



*Dunbartonshire and Argyll & Bute
Valuation Joint Board*

Disciplinary Policy and Procedure

Key Driver for Change/Policy Development: General update plus changes to reflect Information Commissioners Office Employment Practices Code in respect of retention of records

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Disciplinary Policy

1. INTRODUCTION

- 1.1 This policy and procedure is designed to help and encourage all employees to achieve and maintain effective and appropriate standards of conduct in the workplace, or where representing Dunbartonshire and Argyll & Bute Valuation Joint Board (the Joint Board), and to ensure that all employees conduct themselves in an appropriate manner. However, there may be occasions when disciplinary action is the only recourse open to the Valuation Joint Board.
- 1.2 This policy and procedure is designed to ensure that there is equitable, fair, transparent and consistent treatment of all Dunbartonshire and Argyll & Bute Valuation Joint Board employees in relation to disciplinary situations.
- 1.3 The policy and procedure has been developed in line with the recommendations of the ACAS Code of Practice 1 - Disciplinary and Grievance Procedures (March 2015) and the West Dunbartonshire Council (WDC) Disciplinary Policy version 2.3 (June 2018) which was arrived at in consultation with recognised trades unions.

2. SCOPE

- 2.1 The policy and procedure applies to local government employees. Separate Disciplinary Policy and Procedures exist for Chief Officers in line with their Conditions of Service Handbook.
- 2.2 The Joint Board will ensure that good equal opportunities practice underpins the operation of this policy and will apply equally to all employees irrespective of age, disability, gender, gender re-assignment, race/ethnicity, religious faith/beliefs and sexual orientation. The policy and procedure has been fully impact assessed.

3. KEY PRINCIPLES

- 3.1 The key principles of the policy are:
 - Employers **and** employees must raise and deal with issues **promptly** and must not unreasonably delay meetings, decisions or confirmation of decisions.
 - Disciplinary matters must be treated by Managers, Trade Unions and all employees involved at any stage of the process, with the highest degree of confidentiality. In exceptional circumstances Trade Unions may require to advise members on a collective position.
 - At every stage of the procedure Managers must endeavour to provide the appropriate assistance to enable employees to achieve the required standards of conduct.

- Informal action will be considered, where appropriate, to resolve minor breaches of discipline and this will not form part of the disciplinary process.
- No disciplinary action will be considered until allegations have been fully investigated.
- Where there is a disciplinary case to answer, employees will be notified of this in writing, providing sufficient information to enable the employee to answer the case at a hearing. Copies of written evidence, including witness statements will be issued with the notification.
- Managers must seek advice from WDC's Human Resources (HR) at the very earliest stages of any disciplinary situation. HR must also be advised of any potential suspension prior to the suspension taking place, or as soon after the suspension as possible.
- No employee will be dismissed for a first breach of discipline, except in cases of gross misconduct.
- Managers will ensure that employees are fully aware of their right to be accompanied during the disciplinary hearing.
- Throughout the disciplinary process employees will be kept fully advised of any new developments.
- Following the disciplinary hearing the decision will be advised to the employee in writing.
- Employees will have the right to appeal against any disciplinary penalty imposed and will be advised of this.
- Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 2018.
- Managers will be trained in the application of the policy and procedures to ensure fairness of treatment and consistency of approach.
- Misconduct relating to matters involving employees occurring outside working hours may also result in disciplinary action if it is likely to adversely affect performance at work or bring the Joint Board into disrepute.

4. APPLICATION OF POLICY AND PROCEDURE

- 4.1** Discipline need not be punitive. It should bring employees' shortcomings in conduct or performance to their attention and encourage sustained improvement. Where disciplinary action is invoked the discipline procedures should be followed.
- 4.2** Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it may be advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.
- 4.3** If an employee is charged with or convicted of a criminal offence, this is not necessarily in itself reason for disciplinary action. Consideration will be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with their employer, work colleagues and clients.

5. LEGISLATIVE/POLICY FRAMEWORK

- 5.1 The Policy and Procedure complies with the Employment Rights Act (2008), section 199 of the Trades Union and Labour Relations (Consolidation) Act (1992) and the ACAS Code of Practice 1 – Disciplinary and Grievance Procedures (March 2015).

