

Public

Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: HR Policy Update

Meeting/Date: Employment Committee – DATE

Executive Portfolio: Cllr Lara Davenport-Ray, Executive Councillor for Climate, Transformation and Workforce

Report by: Leanne Harfield, Head of HR, OD and H&S

Ward(s) affected: N/A

Executive Summary:

As noted in the November 2022 committee meeting HR are undertaking a programme of reviewing and refreshing our current policies to ensure that they are accurate, legally compliant and reflect current practice within HDC. We are therefore bringing the next set of policies we have reviewed to you.

The policies reviewed in this period are:

- Hybrid Working Policy
- Disciplinary Policy

Summary of the changes:

Policy	Amendments
Hybrid Working Policy	New policy to reflect audit recommendations and formalise current practices
Disciplinary Policy	Updated in line with new Fraud legislation

Full copies of the policies are included in the appendices for your information.

Recommendation:

The Committee is asked to consider and endorse the updated policies.

PURPOSE OF THE REPORT

- 1.1 The report draws Committee attention to the revised policies and that we are seeking endorsement to use the new format.

WHY IS THIS REPORT NECESSARY/BACKGROUND

The main reason for these policies being updated is to ensure that we have legally compliant, up to date and in line with current processes policies that are accessible for all to use. It also ensures we have correct version control on the document to reflect any changes as we move forward. Finally, this will ensure that all policies going forward will reflect the correct employee representative groups.

KEY IMPACTS / RISKS

Having up to date policies that are regularly reviewed ensure that we are legally compliant and that our processes are robust by following them, reducing any risks of potential future claims.

WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

The updated policies will replace the current policies on our employment policy section of the intranet.

LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

To have an engaged and motivated workforce, as part of being a more efficient and effective council – through updated, clear employment policies.

CONSULTATION

Corporate Leadership Team, the Employee Representative Group and UNISON have been briefed and given the opportunity to review the proposed policy changes and support them.

REASONS FOR THE RECOMMENDED DECISIONS

Adoption of the revised policies will ensure that HDC is legally compliant and has a clear trail of policy amendments.

LIST OF APPENDICES INCLUDED

- Hybrid Working Policy
- Disciplinary Policy

Hybrid Working Policy

Version 0.1

<u>Version Control</u>			
<u>Version</u>	<u>Author</u>	<u>Date</u>	<u>Changes</u>
0.1	Stacey Gibson	September 2025	New Policy

Name of Policy:	Hybrid Working Policy
Person/posts responsible:	Head of HR, OD, Health and Safety
Date approved/adopted:	October 2025
Approved by:	Employment Committee
Review Date:	October 2027

Hybrid Working Policy

1. Policy statement

- 1.1 This policy outlines the scope and principals for hybrid working across HDC.
- 1.2 At HDC, we want to ensure that we are working in the most effective way possible, ensuring we continue to deliver the best for our communities. This policy enables us to make the most of the flexibility that remote working provides, whilst capitalising on the collaboration, innovation and learning that comes from being in the office. The policy also aims to provide greater clarity around our hybrid working arrangements and supports greater consistency across the organisation.

2. Scope

- 2.1 This policy applies to all HDC employees. It is designed to promote a positive work-life balance, make good use of our workspaces, and support fair and inclusive employment practices in line with the Equality Act 2010.

3. Hybrid working principles

- 3.1 Hybrid working encompasses roles that require a combination of home and office work, with expectations for in office presence to support collaboration and service delivery. Hybrid working will be applicable to the majority of desk-based roles.

However, not all roles will lend themselves to hybrid working due to the nature of the services being delivered. If you work in the community or already have a fixed location as part of your employment contract then this working style will continue.

Most HDC colleagues will have a contract that is based on full-time Office-based working, with local arrangements to enable hybrid working where it is appropriate and possible to do so. The Hybrid Working Policy seeks to confirm the ability to utilise up to three days Home Working, dependant on role and service needs.

3.2 Office days

If you are a full-time employee with a hybrid working role you will usually work from an HDC office a minimum of two days per week, business needs are priority therefore the number of days and location may vary based on the needs of the service. Being in the office helps with team bonding, collaboration, and keeping services running smoothly.

Employees who work less than full time hours or on a compressed working hours contract will have their office days pro rata'd in line with their working hours. This should be in agreement with your line manager. Employees will be required to work from a HDC office at a pattern and frequency to allow them to contribute to the delivery of work and

meeting customer needs, as well as having the opportunity to connect and collaborate with colleagues.

Flexibility is required to adapt office attendance to meet service needs and in response to demands.

The requirement for additional office working will remain at the discretion of the Head of Service, who may stipulate additional days for training, team meetings or team building purposes. Increased office working may also be stipulated for longer-term needs where there are service improvement, performance issues or team development needs identified.

The policy will be subject to ongoing review to ensure its continued relevance and effectiveness. Where necessary, feedback will be provided to staff to help them align with the principles of the hybrid working policy and to support productivity and performance, regardless of their work location.

3.3 Working hours

You will be required to meet your contracted working hours no matter what working style your role falls into, and your normal working hours will apply whether you are working in the office or from home. Team charters and rotas will be agreed and will help guide your working pattern and determine office-based days. Working Time Regulations still apply, so make sure to take at least a 30-minute break and leave 11 hours between shifts.

