



DISCIPLINARY & DISMISSAL PROCEDURES FOR MISCONDUCT

1. Objective

Whilst it is accepted that most employees will observe acceptable standards of conduct it is considered necessary to establish a procedure for dealing with those employees who fail to comply with the rules and regulations laid down by the Council or who fail to reach or maintain acceptable standards. The purpose of this procedure is to ensure consistent and fair treatment of all employees and to help and encourage them to achieve and maintain acceptable standards of conduct and performance.

2. Scope

The procedure applies to all employees of the Council (with the exception of the Chief Executive) and will be invoked when disciplinary action is contemplated against an employee or employees in relation to misconduct.

3. General Principles

- 3.1 The Council expects all its employees to abide by the terms and conditions of their employment and the rules, regulations and standards established by the Council. This includes the Code of Conduct for Local Government Employees, which describes the general standards expected of all Council employees.
- 3.2 The fundamental aim of procedure is provide employees with an opportunity to improve their behaviour and/or performance, while making it clear that disciplinary action will be taken if improvements do not occur.
- 3.3 Allegations of misconduct will be thoroughly investigated prior to any form of disciplinary action being taken.
- 3.4 In cases of alleged misconduct employees have:
 - (a)** the right to a fair disciplinary hearing with the opportunity to state their case before any disciplinary actions are taken
 - (b)** the right to receive a written statement of the alleged misconduct and particulars on the basis for the allegation prior to the disciplinary hearing(s)
 - (c)** the right to reasonable opportunity, prior to disciplinary hearings, to consider their responses to the information provided on the allegation
 - (d)** the right, where reasonably requested, to be accompanied at a disciplinary hearing by a work colleague or a trade union representative, before any disciplinary action is taken.





- 3.5 Employees also have the right to appeal against what they believe to be an unjust or unfair penalty. The right of accompaniment will also apply at disciplinary appeal hearings. Disciplinary appeal hearings will be conducted, as far as possible, by a more senior manager than the manager who took the disciplinary action being appealed. This does not apply where the most senior manager attended the disciplinary hearing at which the decision was taken to take the disciplinary action being appealed.
- 3.6 The employer will endeavour to ensure that:
- * the disciplinary rules and procedures are applied fairly and consistently
 - * all steps under the procedure are taken without unreasonable delay
 - * the timing and location of all hearings are reasonable
 - * hearings are conducted in a manner which enables employees to explain their case.
- 3.7 The employee must take all reasonable steps to attend hearings under this procedure.

4. Informal Procedure

This procedure is not intended to weaken or replace the normal working relationship that exists between a manager/supervisor and his/her employees. Day-to-day concerns regarding conduct or performance should be dealt with through regular contact between managers/supervisors and employees and informal cautions may be recorded by managers/supervisors to provide employees with an opportunity to improve their behaviour and/or performance prior to the formal procedure being invoked.

5. Counselling

- 5.1 Access to professional counselling can provide a valuable means of addressing problems at work before disciplinary action is taken. Council provides employees with free access to Carecall Counselling (either telephone or face-to-face counselling) and where appropriate employees will be encouraged to utilise this service.
- 5.2 Council also retains the right to require an employee to attend counselling where it believes that this could play a part in avoiding or resolving workplace problems. Council may also require an employee to attend counselling as an addition to any of the forms of disciplinary action set out later in this procedure. It is hoped however than in such circumstances the employee will view counselling as being of benefit to them.





