

South Ayrshire Council

**Report by Chief HR Officer
to Cabinet
of 26 August 2025**

Subject: Code of Conduct for Employees

1. Purpose

1.1 The purpose of this report is to seek approval from Members for the revised Code of Conduct for Employees.

2. Recommendation

2.1 It is recommended that the Cabinet:

2.1.1 approves the revised Code of Conduct for Employees as contained in Appendix 1; and

2.1.2 approves the amendment to the Disciplinary Managers Handbook (Appendix 2) to include the social media information as reflected in the revised Code of Conduct for Employees.

3. Background

3.1 The Code of Conduct applies to all Council employees, which is subject to regular review and updating. Its purpose is to provide clear and helpful guidance in relation to acceptable standards of behaviour. Given the diverse range of roles within the Council, certain aspects of the Code may be more relevant to some employees than others. However, all employees are required to adhere to its provisions.

3.2 The Code is provided to employees alongside their employment contract. By accepting their contract, employees formally commit to adhering to its provisions.

3.3 An Internal Audit review of the Code highlighted that responsibilities regarding personal use of social media for employees should be made clear in the policy.

4. Proposals

4.1 Update guidance in Section 8.9.1 for employees who use social media as part of their duties and responsibilities.

4.2 Update guidance in Section 8.9.2 for employees on their personal use of social media.

4.3 Update guidance in the Disciplinary Managers Handbook to reflect the changes noted at 4.1 and 4.2

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 There are no financial implications arising from this report.

7. Human Resources Implications

7.1 Subject to approval, the revised Code will be published on the Core, and the revised policy will be issued with future employment contracts.

8. Risk

Risk Implications of Adopting the Recommendations

8.1.1 There are no risks associated with adopting the recommendations.

Risk Implications of Rejecting the Recommendations

8.2.1 There are no risks associated with rejecting the recommendations.

9. Integrated Impact Assessment (incorporating Equalities)

9.1 There are no significant potential positive or negative equality impacts of agreeing the recommendations and the recommendation in the panel paper is an operational matter which relates to guidance for staff therefore, there is no requirement to carry out an Integrated Impact Assessment.

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority 4 of the Council Plan: Efficient and effective enabling services.

13/

13. Link to Shaping Our Future Council Yes No

13.1 Not applicable.

14. Results of Consultation

14.1 There has been no public consultation on the contents of this report.

14.2 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.

14.3 Consultation has taken place with trade union colleagues and their feedback has been reflected in the proposals.

15. Next Steps for Decision Tracking Purposes

15.1 If the recommendations above are approved by Members, the Chief HR Officer will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Publish the Code of Conduct; and update the Disciplinary Handbook to add the relevant wording around Social Media wording	1 September 2025	Chief HR Officer

Background Papers None

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Date: 18 August 2025

Code of Conduct for Employees

July 2025



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Version Control				
Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	April 2023	Updates to Para 4 Conflict of Interest and to Para 6 Work Outside the Council	W Carlaw	Dec 2023

2	21.12.23	Updated link to Media Relations and Social Media Guidance	L Boyd	Dec 2024
3	July 2025	Further update to Para 8.9 - Social Media guidance to include reference to business and personal use	L Boyd	July 2026

1. Introduction

This Code of Conduct applies to all Council employees.

Its purpose is to provide clear and helpful advice and guidance in relation to acceptable standards of behaviour. Because of the differing nature of jobs across the Council, parts of the Code may be more applicable to some employees than to others, but all employees must comply with its terms. The Council may take disciplinary action against an employee, at any level or part of the organisation, who breaches the Code.

As far as possible, employees must also comply with the Code where they are appointed as a representative of the Council on any board, trust, company or other organisation or are seconded to work for another organisation.

2. Key Principles

The Code reflects the following key principles of standards in public life:

- **Integrity** – employees should always act with integrity and not place themselves under any financial or other obligation to any individual or organisation which might influence them in their work with the Council.
- **Objectivity** – any decisions which are made in the course of an employee's work with the Council, including making appointments, awarding contracts or recommending individuals for services or benefits must be based solely on merit.
- **Honesty** – employees have a duty to declare any private interests which might affect their work with the Council. Employees must not act in such a way as to result in financial or other benefit to themselves, their family or friends.
- **Respect** – employees must respect Councillors, other employees and customers and service users, treating them with courtesy at all times.
- **Political Neutrality** – employees must serve the Council and all Councillors, regardless of their political outlook or personal views and must decline requests for assistance with issues that are clearly party political, or which do not have a clear link with the work of the Council. Certain employees will, in addition, have more specific restrictions on their political activities if they hold Politically Restricted Posts.
- **Accountability** – employees are accountable to the Council as their employer; the Council is accountable to the public.
- **Openness** – as a general rule, employees should be as open as possible in all the decisions and actions that they take. Employees should give reasons for their decisions and should not restrict information unless this is clearly required by Council policy or law.