3.4 Office etiquette

All employees are expected to demonstrate respect and professionalism in all work environments, whether working remotely or in the office. Office etiquette includes being considerate of colleagues' time, space, and needs, as well as communicating clearly and courteously. When working on-site, staff should be especially mindful of shared spaces by keeping noise to a minimum, maintaining cleanliness, and being respectful about food smells, such as avoiding strong-smelling foods in communal areas. Adhering to these standards helps create a positive, productive, and inclusive workplace for everyone, regardless of work location.

3.5 Remote working arrangements

Teams are encouraged to set up communication plans to stay connected and ensure services run smoothly. It is recommended that regular face-to-face team meetings are held to help with this. Teams Charters (see appendix 1) are to be set up by Teams/Services to ensure that all team members are aware of expectations and service specific requirements.

3.6 Use of office space

All shared office spaces must follow clear desk and hot-desking principles to keep things tidy and fair for everyone and to ensure confidentiality. You are able to use any desk that is free and are expected to remove all personal items after use and clean your desk at the end of the day. Please refer to the 3C ICT [Clear Desk policy](#) which covers your responsibilities.

Where there is a business need, which has been agreed with CLT and Facilities, teams will continue to have an allocated office area.

Whilst staff are able to work from alternative HDC work locations, consideration needs to be given to commercial bookings i.e. space at One Leisure. Your access card may need to be extended to enter other sites if you need help with this please contact -

Swipe_Cards@huntingdonshire.gov.uk

3.7 Home working environment

To work from home on your non-office days, it is important to have the right environment to enable you to perform your role. This includes appropriate technology and a comfortable, confidential, professional space with a reliable and stable internet connection. If your internet access is not reliable, working from the office may be necessary. It is your responsibility to take care of your equipment and let ICT and your line manager know if anything is not working.

It is expected that cameras should be on during meetings with any exceptions to this and/or reasonable adjustments must be agreed with your line manager. HDC approved branded backgrounds should be used for external calls.

Home working is not meant to replace childcare, caregiving or household duties. Home workers must ensure they are able to work free from distractions. Appropriate care arrangements must be in place where employees would otherwise be at home with dependents.

If you have concerns around this, please raise them with your line manager in the first instance. If there is a need for flexible working to accommodate care giving duties, please refer to the flexible working policy.

4. Disabilities and reasonable adjustments

- 4.1 There will be consideration to all reasonable adjustments that may be required, in consultation with HR and your line manager. Advice and recommendations from Occupational Health may be sought in these instances. Access to Work may also be involved where adaptations/equipment is required.

5. Data protection

- 5.1 All employees must take rigorous care to protect confidential information at all times, especially when working from different locations. It is essential that work equipment is used strictly for business purposes only. Employees are required to use strong, unique passwords, securely store all documents, and ensure that confidential waste is disposed of in accordance with council procedures. Any breach of these requirements may result in disciplinary action. Protecting sensitive information is a fundamental responsibility and is critical to maintaining the trust and integrity of our council. Please see link to [Data Protection policy](#).

6. Sickness absence

- 6.1 The hybrid policy does not supersede the existing sickness absence and attendance policy. If you're feeling unwell, please follow the usual sickness reporting procedures. It's important to rest and recover before returning to work.

7. Expenses

- 7.1 Expenses occurred in relation to travel to your contractual office location cannot be reimbursed. If you are required to work at another location that is further than your normal (contractual) commute, any additional mileage (on top of your usual home to work mileage) will be paid in line with HMRC rates (with the exception of anyone in a car salary sacrifice scheme).
- 7.2 Home working expenses cannot be claimed unless this has been agreed in your contract or as part of a reasonable adjustment.

8. Health & safety

- 8.1 We have a duty of care for all employees, whether they are working in the office, at home, or in some other working environment.
- 8.2 You are also responsible for ensuring your workstation is fit for purpose and that you follow the health & safety tips and guidelines provided. Further information can be found on the [health and safety pages](#) on the Intranet.
- 8.3 It is a requirement that all employees complete the Workplace DSE workstation assessment for their usual working locations; this means for both home and office. The DSE assessment can be [accessed here](#).
- 8.4 If you are working from home, then your comfort and safety is just as important as it is when working in an office. Using laptops for prolonged periods in an office or home office environment may require the use of a laptop stand and/or an additional properly positioned screen, with a separate keyboard and mouse.

There are also some simple steps you can take to increase your physical wellbeing whilst working from home or remotely:

- breaking up long spells of DSE work with rest breaks (at least 5 minutes every hour) or changes in activity,
- avoiding awkward, static postures by regularly changing position,
- getting up and moving or doing stretching exercises,
- avoiding eye fatigue by for example changing focus,
- wiping down hard surfaces at the end and start of every working day,
- ensuring adequate lighting within your working environment to avoid eye strain.

If you have any questions or concerns about your health and safety you should discuss these initially with their line manager, and then with the Health and Safety Manager or HR if required.

