



## **DISCIPLINARY POLICY AND PROCEDURE**

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## **Information**

Every person who works for Ramsey Town Commissioners (RTC) is expected to demonstrate high standards of conduct, behaviour and performance. These policy and procedure notes set out expectations, and what is to be done when those expectations are not met.

RTC's policy applies to all staff working within the organisation. It extends to include non-permanent workers such as contractors, agency, temporary staff, and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon reputational damage to the Organisation. Members of the Board should also be wholly cognisant of the principles of this policy and procedure document.

This policy and associated procedures should be referenced with the provisions of The employment Act 2006, the Local Government Act 2005 and the Data Protection Act 2018

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## **Policy**

RTC will provide and sustain a safe working environment in which everyone is treated fairly and with respect. The standards of conduct, behaviour and performance will be clearly set out both in a general set of principles, and where appropriate, in more specific terms in relation to particular roles.

The processes will be fair and without prejudice or bias and completed in clear time-frames. Equality of arms in the investigation, and transparent fairness are essential factors in ensuring that matters are fairly managed. Where an action is taken by RTC, the evidenced reason for that will be set out to the respondent in clear terms and confirmed in writing.

RTC recognises that any disciplinary process can be stressful and worrying. They will appoint a support friend who is not associated with the process to act as a liaison, and the RTC will fully engage with any other support provided through Union or other representation which the respondent is entitled to.

Whilst RTC endeavours to create and maintain a Psychologically Safe workplace, there may be times where anonymous allegations are made. These will be investigated but must involve further caution. Employees that do complain should believe that they will be supported and that support will be genuine.

RTC will provide training on these standards to all employees, including specific sessions for managers on how to handle complaints effectively.

This policy does not replace nor take primacy in cases where behaviour is of a criminal nature. If it is suspected that conduct or behaviour reaches this threshold the processes would give way to a police investigation.

This policy and procedure will be reviewed periodically giving due consideration to legislative changes and at a minimum every two years.

Record keeping will take the form of updated anonymised reports to the Establishment Committee as well as brief, anonymised summary reports for organisational learning

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## **PROCEDURE**

### **Definitions:**

#### **Conduct**

Conduct in public service is set out in the Seven Principles of Public Life <sup>1</sup>

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- 1. Honesty**

We uphold honesty in all our interactions, ensuring transparency, truthfulness, and accuracy in our communications and decisions. We act with integrity and always strive to foster trust with our stakeholders, acknowledging when we make mistakes and working to rectify them.

- 2. Integrity**

Integrity is at the heart of everything we do. We act ethically, with strong moral principles, making decisions that reflect fairness and justice. We hold ourselves accountable to the highest standards, ensuring that our actions are consistently aligned with our values and organisational goals.

- 3. Objectivity**

We approach every decision with objectivity, ensuring that personal interests, biases, or external pressures do not influence our professional judgments. We consider all relevant facts, evidence, and opinions before making decisions, ensuring that our actions are based on impartial analysis and sound reasoning.

- 4. Accountability**

We take accountability for our actions and decisions. We understand that every member of our organisation has a responsibility to deliver results, and we are committed to taking ownership of both our successes and challenges. We are transparent in our processes and actively seek feedback to improve and grow.

- 5. Selflessness**

We act with selflessness, prioritising the public good and the interests of our

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<sup>1</sup> The Seven Principles of Public Life outline the ethical standards those working in the public sector are expected to adhere to. They were first set out by Lord Nolan in 1995 in [the first report of the Committee on Standards in Public Life](#) and they are included in a range of codes of conduct across public life.

community over personal gain. Our decisions are driven by the needs of the organisation, our stakeholders, and the people we serve, rather than individual or collective personal interests.

## 6. Openness

We are committed to openness in all aspects of our work. We actively encourage and welcome dialogue, feedback, and diverse viewpoints, ensuring transparency in decision-making processes. We are dedicated to sharing relevant information with the public and stakeholders to foster trust and cooperation.

## 7. Leadership

We demonstrate leadership through vision, direction, and influence. We lead by example, inspiring and empowering others to contribute to the success of our organisation. Our leadership is defined by our ability to make tough decisions, uphold the highest standards, and create an environment of mutual respect, collaboration, and innovation.

## Behaviour

Defining expected behaviour can be difficult, but the guiding principle is what is reasonable? Would an average onlooker consider what they saw as acceptable? The following are provided as guidance but should not be considered exhaustive.

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**Respect for Others:** Employees are expected to treat others with courtesy and respect, fostering a positive work environment. This includes addressing colleagues, managers, and clients in a professional manner.

- *Example:* Harassment, bullying, or discrimination of any kind will not be tolerated (an additional policy is in place for this).

**Attendance and Punctuality:** Employees must adhere to the agreed-upon work schedule, notify their supervisor in advance if they are going to be late or absent.

