



CASTLEREAGH BOROUGH COUNCIL

DISCIPLINARY PROCEDURE

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(Under Review)

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CASTLEREAGH BOROUGH COUNCIL

DISCIPLINARY PROCEDURE FOR EMPLOYEES

1. **Broad Principles underlying Disciplinary Procedures**

Castlereagh Borough Council expects each employee:

- (i) to abide by the Terms and Conditions of their contracts of employment,
- (ii) to abide by the Code of Conduct for Local Government Employees and,
- (iii) to abide by the rules and regulations and standards established by Castlereagh Borough Council's and outlined within policies and procedures.

Management must ensure that where employees do not comply with the areas outlined above that they are subject to the Council's Disciplinary Procedure.

To ensure its effective operation the Council relies on employees using their common sense, and demonstrating a commitment to the organisation. The aim of this disciplinary procedure is to ensure the maintenance of safe and effective operations and to provide a fair and consistent method of dealing with problems of conduct or work performance and maintenance of satisfactory standards.

It is in the interest of both the management and the employees that discipline is fairly and consistently administered.

Action taken under this procedure, will be necessary and corrective in nature, so that we can achieve an acceptable level of efficiency, performance and behaviour within the Council.

The Council recognise that employees, who have been accused of misconduct, have a right:

- (i) to a fair hearing with the opportunity to state their case
- (ii) to be accompanied by a Trade Union Official (who may be either a full-time official employed by a union or a lay union official who has been reasonably certified in writing by his/her union as having experience of, or as having received training in, acting as a worker's companion at disciplinary hearings). Employees who do not belong to a recognised Trade Union may be accompanied by a fellow employee of their choice from the Council.
- (iii) the right to appeal against the decision of the disciplinary panel.

1.1 EXCEPTION

This procedure does not apply to notice given during a probationary period.

1.2 SCOPE AND APPLICATION

These procedures apply to all employees of Castlereagh Borough Council with the following exceptions:-

- Directors - the NJC procedures for Directors within Local Authorities N.I. will apply.
- Chief Executives the NJC procedures for Clerk/Chief Executive within Local Authorities N.I. will apply.

2. Role of Human Resources within the Disciplinary Procedure

The Human Resources representative will attend Disciplinary hearings as outlined in these procedures to provide guidance, advice and direction to the Disciplinary Officer and ensure that the Council's Disciplinary Procedures are being implemented fairly, correctly and consistently across the organisation.

3. **Disciplinary action against Shop Stewards/Union Officials**

Disciplinary action should not be taken against a local trade union representative until the full time official has been notified of the reason for the action. In exceptional circumstances a local representative may be suspended **with pay** as a precautionary measure if the circumstances of the case makes it unavoidable. In this instance the full-time official will be advised at the earliest possible opportunity.

4. **Formal Procedures**

The Council recognise three types of misconduct:

- (i) Minor Misconduct
- (ii) Major Misconduct and
- (iii) Gross Misconduct

(see appendix I for examples of each category)

STAGES UNDER THE FORMAL PROCEDURE

Stage 1 - Verbal Warning

This stage is intended to deal with minor offences. The matter will normally be dealt with by the employee's **Supervisor** who will investigate the circumstances and, if necessary, arrange a disciplinary hearing. If following the disciplinary interview the offence is upheld the employee will be issued with a verbal warning. The warning will remain active on the employee's personal file for a period of **6 months** from the period of issue (copy of form DP1 attached).

Stage 2 – First Written Warning

This stage is intended to deal with major offences, or a repeated minor offence within 6 months under stage 1. When the same or similar misconduct is committed, the matter will normally be dealt with by the employees supervisor who will investigate the circumstances and if necessary arrange a disciplinary hearing. At the hearing the employee will be given the opportunity to state his/her case. Should the offence be proved, a written warning will be issued and will remain active on the employees personal file for a period of 12 months from the date of issue (copy of form DP2 attached).

Stage 3 – Final Written Warning

If the same or similar misconduct is committed within 12 months, the matter will normally be dealt with by the employees **Section Manager**, who will investigate the circumstances and if necessary, arrange a disciplinary hearing. At the hearing the employee will be given the opportunity to state his/her case. Should the offence be proven, the final written warning will be issued and remain active on the employee's personal file for a period of **12 months**, from the date of issue (copy of form DP3 attached). The Supervisory Officer may submit any supporting information or details relevant to the case for investigation by the Section/Office Manager.