6. RESPONSIBILITIES

- 6.1 In order to ensure fair and consistent application of the Policy and Procedure, all managers, employees, HR Support staff and trade unions have a responsibility:
- To understand the terms and conditions of the policy and procedure and familiarise themselves with rules and standards of conduct expected by them;
 - To act reasonably in any disciplinary situation, applying the procedure of the policy; and
 - To behave in a proactive and supportive manner.

7. RIGHT TO BE REPRESENTED/ACCOMPANIED AT THE DISCIPLINARY MEETING

- 7.1 Employees have a statutory right to be accompanied at the disciplinary meeting by a companion who may be:
- A fellow worker;
 - A trade union representative who has been certified by their trade union as being competent to accompany a worker; or
 - An official employed by a trade union.
- 7.2 It will not be acceptable to request a specific companion who would not be available to attend the hearing, where this would prevent the hearing taking place within a reasonable timescale, if an alternative companion is more readily available.
- 7.3 If the companion cannot attend on a proposed date, the employee can suggest an alternative date and time so long as it is reasonable and it is not more than 5 working days after the original date.
- 7.4 The companion will be allowed to address the meeting, to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the meeting. The companion, however, cannot answer questions on behalf of the employee or address the meeting if the employee does not wish it.

- 7.5 In certain circumstances where the effect of the proceedings could deprive the employee of the right to practice their profession the employee may be entitled to be accompanied by a solicitor.

8. SCHEME OF DELEGATION

- 8.1 The Assessor has delegated responsibility for ensuring the maintenance of disciplinary standards within the organisation, through its Managers. Appendix 2 provides a Scheme of Delegation which identifies the level of Officer authorised to take disciplinary action.

9 REVIEW AND MONITORING

- 9.1 The policy and procedure will be updated to incorporate any relevant changes to law or best practice as required.
- 9.2 Complaints about the implementation of the policy or procedures should be referred to the Assessor or, in exceptional circumstances, to the Strategic Lead – People and Technology in WDC.

Disciplinary Procedure

1.0. INTRODUCTION

- 1.1 The Disciplinary Procedure has been developed to provide guidance and support to Managers and employees in the effective implementation of the policy.
- 1.2 The procedure provides a clear framework and outlines the steps to be taken at an early stage to tackle any problem identified in order to prevent the situation deteriorating into a disciplinary matter. Where this has not been successful the procedure outlines the process to be followed when undertaking disciplinary action.

2.0. MEDIATION

- 2.1 An independent third party or mediator can sometimes help resolve disciplinary issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute and not the mediator.
- 2.2 Where mediation is deemed to be an appropriate method of resolving the issue the discipline procedure can be held in abeyance. Trained mediators will be used and, in exceptional cases, jointly funded external mediation may be agreed by the Assessor in liaison with the WDC Strategic Lead – People and Technology.

3.0. INFORMAL ACTION

- 3.1 Minor breaches of discipline, unless persistent, are usually best dealt with on an informal basis without recourse to the formal procedure. As part of any discussion, employees will have the opportunity to raise and discuss any difficulties they are experiencing. This informal stage does not form part of the formal disciplinary procedure.
- 3.2 In the event that no agreement to resolve the problem is achieved, then formal actions/steps will be required.

4.0. SUSPENSION

- 4.1 In certain circumstances suspension from duty may be appropriate while an investigation is being carried out.
- 4.2 Suspension will only be imposed after careful consideration and where redeployment to alternative duties has been fully explored. An employee being suspended will be clearly advised that suspension is not an assumption of guilt and is not considered a disciplinary sanction. It will normally take place pending investigation where, for example:

- there is evidence to suggest the continuation of an employee on duty would significantly affect the ability to investigate the allegation(s), or
- there are risks to an employee's or the Joint Board's property or where responsibilities to other parties have been identified.

Decisions to suspend an employee will be reviewed at regular intervals as the investigation progresses. In certain circumstances suspension may be required during an investigation as further information becomes available. Reasons for suspension must be clearly recorded as part of the investigation process.