- *Example:* Unexcused absences or repeated tardiness is unacceptable.

**Compliance with Policies:** Employees must follow company policies, including health and safety, data protection, and ethical guidelines.

- *Example:* Violating the company's confidentiality agreements or safety protocols may lead to disciplinary action.

**Professionalism:** Maintaining appropriate behaviour, attire, and communication within the workplace.

- *Example:* Using offensive language, inappropriate conduct, or violating the dress code can be grounds for discipline.

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## Performance

Employees are provided with a job description to set out the expectations of their role. Fulfilment of these is a key component to the overall performance of the organisation and as such it is important there is consistent achievement of them to an acceptable level.

These levels will be clearly set out as part of the PDR process. Everyone can experience dips in their performance and ability, and the disciplinary process should only be invoked if there was a clear and consistent demonstration of lack of improvement or engagement with performance action plans. The guiding principle is helping people to perform at their very best within a Psychologically Safe workplace.

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### **Levels of unacceptability.**

The matters captured by this policy and process are likely to fall into one of three categories;

- **Minor;**

This will include cases where the matter is isolated, low in impact and is unlikely to cause reputational damage to RTC or harm to others. These can usually be managed through the Performance and Development Review (PDR) process. The PDR Process guidelines should be referred to for more detail.

- **Misconduct**

In misconduct matters, the standard will have fallen below that expected from an independent onlooker, such as someone accessing our services or witnessing our business. It can also be benchmarked against the standard of behaviour of a diligent, competent and professional employee. There is also a risk within misconduct that if left unchecked, the conduct will lead to reputational damage for RTC.

- **Gross Misconduct.**

Gross misconduct is the most serious breaches of standards, where they fall far below those expected of the onlooker or of a diligent, competent and professional employee. There is also likely to be serious reputational damage to RTC as a result.

These matters may occasionally border on criminal. In all cases these should be brought immediately to the attention of the Town Clerk and Chief Executive (TC) or their standing deputy. Examples include;

- theft or fraud
- physical violence
- bullying
- deliberate and serious damage to property
- serious misuse of RTC's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination

- discrimination, harassment or victimisation
- bringing RTC into serious disrepute
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

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Throughout this procedure, the parties will be referred to as 'complainant' (the person raising the complaint), the Organisation, (RTC and their official side representative) and 'respondent' (the person who is alleged to have fallen below the accepted standards).

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## THE STAGES OF THE PROCESS

### Representation

RTC recognises that any disciplinary process can be stressful and worrying. They will appoint a support friend who is not associated with the process to act as a liaison, and the RTC will fully engage with any other support provided through Union or other representation which the respondent is entitled to.

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### Appointment of Investigators and reviewers

The appointment of an investigator for any inquiry will be a matter for the Town Clerk who may consult with the Lead Member for Finance and Establishment . They must consider the independence of the investigator, both actual and perceived when making the appointment. Where appropriate, the investigator or reviewer will be external to RTC. All investigators or reviewers should have a skill level commensurate with the likely complexity of the matter. The rationale behind the appointment will be recorded.

### Informal Resolution

Line Managers have a responsibility to manage and are expected to address conduct and behaviour issues as early as possible. Where appropriate, steps will be taken to resolve issues on an informal basis without recourse to the formal procedure.

Conduct, Behaviour and Performance management is a part of the normal course of performance and development review (PDR), which should be documented. **A written improvement note for unsatisfactory conduct, behaviour or performance** can be issued, which sets out;

- the issue, and the evidence supporting the observation
- the improvement which is required
- the timescale for resolution
- any assistance/support which may be given;

The usual methodology will be to utilise a SMART action plan, which sets out

- the specifics,
- the measure that will be used to indicate improvement,
- a clear agreement that is achievable and relevant to the matter, and
- the timeframe for improvement.

If this process does not bring about an improvement, then this is likely to provide further evidence which will then be considered for escalation to a formal process.

Where the matter is considered serious the formal procedure will be followed from the outset. A record of Informal action will be kept as part of the PDR process but will be disregarded for disciplinary purposes after 12 months.

## **Formal Resolution**

### **Stage 1**

The TC will be notified of the allegation. They will appoint a Case Officer who will be charged with investigating and presenting the matter against terms of reference set by the TC. The Respondent must be informed in writing that an inquiry is underway (See separate guidance on forms of words)

The Case officer will promptly gather evidence and make an assessment against the standards of unacceptability.

They will then meet with the TC to agree a threshold.

### **Consideration of Suspension**

In serious cases the TC has the authority to suspend a respondent from work at any stage of the process. This will be done formally, with a clear, written notice as per the guidance on form of words. The matter will be referred to the Establishments Committee at the earliest opportunity who will decide whether to ratify or discontinue the suspension, either with or without conditions. In all cases of suspension, a support officer will be appointed to act as liaison and welfare co-ordinator.