Stage 4 – Further Appropriate Disciplinary Action

This stage is intended to:

- a. Deal with offences which by their nature, warrant immediate summary dismissal
- b. For offences which constitute gross misconduct
- c. If an employee commits an offence for which a Stage 3 warning has been issued and is still in force.

The Section Manager will investigate the matter and depending on the outcome will issue a letter of notification to the employee that a hearing will take place. The Supervisory Officer may submit any supporting information or details relevant to the case for investigation by the Section Manager.

An employee who fails to give a satisfactory explanation, will be subject to further disciplinary action to be determined by the Section manager.

5. Dismissal (Under Stage 4, Further Appropriate Disciplinary Action)

A Dismissal can either arise out a Stage 4 Hearing or from a Hearing under Gross Misconduct

5:1 Dismissal at Stage 4 (other than Gross Misconduct)

If it is decided that the action to be taken under Stage 4 is Dismissal, the letter of Dismissal will be prepared by the **Section/Manager** in conjunction with the **Human Resources Section**, with notification being given to the Head of Department. If the decision taken is to dismiss, the employee will be given the appropriate notice of **termination of employment and/or payment in lieu of notice.** (Except in the case of gross misconduct)

The letter of Dismissal, issued by the **Section/Office Manager** will also advise the employee of their right of appeal against the decision. Any appeal should be made to the Head of the Department (Director) within **5 working days**, either individually or through the trade unions. The letter of appeal against dismissal should be sent directly to the Director with a copy to the Chief Executive.

6. Gross Misconduct (Under Stage 4, Further Disciplinary Action)

If Gross Misconduct is suspected, the disciplinary officer should proceed immediately to Stage 4 of the Disciplinary Procedures.

Preliminary investigations will be carried out and depending on the outcome, a disciplinary hearing will be established without reference to previous stages and after consultation with the appropriate Trade Union or nominated employee representative.

6:1 Precautionary Suspension

If the alleged offence is one of Gross Misconduct, the Disciplinary Officer may suspend the employee from work, on full pay, normally for not more than **5 working days** while the Council investigates the alleged offence and arranges a Disciplinary Hearing.

6:2 Dismissal under Gross Misconduct

The Hearing will be convened by the **Section/Office Manager**. If, after investigation, by the **Section/Office Manager**, accompanied by a senior representative from Human Resources, it is considered that the case is one of Gross Misconduct, the employee will be **immediately dismissed without notice and without payment in lieu of notice**.

7. Appeals

An employee may appeal against any disciplinary action taken at Stages 1 – 4. In such an event the employee must lodge an application in writing, stating the grounds under which they wish to lodge the appeal. This application for appeal must be submitted to the Disciplinary Officer within **5 working days** from receipt of warning,

Appeals, (other than against dismissal), will normally take place within **5 working days**, of receipt of the appeals letter except under special circumstances.

7:5 **Appeals against Dismissal**

Appeals against dismissal should be made directly to the Chief Executive within 5 working days, who will authorise for an appeals panel to be convened.

Appeals against dismissal will normally take place within **20 working days**, except in special circumstances.

The appeal decision in respect of the disciplinary action will be issued to the applicant within **5 working days**, and **will be final**.

The appropriate level and grading of persons hearing the appeal is in accordance with NJC Scale points and is summarised in appendix II & III for information.

GUIDANCE TO OFFENCES

It should be noted that the following lists are not intended as a definitive statement of offences but are only intended as a guide to what the Council recognises as offences under each category and **are neither exclusive or exhaustive**.

Misconduct Examples

Minor Misconduct

Failure to discharge without sufficient cause, an employee's basic obligations which his/her contract places upon him/her.

- Timekeeping
- Lateness
- Careless work – poor effort at work/extending tea/meal breaks
- Failure to report any loss or damage to Council property entrusted in his/her care.
- Work place bullying/victimisation issues - although this could be considered major or gross misconduct, depending on the circumstances
- Confidentiality breach
- Health and Safety issues - although this could be considered major or gross misconduct, depending on the circumstances
- Breach of Code of Conduct on Child Protection - although this could be considered major or gross misconduct, depending on the circumstances
- Contravention of IT policy - although this could be considered major or gross misconduct, depending on the circumstances

Major Misconduct

- Persistent minor misconduct
- Breach of health and safety rules
- Use of abusive language