- **Leadership** – managers should promote and support these principles by leadership and example.
- **Confidentiality** – confidential information must be used only for the purpose it was obtained and must not be used or disclosed in a manner incompatible with that purpose. It must be kept securely and disposed of in a secure manner in line with data protection principles (A Data Protection Code of Practice for the Effective Management of Personnel Records.)

3. Relationships

The above principles will apply to an employee's relationships with:

3.1 **The Organisation**

Mutual trust and confidence are fundamental principles in any employment relationship. The employment relationship within the Council is no different and Council employees are required to demonstrate and promote these principles and to act in an impartial and honest manner in undertaking their work and in any dealings with the public, customers, Councillors and fellow employees.

3.2 **The Public and Customers**

Employees are required to ensure courteous, professional and impartial service delivery to all groups and individuals within our communities. Each member of the public should be dealt with fairly, equitably and consistently, in accordance with the Council's [Equality at work policy - The Core \(south-ayrshire.gov.uk\)](#) and the Council's Equality Outcomes Report [Equality outcomes 2025-2029 - South Ayrshire Council](#)

The Council is committed to dealing with customers and service users in a courteous, professional and impartial manner at all times. However, it is also committed to safeguarding the wellbeing and safety of employees and to ensuring they are treated with respect and without threat or danger of violence or aggressive behaviour while carrying out their work. Accordingly, the Council will take action against anyone who behaves in an aggressive or inappropriate manner towards employees, as outlined in the Health and Safety Standard [Violence and Aggression Standard - July 2022.pdf](#)

The Council strives to provide consistent and accessible customer service excellence in the delivery of all services. However, we also recognise that sometimes things can go wrong with the result that the best possible standard of service is not provided. To ensure we are aware of such situations; take remedial action and continually improve, we have established a standardised complaints handling procedure [Listening to you - The Core \(south-ayrshire.gov.uk\)](#) which employees are required to comply with.

3.3 **Councillors**

Both Councillors and employees are public servants but have distinct responsibilities:

- Councillors are elected to office to serve South Ayrshire communities and they are accountable to those communities for oversight and delivery of Council services. When they accept office, Councillors are required to comply with a statutory 'Councillors' Code of Conduct' which provides guidance to Councillors on a number of issues, including their relationship with Council employees.
- Councillors are responsible to the electorate and serve only as long as their term of office lasts. The Council, as a collective body, has ultimate authority to make decisions on behalf of the organisation.
- Employees are responsible to the Council through senior managers; providing advice and carrying out the Council's work under the direction of the Council and its various Panels. Employees must afford individual Councillors the respect which is due to them as the holders of a democratic mandate.
- Mutual respect between employees and Councillors is essential, but close personal familiarity between employees and individual Councillors can damage the relationship and should, therefore, be avoided.
- Political groups or parties may request an employee's attendance at political group meetings. These must be directed through the Chief Executive, who will decide whether attendance is appropriate and which employee(s) should attend. Employees should leave the meeting before any decision is made and must ensure strict confidentiality.
- Employees must comply with the [□ Protocol for Relations between Councillors and Employees.doc](#)

3.4 Other Council Employees

The Council recognises that all employees have the right to be treated with dignity and respect and is committed to providing a working environment which is free from discrimination, harassment, bullying and victimisation. In this respect, every employee has a responsibility to behave with respect towards others, to promote co-operation and harmony and to challenge any form of behaviour that could be considered offensive. The Council's [Equality at work policy - The Core \(south-ayrshire.gov.uk\)](#) outlines the procedure to be adopted in this respect.

4. Conflict Of Interest

Employees have an obligation to act in the best interests of the Council and to avoid situations where there may be a potential conflict of interest between the employee's employment relationship responsibilities and his/ her life outwith that employment.

Employees must not:

- (a) use their position to further their own interests or the interests of others who do not have a right to benefit under the Council's policies; or
- (b) allow any private interest to influence decisions in the course of employment.

Any private interest employees have relating to the work of the Council must be declared to their line manager. This could be a financial interest, or one which a member of the public might reasonably think could influence an employee's judgement. It could also be a financial interest that close family members, or people living in the employee's household, might have in the work of the Council. For example, an employee who is involved in procuring services and whose partner works for an organisation that may bid for work or that has a contract with the Council.

