

ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL		
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**Armagh City, Banbridge and Craigavon Joint Consultation and Negotiation Forum
Wednesday 26 February 2020.**

At the meeting held on the above date, the policy was agreed.

<hr/> Alan Perry	Regional Rep, GMB	Date 26.02.2020
<hr/> Kevin Kelly	Regional Rep, NIPSA	Date 26.02.2020
<hr/> Gareth Scott	Regional Rep, UNITE	Date 26.02.2020

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1. INTRODUCTION

- 1.1 The purpose of this procedure is to provide a fair, equitable and consistent framework for the handling of situations where disciplinary action against an employee of the Council is considered necessary.

2. CONTEXT

- 2.1 This procedure is compliant with current legislation and reflects the provisions of the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures.

3. OBJECTIVE

- 3.1 The main objective of this procedure is to give every employee an opportunity to improve their behaviour or conduct where it has fallen short of that required. This formal procedure may not be invoked until an employee has been advised of any allegation of unsatisfactory behaviour and has received assistance by way of advice, information, guidance or training to achieve the desired standards except in cases of gross misconduct. This procedure will be invoked in all cases of alleged gross misconduct.
- 3.2 This procedure identifies who has authority to progress disciplinary action, and aims to ensure that employees are protected against unjustifiable or inconsistent disciplinary action.
- 3.3 The procedure also identifies the types of offences, that may result in disciplinary action taken, and what that action may be. It also identifies what further disciplinary action could be taken should there be either no improvement or a reoccurrence of the alleged unsatisfactory behaviour or conduct. (The list detailed at appendices is not exhaustive).

4. SCOPE

- 4.1 The procedure applies to all employees of the Council and will be invoked when disciplinary action is contemplated against an employee or employees in relation to misconduct.
- 4.2 If disciplinary action is considered, taken or being progressed during a probationary period this may result in the employee`s suitability for employment being reviewed and depending on the circumstances, the probationary period may be extended or their employment terminated as a result of a disciplinary hearing.
- 4.3 Matters of poor performance will be addressed within the Capability Procedure.

5. GENERAL PRINCIPLES

- 5.1 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.

- 5.2 Allegations of misconduct will be thoroughly investigated prior to any form of disciplinary action being taken.
- 5.3 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)
(if English is not an employee`s first language, or if the employee has difficulty reading, the content of any written statement can be explained orally.
 - (c) the right to reasonable opportunity, prior to disciplinary hearings, to consider their responses to the information provided on the allegation
 - (d) the right to be accompanied at a disciplinary hearing by an accredited trade union representative or accompanied by a fellow employee, before any disciplinary action is taken.
- 5.4 Employees also have the right to appeal the outcome of a disciplinary hearing.
- 5.5 The Council 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.

6. INFORMAL PROCEDURE

- 6.1 This procedure is not intended to weaken or replace the normal working relationship that exists between a manager/supervisor and his/her employees. Where day-to-day concerns are identified and could develop into situations requiring formal disciplinary action, the Line Manager/Supervisor should inform the employee of the possibility of such action being taken and of the improvement required. This may be documented and this type of conversation would not be part of the Council`s formal disciplinary procedure, as it forms part of the standard line management function.
- 6.2 The Capability Procedure deals with those cases where an employee is lacking in some area of knowledge, skill or aptitude and is consequently unable to carry out the required duties of his/her job to an acceptable standard.
- 6.3 Participation in coaching or mentoring, or appropriate training, can provide a valuable means of addressing issues at work before disciplinary action may become necessary. The Employer/Line Manager retains the right to require an employee to attend training where it believes that this could play a part in avoiding or resolving workplace problems. They may

recommend an employee to attend counselling or mediation via consultation with HR and agreement will be sought from the employee for their participation. Non-participation will not be considered as disciplinary action. The responsibility for proper conduct lies with the employee. Where there are issues in relation to misconduct, and an employee has not followed the recommendations made in the hope of resolving matters of misconduct, then this failure may be taken into consideration in any disciplinary action which may arise.

- 6.4 The Council may also recommend an employee to attend counselling or participate in a mentoring or coaching process as an addition to any of the forms of disciplinary action set out later in this procedure. In each case, the reasons will be set out for this requirement.
- 6.5 Depending on the seriousness of the matter, management reserves the right to commence at the Formal stage of the procedure.
- 6.6 The employee concerned will normally be called to attend an informal interview with a relevant nominated manager(s) to give their account of the matter. This interview is not a formal disciplinary hearing; however, the employee has the right to be accompanied by a work colleague or a trade union representative.