Disciplinary Policy and Procedure

Version 1.2

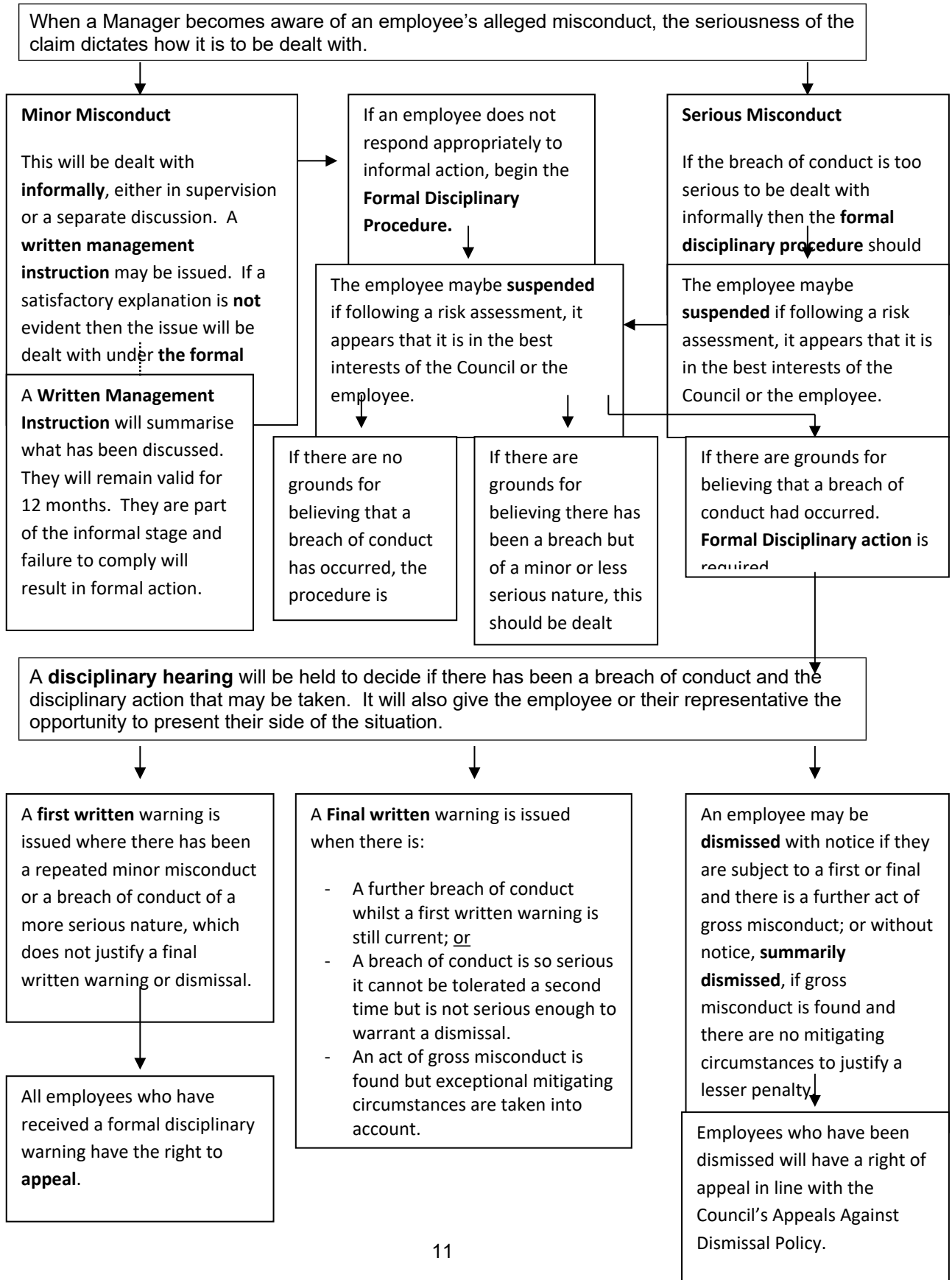
<u>Version Control</u>			
<u>Version</u>	<u>Author</u>	<u>Date</u>	<u>Changes</u>
1.1	Shaistha Shah	August 2022	Added front cover for version control – minor typos/sentence clarity, clarification on right to representation change staff council to ERG, title of warnings changed, appeals to be made within 7 calendar days, section added on EAP/Support Services and First Contact removed
1.2	Kiran Hans	October 2023	Updated contents page, flow chart re suspensions. Changed SMT and CLT to Leadership Team. Streamlined to reflect current practice and taken out counselling.
1.3	Leanne Harfield	October 2024	Updated timelines for notice for hearings in line with other policies. Amended wording around misconduct/gross misconduct following meeting with ERG/Unison Amended some wording for clarity
1.4	Leanne Harfield	October 2025	Updated in line with Fraud legislation
Name of Policy		Disciplinary Policy & Procedure	
Person/posts responsible		Head of HR, OD and H&S	
Date approved/adopted		October 2025	
Approved by		Employment Committee	
Review Date		October 2027	

Disciplinary Policy and Procedure

Index	Page
Disciplinary Procedure Quick Reference Flowchart	1
1. Policy Statement	2
2. Scope	2
3. Principles	2
4. Responsibilities	2
5. Informal Disciplinary Procedure	3
6. Formal Disciplinary Procedure	3
7. Suspension	4
8. Investigation	5
9. Right to be accompanied	6
10. Prior to the disciplinary hearing	6
11. Disciplinary hearing	7
12. Decision	8
13. Disciplinary action	8
14. Time limit for warnings	9
15. Appeals	9
16. Special circumstances	10
17. Consideration of expired disciplinary warnings	10
18. Links to other procedures	10
19. Records	11
20. Advice and support	11
Appendix 1 – Disciplinary Rules	12

A separate document is available on the HR Intranet page – Managers Disciplinary Policy and Procedure Toolkit.

