hearings management will always present the case first followed by the appellant within appeal hearings

The appeal hearing should not result in any increase in any sanction imposed at the original hearing.

***Following the conclusion of this process the internal appeals procedures will be exhausted***

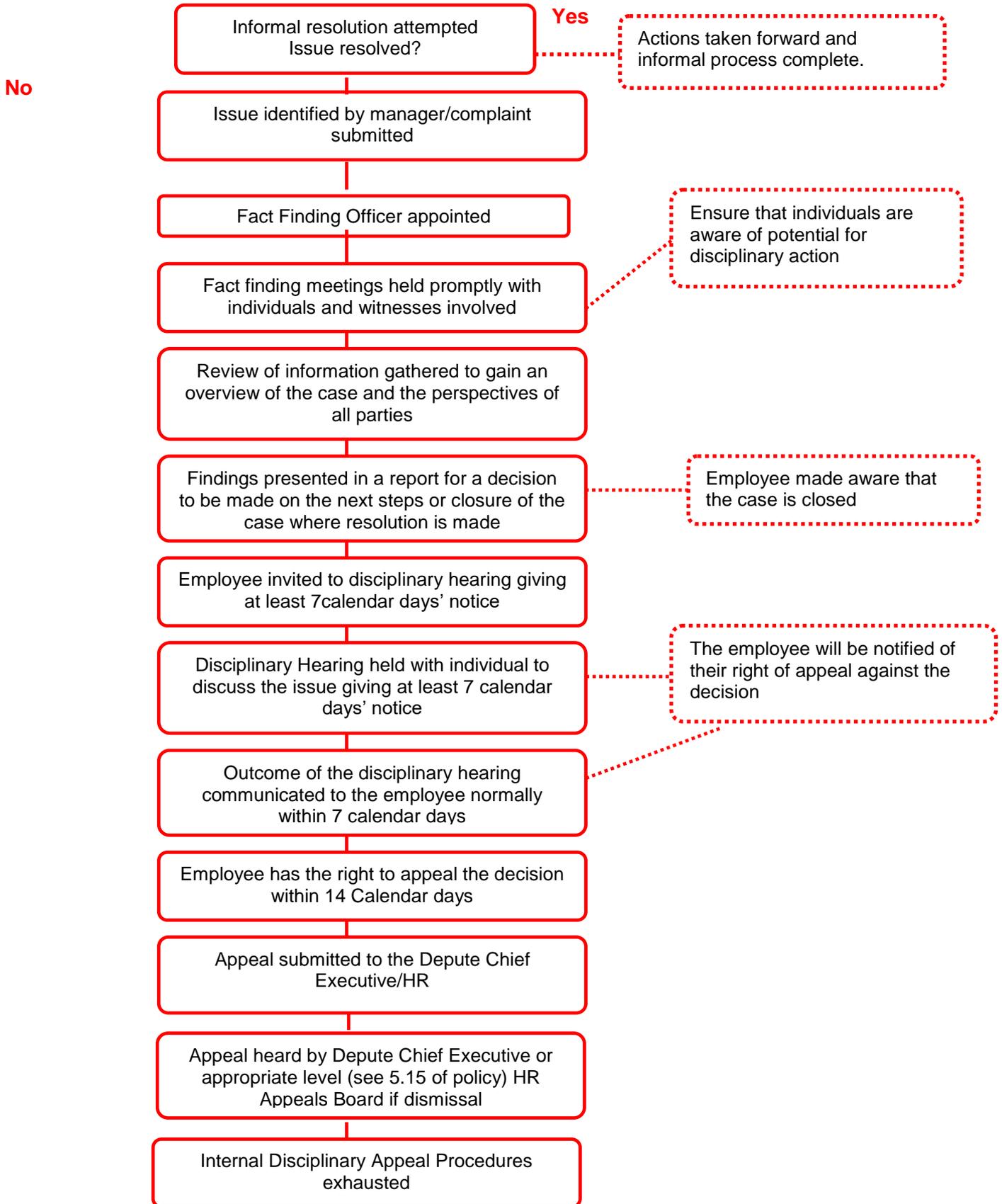
**6.0 GDPR STATEMENT**

6.1 East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: [www.eastdunbarton.gov.uk/council/privacy-notices](http://www.eastdunbarton.gov.uk/council/privacy-notices).

**7.0 POLICY REVIEW STATEMENT**

- 7.1 This policy will be reviewed in line with:
- Legislative Change
  - Other external factors
  - Evaluation on the effectiveness of the policy

**APPENDIX 1 - PROCESS INFORMATION - Disciplinary Flowchart**



## **APPENDIX 2 - HUMAN RESOURCES APPEALS BOARD PROCEDURE**

The Council's Disciplinary at Work Policy enables employees to pursue an appeal against a dismissal or punitive action to Human Resources Appeals Board.

The enclosed procedures are as per the SJC Scheme of Pay and Conditions of Service and will apply to all Single Status Employees, Craft and Chief Officials.

### **Process**

The Human Resources Appeals Board will be assisted at the hearing by the Chief Solicitor and Monitoring Officer (or nominated officer) and the Executive Officer Organisational Transformation (or nominated officer).

A Human Resources Appeals Board will be set up in line with the pre-determined timetable of hearings. Management and employee submissions must be prepared in advance in order that the information can be circulated to all concerned. Employees and Management must ensure that the Notification of Discipline and Notification of Discipline Appeal Forms are fully completed.

Employees have the right to be represented by their trade union or work colleague. This can often result in a number of provisional dates being given. Every opportunity must be given to allow the employee representation.