7. FORMAL PROCEDURE

7.1 Formal Investigation

- 7.1.1 When an allegation or incident (of the kind that means the employee could be subject to action under his procedure) arises, the employee will be advised in writing of the nature of the complaint (as far as it is known), along with any supporting evidence and advise that the matter is being formally investigated.
- 7.1.2 The employee will be expected to cooperate with the investigation process. (Exceptional circumstances not to co-operate must to be noted).
- 7.1.3 The Investigating Officer will attempt to confirm the facts of the matter promptly and if required, obtain witness statements. Notes of the meeting will be provided (not verbatim).
- 7.1.4 There may be a request for the witness to attend the disciplinary investigation/hearing if clarification is required or questions that the Investigating Officer may wish to put to the witness. Witnesses have the right to be accompanied, by a work colleague or an accredited trade union representative. They have also the right not to provide information but the reason for this should be noted. When the witness receives notes of the meeting they have the right to change details. If there are differences that cannot be agreed, both sets of statements will be held on file.
- 7.1.5 Upon completion of the investigation, the employee will be notified in writing if the matter is proceeding to a disciplinary hearing and details will be provided with the findings of the investigation.

8. ROLES OF HUMAN RESOURCES, WITNESSES AND REPRESENTATIVES

8.1 The Role of Human Resources

- 8.1.1 A member of the Human Resource Department will be in attendance at all meetings associated with formal disciplinary and appeal hearings.
- 8.1.2 The role of the Human Resource representative is to provide advice and assistance to the nominated officers, maintain management records (minutes) of proceedings and ensure adherence to policies and procedures.
- 8.1.3 All correspondence/documentation issued to employees during the formal procedure will be issued by or through the Human Resource Department in a timely and legible format.

8.2 The Role of Witnesses

- 8.2.1 Witnesses are expected to provide a true account of their knowledge of the matter under investigation. Failure to do so, or the unreasonable withholding of relevant information or providing dishonest information, may lead to disciplinary action being taken against them. If the witness does not want to provide an account, the reason must be noted.

8.3 The Role of Representatives

- 8.3.1 During any formal meeting under this procedure the person accompanying the employee (which must be either a work colleague or a recognised Trade Union representative) has the right to:-

- address the hearing to put the employees case forward
- sum up the case
- respond on the employee's behalf to any view expressed at the hearing
- confer with the employee during the hearing.

The representative will not be permitted to answer questions on behalf of the employee or to prevent the employee from explaining their case.

- 8.3.2 Fellow employees 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.
- 8.3.3 No employee will be disadvantaged by the Council for using his/her right to be accompanied or for accompanying a fellow employee.
- 8.3.4 An employee or recognised trade union representative 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.
- 8.3.5 Council will always consider making reasonable adjustments for employees who are disabled or adjustments for employees where English is not their first language.

9. MONITORING AND SURVEILLANCE

9.1 Council currently have systems in place which facilitates monitoring the usage of:

- Telephones-both landline and mobile
- E-mail
- Internet
- Council vehicles

9.2 These systems are in place to ensure appropriate use of the above facilities/assets as well as to protect employees from potential misuse. Information obtained from these systems may be analysed and used during investigations into allegations of misconduct.

9.3 Council will adhere to all relevant legal obligations (e.g. GDPR and Freedom of Information) in relation to obtaining and utilising information obtained from monitoring or surveillance systems during disciplinary investigations.

9.4 CCTV is also in place at various Council locations. The primary purpose of such systems is to safeguard employees during the course of their employment and to protect public and Council property. Information obtained 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)

9.5 Only named managers at Senior Management level or above have the authority to request information from these systems (which would relate to an individual employee) during a disciplinary investigation. CCTV should not be used as the primary source unless there is reason to do so. 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 the Human Resource Department and will be subject to destruction as specified in PRONI destruction schedules

10. PRECAUTIONARY SUSPENSION

10.1 In certain cases, for example in cases involving alleged gross misconduct, where relationships have broken down or there are risks to an employer's property or responsibilities to other parties including duty of care, consideration will be given to a period of suspension with normal pay whilst an unhindered investigation is conducted. Precautionary suspension is not considered as disciplinary action nor is it considered an

indication of blame or guilt and does not infer any prejudice in the final decision. Therefore, no right of appeal exists against the suspension per se. The decision to suspend will only be taken after careful consideration of the absolute necessity for this, based on the facts and will last only as long as is strictly necessary in the circumstances of the case.