Disciplinary Procedure Quick Reference Flowchart



Please note this is only a quick reference guide. For further details and information please read the Disciplinary Policy and Procedure.

Policy Statement

- 1.1 Huntingdonshire District Council is committed to the effective management of conduct at work to ensure the efficient provision of services and the safety and well-being of employees and the general public.
- 1.2 The disciplinary procedure provides managers with a framework to address alleged breaches of expected standards of conduct as detailed in the Disciplinary Rules. See Appendix One for the Disciplinary Rules

Scope

This policy applies to all Council employees, except Statutory Officers (Head of Paid Service, Section 151 Officer and Monitoring Officer), where separate arrangements apply as detailed in the Chief Officers constitution.

For employees subject to the probation period, this policy does not apply, unless in cases of gross misconduct or gross incompetence. Other incidents of misconduct that arise during the probation period will be addressed using the probation policy.

Principles

This policy is based on the concepts of 'natural justice' meaning all staff will be treated fairly and without bias.

Employees can expect:

- To be informed of the complaint against them, as soon as is practicable, and to be given an opportunity to state their case before decisions are reached;
- No disciplinary action to be taken until reasonable efforts have been taken to establish the facts;
- To be notified of their right to be accompanied and/or represented at all formal stages of the process (except when being suspended);
- This procedure to be applied fairly in all instances and for all disciplinary matters to be heard in a calm and objective manner with the outcome being both fair and equitable.
- References to 7 calendar days include weekends.

Responsibilities

4.1 ***Managers must***

- Ensure all employees are made aware of the expected standards of behaviour as specified in the Disciplinary Rules. To do this a manager must provide appropriate induction, supervision and training.

- Ensure all employees are made aware of any service specific rules or practices, for example sickness reporting deadlines for shift workers.
- Ensure service specific rules are reviewed regularly and any necessary changes communicated.

Employees must

- Comply with the Disciplinary Rules. Any local rules that apply to their role will be explained to the employee by his/her line manager.
- Ask for clarification if unsure what standards of conduct are expected.
- Co-operate fully in any disciplinary investigation.

Informal disciplinary procedure

Cases of minor misconduct should be dealt with informally. A line manager should discuss the issue informally with the employee as it arises either in a supervision session or a separate discussion. This is part of the normal day-to-day management and does not form part of the formal disciplinary procedure.

The manager needs to set out the concerns, outline how the expected standards are not being met, and remind the employee of the standard of conduct required. The manager should explain that if a satisfactory explanation is not evident the issue is likely to be considered under the formal disciplinary procedure.

Written management instructions

To avoid any differences in interpretation the manager should consider issuing the employee with a written management instruction, this summarises what has been discussed. Management instructions do not constitute a formal written warning and are not part of the formal disciplinary procedure. Where a written management instruction is issued, this should be following a face-to-face conversation with the employee.

Management instructions should be set out in writing. An email is acceptable providing it clearly states that it is a written management instruction. All management instructions should state that the letter/email constitutes the informal stage of the disciplinary procedure and that failure to comply may result in formal disciplinary action.

The employee will be sent a copy of the management instruction and a copy should be shared with HR for the employee's file. Copies of written management instructions or notes of informal discussions may be referred to in a subsequent disciplinary hearing, but only if they are relevant and current i.e. they have been written in the 12 months prior to an issue recurring.

Formal disciplinary procedure

- 6.1 This will be applied where the employee does not respond appropriately to informal action or the line manager believes that a breach of conduct may have occurred that is too serious to be dealt with informally.

The table below outlines details about conducting disciplinary meetings in line with the procedure:

Employee Group	Investigations	Disciplinary Hearings	Appeal (excluding dismissal)	Appeal against dismissal
Grades A – F	The employee's Line Manager or designated officer *	A Manager** or Senior Leadership Team	Senior Leadership Team	As outlined in the Appeals Against Dismissal Policy
Employee Group	Investigations	Disciplinary Hearings	Appeal (excluding dismissal)	Appeal against dismissal
Grades G-I	Member of Senior Leadership Team or designated officer *	Member of Corporate Leadership Team or designated officer*	Member of Corporate Leadership Team	As outlined in the Appeals Against Dismissal Policy
Grade SM	A member of Corporate Leadership Team or designated officer**	Member of Corporate Leadership Team	Appeals Panel as detailed in the Council's Constitution	Appeals Panel as detailed in the Council's Constitution
Grades AD & MD	As detailed in the Council's Constitution			

* A Designated Officer is an employee who will be requested to carry out investigations on behalf of a member of Senior Leadership Team

** A Manager defined in this instance is responsible for an activity and employees and reports directly to a member of Senior Leadership Team.

Suspension

- 7.1 In certain situations, it will be necessary to suspend an employee from duty on full pay. A decision to suspend will be taken following appropriate consideration of the nature of the allegation, appropriate consideration of the risks involved, consideration of alternatives where appropriate and consultation with HR where possible. Suspension is not disciplinary action, but a precautionary measure designed to protect the Council's interests and the employee, whilst allowing time

for a thorough investigation to be undertaken. Suspension is not, and will not be, seen as an assumption of guilt or a disciplinary sanction.