- 4.3** Under normal circumstances suspension will be carried out by a Management Team member. In exceptional circumstances however, where an immediate suspension requires to be applied, authority to undertake suspension can be delegated to an appropriate Line Manager. HR must also be advised of any potential suspension prior to the suspension taking place and, where possible, should be in attendance. Where this is not possible WDC's Strategic HR must be notified on the first available working day after the suspension has taken place. If the timescales and circumstances of the suspension permit, then the employee may request to be accompanied at the suspension and this request will not be unreasonably denied.
- 4.4** Suspension will be on full pay which will include all contractual earnings. Employees on suspension must remain contactable and be able to return to the place of work within 24 hours. Managers will act reasonably with regard to situations where annual leave has previously been booked. Any employee who has been suspended will not be allowed on Valuation Joint Board premises during the suspension period, unless with authorisation, nor will they be permitted access to the Joint Board's computer network including e-mail services.
- 4.5** At the suspension interview, employees will be informed why the suspension is taking place and given the opportunity to give a statement should they wish. A formal letter of suspension will be issued to the employee either after the suspension interview or as soon as possible, normally within 2 working days, detailing.
- The reason for the suspension,
 - The date and time from which it took effect,
 - The duration of the initial suspension, and
 - A statement outlining the rules of the suspension.
- 4.6** Suspension is not an assumption of guilt and it is not considered a disciplinary sanction

5.0. INVESTIGATION

- 5.1** In all instances of alleged misconduct, an investigation will be undertaken before disciplinary action is considered. All investigations will be undertaken

thoroughly, objectively and expediently and should be confined to establishing the facts of the case.

- 5.2 The investigatory stage will involve the collation of evidence by the employer for consideration by the relevant Manager. In some cases this may require the appointment of an Investigation Officer to undertake a full investigation. In such cases the Investigation Officer will be trained to undertake this role. In other cases the investigatory stage will involve the collation of evidence by the Manager for use at the disciplinary hearing.
- 5.3 The employee(s) concerned will be informed as soon as is practicable that an investigation is being carried out and the reasons for it.
- 5.4 The Investigation Officer will be concerned only with establishing the facts of the case, defining the problem, the persons affected by the problem and obtaining all relevant facts and information. A Guide to undertaking investigations is available on the WDC Intranet.
- 5.5 On conclusion of the investigation the Investigating Officer shall forward to the Disciplining Manager a copy of the report and any accompanying statements that are taken.

Deciding on Appropriate Action following Investigation

- 5.6 The Manager will review the Investigation Report and decide whether or not there is a disciplinary case to answer. In all cases where, following an investigation, allegations are found to be without substance, the Manager and the HR Adviser will ensure that all documentation relating to the investigation is destroyed, unless there are exceptional reasons for retaining some record. Where there is reasonable belief that the complaint made was malicious or vexatious it will be investigated under the appropriate procedure.

6.0 BUSINESS IRREGULARITIES

- 6.1. Where it is suspected or known that business irregularities have occurred (i.e. misappropriation or embezzlement of monies, materials etc. placed in employee's charge) then the Joint Board's Business Irregularity Procedure must be followed. The matter should be reported immediately to the Assessor & ERO who will provide further details on how to proceed (including determination of who will carry out any subsequent investigation).

7.0 NOTIFICATION OF DISCIPLINARY HEARING

- 7.1 Where it is decided that there is a disciplinary case to answer the employee must be notified of this in writing. The notification will give details of the time and venue for the disciplinary hearing and advise the employee of their right to be accompanied at the meeting. The letter should contain sufficient information about the alleged misconduct and its possible consequences to enable the employee to prepare to answer the case at the disciplinary meeting.

- 7.2** An employee will be given a minimum of 10 working days notice of a Disciplinary Hearing and also be given a copy of the Investigation Report, witness statements and copies of any other written evidence. The Manager may anonymise witness statements to protect witnesses **only** where there are legitimate concerns that the provision of a signed witness statement may result in injury to persons or property.
- 7.3** Any documentation which the employee wishes to present or have considered at the hearing must be submitted to the Disciplining Officer/Manager at least 5 working days in advance. Timescales for the disciplinary procedure as outlined in Appendix 1 should be followed.

8.0 AUTHORITY TO TAKE ACTION

- 8.1** Please refer to Appendix 2 for “Scheme of Delegation” for Warnings and Dismissal.