Decisions regarding suspensions may only be taken by a Head of Department or above in consultation with a Senior Human Resources Officer and will be confirmed in writing to the employee by Human Resources. A suspension will be kept under review to ensure it is not unnecessarily protracted.

- 10.2 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. Alternatives to precautionary suspension will only be implemented where there is agreement with the employee. As with precautionary suspension, any action taken is not considered disciplinary action nor is it considered an indication of blame or guilt and does not infer any prejudice in the final decision. Any such action will be reviewed to ensure it is not unnecessarily protracted.

11. DISCIPLINARY RULES

- 11.1 The Council 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 Disciplinary Authority reserves the right to decide how behaviour/conduct shall be categorised at the time of the occurrence in the light of relevant circumstances.

11.2 Gross Misconduct

The Disciplinary Authority will establish the facts before determining whether an employee may be guilty of gross misconduct and potentially liable for summary dismissal (ie dismissal without notice or pay in lieu of notice). It will be made clear that suspension with pay is not a disciplinary action. Following the disciplinary hearing, if the Disciplinary Authority decides to dismiss summarily it will write to the employee explaining the reasons for dismissal and advise the employee of the right to appeal. No payment in lieu of notice when summarily dismissed on gross misconduct.

11.3 Criminal Charges

Being charged with and convicted of, a criminal offence not related to work does not of itself automatically justify disciplinary action. In such instances the Disciplinary Authority may be established to consider 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 or business.

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 held in custody or remanded in prison pending a criminal trial or as a result of criminal conviction will not be available for work and therefore such absence will be unpaid. The duration of the period of remand, or any subsequent custodial sentence may also be such as to render employment terminated due to 'frustration of the contract of employment'. Otherwise 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.

12. DISCIPLINARY ACTION

In the event of an alleged breach of Council policies and procedures, disciplinary hearings may be conducted by the appropriate disciplinary authority as stated in Appendix C together with an HR representative to provide procedural advice and note taking.

12.1 Disciplinary Warnings

12.1.1 All warnings will clearly state the misconduct concerned and clearly indicate what the eventual potential outcome will be, if there is no improvement on the employee's part, or if a recurrence takes place.

12.1.2 When determining the disciplinary action to be taken in any given case, managers will take a consistent approach as advised by Human Resources, but shall have discretion to vary the penalty in the light of relevant mitigating circumstances. Each case will be treated on its own merits

13. GRIEVANCES RELATING TO DISCIPLINARY MATTERS

13.1 In the course of a disciplinary process an employee might raise a grievance about an issue which is related to the case. If this happens, it may be dealt with both issues concurrently.

13.2 In exceptional situations, e.g. where the grievance relates to the disciplinary and may affect the potential outcome of the disciplinary, the Council will suspend the disciplinary procedure whilst the grievance is dealt with.

14. DISCIPLINARY ACTION AT EACH STAGE

- 14.1 Appendix B sets out the formal disciplinary steps. Appendix C details the disciplinary action which will normally be taken at various stages of the procedure and the appropriate Disciplinary Authority.
- 14.2 Warnings will be effective from the date of the decision of the panel outlining the disciplinary decision and will be conveyed to the employee by recorded/signed for mail. All warnings will be regarded as lapsed at the conclusion of the period to which they relate and should be expunged from their personal file.
- 14.3 Depending on the seriousness of the alleged offence, the Council reserves the right to commence Disciplinary proceedings at any level of severity. Where an investigation requires consideration of more than one issue of misconduct at the same level, the Council will deal with the offence on its own merit.
- 14.4 Where an employee is subject to a Final Written Warning when a disciplinary hearing has been convened, the Council, in exceptional circumstances relating to the further act of misconduct, reserves the right to extend the Final Written Warning. Dependent upon the nature of the related act of misconduct the panel will agree the length of the extension as an alternative to dismissal. The extension will not exceed 12 months.
- 14.5 If deemed appropriate, in the event of Gross Misconduct a Final Written Warning may be issued alongside another sanction as an alternative to dismissal.