The Human Resources Appeals Board, together with the officer(s) appointed to assist the Committee, shall deliberate in private, only recalling the authority's representative and the Appellant (if present) and the appellant's representative to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt;

If practicable, the Human Resources Appeals Board shall announce its decision to the management representative and the appellant (if present) and the appellant's representative at the conclusion of the meeting. In any event the decision shall be confirmed in writing to the appellant and their representative by the Executive Officer Organisational Transformation (or nominated officer) within 10 days.

The form of the decision of the Human Resources Appeals Board to be announced under paragraph (9) shall be one of the following, as appropriate:

- "that the grounds of the appeal have been substantiated and the appeal be upheld"
- "That the grounds of the appeal have been substantiated in part and the appeal be upheld to the extent that..."
- "that the grounds of the appeal have not been substantiated and the appeal shall not be upheld"

### **The Appeal Hearing**

The appellant, the appellant's representative, the management side and/or any witness(s) will be called in to the hearing at the appropriate time.

- The Convener will outline the procedure, the purpose of the hearing and seek to establish who is presenting the case on either side.
- The management representative shall put the authority's case in the presence of the appellant's representative or appellant when not represented;

- The appellants representative or appellant when not represented shall have the opportunity to ask questions of the authority's representative and of any witnesses called by the management side;
- The appellants representative or appellant when not represented shall put the appellant's case in the presence of the management representative;
- The management side shall have the opportunity to ask questions of the appellant's representative (or the appellant if not represented) and of any witnesses called by the appellant;
- The Human Resources Appeals Board shall have the opportunity to ask questions of the management representatives and of the appellant and/or the appellant's representative, and of any witnesses;
- The management representative and the appellant's representative (or if the appellant is not represented, the appellant) shall have the opportunity if they so wish to sum up their case introducing no new material;
- The management representative and the appellant (if present) and the appellant's representative and any witnesses shall then withdraw;

If practicable, the Board shall announce its decision to the management side and the appellant at the conclusion of the meeting.

In any event, the decision shall be confirmed in writing by the Executive Officer Organisational Transformation within 10 working days of the hearing. The Assistant to the Depute Chief Executive - Education, People and Business will advise the management side of the outcome.

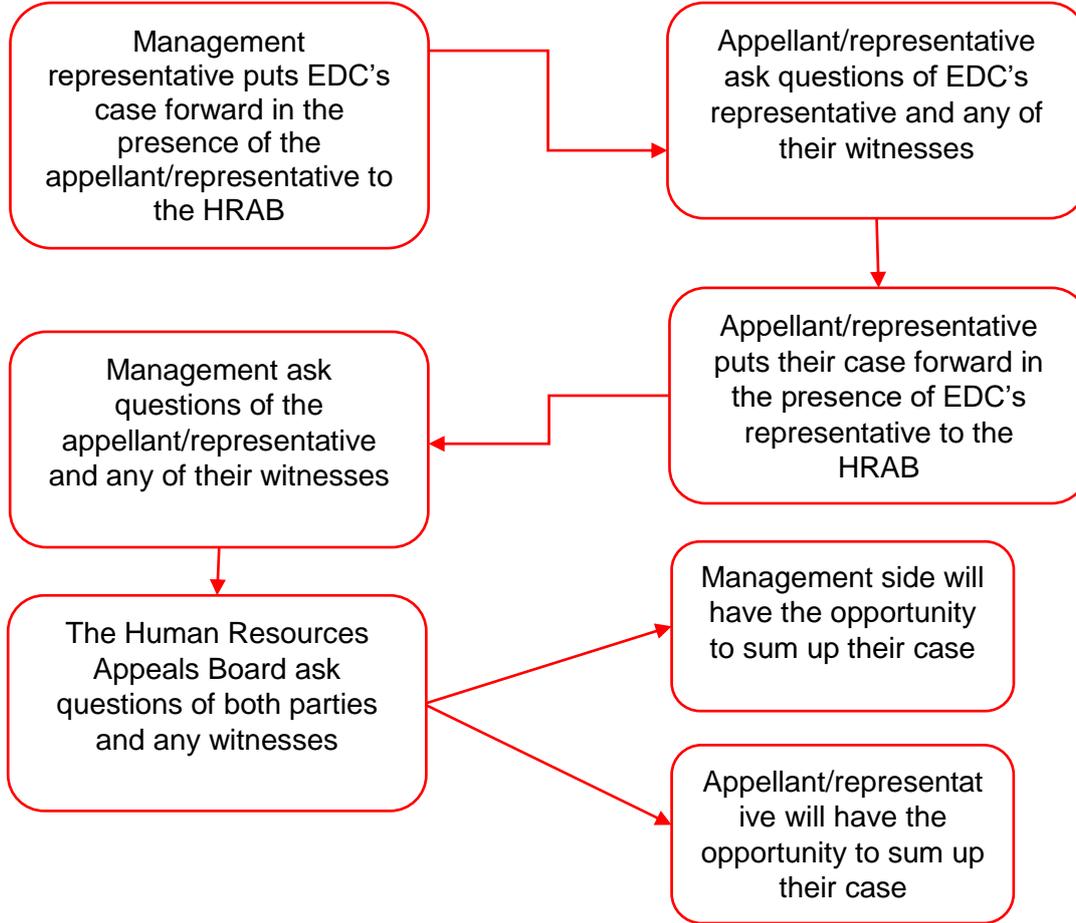
### **HR Operations Team**

Please contact the appropriate HR Case Adviser for further support and advice at any stage of the above procedure.

**Following the conclusion of this process the internal appeal procedures will be exhausted.**

**APPENDIX 3 - DISCIPLINARY APPEALS PROCEDURE FOR HR APPEALS BOARD**

The following procedure shall be adopted by the Human Resources Appeals Board for disciplinary appeals:



**Other Formats & Translations**

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages.

Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòin gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।