6. Initial Investigation

- 6.1 When an allegation (of the kind that means the employee could be subject to action under this procedure) arises, the Council will advise the employee in writing of the nature of the complaint (as far as it is known) and advise that the matter is being investigated. In some straightforward cases of misconduct a disciplinary hearing may be arranged without prior formal investigation.
- 6.2 The employee concerned will normally be called to attend an investigatory interview to give their account of the matter under investigation. This interview is not a formal disciplinary hearing. A representative from Human Resources will be present during any investigatory interviews.
- 6.3 The Council may also hold interviews with other employees who could provide relevant information. The Council will attempt to confirm the facts of the matter promptly and obtain witness statements. The Council may in very exceptional circumstances choose to have an investigation carried out by a person independent of the Council.
- 6.4 The employee will be notified in writing if the matter is proceeding to a disciplinary hearing. If there is a delay in deciding whether to proceed to a disciplinary hearing the employee must be advised in writing of the reasons for the delay within two weeks of the investigatory interview.

7 Precautionary Suspension

- 7.1 In certain cases, for example in cases involving gross misconduct, where relationships have broken down or there are risks to an employer's property or responsibilities to other parties, consideration will be given to a brief period of suspension with normal pay (calculated as that paid on the first day of suspension) whilst unhindered investigation is conducted. Such a suspension will only be imposed after careful consideration of the necessity for this. Such suspensions can only be imposed by an Assistant Director or above. A suspension will be kept under review and should last no longer than 4 weeks.
- 7.2 The Council will also consider alternative actions which would be more acceptable to the employee yet serve the same purpose as a suspension. Alternatives to suspension might include the agreeing of a temporary transfer to other duties or another work area without loss of pay or the taking of annual holidays to which the employee is entitled. Any action taken will be reviewed to ensure it is not unnecessarily protracted. It will be made clear that any action taken is not considered a disciplinary action.





- 7.3 In addition to considering the employee's potential liability for disciplinary action, the Council will send an employee who is unfit to carry out his/her duties due to alcohol, drugs or other intoxicants home, and will not pay him/her for work that day.

8. Grievances Relating to Disciplinary Matters

In rare cases an employee may wish to raise a grievance during the disciplinary process, for example in relation to the behaviour of a manager investigating the complaint. In such cases the Council may, at its discretion, suspend the disciplinary process for a short period for the grievance to be dealt with. Alternatively, the Council may wish to continue the process by asking another manager to deal with the disciplinary case. If the employee has a grievance that relates to the disciplinary case and specifically wishes to have this dealt with at the same time as their disciplinary case, the employee must raise this grievance before the appeal stage of the disciplinary process.

9. Criminal Charges

- 9.1 The Council cannot provide payment of normal pay where the employee is unavailable for work because they are being held in custody pending criminal charge.
- 9.2 Being charged with, but not convicted of, a criminal offence not related to work does not of itself justify disciplinary action. In such instances the Council will establish the facts of the case and consider if disciplinary action is justified, taking into account whether the alleged conduct might affect the individual's suitability for the job and the effect of their charge on the Council's reputation.
- 9.3 Employees will not be dismissed solely because they are absent from work as a result of being remanded in custody. Nevertheless, an employee who is remanded to prison pending a criminal trial or as a result of criminal conviction will be suspended from work and will be unpaid. A decision regarding the employee's future employment will be taken based on the nature of the crime and whether or not this calls for disciplinary action. Employment may also be considered to have terminated due to 'frustration' as the result of the duration of the sentence.

10. Monitoring and Surveillance

- 10.1 Council currently has systems in place which facilitate monitoring the usage of:
- Telephones
 - e-mail
 - Internet
 - Council vehicles.





- 10.2 These systems are in place to ensure appropriate use of the above facilities/assets as well as to protect employees from potential misuse which could for example be perceived as harassment or bullying. Information gleaned from these systems may be analysed during investigations into allegations of misconduct.
- 10.3 CCTV is also in place in various Council locations. The primary purpose of such systems is to safeguard employees during the course of their employment and to protect Council property. Information gleaned from these systems may be reviewed or used for other purposes including investigations into allegations of misconduct, particularly where this relates to (a) allegations of harassment (b) failure to observe rules and regulations relating to health and safety at work or (c) allegations of misconduct which could be perceived as criminal (e.g. theft).
- 10.4 Only managers at Assistant Director or above have the authority to request information from these systems (which would relate to an individual employee) during a disciplinary investigation. All such requests will be kept to a minimum to protect the privacy of individuals as far as possible and information will be retained confidentially by Human Resources.

