

HEXHAM TOWN COUNCIL

I HEREBY GIVE NOTICE THAT a meeting of the Finance and General Purposes Committee will be held in the Council Office, St Andrew's Cemetery, Hexham on 19 June 2018 at 6.30pm, when the following items will be discussed:

A G E N D A

1. To agree the Committee Chairman
2. To note Committee members are Councillors J M Graham, E Green, T G E Gillanders, T Cessford, J Ord, Mrs C R Homer, T Pearson, R Hull and 1 other.
3. Apologies for absence.
4. To receive minutes of the Finance and General Purposes Committee meeting held on 17 April 2018, enclosed.
5. Matters arising, if any.
6. Declarations of interest (see enclosed).
7. To receive bank reconciliation and budget income and expenditure report to 31 May 2018 (attached).
8. To review and adopt the Disciplinary Policy (see enclosed).
9. To agree a date for the next meeting of the Committee.
10. Any urgent matters at the Chairman of the meeting's discretion. (*Matters to be raised under this item should be written out (if possible) and handed to the Chairman of the meeting or the Clerk before the meeting begins.*)



Jane Kevan
Town Clerk
13 June 2018

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H agenda 0618 FandGPCCommittee

HEXHAM TOWN COUNCIL

MINUTES OF THE TOWN COUNCIL FINANCE AND GENERAL PURPOSES COMMITTEE MEETING HELD ON 17 APRIL 2018

451.	PRESENT: Councillor J M Graham in the Chair and Councillors T G E Gillanders, R Hull, Mrs C R Homer, T Cessford, J Ord and T Pearson.
452.	No APOLOGIES FOR ABSENCE were received.
453.	MINUTES of the meeting held on 15 March 2018, having been circulated, were AGREED.
454.	MATTERS ARISING: STAFF SALARY ISSUE (confidential minute 445 refers). This was considered and AGREED as detailed in confidential minute 454.
455.	DECLARATIONS OF INTEREST: Councillor Mrs Homer declared a non-pecuniary interest in that she is a Board Member of Hexham Community Partnership.
456.	FINANCIAL REPORT: The bank statement and account reconciliation together with the 2017/18 budget report to 31 March 2018 were received and accepted. Copies are attached to the minutes.
457.	UNUSED 2017/2018 BUDGETS: The report attached to the agenda was NOTED and it was AGREED to carry forward unspent budgets relating to Contingency (reference 5100), Town Plan 2020 Development Reserve (reference 5500), Neighbourhood Plan (reference 5600), Tourism Support Fund (reference 6096), Machines/Equipment – Renew/Replace (reference 7315) and Newsletter (reference 7840).
458.	HERITAGE ACTION ZONES FUNDING: It was AGREED this may be of interest for the historic centre of Hexham and to contact Northumberland County Council for further information, to check if being used elsewhere in the county, and for an overview of the implications.
459.	EXCLUSION of THE PUBLIC: It was resolved and AGREED in accordance with Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 that as publicity would be prejudicial to the public interest by reason of the confidential nature of the business about to be transacted, namely consideration of funding requests, it is advisable in the public interest that the public and press be temporarily excluded from the meeting and they were requested to withdraw.
460.	FUNDING REQUESTS: These were considered and AGREED as detailed in confidential minute 460 attached.
461.	The meeting was reopened to the public.
462.	NEXT MEETING: It was AGREED that the next Committee meeting will be held on Tuesday 19 June 2018 at 6.30pm in the Council Office,

Action Log

Research business banking options and check if any bank in Hexham has a business adviser.	Clerk
Contact national NALC as noted in confidential minute 454.	Clerk
Refer budgets to be carried over to Full Council.	Clerk
Contact NCC regarding Heritage Action Zones funding.	Clerk

Chairman

HEXHAM TOWN COUNCIL - DECLARATIONS OF INTEREST
FINANCE AND GENERAL PURPOSES COMMITTEE

Under the Code of Conduct adopted by the Council on 3 September 2012 Councillors must declare if they have a disclosable interest in any matters under consideration.

To do so Councillors must use one of the following statements:-

1. "I have a disclosable pecuniary interest
in..... (for example:) Agenda item 3,
Planning application number 13/1234".
(NOTE: Code of Conduct paragraphs 11&15 apply).

2. "I have a disclosable personal interest
in..... (for example:) Agenda item
4, Grant aid application by Hexham Youth Initiative
(NOTE: Code of Conduct paragraph 13 applies).

Councillors should familiarise themselves with the Code of Conduct regarding the definitions of (A) pecuniary interest and (B) other personal interest and their obligations when declaring any interest.

To ensure Councillors interests are correctly minuted please use one of the above statements when declaring an interest.