Employees whose membership of a private club, society or organization, might result in a conflict of interest or could reasonably be perceived by a member of the public as creating a possible conflict of interest in relation to their Council employment, must declare this membership to their line manager.

Employees should also be aware of the potential for actual or perceived conflict of interest in situations where a close personal relationship exists or develops between employees working in the same team or section, and particularly where one of the employees has a supervisory/line management responsibility for the other. In such a situation, advice should be sought as appropriate from a senior manager.

It is the personal responsibility of every employee to formally declare, and take steps to avoid, any conflict of interest or potential conflict of interest. If an employee is in any doubt as to what may constitute a conflict, they should discuss the matter with their line manager.

4.1 Contracts

Employees must comply with the Council's Standing Orders Relating to Contracts, the Council's Financial Regulations and other appropriate local procedures, found here [South Ayrshire Council governance - The Core \(south- ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/governance-the-core)

In entering into contracts for, or on behalf of, the Council, employees are obliged to seek best value for the Council and be able to demonstrate openness, fairness and non-discrimination in the process of awarding contracts.

Employees who have a potential conflict of interest, or a direct or indirect financial interest, in any tender or contract cannot be involved in any aspect of the process and must make their line manager aware of that interest immediately they become aware of the tender or contract.

Employees must not disclose confidential information on either internal or external contractors to any individual or organization, unless authorised to do so.

5. Political Neutrality

The public expects employees to carry out their duties in a politically neutral way and this must be respected by Councillors. This principle is emphasised in the Standards Commission for Scotland Guidance on the Councillors' Code of Conduct), which applies to all employees. [Annex A: Protocol For Relations Between Councillors And Employees - Councillors' code of conduct: December 2021 - gov.scot \(www.gov.scot\)](#)

The political activities of a small number of employees are restricted by law and those concerned will have been notified in writing of the restrictions that apply to their posts, and the conditions associated with these restrictions form part of their terms and conditions of employment. Any employee who is unsure if their post is politically restricted, or of the restrictions that apply, should contact Human Resources for clarification.

The Chief Executive and senior managers have ultimate responsibility in ensuring that the policies of the Council are implemented irrespective of personal views or political opinion.

If an employee is asked by a Councillor to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the Council, the employee should politely refuse and inform the Councillor that the matter will be referred to a senior manager.

6. Work Outside the Council

With the exception of Chief Officers, where separate arrangements apply requiring them to obtain the express consent of the Chief Executive if they wish to undertake paid work out with the Council, there is no restriction on employees undertaking other work of a paid or unpaid nature out with normal working hours, providing the additional work:

- Does not interfere with or impair the employee's ability for the efficient execution of duties within the Council's service;
- Is not carried out during the employee's normal working hours with the Council;
- Does not involve the employee using Council vehicle, plant, premises, equipment, materials or any other Council resources (either on or off Council premises);
- Is not undertaken while the employee is in a South Ayrshire Council uniform or where the employee can be identified clearly as being an employee of the Council;
- Does not involve the employee, on behalf of a person or organisation, in return for payment or fee, preparing an application, drawing, report or other documentation which will be submitted to the Council for the purpose of obtaining any licence, consent, warrant, or other form of statutory permission on behalf of that client.

Any employee wishing to undertake paid work of any kind outside the Council, must advise their line manager. Where there is deemed to be a potential conflict of interest then the [Conflict of Interest Declaration form](#) must be completed by the employee.

This procedure is in the interests of employees and is intended to protect them and to ensure compliance with health and safety requirements and the working time regulations.

7. Appointments

The Council has a [Recruitment and selection policy - The Core \(south-ayrshire.gov.uk\)](#), which, among other things, requires all appointments to be made on the basis of merit, and sets out the procedures and principles to which employees involved in recruitment and selection must adhere.

If an employee, involved in a selection process, has any kind of relationship which might affect their ability to be impartial, that relationship must be declared to the Chair of the Interview Panel, or, if the employee is the Chair of the Interview Panel, to his or her line manager.

Employees must not lobby a Councillor or Council employee either directly or indirectly to promote or secure appointment or the appointment of another person. Any employee who has been lobbied in relation to an appointment must report the matter to his or her line manager.

8. Conduct and Behaviour

8.1 *Terms and Conditions of Employment, Policies and Procedures*

Employees are required to comply with all employment terms and conditions, policies and procedures (including this Code of Conduct), some of which are referred to in this document and failure to comply with these may be considered under the Council's Disciplinary Policy and may result in disciplinary action up to and including dismissal.