11. Disciplinary Authority

In the event of an alleged breach of Council rules disciplinary hearings will be conducted by the appropriate disciplinary authority as follows:

Stage	Disciplinary Authority	Disciplinary Action
Stage 1	Immediate line manager or supervisor (in their absence a manager of equivalent level)	Verbal Warning
Stage 2	Line manager or supervisor preferably senior to Stage 1 (in their absence a manager of equivalent level)	First Written Warning
Stage 3	Line manager or supervisor preferably senior to Stage 2 (in their absence a manager of equivalent level)	Final Written Warning
Stage 4	Appropriate Assistant Director or above (in their absence a senior manager of equivalent level)	Dismissal





Stage	Disciplinary Authority	Disciplinary Action
Appeals against dismissal	Director or Chief Executive (in their absence the most senior manager available who was not involved in the decision to dismiss)	N/A

The disciplinary action shown against each Disciplinary Authority is the maximum action permissible to that Authority. It does not preclude the possibility of a lesser penalty being imposed.

12. Disciplinary Action

12.1 Disciplinary Warnings

All warnings will clearly state the misconduct concerned and clearly indicate what the eventual outcome will be if there is no improvement on the employee’s part or if a recurrence takes place. Duration of warnings is referred to in Section 15.

Warnings normally relate to the same or similar misconduct and are not generally transferable between different types of misconduct. However, where a number of warnings are called for in respect of different types of misconduct this will entitle the employer to review the employee’s overall suitability for continued employment and if necessary to issue a final general written warning irrespective of the offence.

When determining the disciplinary action to be taken in any given case, managers shall have discretion to vary the penalty in the light of relevant mitigating circumstances. Each case will be treated on its own merits.

Once warnings have lapsed through time they are erased from the employee’s personal record for disciplinary purposes.

12.2 Other Disciplinary Action

The following actions may also be taken for disciplinary offences in addition to a disciplinary warning being imposed:

- (i) Withholding an Increment (where applicable)
- (ii) Demotion
- (iii) Suspension without pay for a period of up to 2 weeks.



13. Record Keeping

The Council will keep written records during the disciplinary procedure for future reference including:

- The complaint against the employee
- The employee's defence
- Findings made and actions taken
- Reasons for actions taken
- Whether an appeal was lodged
- Outcome of the appeal
- Any grievances raised during the disciplinary process
- Subsequent developments.

Records will be treated as confidential and will be kept no longer than necessary in accordance with the Data Protection Act 1998. This Act gives individuals the right to request and have access to certain personal data. Copies of disciplinary/appeal record forms detailing the key points leading to the decision will normally be given to the employee, although in certain circumstances (e.g. to protect a witness) the Council may withhold some information.

14. Disciplinary Rules

The employer recognises three main types of misconduct:

- Minor Misconduct
- Major Misconduct
- Gross Misconduct.

Examples of each are detailed in Appendix A. These lists are not intended to be either exclusive or exhaustive and the Council reserves the right to decide how behaviour/performance shall be categorised at the time of the occurrence in the light of relevant circumstances.



15. Disciplinary Action at Each Stage

The following table details the disciplinary action which will normally be taken at various stages of the procedure:

Level of Misconduct	Stage	Disciplinary Action	Duration on file
Minor Misconduct	Stage 1	Verbal Warning	6 months
Minor Misconduct	Stage 2 (same or similar offence repeated within 6 months)	First Written Warning	12 months
Minor Misconduct Stage 3 or Major Misconduct	Stage 3 (same or similar offence repeated within 12 months)	Final Written Warning containing clear notice that a repeat of the offence within 12 months will result in dismissal	12 months
Minor Misconduct Stage 4, Major Misconduct repeated or Gross Misconduct	Stage 4 (same or similar offence repeated within 12 months)	Dismissal (summary dismissal in the case of gross misconduct i.e. without notice and without pay in lieu of notice).	N/A

All warnings will be regarded as lapsed at the conclusion of the period to which they relate.