NB. Should a Councillor wish to take part in the consideration and voting on a matter or matters in which he/she has a disclosable interest then they may request a dispensation be granted to enable them to take part in the discussion and voting on it but at least 10 days' notice must be given for any dispensation request.

HEXHAM TOWN COUNCIL
FINANCE & GENERAL PURPOSES COMMITTEE
19 JUNE 2018

REVIEW AND ADOPTION OF DISCIPLINARY POLICY

The first attached policy was previously adopted in 2013. The second attached policy (from page 12) is similar but is based on the National Association of Local Councils' model policy and this policy is recommended for adoption.

Jane Kevan
Town Clerk
June 2018

HEXHAM TOWN COUNCIL

DISCIPLINARY POLICY

1. INTRODUCTION

This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to:

- Fulfil the duties specified in their contract of employment.
- Be honest and act beyond suspicion of dishonesty.
- Maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive and these are examples only:

- Unsatisfactory timekeeping.
- Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- Failure to comply with rules and regulations applicable to job requirements.
- Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the Council.
- Insubordination.
- Any other conduct that from time to time is defined by the Council as amounting to misconduct.

1.2 For first instances of minor misconduct the employee's manager or the Town Clerk may speak to the employee informally before implementing a formal disciplinary procedure. However there is no obligation for the employee's manager or the Clerk to do this.

2. This policy applies to all employees of Hexham Town Council.

3. VERBAL WARNING.

Verbal warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a verbal warning he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the Council. A note confirming the verbal warning will be placed on the employee's personnel file (and a copy will be provided to the employee). A verbal warning will normally remain in force for 6 months.

The verbal warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

4. FIRST WRITTEN WARNING

In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a first written warning. A first written warning will be issued by the employee's manager or the Town Clerk and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action; and
- iv. the employee's right of appeal.

A first Written Warning will normally remain in force for 6 months.

The first written warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

5. FINAL WRITTEN WARNING

If further misconduct occurs within the time period specified in a first written warning, or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will be issued by the employee's manager or the Town Clerk and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or a failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action up to and including dismissal;
- and
- iv. the employee's right of appeal.

Final written warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

A final written warning will normally remain in force for 12 months.

6. STANDARD COUNCIL DISCIPLINARY PROCEDURE

6.1 In the case of further misconduct within the time period specified in any final written warning or if the misconduct is sufficiently serious and the Council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee the following formal disciplinary procedure will be followed.

6.2 The Council will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.

6.3 The Council will set out in writing the alleged conduct or other circumstances which lead the Council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation, and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.

6.4 Disciplinary meetings will normally be convened within 5 working days of the Council sending the employee the written statement referred to in 6.3 above. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union or friend. The Council will be represented by the employee's manager or the Town Clerk.

6.5 If the time or date proposed for the meeting is inconvenient (either for the employee or for the employee's companion should he or she wish to be accompanied to the meeting in line with to 6.4 above) the employee may ask to postpone the meeting by up to 5 working days.

6.6 The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the employee's manager or the Clerk to consider their decision.

6.7 After the meeting the Council will inform the employee of the decision and any applicable sanction within 5 working days (the meeting may be reconvened for this purpose). The decision will be confirmed to the employee in writing.

6.8. If the employee wishes to appeal against the decision he or she must notify the Council in writing within 5 days of receiving written notice of the decision.

6.9. If the employee notifies the Council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting before the Council's Staff Committee. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union or friend.

6.10. A disciplinary appeal meeting will normally be convened within 10 working days of the Council receiving notification that the employee wishes to appeal in line with 6.8 above. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to 5 working days.

i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the Council. The original disciplinary penalty will be reviewed.

ii. The disciplinary appeal sanction originally imposed cannot be increased upon appeal.

iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's

appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.

iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Staff Committee time to consider its decision.

6.11. After the disciplinary appeal meeting the Council will inform the employee of its final decision within 5 working days (the meeting may be reconvened for this purpose). The decision will be confirmed to the employee in writing.

7. COUNCIL DISMISSAL PROCEDURE FOR USE IN GROSS MISCONDUCT

7.1. The following list provides examples of conduct that will normally be regarded by the Council as Gross Misconduct. This list is not exhaustive and these are examples only:

- Refusal or repeated failure by an employee to carry out his or her duties.
- Falsification of documents or information (including expense claims).
- Unauthorised disclosure of confidential information.
- Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- Serious or repeated harassment (including sexual and racial harassment).
- Incapacity at work due to the influence of alcohol, un-prescribed drugs or any other substance.
- Wilful damage to Council property.
- Theft, unauthorised use or possession of Council property or theft of the property of a fellow employee.
- Conduct bringing the Council into disrepute.
- Any other conduct that from time to time is defined by the Council as amounting to gross misconduct.

