

New Mills Town Council (NMTC)

Disciplinary Conduct Procedure

(Presented for Adoption – TBC 2025)



1. Introduction

- 1.1 This procedure applies where there are concerns about an employee's conduct or behaviour that may amount to misconduct or gross misconduct.
- 1.2 The procedure supports the fair, consistent, and proportionate handling of such matters, in line with statutory guidance and best practice.
- 1.3 Where misconduct is suspected, informal resolution should be considered first, unless the nature of the matter requires immediate formal action.
- 1.4 This procedure applies to all Council employees, excluding those governed by separate school-based procedures.

2. Principles

- 2.1 The Council is committed to:
 - Dealing with misconduct promptly and fairly.
 - Ensuring employees understand the standards expected of them.
 - Providing support and opportunity for improvement.
 - Distinguishing between misconduct and capability issues.
 - Ensuring reasonable adjustments under the Equality Act 2010 are made where required.
- 2.2 The procedure incorporates:
 - The right to be accompanied at formal meetings
 - The right to a fair investigation
 - The right to appeal any formal sanction

3. Informal Resolution

- 3.1 Managers are encouraged to resolve minor conduct concerns through informal discussions.
- 3.2 These discussions may be documented but are not considered formal disciplinary action.
- 3.3 If informal measures fail or are inappropriate, the matter should move to a formal investigation.

4. Suspension

- 4.1 An employee may be suspended on full pay where there are serious allegations and suspension is necessary to protect the investigation or the parties involved.
- 4.2 Suspension is a neutral act and not a disciplinary sanction.
- 4.3 The suspension will be confirmed in writing, regularly reviewed, and alternatives (e.g. redeployment) should be considered first.

5. Investigation

- 5.1 A formal investigation will be conducted where the facts are not immediately clear.
- 5.2 An Investigating Officer will be appointed by the Staffing Committee. This person must be impartial and independent of the incident.
- 5.3 The employee will be informed in writing of the allegation(s) and may be invited to an investigatory meeting.
- 5.4 The Investigating Officer may collect documents, interview witnesses, and seek further evidence.
- 5.5 The outcome may be:
 - No case to answer
 - Informal resolution
 - Formal disciplinary hearing required

6. Formal Disciplinary Hearing

- 6.1 If there is a case to answer, a formal hearing will be arranged before a Staffing Sub-Committee.
- 6.2 The employee will receive:
 - Written notice of the hearing
 - Details of the allegations
 - Copies of evidence
 - Notification of their right to be accompanied
- 6.3 At the hearing:
 - The Investigating Officer presents the case
 - The employee (or companion) responds
 - Questions may be asked by both parties
 - The Sub-Committee considers all evidence
- 6.4 The decision will be confirmed in writing within 5 working days.

7. Possible Outcomes

- 7.1 Following the hearing, the panel may decide:
- No action
 - First written warning (valid for 12 months)
 - Final written warning (valid for 12 months)
 - Dismissal with notice
 - Summary dismissal (without notice) in cases of gross misconduct
- 7.2 The outcome letter will confirm:
- The decision
 - Duration of any warning
 - Expected improvements (if applicable)
 - Right of appeal

8. Right Of Appeal

- 8.1 Employees have the right to appeal any formal sanction.
- 8.2 Appeals must be submitted in writing within **5 working days** of receiving the outcome letter, outlining specific grounds (e.g. new evidence, procedural error, disproportionate outcome).
- 8.3 The appeal will be heard by a panel of councillors not previously involved in the case.
- 8.4 The outcome of the appeal may:
- Uphold the original decision
 - Substitute a lesser sanction
 - Overturn the decision entirely
- 8.5 The decision of the appeal panel is final.

9. Gross Misconduct Examples

Examples include but are not limited to:

- Theft or fraud
- Assault or threatening behaviour
- Serious breaches of Council policies
- Gross negligence or insubordination
- Serious misuse of Council property or data

10. Equality And Diversity

- 10.1 This procedure will be applied in line with the Council's Equality and Diversity Policy.
- 10.2 Reasonable adjustments will be made for employees covered by the Equality Act 2010.
- 10.3 No employee will be disadvantaged due to protected characteristics or union membership.