- Abuse of authority
- Offensive behaviour to fellow employees or members of the public
- Physical horseplay
- Leaving place of work without sufficient cause or permission
- Being under the influence of drink or drugs although this could be considered gross misconduct depending on the circumstances
- Carelessly damaging Council property
- Refusing to carry out a reasonable instruction
- Disclosure of confidential information to unauthorised persons
- Neglect of duty

Gross Misconduct

- Repeated serious misconduct
- Fraud eg Receipt of income (most common), i.e. retention and misappropriation of cash, or falsification of official documentation, or Theft of Council equipment/stores (for more detail refer to the Anti-fraud and Corruption policy)
- Serious breaches of safety regulations
- Malicious damage to Council property
- Unauthorised removal of Council property and other offences of dishonesty within his/her employment.
- Driving any Council vehicle without authorisation from his/her supervisor or whilst under the influence of drink or drugs.
- Fighting or physical violence at work
- Engaging in unauthorised employment during working hours.
- Discrimination against or victimisation of any Council employee or member of the public on grounds of gender, race, religion, political opinion, nationality or ethnic origin or disability (during the course of his/her employment).
- Sexual harassment of an employee or member of the public.
- Falsification of time sheets/subsistence and expenses claims.
- Serious breaches of Confidentiality Clause
- Falsification of Training Attendance documents.

Appendix II

CASTLEREAGH BOROUGH COUNCIL

Summary of Formal Disciplinary Procedures For Staff Below NJC Point 32

Stage	Preliminary Investigation	Notification	Hearing	Action By	Appeal
Stage 1	Supervisor HR representative	Supervisor	Supervisor HR representative	Supervisor	Another Nominated Officer of a higher grade HR
Stage 2	Supervisor HR representative	Supervisor	Supervisor HR representative	Supervisor	Another Nominated Officer of a higher grade HR
Stage 3	Section/Office Manager HR representative	Section/Office Manager	Section/Office Manager HR representative	Section/Office Manager	Director (Head of Departme nt) HR

**Summary of Formal Disciplinary Procedures For Staff Below NJC Point 32
Continued**

Stage	Preliminary Investigation	Notification	Hearing	Action By	Appeal
Stage 4	Section/Office Manager HR representative	Section/Office Manager	Section/Office Manager	Section/Office Manager/ HR Rep.	<p><u>Other than Dismissal</u></p> <p>Director (Head of Department) HR</p> <p><u>Dismissal/ Gross Misconduct Dismissal</u></p> <p>Chief Executive/H.R Staff and Office SubCommittee Panel</p>

Appendix III

CASTLEREAGH BOROUGH COUNCIL

**Summary of Formal Disciplinary Procedures for Staff Above NJC Point 32
(where no higher Section/Office Manager exists within the Department)**

Stage	Preliminary Investigation	Notification	Hearing	Action By	Appeal
Stage 1	Director HR	Director	Director HR	Director	Another Nominated Officer of a higher grade HR
Stage 2	Director HR	Director	Director HR	Director	Another Nominated Officer of a higher grade HR
Stage 3	Management Team Disciplinary Panel HR	Management Team Disciplinary Panel (2 out of 4)	Management Team Disciplinary Panel HR (2 out of 4)	Management Team Disciplinary Panel (2 out of 4)	Chief Executive/ HR

**Summary of Formal Disciplinary Procedures for Staff Above NJC Point 32
(where no higher Section/Office Manager exists within the Department)
Continued**

Stage	Preliminary Investigation	Notification	Hearing	Action By	Appeal
Stage 4	Management Team Disciplinary Panel HR	Management Team Disciplinary Panel/H.R. Rep.	Management Team Disciplinary Panel/H.R. Rep.	Management Team Disciplinary Panel/H.R. Rep.	<u>Other than Dismissal</u> Chief Executive/ H.R. <u>Dismissal/Gross Misconduct Dismissal</u> Chief Executive/H.R Staff and Office SubCommittee Panel

Terms

- **Another Nominated Officer – must be from within the Council above the level of the Disciplinary Officer involved in the disciplinary process.**
- **Management Team Disciplinary Panel will consist of 2 Directors from another Department not involved in the disciplinary process and appointed by the Chief Executive.**
- **The Staff & Office Accommodation Committee will appoint the Sub Committee and it will include the mayor and Chairperson of Staff & Office.**

CASTLEREAGH BOROUGH COUNCIL

FORMAL DISCIPLINARY PROCEDURE

VERBAL WARNING

Department _____

Issue by _____ Position _____

This is to certify that a Verbal Warning has been given to:-

_____ (name)

_____ (position)

on _____ (date) for the reason

of _____

To Employee

This warning which constitutes a formal stage of the disciplinary procedure is hereby recorded and will remain active on your personal file for a period of 6 months.