- 7.2 An employee will be suspended from work at the earliest opportunity in cases where:
- It is considered to be in the best interests of the Council and/or the employee for him/her not to be at work during an investigation;
- 7.3 An employee does not have the right to prior notice that they are to be suspended, to be represented/ accompanied when being suspended or to appeal against the decision to suspend.
- 7.4 The decision to suspend should be taken and carried out as follows:

Employee Group	Responsible for Suspension
Grades A – F	Member of Senior Leadership Team or Duty Officer, if out of hours
Grades G – I	Member of the Corporate Leadership Team or Duty Officer, if out of hours
Senior Leadership Team and Statutory Officers	Senior Officers Panel***

*** Senior Officers Panel is a member body as defined in the Constitution

With the exception of members of Senior Leadership Team and Statutory Officers, or in situations where the level of management is not available, suspension may be carried out by the most senior manager on duty at the site when the allegation is reported/comes to light, or by a member of the relevant service management team but only after the decision to suspend has been taken by a member of the Corporate or Senior Leadership Team or Duty Officer, if out of hours. Please see Manager's Toolkit for further details of how to contact the Duty Officer.

- 7.5 A suspension will only be carried out after careful consideration. Every effort will be made to conduct an investigation as soon as possible and minimise the length of the suspension. The details of the suspension will be confirmed in writing within 7 calendar days of the suspension meeting. Further information on suspensions is available in the toolkit.
- 7.6 If the matter is subject to a police investigation, the Council reserves the right to continue with the disciplinary process and not await the outcome of the police investigation.

Investigation

The investigation will be confined to establishing the facts of the case with the employee concerned and other persons as felt appropriate. The purpose of the investigations is to gather information to help substantiate those facts and ultimately to determine whether there are sufficient grounds to hold a disciplinary hearing.

8.1 Investigation process

- 8.1.1 The investigation should be carried out by the employee's line manager or another Manager or Designated Officer (as outlined in section 6.1). Written records of the investigation will be kept for later reference.
- 8.1.2 The employee will be given at least 24 hours verbal notice of an investigation meeting and will be informed of the allegations against him/her. Although there is no legal right to representation at the investigation stage, HDC allows employees to be accompanied by a member of the Employee Representative Group (ERG), a Union representative or work colleague. In most cases the investigation meeting will go ahead if a representative is unavailable. The investigation is not a disciplinary hearing. In certain cases, there may have to be more than one investigation, e.g. to follow up on evidence obtained from other witnesses or to clarify certain points.
- 8.1.3 Employees are required to attend investigations and hearings and to co-operate with the fact finding process.
- 8.1.4 The investigating manager may be assisted by a member of the HR team in an investigation. In certain cases more than one person may need to assist the investigating manager e.g. financial, legal, IT cases where specialist knowledge is required.
- 8.1.5 All parties will ensure that confidentiality is maintained at all times, and that the name of the employee involved will remain anonymous wherever possible. Any breaches of confidentiality may lead to disciplinary action.
- 8.1.6 Witnesses may be employees or non-employees. In exceptional circumstances, with the prior agreement of the investigation manager, a witness may be accompanied by a member of the ERG, Union representative or work colleague who will provide moral support only. An employee is responsible for arranging his/her own witnesses and meeting any associated costs.

8.2 Outcome of investigation

- 8.2.1 The investigating manager may conclude, after consultation with a member of the HR team, that there are:
 - No grounds for believing that a breach of conduct has occurred, therefore the disciplinary procedure will be concluded; OR
 - Grounds for believing that a breach of conduct has occurred but that it is of a minor or less serious nature than originally believed, in which case the formal disciplinary process will end and the matter dealt with by informal action, i.e. day to day management and/or by issuing a written management instruction; OR

- Grounds for believing that a breach of conduct has occurred and that formal disciplinary action may be necessary, therefore a disciplinary hearing should be arranged.

8.2.2 Guidance on how to undertake an investigation is available in the toolkit.

Allegations of theft, fraud, corruption or bribery

8.3.1 Where an allegation of theft, fraud, corruption or bribery is made against an employee, either from an internal or external source, advice should be sought from the Corporate Fraud Manager (or in their absence, the Revenues and Benefits Manager).

If it is decided that formal disciplinary action may be appropriate, then a full and thorough investigation should be conducted in accordance with these procedures.

If an employee is under criminal investigation or awaiting trial for an offence, disciplinary action may nevertheless still be proceeded with before the conclusion of any criminal investigation, if this is deemed practical and appropriate. Likewise, if an employee is acquitted on a criminal charge on the criminal standard of proof, an internal disciplinary investigation may still be undertaken into the allegations. Advice will be taken from the Police where necessary in these circumstances.