9.0 HOLDING THE DISCIPLINARY MEETING

- 9.1** The disciplinary meeting must be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.
- 9.2** An HR Adviser from WDC will be in attendance at all disciplinary meetings to ensure disciplinary procedures are being adhered to and to advise Managers on equitable employment practice and consistency of approach.
- 9.3** No disciplinary action will be taken without a disciplinary meeting being held at which the employee will have the opportunity to state their case. Employees and their companion should make every effort to attend the meeting. However, where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause a decision will be made by the Manager on the evidence available. In taking this decision the Manager will discuss the matter with WDC’s Strategic HR..
- 9.4** In the event that the employee under investigation either refuses to participate in the disciplinary investigation, or behaves in such a way as to impede the setting up of an investigation or hearing, or refuses to attend the disciplinary hearing then the Manager will progress with the hearing in their absence.
- 9.5** If a disciplinary situation arises which also involves a police investigation, it will not prevent the disciplinary meeting taking place, provided sufficient information is available to enable the Manager to make a decision.
- 9.6** Both parties will be advised of the other side’s witnesses and a list will be provided to each party as soon as possible, but at least 2 working days in advance of the meeting. Each party is responsible for ensuring that its witnesses are suitably notified and requested to attend and, subject to operational requirements and notice being given to line Managers, potential witnesses will be released from duty. If it is not practical for witnesses to attend, the Manager will consider proceeding if it is clear that their verbal evidence will

not affect the substance of the case. Alternatively, the Manager may consider an adjournment to allow questions to be put to a witness who cannot attend in person but who has submitted a witness statement.

- 9.7** At the meeting the Manager should explain the alleged misconduct against the employee and go through the evidence that has been gathered. The Investigating Officer will normally present the findings of the investigation report, calling witnesses as required. The Manager and the employee (and, if applicable, their representative) will have the opportunity to ask questions.
- 9.8** The employee will be then be allowed to set out their case and answer any allegations which have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. Questions will always be presented through the Manager as the chair of the meeting.
- 9.9** Either party may request an adjournment of the Hearing at any time and the Manager will not unreasonably refuse such a request.
- 9.10** Where the Manager considers that further information or evidence is required he/she may adjourn at any time and require the Investigating Officer to carry out such further investigations as considered necessary. In such circumstances the Hearing may require to be reconvened and any additional information shared with the employee and their representative. Any new information to be considered should be given to the employee and their Representative at least 3 working days before the reconvened hearing.
- 9.11** When all the evidence has been presented the Manager will carefully consider all the facts of the matter and any mitigating circumstances, and on this basis, decide what disciplinary action, if any, requires to be taken. Following adjournment, the employee and their representative will be informed of the decision at the end of the hearing and confirm this in writing within a calendar week of the hearing unless circumstances prevent this. The written outcome of a hearing (or resulting appeal hearing) may be issued as an attachment to an email. Where a hearing results in dismissal (with or without notice) and this has not been communicated at the hearing itself, the written outcome should be issued by signed, recorded delivery or, ideally, via email (sent requesting delivery and read receipts) in order to ensure date of receipt (and therefore effective date of termination) is clear.
- 9.12** In all cases where, following the disciplinary meeting, allegations are found to be without substance, the Manager and the HR Adviser involved will ensure that all documentation is destroyed, unless there are exceptional reasons for retaining some record.

10.0 DISCIPLINARY ACTION

- 10.1** When determining disciplinary action, and/or deciding whether a disciplinary penalty is appropriate and what form it should take, the Manager must bear in mind the need to satisfy the test of reasonableness in all circumstances. So far

as is possible, account shall be taken of the employee's current disciplinary record and all other relevant factors.

11.0 DISCIPLINARY SANCTIONS

11.1 The following procedure may be invoked at any stage should the misconduct warrant this level of action. Appendix 2 contains the scheme of delegation outlining the persons authorised to take disciplinary action in relation to warnings and dismissals.

Informal Action

11.2 As referred to at 3.0 above, minor breaches of discipline, unless persistent, are usually best dealt with on an informal basis between the manager and employee without recourse to the formal procedure. As part of any discussion, employees will have the opportunity to raise and discuss any difficulties they are experiencing. Employees should be advised of the right to be accompanied should they so wish. This informal stage does not form part of the formal disciplinary procedure.