16. Gross Misconduct

The Council will establish the facts in all cases where it believes an employee may be guilty of gross misconduct and potentially liable for summary dismissal (i.e. dismissal without notice or pay in lieu of notice). A short period of suspension with pay, imposed after careful consideration and kept under review, may be used to allow Council to investigate. It will be made clear to the employee that suspension with pay is not a disciplinary action.

If the Council decides to dismiss summarily it will write to the employee explaining the reasons for dismissal and allow the employee to appeal.

17. Disciplinary Hearings

171. Prior to the Hearing

- 17.1.1 When a disciplinary matter arises, the manager should first establish the facts promptly before recollections fade, taking into account the statements of any available witnesses (see section 6 above).
- 17.1.2 After establishing the facts, the manager may consider that there is no need to resort to the formal procedure and that it is sufficient to talk the matter over informally with the employee. The employee should be made aware that this is an informal discussion as opposed to action under the formal procedure.
- 17.1.3 If a disciplinary hearing is being arranged, the employee will be notified of this in writing, normally at least 3 days in advance of the hearing and of his/her right to be accompanied. The employee will be required to advise the Council in advance who, if anyone, they have chosen to accompany them at the hearing prior to the hearing taking place. Employees may only be accompanied by a work colleague from the Council or a representative from a trade union recognised by Council. A disciplinary hearing is defined as a meeting that could result in:
- A formal warning being issued
 - Dismissal
 - The taking of any other disciplinary action under this procedure.
- 17.1.4 Details of the allegations and a copy of any relevant documentation will be made available to the employee prior to the hearing, normally at the time of notification.
- 17.1.4 If disciplinary action or suspension with pay is considered for employees who are trade union officials, the case will be discussed with a senior trade union representative or full-time official.
- 17.1.6 The employee must take all reasonable steps to attend the disciplinary hearing. If the employee cannot attend on the proposed date, the employee can suggest an alternative date that must suit everyone involved and must not be more than 5 working days after the original date proposed by the Council. The Council will cater for any disabilities that the employee or his/her companion may have.
- 17.1.7 If the employee, their companion, or the representative from the Council does not attend on an agreed date due to sudden illness or circumstances beyond their control, the Council will set a second date for the hearing. If the employee does





not attend on the second hearing date, the Council will accept representation of the employee by their chosen companion and/or a personal statement in addition to consideration of all other relevant information available. However, the Council reserves the right to proceed with the disciplinary hearing in the absence of such representation.

17.2 Issues relating to Accompaniment

- 17.2.1 During the hearing the person accompanying the employee (which must be either a work colleague from the Council or a representative from a trade union recognised by Council) has the right to question and address those involved in the hearing but does not have the right to answer questions or speak for the employee. The companion will be provided with a reasonable amount of time to confer privately with the employee.
- 17.2.2 Fellow employees or trade union representatives do not have to accept a request to accompany an employee and should not be pressurised to do so by the Council or its employees.
- 17.2.3 No employee will be disadvantaged by the Council for using his/her right to be accompanied or for accompanying a fellow employee.
- 17.2.4 An employee cannot insist on being accompanied by a colleague whose presence would prejudice the hearing or whose interests might conflict with the need for natural justice. It is unreasonable for an employee to ask to be accompanied by a colleague from a geographically remote location when someone suitably qualified is available on site.
- 17.2.5 An employee who has agreed to act as a companion will be given a reasonable amount of paid time off by the Council to familiarise him/herself with the case, confer with the employee before and after the hearing and attend the hearing itself.