Right to be accompanied

- 9.1 The employee has the right to be accompanied and/or represented at any stage of the formal disciplinary procedure, except when being suspended. Employees may be accompanied by a member of the ERG, a trade union representative, or a work colleague of their choosing. The employee must decide whether their companion will act as a representative or if they will act as a companion.
- 9.2 A representative is allowed to address the hearing to make the employee's case, sum up that case and respond on the employee's behalf. They can also confer with the employee during the hearing. However a representative is not permitted to answer questions on behalf of the employee and must not prevent the employer from explaining their case or prevent any party making their contribution
- 9.3 The choice of companion should be reasonable given the circumstances of the case - it would not be reasonable to be accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest and this will not be permitted. It is the responsibility of the employee to arrange his/her companion and to meet any associated costs.
- 9.4 At least 4 calendar days before the hearing, the employee should inform HR of who they have chosen as a representative/companion.

Prior to the disciplinary hearing

- 10.1 The employee will be given a minimum of 7 calendar days written notice of the hearing. This may be varied by mutual agreement.
- 10.2 Details of any evidence to be relied upon/witnesses to be called will be sent to the employee.
- 10.3 The employee has the right to refer to written information and call witnesses at the hearing, details must be submitted by the employee at least four calendar days before the hearing.

Disciplinary hearing

Process: The disciplinary hearing will be conducted by an authorised manager who has not played any part in the investigation. The chair will be supported by a member of the HR team.

Witnesses: Witnesses may be employees or non-employees. In exceptional circumstances, with the prior agreement of the chair, a witness may be accompanied by an independent person of his/her choice who will provide moral support only. An employee is responsible for arranging his/her own witnesses and meeting any associated costs

New evidence: If new evidence (written information and/or witnesses) is introduced at the disciplinary hearing the reasons why the details were not submitted in advance of the hearing must be explained. If new evidence is presented, the chair conducting the hearing will take a view on whether to allow it and an adjournment may be necessary to allow time for consideration and/or further investigation.

- 11.4 Employees are expected to attend a disciplinary hearing. If the employee is unable to attend the disciplinary hearing, they must inform the relevant investigating manager.
- 11.5 Where an employee has unavoidably been unable to attend the disciplinary hearing the employee will be given reasonable notice of a second hearing date. Hearings will also be rearranged in situations where the reason for the failure to attend was unforeseeable e.g. sudden illness.
- 11.6 If the employee is unable to attend the reconvened hearing it will normally proceed in his/her absence but with his/her representative being given the opportunity to present the employee's case on his/her behalf. In such cases it will also be possible for the chair to accept for consideration a written statement from the employee or his/her representative.
- 11.7 The only time when the above process will not apply is where an employee confirms to the investigating manager that they have no intention of attending any

disciplinary hearing. In this situation, the hearing will proceed in the employee's absence.

- 11.8 If the employee's representative/companion cannot attend on a proposed date a further date, no more than 10 calendar days after the date originally proposed will be suggested. A hearing will usually only be rescheduled once.

Decision

The chair of the hearing will consider all of the evidence presented and then decide if there has been:

- No breach of conduct and that the disciplinary procedure should be concluded; OR
- A breach of conduct, but it is not serious enough to warrant formal disciplinary action and/or mitigating circumstances have been taken into account and it can be dealt with appropriately by informal action, e.g. by day to day management and/or by issuing written management instructions; OR
- A breach of conduct which is sufficiently serious to warrant formal disciplinary action.

- 12.2 The decision of the Chair conducting the hearing will normally be given to the employee verbally at the end of the hearing – they will confirm the outcome of the disciplinary hearing in writing within 7 calendar days of the hearing.

Disciplinary action

There are three levels of disciplinary action. The level of disciplinary action issued will depend on the seriousness of the misconduct and whether the employee is subject to a current warning for misconduct.

First written warning

Issued where there has been a repeated minor misconduct OR a breach of conduct of a more serious nature, which does not justify a final written warning or dismissal.

Final written warning

Issued where:

- There is a further breach of conduct whilst a first written warning is still current; OR
- A breach of conduct is found to be of such a serious nature that it cannot be tolerated a second time, but is not serious enough to be categorised as gross misconduct; OR
- An act of gross misconduct is found, but exceptional mitigating circumstances are taken into account

Dismissal

An employee may be dismissed:

- With notice if they are subject to a final or first written warning and a further act of misconduct is found (contractual notice may be paid in lieu); OR
- Without notice (summarily) if gross misconduct is found and there are no mitigating circumstances to justify a lesser penalty.

13.4.1 Where an employee has been dismissed from a post working with children or vulnerable adults, the dismissal letter will also confirm whether HR will convey the details of the employee's dismissal to the appropriate authorities, e.g. for possible inclusion on the Children's or Adults Barred Lists as appropriate, or other statutory bodies such as Health and Care Professions Council. The decision to convey information will be made after full consideration of the facts.

Other action

HDC reserve the right to take other action in conjunction with formal disciplinary action, e.g. to transfer the employee to another post. This must be in consultation with a member of the HR team to ensure that any action taken is reasonable and will be reflected in the disciplinary outcome letter.

Time limits for warnings

Written Management Instructions do not constitute a formal written warning and are not part of the formal disciplinary procedure. They are relevant and current for a period of 12 months.

14.1.1 Copies of written management instructions or notes of informal discussions may be referred to in a subsequent disciplinary hearing, but only if they are relevant and current i.e. they have been written in the 12 months prior to an issue recurring.

14.2 Formal warnings (first and final written warnings) remain current for 12 months. Any disciplinary action taken should be disregarded after the specified period of satisfactory conduct.