15. DISCIPLINARY HEARINGS

15.1 Following the Formal Investigation

- 15.1.1 Following the formal investigation, if a disciplinary hearing is being arranged, the employee will be notified of this in writing via recorded delivery or hand delivery, at least 5 working 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 Trade Union representative.
- 15.1.2 Details of the basis of the allegations and a copy of any available relevant documentation, including any investigation reports, will be made available to the employee prior to the hearing, normally at the time of notification. If any further documentation becomes available, it will be sent to the employee at the earliest opportunity. The employee will be notified of the potential maximum disciplinary sanction which the alleged misconduct could warrant.

- 15.1.3 An actual sanction given at the end of the process may be different to the potential maximum sanction stated at the notification stage.
- 15.1.4 If disciplinary action beyond a verbal warning or suspension with pay is considered for an employee who is a trade union representative, in such circumstances after obtaining the trade union employee's agreement, the full time official will be notified and given reasonable opportunity to discuss the circumstances of the case.
- 15.1.5 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 should be normally not more than 5 working days after the original date proposed by the Council except in exceptional circumstances eg absence, annual leave.
- 15.1.6 If the employee, work colleague or Trade Union 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 third hearing date without good reason, the Council will accept representation of the employee by their chosen companion (if confirmed by the employee) 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 and reach a decision in the absence of such representation.

15.2 During the Hearing

The Disciplinary Authority shall state the case and the employee shall have the opportunity to respond and have their position fully represented. Once all the evidence has been heard the meeting shall normally conclude.

- 15.2.1 All those present at disciplinary hearings and appeals should ensure that mobile phones, or any other portable devices, are switched off. Recordings in disciplinary hearings and appeals are strictly forbidden.

15.3 Reaching a Decision

- 15.3.1 The Disciplinary Authority (See Appendix C) will carefully consider all the evidence before them, before making a decision on disciplinary action to be taken. In reaching a decision they will take account of all same or similar employee's live disciplinary sanctions and, any mitigating circumstances, and the explanations given by the employee. The Disciplinary Authority will reach a decision and then decide what action is reasonable.

- 15.3.2 The decision on disciplinary action will be given verbally, except in exceptional circumstances and will be confirmed in writing, and by recorded/ signed for mail, as soon

as possible after the hearing, and within 5 working days. They will be advised of their right of appeal.

15.3.3 In cases of Gross Misconduct, the Panel may decide, because of mitigating circumstances, to impose a penalty short of dismissal which might involve the issue of a final written warning and consideration of one or more of the following:

- i) demotion to a lower graded post;
- ii) suspension without pay for a specified period
- iii) transfer to alternative duties or alternative location, possibly linked with one of the actions in I, ii and iii above.
- iv) Possible removal of overtime for the duration of the warning.
- v) Removal of access to flexible working scheme.

Penalties short of dismissal will be confirmed in writing to the employee.

15.3.4 If the decision is dismissal, then the dismissal letter must include:

- The reason for the dismissal
- The date on which the employment contract will terminate
- The appropriate period of notice (if applicable). In cases of summarily dismissal no period of notice will be paid.
- The right of appeal

16. APPEALS

16.1 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 Appeals Authority is final. All appeals must be made in writing to HR within 10 working days of being informed of a disciplinary hearing decision, stating the grounds of the appeal. If an appeal is not lodged within 10 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.

16.2 Appeals may be lodged for example on the following grounds:

- The finding/penalty is unfair (the employee must detail why they believe it is unfair)
- New evidence coming to light
- The disciplinary procedure was not applied correctly.

- 16.3 Appeal hearings shall normally be held within 10 working days of receipt of appeal and Council will provide at least 5 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 Trade Union representative) and the person(s) hearing the appeal. Where, in exceptional circumstances it is not possible to adhere to this timescale the reasons should be recorded and the employee notified of those reasons.
- 16.4 Copies of any documents that an employee will rely on during an appeal should normally be submitted 2 working days in advance to the Authority hearing the appeal.
- 16.5 The appeal hearing will be heard by a more senior manager than the manager who was previously involved in the disciplinary hearing. *Appeals against a disciplinary decision to dismiss or appeals against a disciplinary decision made by the Chief Executive will be heard by an independent panel from an external body or by independent persons from a list recommended by the Labour Relations Agency or LGSC.*
- 16.6 The appeal will not take the form of a re-hearing but will review all the evidence provided by the Disciplinary Authority and will be limited to the grounds set out by the employee in their written appeal request.
- 16.7 The outcome of the appeal hearing shall be notified to the employee within 5 working days of the appeal decision. The Authority hearing the appeal will have the right to uphold or reject the appeal and either confirm the original penalty or substitute a lesser penalty. Where it is not possible to provide a full report of the appeal hearing within 5 working days the employee should be notified of the decision and advised that a full report will follow as soon as possible.
- 16.8 The decision of the appeal panel is final.