In appropriate cases where the evidence suggests a criminal offence has been committed, the matter must be referred to the appropriate prosecuting authority. The local enquiry should continue but proceedings stayed until the outcome of the statutory investigation.

It must be understood that suspension is a neutral act, and not a sanction or disciplinary act.

### **Stage 2**

On completion of the evidence gathering stage the Case Officer will prepare a report with recommendations. The possible resolutions are:

#### **No further action. (Resolution 1)**

This should be used where the allegation is proven, on the balance of probabilities to be unfounded or unsubstantiated. The respondent will be met in person and provided with a written result.

#### **Performance Review (Resolution 2)**

The respondent would be referred to their manager for a performance review and this should be managed in accordance with that policy and procedure.

#### **First Warning (Resolution 3)**

A meeting will be convened between the Case Officer, TC, the respondent and any representative of theirs. A qualified Human Resources (HR) officer will also attend to ensure fair and equitable process.

The matter would be set out to the respondent in writing prior to the meeting, in order they may provide defence or mitigation evidence. At the meeting the TC will determine the course of action, which will be set out in writing to the respondent, detailing any development requirements and a timescale, and the steps should that improvement not be evidenced.

#### **Second Warning. (Final Written Warning) (Resolution 4)**

Where inadequate improvement has been evidenced within the timescale set in the First Warning, a second meeting will be convened between the Case Officer, TC, the respondent and any representative of theirs. A qualified Human Resources (HR) officer will also attend to ensure fair and equitable process.

The matter will be set out to the respondent in writing prior to the meeting, in order they may provide defence or mitigation evidence. At the meeting the TC will determine the course of action, which will be set out in writing to the respondent, detailing a timescale, and the likely sanctions should the improvements required not be evidenced in that timescale.

In matters where there is sufficient seriousness from the outset (gross misconduct), the TC may determine that a final written warning is appropriate without the first stage.

### **Dismissal Hearing. (Resolution 5)**

Where resolutions 1-4 have been exhausted, or by virtue of the seriousness of the matter, determined to be inappropriate, a Dismissal Hearing will be convened. This will be chaired by the TC, supported by the case officer. (HR) will attend to ensure fairness and equity. The Respondent may be heard or elect to be represented. At this hearing the full range of options and sanctions will be available to the TC, up to and including dismissal.

## **APPEALS**

There is a right to appeal a disciplinary decision at any of the stages. This must be lodged in writing within 10 working days from the date of the decision to the head of department or the TC.

The TC will review any appeal. Where appropriate, they will seek an external review from the TC of another Authority. The resulting decision is final and will be conveyed in writing. A HR professional will also provide advice and guidance.

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

## **PROCEDURE NOTES**

### **Confidentiality**

All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside RTC. Any breaches, by any party may in themselves constitute a disciplinary offence.

### **Data Protection**

RTC's privacy notice describes how personal information about an employee is collected and used during and after their working relationship within RTC and what legal basis there is for gathering and retaining that information in accordance with the Data Protection Act 2018 including the General Data Protection Regulations ("GDPR"). Further details in relation to the information collected and retention periods can be obtained from the Office of the TC.



Information generated and collated during the application of these procedures maybe disclosed after redaction as part of a Subject Access Request.

Courts and Tribunals may order disclosure of documents, irrespective of whether or not they are confidential. These will be redacted where permitted.

In order to apply with GDPR legislations, employees who wish their personal data to be shared with their union representative are required to provide written consent to the TC.

### **Retention of Documentation**

Confidential records of any disciplinary procedures and the outcomes will be kept in accordance with RTC's Document Retention Policy

### **TIMESCALES**

<b>INFORMAL RESOLUTION</b>	To be agreed between line manager and respondent.
<b>FORMAL RESOLUTION</b>	
<b>Stage 1</b>	10 working days
<b>Stage 2</b>	Resolution determined within 5 working days
<b>No further Action (resolution 1)</b>	In writing within 2 working days
<b>Performance review (resolution 2)</b>	Action Plan to be written up and agreed within 2 working days.
<b>First Warning (resolution 3)</b>	Meeting to be convened within 10 working days. Written notification of outcome within 2 working days
<b>Second Warning (resolution 4)</b>	Meeting to be convened within 10 working days. Written notification of outcome within 2 working days
<b>Dismissal Hearing (resolution 5)</b>	Meeting to be convened within 10 working days. Written notification of outcome within 2 working days
<b>Appeals</b>	Submission within 10 working days. Review to be completed and communicated within 15 working days
<b>Suspensions</b>	Reviewed every 5 working days.

In some circumstances there may be valid reasons for the adjustment of timescales. In these cases the reasons will be evidenced and the revised timescale agreed with the TC before being communicated with the respective parties. In cases where criminal allegations are being investigated, these will take precedence, and the strategy must be discussed with the TC. Contingencies may include fast-track action or staying of internal proceedings until the criminal investigation is completed.