14.2.1 There may be occasions where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and/or there is evidence of abuse, the employee's disciplinary record should be borne in mind.

Appeals

All employees who have received a formal disciplinary warning have a right of appeal to the relevant person as detailed in the outcome letter. This appeal must be made in writing within 7 calendar days after receiving the written outcome of the disciplinary hearing.

Employees who have been dismissed will have a right of appeal in line with the Appeals against Dismissal Policy.

- 15.3 The appeal must state in detail the grounds for appeal i.e. the basis on which they say the result of the disciplinary was wrong or that the sanction as a result was inappropriate. This information is required for an appeal meeting to be arranged.
- 15.4 As far as is reasonably practicable, an appeal meeting will be held by the next level of management not involved in the original hearing, within 14 calendar days or a mutually agreed date following the receipt of the appeal in writing.
- 15.5 At the appeal hearing the grounds of appeal will be discussed and the manager hearing the appeal will make a decision based on all representations, together with any subsequent facts that have come to light.
- 15.6 The person dealing with the appeal has the authority to:
 - The appeal is upheld, i.e. to find the case not proven;
 - Issue a lesser level of disciplinary action; or
 - The appeal is not upheld, i.e. the original disciplinary warning remains in force.

Special circumstances

Some disciplinary issues need to be treated in a particular way, for example:

- AWOL (Absent without authorised leave)
- Internet/IT cases
- Financial irregularities or potential fraud
- Child protection cases
- Allegations relating to vulnerable adults
- Cases involving a partner organisation
- Where several employees are involved
- Multiple contracts
- Offences outside of work

Further guidance can be found in the Managers' Disciplinary Toolkit. In all these cases advice should be sought from the HR Team.

Consideration of expired disciplinary warnings

- 17.1 All written warnings expire after 12 months. If a further breach of conduct occurs while a disciplinary warning is still current the disciplinary procedure may be escalated to the next stage.

Links to other procedures

Work performance: It is sometimes difficult to distinguish between misconduct and work performance issues. Cases of misconduct are dealt with under the disciplinary procedure, and cases of genuine lack of capability should be dealt with under the Improving Performance Policy. If it is not clear whether an issue is one of conduct or capability, the investigation process should establish this. Managers may also wish to discuss this with a member of the HR team.

Ill health: The disciplinary procedure and sickness absence policies can run in parallel i.e. one does not take precedence over the other. Advice should be sought from the HR Team in these situations.

Raising a Concern (Grievance): If an employee raises a concern during the disciplinary process, HR advice should be sought to determine whether the disciplinary process should be temporarily suspended in order to deal with the concern. However, in the majority of situations, the raising of the concern will not postpone any disciplinary action and therefore it may be appropriate to deal with both issues concurrently.

Records

The HR Team will maintain on an employee's personal file brief details of any disciplinary investigation and the letter confirming any formal disciplinary action. They will also keep on file a record of any management instructions issued.

Advice and Support

- 20.1 The Disciplinary Toolkit will support managers to proactively manage conduct issues. Additional advice for managers is available from the HR Team.
- 20.2 There is also support available through an Employee Assistance Programme, (EAP) service to ensure the welfare of an employee is supported in a positive manner. If you need further information on the support services available please contact the HR Team. The details of your referral will remain confidential to the HR team.
- 20.3 It may be appropriate for certain matters to be dealt with by way of mediation, depending on the nature of the disciplinary. This involves the appointment of a third-party mediator arranged by the HR Team, after the investigating manager has discussed the disciplinary matter with all those involved and sought to facilitate an outcome. Mediation will only be used if all parties involved in the disciplinary agree.
- 20.4 Should any aspect of the disciplinary process cause difficulty because of a disability, language barriers or other difficulties, the Council will aim to support with the necessary help or assistance. Please contact the HR Team if additional support is required.

Appendix 1

Disciplinary Rules

1.0 Summary

- 1.1 The Council has Key Values and Behaviours in which all employees should adhere to. In circumstances where these are breached disciplinary action will be taken. The following rules are set out to guide employees on the areas deemed as misconduct or gross misconduct.
- 1.2 The lists of behaviour that may be seen as misconduct or gross misconduct set out below are neither exclusive nor exhaustive, there may be other matters of a similar nature which will constitute either misconduct or gross misconduct. There may be occasions where matters listed as misconduct may be regarded as gross misconduct depending upon the nature and seniority of the post or the frequency, impact or severity of the breach.

2.0 Misconduct

- 2.1 Misconduct is of a degree less serious than that warranting dismissal on the first occasion or without previous warning but that will nevertheless lead to dismissal if persistent. Some serious acts of Misconduct might justify omitting the first stage (management instruction) moving directly to issuing a written/final warning in the first instance if there is not a satisfactory explanation. Only when the disciplinary procedure has been exhausted will Misconduct lead to dismissal unless there are mitigating circumstances.
- 2.2 Matters that the Council views as amounting to Misconduct include (but are not limited to):
- 2.2.1 Absenteesim and Lateness (excluding AWOL):
- Failure to remain at work during working hours without permission or sufficient cause for absence.
 - Frequent failure to attend work punctually (or in accordance with the flexitime scheme, where appropriate).
 - Failure to notify your Line Manager immediately or as soon as reasonably practicable, when absent due to sickness.
 - Failure to provide medical certificates for absence longer than seven days or when requested by management.
 - Failure to comply with the rules of the Sickness Absence Policy.
- 2.2.2 Neglect of duty:
- Negligent use of Council property in such a way as is likely to cause serious damage, loss or harm.
 - Failure to discharge, without sufficient cause, the obligations which the statute of the contract of employment places on the employee.
 - Insubordination.
 - Failure to follow the Council's agreed policies and procedures (e.g. accounting instructions).