Any repetition of this offence or failure to show significant improvement within **SIX MONTHS** will lead to further disciplinary warning.

You have the right to appeal against this decision, and if it is your intention to do so you should inform the appropriate designated officer, as per the procedure, within five working days of receipt of this warning, in writing, clearly stating the grounds on which you wish this appeal to be heard.

The Issuing Officer:-

This warning should be accompanied by any relevant investigation information including Reports on Disciplinary Hearing.

In the event of an employee or his/her representative refusing to sign the Verbal Warning, the warning should be presented in the presence of a witness and signed by the witness.

Copy of Warning Received _____ Employee/Representative/
Witness to Issue

Issuing Officer _____ (Supervisor)

Date _____

TO BE COMPLETED IN TRIPLICATE, ONE COPY TO BE GIVEN TO THE EMPLOYEE, ONE COPY TO BE FORWARDED TO THE HUMAN RESOURCES SECTION AND ONE RETAINED BY THE ISSUING DEPARTMENT.

CASTLEREAGH BOROUGH COUNCIL

FORMAL DISCIPLINARY PROCEDURE

WRITTEN WARNING

Issued by _____

Position _____

This Written Warning is hereby issued to _____ (name)

a _____ (position) in the _____ (department)

for the reason of

on _____ (date).

To Employee:

- This warning which constitutes a formal stage of the disciplinary procedure is hereby recorded and will remain active on your personal file for a period to twelve months.
- Any repetition of this offence or failure to show significant improvement within TWELVE MONTHS will lead to further disciplinary warning.
- You have the right of appeal against this decision, and if it is your intention to do so you should inform the appropriate designated officer as per the procedure within five working days of receipt of this warning, in writing, clearly stating the grounds on which you wish this appeal to be heard.

The Issuing Officer:-

- This warning should be accompanied by any relevant investigation information including Reports on Disciplinary Hearing.

- In the event of an employee or his/her representative refusing to sign the Written Warning, the warning should be presented in the presence of a witness and signed by the witness.

Copy of Warning Received _____

Employee/Representative/Witness to Issue

Issuing Officer _____ (Supervisor)

Date _____

TO BE COMPLETED IN TRIPLICATE, ONE COPY TO BE GIVEN TO THE EMPLOYEE, ONE COPY TO BE FORWARDED TO THE HUMAN RESOURCES SECTION AND ONE RETAINED BY THE ISSUING DEPARTMENT.

CASTLEREAGH BOROUGH COUNCIL

FORMAL DISCIPLINARY PROCEDURE

FINAL WRITTEN WARNING

Issued by _____ Position _____

This Final Written Warning is hereby issued to _____

a _____ (position)

in the _____ (department) for the

reason of _____

Your attention is drawn to the written/oral warning (s) already given to you on

_____ (dates)

To Employee:

- This warning which constitutes a formal stage of the disciplinary procedure is hereby recorded and will remain active on your personal file for a period of twelve months.
- Any repetition of this offence or failure to show significant improvement within **TWELVE MONTHS WILL RESULT IN TERMINATION OF YOUR EMPLOYMENT.**
- If you wish a copy of this warning to be forwarded to our Shop Steward, please inform the Personnel Department as soon as possible in writing.

- You have to right to appeal against this decision, and if it is your intention to do so, you should inform the appropriate designated officer as per the procedure within five working days of receipt of this warning, in writing, clearly stating the grounds on which you wish this appeal to be heard.

The Issuing Officer:-

- This warning should be accompanied by any relevant investigation information including Reports on Disciplinary Hearing.
- In the event of an employee or his/her representative refusing to sign for the receipt of the Final Written Warning, the warning should be presented in the presence of a witness and signed by the witness.

Copy of Warning Received _____ Employee/Representative/
Witness of Issue

Issuing Officer _____ (Position)

Date _____

TO BE COMPLETED IN TRIPLICATE, ONE COPY TO BE GIVEN TO THE EMPLOYEE, ONE COPY TO BE FORWARDED TO THE HUMAN REOSURCES SECTION AND ONE RETAINED BY THE ISSUING DEPARTMENT.