17.3 During the Hearing

During the hearing both parties shall be allowed to call relevant witnesses. The Disciplinary Authority shall state their case and the employee shall have the opportunity to respond. Once all the evidence has been heard the meeting shall normally conclude.

17.4 Reaching a Decision

- 17.4.1 The Disciplinary Authority will carefully consider all the evidence before them, before making a decision on disciplinary action to be taken. In reaching a decision



the Council will take account of an employee's disciplinary and general work record, any mitigating circumstances, actions taken in similar cases and the explanations given by the employee. The Council will then decide what action is reasonable prior to making a decision. A member of Human Resources should always be consulted prior to finalising a decision.

- 17.4.2 The decision on disciplinary action will be given to the employee in writing as soon as possible after the hearing. This should normally be within one working week.
- 17.4.3 If at any stage of the proceedings an employee fails to attend a disciplinary hearing without good reason, the panel will take a decision based on the information available to them at that time.
- 17.4.4 The Disciplinary Authority may decide, because of mitigating circumstances, to impose a penalty short of dismissal which might involve the issue of a final written warning (or extension of the period for such a warning if one is currently in force), or the issue of a final general written warning, and may also include one or more of the additional sanctions listed below:
- transfer e.g. to another location or job on the same grade
 - withholding the opportunity to apply for promotion for up to 2 years
 - withholding up to 2 pay increments
 - suspension without pay for a period of up to 6 weeks
 - downgrading/demotion e.g. to a lower paid job.
- 17.4.4 Penalties short of dismissal will be confirmed in writing to the employee. Opportunity for promotion and normal incremental progression will be reinstated only following continual satisfactory conduct/performance during the period of the penalty, and those increments lost will not be repaid.

18. Appeals

- 18.1 Employees have the right to appeal any disciplinary decision under this procedure. There is one appeal stage within this procedure and the decision of the panel is final. All appeals must be made within 5 working days of being informed of a disciplinary hearing decision to the manager specified within the disciplinary decision letter, stating the basis of the appeal. If an appeal is not lodged within 5 working days it is assumed that the employee accepts the disciplinary decision. No disciplinary action, whether a warning, penalty short of dismissal or dismissal, will be set aside pending the outcome of an appeal.
- 18.2 The employee must request an appeal in writing, outlining the grounds for appeal, and must forward the request to the person specified for this purpose in the letter of warning or dismissal.





- 18.3 Appeals may be lodged on the following grounds:
- The finding/penalty is unfair
 - New evidence coming to light
 - The disciplinary procedure was not applied correctly.
- 18.4 Appeal hearings shall be held within 5 working days of receipt of appeal and Council will provide at least 3 working days notice of the date of the appeal. The employee will be advised of the date, time and location of the appeal hearing, their right to be accompanied (by a work colleague from the Council or a representative from a trade union recognised by Council) and the person(s) hearing the appeal.
- 18.5 Copies of any documents that an employee will rely on during an appeal must be submitted in advance to the person hearing the appeal. New information submitted prior to or during an appeal which had previously been requested by Council but not made available by an employee may be considered by those hearing an appeal. However, production of such documents at this late stage in the disciplinary process may be viewed as unacceptable.
- 18.6 At the appeal hearing the Council will be represented by a more senior manager than the manager who attended the disciplinary hearing. If this is not possible, a manager of similar standing to the manager who made the disciplinary decision and who was not previously involved will hear the appeal. Appeals against a disciplinary decision made by the Chief Executive will be heard by a Sub-Committee of the Council nominated for the purpose.
- 18.7 The appeal will not normally take the form of a re-hearing and will usually be limited to the grounds set out by the employee in their written appeal request.
- 18.8 The outcome of the appeal hearing shall be notified to the employee within 5 working days of the appeal hearing. The person hearing the appeal will have the right to:
- Uphold the appeal
 - Reject the appeal and either confirm the original penalty or substitute a lesser penalty.

As there is only one appeal stage it will be made clear to the employee that the panel's decision is final.