- Failure to work to acceptable standards of conduct or performance.
 - Neglect of health i.e. when an employee, without sufficient cause, neglects to carry out any instructions of a medical officer appointed by the Council or, while absent from duty on account of sickness commits any act or adopts any conduct calculated to delay a return to duty.
- 2.2.3 Making unauthorised use of the Council's communication network and electronic systems.
- 2.2.4 Smoking in a smoke free premises or vehicle (as defined by legislation).
- 2.2.5 Failure to report any loss or damage to any property issued to or used by the employee or to notify the appropriate officer of accidents occurring while driving a Council maintained vehicle.
- 2.2.6 Abusive behaviour and/or offensive language which arises directly out of or in connection with work and which is directed at Councillors, Senior Officers, managers, colleagues or members of the public.
- 2.2.7 Victimisation of other employees in the course of employment.
- 2.2.8 Knowingly aiding and abetting an act of Misconduct.

3.0 Gross Misconduct

- 3.1 Rules under the heading Gross Misconduct are matters that will be viewed very seriously by the Council and, if the allegation(s) are found on the balance of probability proven, may lead to dismissal.
- 3.2 Gross Misconduct is the commission of an act of such a serious and fundamental nature which renders it inadvisable for an employee to be allowed to remain at work. If an employee is suspected of committing an act of Gross Misconduct, suspension from work on full pay pending investigation will be considered.
- 3.3 If after full investigation it is decided that an employee has committed an act of gross misconduct or if the act is admitted by an employee, the Council will be entitled to terminate their contract of employment without notice or pay in lieu of notice unless there are mitigating circumstances.
- 3.4 Matters that the Council views as amounting to Gross Misconduct include (but are not limited to):
- 3.4.1 Dishonesty associated with the place of work or job being undertaken:
- Theft of Council, Council Contractor, client or employee property or deliberate damage to such property.
 - Deliberate falsification of timesheets, expense claims or other records for financial gain or to gain advantage to others.

- Demanding or accepting monies or other consideration as a bribe for the use of Council property, provision of Council services, placing of Council orders/contracts or the showing of favour on behalf of the Council.
 - Acceptance of any valuable gift or reward, other than the proper remuneration for the performance of official duties unless specifically approved by the Monitoring Officer or authorised representative or regarded as appropriate in the circumstances.
 - Falsification of qualifications which are a stated requirement of employment or which results in financial gain.
 - Misuse of the Council's property or the Council's name or bringing the name into serious disrepute.
 - Undertaking additional employment outside normal working hours which would be in conflict with the functions of the Council or detrimental to the work to be performed as an employee of the Council.
- 3.4.2 Deliberate refusal to carry out reasonable, lawful and safe instructions or the normal agreed duties of an employee's job.
- Failure to wear protective clothing or use protective equipment
 - Failure to adopt safe working practices where required to by the law or management such as using a mobile device whilst driving or failure to wear a seatbelt
- 3.4.3 Gross negligence in failing to attend to, or carry out, the normal duties of the job.
- 3.4.4 Serious breach of the Council's rules:
- Wilful serious infringements of safety rules or other wilfully negligent actions which seriously place the health and safety of the employee, other employees or other persons / public in danger.
 - Driving a Council vehicle whilst on Council business in a reckless manner leading to otherwise avoidable serious injury or death of other persons.
 - Breaches of the Council's IT, E-Mail and Internet policies and procedures.
 - Breaches of the Code of Procurement and Financial Management rules.
 - Breaches of the Drug and Alcohol Policy.
- 3.4.5 Wilful unauthorised disclosure or misuse of information classified as strictly confidential which could be harmful to the Council, its clients or employees who in the course of duty have access to information e.g. personal information on employees/failure to safeguard confidential information.
- 3.4.6 Acts of violence whether verbal, physical or vandalism in the course of employment causing:
- Malicious damage to Council, Council contractor, client or employee property.
 - Use of physical force against Council members, employees or members of the public other than in self-defence.
 - Abusive or threatening behaviour or use of offensive language directed at another employee, Council Member or a member of the public.

- 3.4.7 Sexual misconduct at work whether criminal or not.
- 3.4.8 Off duty misconduct – the conviction for, or admission of offences that will have a direct bearing on the employee's ability to carry out their duties.
- 3.4.9 Knowingly aiding and abetting an act of Gross Misconduct.
- 3.4.10 Unlawful discrimination against other employees or members of the public in the course of employment on the grounds of sex, sexual orientation, race, age, disability, religion or belief, including any behaviour that may be classed as bullying and harassment, against any person whilst at work.
- 3.4.11 The displaying, circulation or copying of material deemed to be offensive, either electronically or otherwise.
- 3.4.12 Persistent unauthorised absence from work, including frequent lateness without acceptable explanation or persistent failure to comply with the Council's Policies.
- 3.4.13 Serious insubordination.