Written Warning

11.3 In the case of a more serious offence or persistent minor offences the employee may be given a first written warning. The employee will be verbally advised of the decision taken and this will be confirmed in writing. The written warning will expire after 6 months subject to satisfactory conduct. The warning will also inform the employee that a final written warning may be considered if there is any further misconduct during the above period.

Final Written Warning

11.4 In the case of serious misconduct, or in the case of a further offence having been committed within 6 months of a previous written warning, the employee may be given a final written warning. This may also be the case with a sanction short of dismissal. The employee will be verbally advised of the decision taken and this will be confirmed in writing. The final written warning will expire after 12 months subject to satisfactory conduct. In exceptional circumstances, an extended timescale may be implemented. The warning will also inform the employee that dismissal may be considered if there is any further misconduct during the above period

Previously Expired Warnings

11.5 As outlined above, disciplinary warnings will cease to be live according to the timescales set out. However, they will be retained on file in line with the Joint Board's Records Management Retention Schedule. Where further allegations of misconduct arise in future, it may be reasonably appropriate to consider any earlier expired warning, where this might demonstrate a repeated pattern of behaviour. In doing so, however, account must be taken of the nature of the earlier matter and how long ago it occurred. Such consideration may inform a

decision to extend the length of a resulting disciplinary warning or determine why a decision is not taken to substitute a lesser sanction in the case of dismissal.

Dismissal with Notice

- 11.6** In the case where there are further issues of misconduct within the period stipulated in the final written warning, a further meeting will be held. Where there is a decision to dismiss, unless the employee is being dismissed for reasons of gross misconduct, the employee shall be dismissed with notice or payment in lieu of notice.
- 11.7** The employee will be verbally advised of the decision taken and this will be confirmed in writing.
- 11.8** In exceptional circumstances, it may be felt that demotion or transfer to another post is a more satisfactory alternative to dismissal, should a suitable post be available. Where demotion or transfer to another post is the preferred and agreed option, it must be made clear that the employee will transfer to the terms and conditions and remuneration associated with the new post.
- 11.9** In exceptional or mitigating circumstances where conduct would normally warrant dismissal, the disciplining manager may, following consultation with the assessor & ERO and an HR Adviser, commute this to a final warning with an extended timescale.

Summary Dismissal

- 11.10** Summary dismissal is normally the penalty for acts of gross misconduct. Summary dismissal will be a dismissal without notice or payment in lieu of notice.
- 11.11** Acts of gross misconduct are those which result in a serious breach of the terms of employment and warrant summary dismissal. Examples of such misconduct are:
- Theft, attempted theft or unauthorised possession of property belonging to clients, employees of Dunbartonshire and Argyll & Bute Valuation Joint Board or another person
 - Fraud or attempted fraud, including deliberate falsification of accounts, financial statements or records
 - Physically violent, threatening or bullying behaviour
 - Indecent or inappropriate sexual behavior
 - Deliberate and serious damage to Dunbartonshire and Argyll & Bute Valuation Joint Board's property
 - Serious misuse of Dunbartonshire and Argyll & Bute Valuation Joint Board's property or name
 - Deliberately accessing internet sites containing pornographic, offensive or obscene material
 - Serious insubordination

- Unlawful discrimination or harassment
- Bringing Dunbartonshire and Argyll & Bute Valuation Joint Board into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs (though reference should be made to the Joint Board's Alcohol and substance Misuse Policy)
- Causing loss, damage or injury through serious negligence including willful or negligent failure to comply with legal or other statutory requirements
- A serious breach of health and safety rules
- A serious breach of trust and confidence, or
- Conviction of a criminal offence that makes the employee unsuitable for their type of employment and no other suitable employment is available.

The above list is illustrative of what is considered as gross misconduct. However, the list is neither exclusive nor exhaustive and therefore, does not preclude the possibility of dismissal for other offences of similar gravity not specified.

Confirmation of Disciplinary Hearing Outcome

11.12 Following a warning at any stage of the procedure, a letter confirming the level of warning issued or action taken will be sent to the employee together with details of:

- The reason for the action taken;
- The improvement required, where appropriate;
- The name of the person giving the warning, and their designation;
- The time period after which it will cease to be live following the specified period of satisfactory conduct;
- The potential consequences should further misconduct occur during the period of the warning; and
- The right of appeal.