7.2. If an employee is accused of any Gross Misconduct he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a period of suspension will not normally exceed 10 working days unless there are exceptional circumstances.

7.3. The Council will investigate the matter and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses. As part of that investigation the employee will be interviewed.

7.4. If the Council believes the employee is guilty of gross misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice.

7.5. The Council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the Council's basis for thinking

that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations he or she may have following the termination of employment. This statement will also explain the employee's right to appeal against the Council's decision.

7.6. If the employee wishes to appeal against the Council's decision he or she must notify the Council in writing within 5 working days of receiving notice of the Council's decision as in 7.5 above.

7.7. If the employee appeals the Council will invite the employee to attend a disciplinary appeal meeting before the Council's Staff Committee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union or friend.

7.8. Any disciplinary appeal meeting will normally be convened within 10 working days of the Council receiving notice from the employee that he or she wishes to appeal as outlined in 7.6 above. If the date of the meeting is inconvenient for the employee or his or her companion the employee may ask to postpone the meeting by up to 5 working days.

i. Any new evidence that the employee wishes to put forward will be considered as will any new evidence from the Council. The original disciplinary penalty will be reviewed.

ii. The disciplinary sanction originally imposed cannot be increased upon appeal.

iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful he or she will be reinstated and continuity of employment will be preserved.

iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Staff Committee time to consider its decision.

v. After the disciplinary appeal meeting the employee will be informed of the Council's final decision within 5 working days (the meeting may be reconvened for this purpose). The Council's decision will be confirmed to the employee in writing.

8. GENERAL PROCEDURAL INFORMATION

8.1. Verbal warnings and written warnings will normally be issued by the employee's manager or the Town Clerk. Disciplinary proceedings raised under the standard Council disciplinary procedure will also normally be investigated, and any meetings to discuss the disciplinary proceedings will be conducted, by the employee's manager or the Clerk.

8.2. Where disciplinary proceedings are instigated against the Clerk or all employee relations matters are dealt with by the Council's Staff Committee, verbal warnings and written warnings will be given by the Chairman of that Committee. Any investigations and any meetings will be carried out by the Council's Staff Committee.

Any disciplinary appeal meeting will be conducted by 3 members of the Council who do not sit on the Staff Committee.

HEXHAM TOWN COUNCIL

DISCIPLINARY POLICY

INTRODUCTION

1 This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

3 This policy confirms:

- the Council will fully investigate the facts of each case
- the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective.
- employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
- employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any disciplinary, investigatory or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submission
- If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the Data Protection Act 2018
- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an

employee's medical condition

- employees have the right to appeal against any disciplinary action. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include an oral warning, written warning, final written warning or dismissal
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it
 - the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

Examples of misconduct

4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:

- unauthorised absence
- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

Examples of gross misconduct

5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct:

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of health and safety rules

- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

Examples of unsatisfactory work performance

6 The following list contains some examples of unsatisfactory work performance:

- inadequate application of office procedures
- inadequate IT skills
- unsatisfactory management of staff
- unsatisfactory communication skills.

DISCIPLINARY INVESTIGATION

7 The Council's staffing committee will appoint an Investigator who will be responsible for undertaking the investigation - a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should deal with the following:

- what the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

8 The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage (see paragraph 16).

9 The staffing committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

10 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.

11 If there are other persons (eg employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator

should try to obtain it from them in advance of the meeting with the employee.

12 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be taken.

13 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:

- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
- the employee has a case to answer and there should be action under the Council's disciplinary procedure.

14 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.

15 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

THE DISCIPLINARY MEETING

16 If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:

- the names of its Chairman and other two members
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting
- that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The disciplinary meeting will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee
- the Investigator will present the findings of the investigation report
- the Chairman will set out the Council's case and present supporting evidence (including any witnesses)
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or the companion) will have the opportunity to sum up his/her case
- the Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

DISCIPLINARY ACTION

17 If the sub-committee decides that there should be disciplinary action, it may be any of the following:

Oral warning

An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

- of the reason for the warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- of the right to appeal
- that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for six months.

Written warning

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 12 months.

Final written warning

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 18 months.

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

18 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal.

19 If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal

THE APPEAL

20 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

21 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

22 The Appeal will be heard by a panel of three members of the staff committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

23 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

24 At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
- explain the action that the appeal panel may take.

25 The employee (or his companion) will be asked to explain the grounds for appeal.

26 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing.

27 The appeal panel may decide to uphold the decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

28 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

29 The appeal panel's decision is final.

(NOTE: This document is an appendix to the Staff Handbook, given to all employees when commencing employment with the Council.)

June 2018 – Date for Review: June 2020
clerk@hexhamtowncouncil.gov.uk