17. RECORD KEEPING

- 17.1 The Council, through its Human Resources section, will keep all records during the disciplinary process and for the duration of the sanction.

18. REVIEW

- 18.1 This procedure will be reviewed regularly by the Council and, if necessary, revised in consultation with recognised Trade Unions in light of changing legislation and the LRA Code of Practice.

APPENDIX A: DISCIPLINARY RULES

The following lists contain examples of the types 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/conduct 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
<ul style="list-style-type: none">• Absenteeism/Lateness (may also be dealt with under Attendance Policy)• 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• 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• Helping or persuading another employee to commit any type of minor misconduct• Unsatisfactory performance off duties• Unsatisfactory attitude to colleagues• Unacceptable behaviour• Failure to complete timesheets• Breach of Social Media Policy

Major Misconduct

- Unsatisfactory attitude to external or internal customers
- Causing offence by the use of foul or abusive language
- Ignoring safety rules
- Insubordination
- Leaving your place of work without prior permission from your Line Manager
- Refusal to carry out a reasonable instruction
- Abuse of authority
- Carelessly damaging Council's property
- Failure to disclose use of prescribed medication which may put his/her self or others at risk
- 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
- Helping or persuading another employee to commit major misconduct
- Breaching Council confidence, subject to the Public Interest Disclosure Act 1998 or the Council's Whistle Blowing policy
- Continual misuse of telephone, e-mail, Internet, flexi system
- Continual breach of safety/hygiene etc
- Giving keys to another employee without authorisation
- Aggressive behaviour

In exceptional circumstances, offences categorised as major misconduct, in the above examples may be treated as gross misconduct, or where an employee refuses and continues to refuse to carry out a reasonable instruction.