11.13 Following dismissal, a letter confirming the outcome will be sent to the employee, together with details of:

- The reasons for dismissal;
- The date on which employment will terminate;
- The name of the person who made the decision to dismiss, and their designation;
- The appropriate period of notice or payment in lieu of notice; and
- The right of appeal.

12.0 APPEALS

Appeals Against Warnings

- 12.1** Appeals against warnings must be lodged within 10 working days of receipt of the letter confirming the disciplinary action and with the person specified within the letter. Please refer to Appendix 2 “Scheme of Delegation”. Appeals should be submitted in writing using the standard Appeal Form setting out the grounds for the appeal. Appeals will normally be held as soon as possible and no later than 6 weeks after receipt of the employee’s written appeal. Notification of the outcome of the appeal will be confirmed as soon as possible and within a calendar week of the hearing unless circumstances prevent this.

Appeals Against Dismissal

- 12.2** Any employee who has been dismissed will have the right of appeal to the Valuation Joint Board Appeals Committee. The Joint Board Appeals Committee will comprise a minimum of 3 Elected Members.
- 12.3** The employee must lodge their appeal in writing with the Assessor within 10 working days of receiving the disciplinary hearing outcome letter and clearly set out whether the appeal is against:
- The decision to discipline; or
 - The level of disciplinary action taken.
- 12.4** The employee will be advised in writing of the arrangements for the Appeal Hearing (to be heard by the Joint Board’s Appeals Committee) at least 4 weeks in advance and will also be provided with the information that has been submitted to the Committee 9 working days before the date of appeal.
- 12.5** The employee will have the right to be accompanied at the Appeal Hearing by a companion in line with section 7 of the Disciplinary Policy. The process to be followed at the Appeal Hearing is outlined in Appendix 3.
- 12.6** The decision of the Appeals Committee will be notified to the employee and confirmed in writing within a calendar week of the Hearing unless circumstances prevent this. The decision of the Appeals Committee is final, with no further right of appeal.

TIMESCALES FOR DISCIPLINARY PROCESS

It is important that all parties adhere to the required timescales.

Person	Action	Timescale (working days) within:
	INFORMAL PROCESS	
Manager	Discuss matter informally on one-to-one basis. Agree follow up action/resolutions to problem.	As soon as possible
	FORMAL PROCESS	
Manager	Suspension (if appropriate)	As soon as required. Suspension should not be for a protracted period (initially not more than 7 days)
Manager	Date for disciplinary meeting	Without unreasonable delay. Employee should receive minimum of 10 days notification of hearing.
Employee	Submitting any information for consideration at meeting	Submitted at least 5 working days before hearing.
Manager	Notification of outcome in writing	Normally within a calendar week of hearing
Employee	Appeal	10 working days of receipt of letter
Appeal Person or Appeals Stage	Date for appeal hearing	Next available date achievable following receipt of appeal notification (but typically within 8 weeks).
Appeal Panel	Hear Appeal	As above
Appeal Person or Assessor (for Appeal Panel)	Notification of appeal outcome	Normally within a calendar week of hearing

SCHEME OF DELEGATION**AUTHORITY TO TAKE ACTION FOR WARNINGS AND DISMISSALS**

Level of Action	Employees Grade 1-8	Grades 9-10	Grades 11-12/ Chief Officer
Verbal Warning	Line Manager (must be minimum grade 6 level)	Divisional Assessor/Depute	Depute/Assessor
Appeal	Line Manager's Manager	Depute/Assessor	Depute/Assessor
First Written Warning	Line Manager	Divisional Assessor/Depute	Depute/Assessor
Appeal	Line Manager's Manager	Depute/Assessor	Depute/Assessor
Final Warning	Line Manager	Divisional Assessor/Depute	Depute/Assessor
Appeal	Line Manager's Manager	Depute/Assessor	Depute/Assessor
Dismissal	Divisional Assessor/PAO	Depute/Assessor	Depute/Assessor/Joint Board
Appeal	Joint Board Appeals Committee	Joint Board Appeals Committee	Joint Board Appeals Committee

- (1) Where the line manager is under Grade 6 then a Line Manager senior to the immediate Line Manager, of a Grade 6 or above, must conduct the meeting. This list is for illustrative purposes and levels may be changed to reflect structure arrangements