MODIFIED DISCIPLINARY & DISMISSAL PROCEDURE

There may be some limited and very exceptional situations involving alleged acts of gross misconduct where some of the general principles of the Dismissal and Disciplinary Rules and Procedures for Misconduct will not apply. These situations will be where:

- Dismissal is without notice and occurs at the time when the Council became aware of the misconduct or immediately thereafter
- The Council is entitled, in the circumstances, to dismiss by reason of the misconduct and without notice and without pay in lieu of notice, and
- The Council believed that it was reasonable, in the circumstances, to dismiss before enquiring into the circumstances in which the misconduct took place.

In these very exceptional situations the following modified procedure will apply:

Step 1: Statement of Grounds for Action

The Council will provide the dismissed employee with:

- A written statement of the alleged misconduct which led to the dismissal
- Written particulars on the Council's basis for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and
- Written confirmation of his/her right of appeal against the decision.

Step 2: Appeal

- If the employee wishes to appeal he/she must inform the Council
- All appeal requests must be made to the person specified for this purpose in the letter of dismissal
- Appeals shall be heard within 5 working days of receipt of the request
- The employee must take all reasonable steps to attend the hearing
- The employee has the right, where reasonably requested, to be accompanied at the appeal hearing by a work colleague from the Council or a representative from a trade union recognised by Council.
- The result of the appeal hearing shall be notified to the employee within 5 working days of the appeal hearing.





APPENDIX A: DISCIPLINARY RULES

The following lists contain examples of the type of offences which the Council has categorised for each level of misconduct. These lists are not intended to be either exclusive or exhaustive and the Council reserves the right to decide how behaviour/performance shall be categorised at the time of the occurrence in the light of relevant circumstances.

The Council recognises three main types of misconduct:-

Minor Misconduct

- Absenteeism/Lateness
- Careless work and poor effort at work
- Extended tea and meal breaks
- Excessive time away from the job
- Failure to report any loss of, or damage to, Council property
- Failure to comply with Absence Notification and Certification Procedure
- Failure to achieve required standard of work performance
- Failure to disclose use of medication which may put his/her self or others at risk
- Misuse of telephone, e-mail or Internet
- Minor breach of safety/hygiene/security rules
- Failure to maintain a tidy and safe working environment
- Failure to wear any protective clothing/equipment provided
- Performance of duties below an acceptable standards
- Helping or persuading another employee to commit any type of minor misconduct

Major Misconduct

- Unsatisfactory attitude to external or internal customers
- Use of foul or abusive language
- Ignoring safety rules
- Insubordination
- Abuse of authority
- Leaving place of work without permission or sufficient cause
- Consuming intoxicants during working hours or bringing intoxicants onto Council premises/property/vehicles without permission
- Carelessly damaging Council s property
- Refusal to carry out a legitimate instruction given by a superior
- Dangerous physical horseplay/practical jokes
- Calling or attending an unofficial meeting during working hours
- Consistent failure to achieve required standard of work performance





- Bringing the Council into disrepute
- Improperly using or attempting to use his/her official position for his/her own or another's advantage
- Neglect causing damage to or loss of Council's, customer's or other employee's property/equipment/tools
- Serious breach of safety/hygiene/security rules
- Smoking in prohibited areas
- Wilful or excessive waste of materials
- Gambling on the premises
- Unauthorised release of Council information in any form, subject to the Public Interest Disclosure Act 1998 or the Council's Whistle Blowing policy
- Helping or persuading another employee to commit any type of major misconduct

In certain circumstances, offences categorised as major misconduct, in the above examples may be treated as gross misconduct, e.g. taking, or being under the influence of, alcohol or drugs, where an employee is in charge of, or working with, potentially dangerous machinery, or where an employee refuses and continues to refuse to carry out a reasonable instruction.