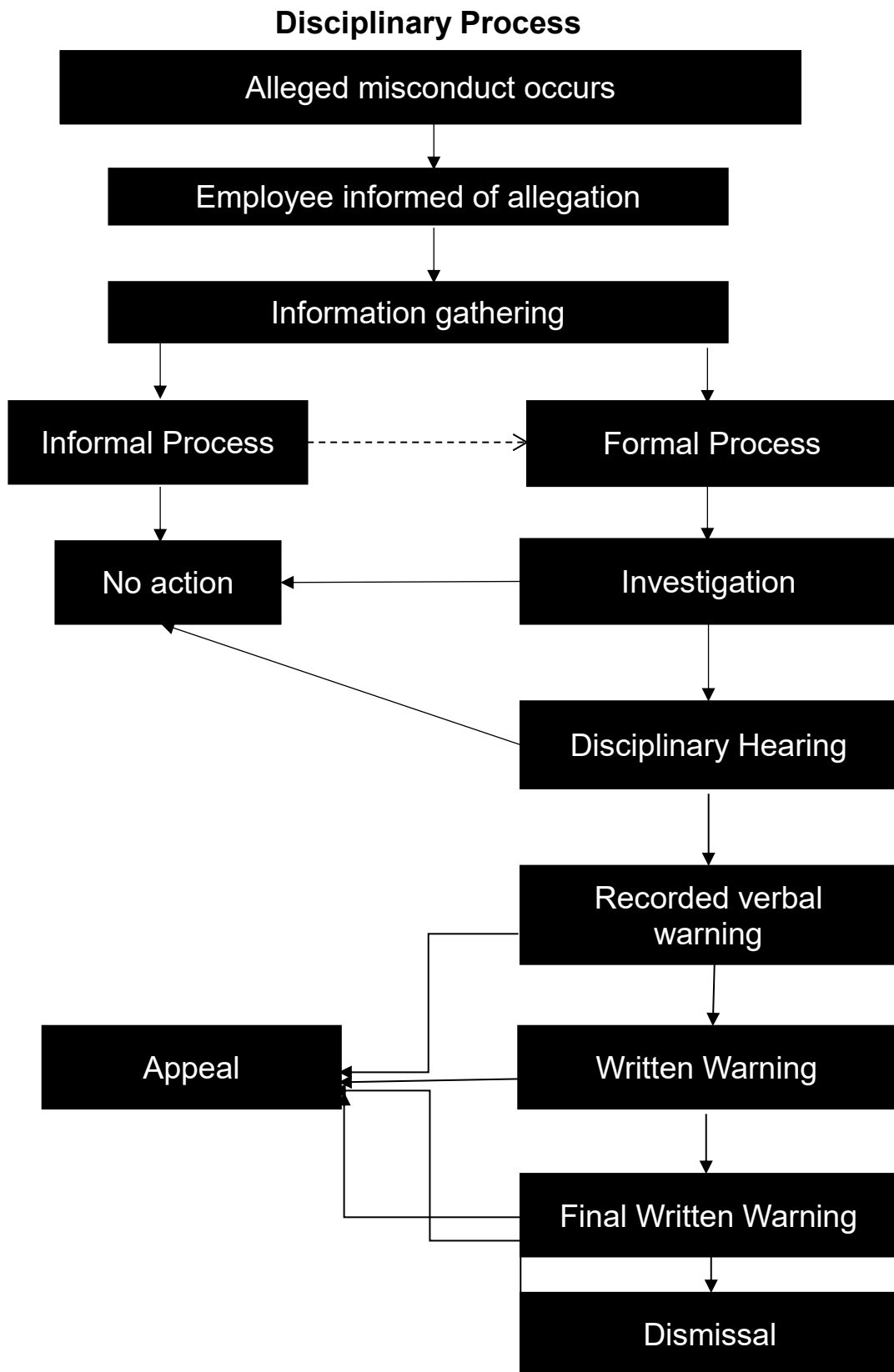
Gross Misconduct

- Bringing the Council into serious disrepute
- 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
- Alcohol or substance misuse which affects health and safety in the workplace
- Unauthorised consumption of alcohol or the use of illegal drugs during working hours.
- Physically violent behaviour
- Leaving place of work without permission or sufficient cause
- Improperly using or attempting to use his/her official position for his/her own or another's advantage
- Serious insubordination
- Malicious/wilful/deliberate damage to the Council's, customer's or other employee's property/equipment/tools
- Unauthorised removal of the Council's property
- Inappropriate use of Council vehicles
- Serious breach of social media policy
- Fighting or physical violence at work
- Falsification of records
- 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
- Theft/fraud
- Sleeping on duty
- Downloading of offensive materials from the Internet e.g. pornography, sexist, racist, sectarian, or sending/forwarding emails with any such content
- Being prosecuted for a type of criminal offence which ensures the employee cannot fulfil the duties of his or her Council contract

- Any breach of Safeguarding policy
- Helping or persuading another employee to commit any type of gross misconduct
- Causing loss, damage or injury through serious negligence
- Findings which lead to a fundamental breach of trust
- Making or receiving bribes in connection with employment or prevailing legislation.

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.

APPENDIX B: FORMAL DISCIPLINARY STEPS



APPENDIX C: DISCIPLINARY ACTION AT EACH STAGE

Level of Misconduct	Stage	Investigation to be carried out by:	Disciplinary Authority	Maximum Disciplinary Sanction	Warning Expires After	Appeal to be made to
Minor Misconduct	Stage 1	Line Manager or Manager of Equivalent Level*	Manager more senior to the person who undertook the investigation.	Recorded Verbal Warning	6 Months	Next Level of Management
Minor Misconduct	Stage 2 (same or similar offence repeated within 6 months)	Line Manager or Manager of Equivalent Level*	Manager more senior to the person who undertook the investigation.	Written Warning	12 Months	Next Level of Management
Major Misconduct	Stage 3 (same or similar offence repeated within 12 months)	Line Manager or Manager of Equivalent Level*	Manager more senior to the person who undertook the investigation.	Final Written Warning	12 Months	Next Level of Management
Minor Misconduct Stage 4, Major Misconduct repeated or Gross Misconduct	Stage 4 (same or similar offence repeated within 12 months)	Line Manager or Manager of Equivalent Level*	2 no. Heads of Service	Dismissal (summary dismissal in the case of gross misconduct i.e. without notice and without pay in lieu of notice)	N/A	Action short of dismissal: 2 no. Directors Dismissal: Independent Panel

**Equivalent level refers to a line manager on an equivalent salary scale, including up to two scales above.*

In cases of disciplinary action against Directors the process will be carried out by an external body or by independent persons from a list recommended by the Labour Relations Agency or LGSC