APPEALS COMMITTEE HEARINGS - DISMISSAL APPEALS PROCESS

1. The Appellant or their representative will have set out in writing details of the appeal clearly stating whether the appeal is against
 - a) the decision to discipline; or
 - b) the level of disciplinary action taken
2. On receipt of the scheduled Appeal Hearing date representatives of both parties will meet to agree which documents will be submitted jointly to support the case. This will normally be the correspondence relating to the case and will include relevant letters, notes of meetings etc.
3. The appellant will be invited to submit any additional information supporting their case no later than 15 working days prior to the scheduled Appeals Committee on the agreed template.
4. The Relevant Manager will be invited to submit a response to the case no later than 15 working days prior to the scheduled Appeals Committee on the agreed template.
5. Items 1-4 above will be issued to the parties and Members of the Committee 9 days prior to the hearing.
6. Additional documentation will only be considered by the Appeals Committee in exceptional circumstances and by agreement with the Appeals Panel Chair.
7. Subject to Paragraph 19, the Appellant, their representative and the Relevant Manager(s) are entitled to be present at all times.
8. A WDC Human Resources Adviser, and if required, a Legal Adviser will be present at all times to provide advice to the Committee on matters such as the procedure to be followed by the Committee, the policies of the Joint Board and the range of decisions available to the Committee. Advisers to Committee will not have directly influenced the decision being considered by the Appeals Committee.
9. A person acting in an advisory capacity to the Appellant or their representative or to the Relevant Manager(s) will also be allowed to be present provided that person is made known to the Committee prior to the commencement of the Hearing.

10. The Management Representative will present their case and call such witnesses as may be required.
11. The Appellant or their representative will have the opportunity to ask questions of the Management's Representative and any witnesses called by Management.
12. The Members of the Committee will have the opportunity to ask questions of the Management's Representative and any witnesses called by Management.
13. The Management's Representative will have the opportunity to ask further questions of any witnesses called by them to clarify points arising from questions from the Appellant, their representative and Members of the Committee. Should new material be introduced and be accepted by the Committee, the procedure will revert to Paragraph 10 above. New material will normally only be accepted where this information was not available at earlier stages of the process.
14. The Appellant or their representative will present their case and call such witnesses as may be required.
15. The Management's Representative will have the opportunity to ask questions of the Appellant, their representative and any witnesses called by the Appellant or their representative.
16. The Members of the Committee will have the opportunity to ask questions of the Appellant, their representative and any witnesses called by the Appellant or their representative.
17. The Appellant or their representative will have the opportunity to ask further questions of any witnesses called by them to clarify points arising from questions from the Employer's Representative and Members of the Committee. Should new material be introduced and be accepted by the Committee, the procedure will revert to Paragraph 10 above. New material will normally only be accepted where this information was not available at earlier stages of the process.
18. The Management's Representative and thereafter the Appellant or their representative will have the opportunity to sum up their case, introducing no new material.
19. The Appellant, their representative, Management's representative, any advisers to the parties and any witnesses will then withdraw from the meeting.

20. The Committee in the presence of the Legal Adviser (if required) and the Human Resources Adviser will then deliberate in private, only recalling, if necessary, the Appellant, their representative and Management's representative, together with any witnesses who may be required, to clarify points of uncertainty arising from evidence already given. If recall is necessary, both parties are to return even if only one is required to clarify the point giving rise to doubt.

21. The Committee will recall the Appellant, their representative and Management's representative and announce its decision which will be confirmed in writing to both parties.

22. The Committee will uphold or reject the Appeal or order the varying of the action which is the subject of the Appeal. The Committee cannot increase the severity of the action. The form of the decision will be one of the following:-

i. The grounds of the Appeal have been substantiated and the Appeal is upheld.

ii. The grounds of the Appeal have been substantiated in part and the Appeal is upheld to the extent that .XXX...

iii. The grounds of the Appeal have not been substantiated and the Appeal is not upheld.

NOTE:-

Where the Committee decides to vary disciplinary action to a period of unpaid suspension, the duration of the suspension will be a matter for the determination of the Committee at its discretion having due regard to the circumstances of the case. The Committee can impose any length of unpaid suspension