

 <p>NORTH EAST LINCOLNSHIRE COUNCIL www.nelincs.gov.uk</p>	Internal Reference	NELC14.410G1
	Employee Information - Discipline	

Introduction

This document has been produced to provide brief information to employee's about the Councils Discipline Procedure.

Why do we have disciplinary procedures?

North East Lincolnshire Council (NELC) has a procedure to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance whilst ensuring consistent and fair treatment for all.

The disciplinary procedure is the means by which the Council's Rules of Conduct are observed and standards are maintained. Discipline proceedings are aimed at bringing about an improvement in an employee's conduct, performance or behaviour so an employee can become effective again.

Disciplinary procedures are needed:

- So employees know what is expected of them in terms of standards of performance or conduct (and the likely consequences of continued failure to meet these standards).
- To identify potential obstacles to individuals achieving the required standards (for example training needs, lack of clarity of job requirements, additional support needed) and take appropriate action.
- As an opportunity to agree suitable goals and timescales for improvement in an individual's performance or conduct.

Early intervention

If there are any concerns regarding your conduct your line manager may raise this initially at a one off meeting, during 1:1's or supervision meetings. It is also possible your line manager may hold an informal counselling session with you. This is usually on a 'one to one' basis. If you request to be accompanied by your trade union representative or work colleague, it must not hold up the meeting scheduled and it is your responsibility to make the necessary arrangements. This would not be classed as a formal part of the discipline procedure, but would become part of your work record.

Disciplinary Investigation

If it is not appropriate to deal with a matter of conduct at the informal stage then an investigation will be carried by your line manager (or in relevant circumstances an independent investigating officer). At this time you can expect:

- To be made aware of the issue regarding your conduct and the fact that the matter will be investigated, (verbally and by letter.) It is important that you understand what the issue is regarding your conduct, anything you do not understand you should clarify with your line manager.
- To be interviewed as part of the investigation. It is important for your case that you give an open and honest account from your perspective. Any attempt to deliberately mislead the investigation could, if discovered, lead to further concerns of trust and confidence and may harm your case.
- You have the right to be represented at any formal process including investigatory interview and disciplinary hearing. It is your responsibility to speak to your representative and tell them about any necessary meetings you need them to attend.
- To be advised by letter what the outcome of the investigation is and whether you will be required to attend a hearing or not.

Disciplinary Hearing

If the outcome of an investigation is the requirement to attend a hearing you can expect the following:

- To be advised by letter at least 5 working days prior to the hearing. You will also be given a copy of all the evidence which will be taken into account at the hearing. It is your responsibility, if you are represented, to ensure that your representative receives all necessary correspondence.
- To confirm your attendance at the hearing as soon as possible. Whilst dates can be rearranged it is not reasonable to delay the hearing indefinitely as it is important for all concerned to resolve the matter as soon as practicable.
- To be advised of the outcome at the hearing, this will be followed up in writing within 5 working days of the hearing.
- To be given the right to appeal against the decision.

Suspension

If your conduct is potentially viewed as gross misconduct and warrants suspension from work you will be informed both verbally and in writing whilst the matter is investigated. This will always be without prejudice and on full pay and will be reviewed at regular intervals throughout the investigation.

On occasions there may also be the possibility that you are removed from your current area of work, this would be as an alternative to suspension and again would be without prejudice and on full pay.

The right to be accompanied

Employees have a statutory right to be accompanied at discipline hearings. NELC have determined that you can be accompanied at any formal meeting / hearing. An appropriate person is either a Trade Union representative or work colleague.

They are allowed to address the hearing in order to:

- Help you put forward your case.
- Sum up your case
- Respond on your behalf to any view expressed at the hearing if appropriate.

Your representative can also confer with you during the hearing. The representative has no right to answer questions on your behalf. It is good practice to give your version of events across to the Chair of the hearing in your own words where possible.

Individuals Responsibilities

- It is your responsibility to make the necessary arrangements if you want to be represented by either a Trade Union representative or work colleague.
- It is your responsibility that you keep them informed of any dates of meetings / hearings and provided them with the necessary information to support you with your case.
- If you require witnesses to attend a hearing it is your responsibility to ensure they are informed of this and why they are going to be there. You must also inform the chair of the hearing that this is the case.
- Throughout the process you must maintain confidentiality and not discuss any matters relating to the disciplinary issue with your colleagues.