Gross Misconduct

- Serious breaches of Health and Safety Regulations
- Deliberately ignoring a safety/hygiene/security rule and thereby endangering one's own or another's physical well-being or safety
- Intoxication induced by alcohol or drugs
- Physically violent behaviour
- Leaving the premises or site without permission
- Refusal to carry out a reasonable work instruction
- Malicious/wilful/deliberate damage to the Council's, customer's or other employee's property/equipment/tools
- Unauthorised removal of the Council's property
- Unauthorised use of Council vehicles
- Gambling on Council premises
- Fighting or physical violence at work
- Falsification of records
- Engaging in unauthorised employment during working hours
- Obscene behaviour
- Dishonestly completing any documents or declaration in order to obtain payment or wages, sick pay, etc. under false pretences e.g. Medical and Self Certification Certificates
- Disclosures of confidential information to a third party
- Theft/fraud
- Sleeping on duty





- Acceptance of gifts, favours and rewards other than modest gifts of a promotional nature - e.g. diaries
- Downloading of sexually offensive materials from the Internet
- Being prosecuted for a type of criminal offence which ensures the employee cannot fulfil the duties of his or her Council contract
- Seriously breaching Council confidence, subject to the Public Interest Disclosure Act 1998 or the Council's Whistle Blowing policy
- Helping or persuading another employee to commit any type of gross misconduct

NOTE: Any allegation of bullying in the workplace or any allegation of discrimination, victimisation or harassment linked to anti-discrimination legislation including age, gender, gender reassignment, sexual orientation, marriage, disability, race, religious beliefs or political opinions will be thoroughly investigated and where appropriate will be dealt with under the disciplinary procedure. The disciplinary response will depend upon the nature and seriousness of the incident and in extreme cases may result in summary dismissal.





DISMISSALS PROCEDURE – GENERAL (OTHER THAN MISCONDUCT)

1. Scope

This procedure applies to circumstances where the Council is contemplating dismissing an employee for reasons other than misconduct. Misconduct is covered by a separate policy: Dismissal & Disciplinary Procedures for Misconduct. Examples of circumstances where this procedure would be applied include dismissals relating to capability, redundancy or expiry of a fixed term contract.

2. Procedure

- 2.1 The Council will provide the employee with a written statement of the employee's alleged characteristics, or other circumstances, which have led to contemplation of dismissal (or action short of dismissal on capability grounds) and invite the employee to a hearing, or formal case review under Council's Managing Attendance policy, to discuss this. The employee will be provided with at least 3 days notice of the hearing and of his/her right to be accompanied by a trade union representative or work colleague.
- 2.2 Prior to the hearing the employee will be provided with particulars on the basis for the grounds given in the written statement. The employee will be given reasonable opportunity to consider his/her response to the written statement, and the particulars provided, before any hearing takes place. No action (other than suspension on full pay) will be taken by the employer before the hearing takes place.
- 2.3 After the hearing the employee will be informed of the employer's decision and of his/her right of appeal against this if he/she is not satisfied with it.
- 2.4 If an employee wishes to appeal he/she must forward the appeal to the person specified for this purpose in the letter of dismissal. Where an appeal is requested, the employee will be invited to an appeal hearing. Appeal hearings shall be held within 5 working days of the request for an appeal. At the appeal hearing the Council will be represented, as far as it is reasonably practicable, by a more senior manager than the manager who attended the first hearing (unless the most senior manager attended that hearing).
- 2.5 The Council may implement any decision taken at the first hearing before the appeal hearing is held.





- 2.6 After the appeal hearing the employee will be informed of the Council's final decision.
- 2.7 The Council will endeavour to ensure (a) that each step and action under the procedure is taken without unreasonable delay (b) that the timing and location of hearings are reasonable and (c) that hearings are conducted in a manner that enables an employee to explain his/her case.
- 2.8 The employee must take all reasonable steps to attend the hearings.
- 2.9 At hearings and appeal hearings the employee may, where reasonably requested, be accompanied by a union representative or a work colleague from the Council.