8.2 *Standing Orders, Regulations, Policies, etc.*

Employees are required to be aware of and comply with the Council's Standing Orders, Scheme of Delegation and Financial regulations here [South Ayrshire Council governance - The Core \(south-ayrshire.gov.uk\)](#) and to adhere to and implement other Council policies and decisions of Council and Panels, irrespective of their personal views. Failure to comply or implement these may be considered under the Council's Disciplinary Policy and may result in disciplinary action up to and including dismissal.

8.3 *Appearance*

Employees are required to be neat and tidy in appearance and wear clothes that are appropriate for their working environment. Where required, uniforms and personal protective equipment must be worn, used appropriately and maintained in a clean and tidy condition.

However, employees are legally entitled to request an alternative dress code, including religious or cultural clothing. Further information is available in the Council's [Equality at work policy - The Core \(south-ayrshire.gov.uk\)](http://south-ayrshire.gov.uk).

The Council reserves the right to prevent employees from wearing clothing or accessories that can reasonably be considered to be offensive to customers or other employees or compromises health and safety requirements. In such circumstances the provisions of the Equality Act 2010 will determine whether or not the particular item of clothing or jewellery can be worn.

8.4 Criminal Convictions

Employees must inform their line manager as soon as possible if they incur a criminal conviction or are charged with any criminal activity. This includes many road traffic convictions; where there is any doubt as to whether a conviction is a criminal one, employees should seek clarification from their line manager. Employees must also notify their line manager if they are involved in any activity which might have a potential bearing on their employment or which might bring the Council into disrepute. Managers must make their Head of Service aware of any such situations.

8.5 Alcohol/ Drugs

Employees must not consume or be under the influence of alcohol or drugs while at work and must comply with the Council's Zero Tolerance to Alcohol and Drugs standards outlined in the Supporting Employees in Managing Addiction Policy [Supporting Employees in Managing Addiction.docx \(sharepoint.com\)](http://sharepoint.com)

8.6 Work Performance

Employees are expected to attend work in accordance with their contract of employment. If they are unable to attend work due to ill health then they must comply with the requirements of the [Maximising attendance at work - The Core \(south-ayrshire.gov.uk\)](http://south-ayrshire.gov.uk)

Employees are expected to display an acceptable level of competence within their role and Managers have a responsibility to manage employee performance. Both Managers and employees have a responsibility to conduct and take part in the Performance and Development Review process [Performance Development Review \(PDR\) - The Core \(south-ayrshire.gov.uk\)](http://south-ayrshire.gov.uk)

8.7 Personal Views

In a work capacity, or when using their Council job title or email address, employees must not criticise the Council either through the media, at a public meeting, or in any written communication with members of the public including social media.

8.8/

8.8 **Behaviour Outwith Work**

Employees should not engage in conduct which may discredit the Council. This includes conduct outwith working hours, including social events.

8.9 **Social Media**

Social media refers to online platforms and technologies that enable users to create, share, and interact with content, and to connect and communicate with others. These platforms facilitate the exchange of information, ideas, interests, and expressions through virtual communities and networks. Whilst this is not an exhaustive list, examples of social media platforms are Facebook, Instagram, Snapchat, TikTok, WhatsApp, LinkedIn, YouTube, Twitter and Pinterest.

8.9.1 **Business Use:**

Social Media plays a key role in how we communicate, the [Managing Work-related social media guidance for employees v4 - updated Feb 2025.pdf](#) provides information and practical advice on the use of social media and details protocols which employees should follow when using social media for Council business.

Employees using social media for work purposes, particularly those with any form of enforcement or investigatory role must be aware of what covert surveillance is – this is monitoring someone who is unaware of this to obtain information, usually for a specific investigation, even when this is easy to find or ‘open source’. The Council has a Social Media Protocol to provide guidance for employees on the use of social networking sites for investigations, and the link can be found here:

[Protocol for Investigations Involving Social Networking Sites - June2022.docx](#)

Covert surveillance must always be authorised and further guidance on approval procedures can be found here:

<https://southayrshiregovuk.sharepoint.com/sites/RIPSA-RIP>

8.9.2 **Personal Use:** Employees have the right to express themselves freely when using social media however employees must take care not to undermine the Council’s reputation at all times.

Many of the general principles and do’s and don’ts that apply to Council business use of social media also apply to personal use; however, there are additional guidelines that should also be followed in relation to employee’s personal use of social media:

- If you identify yourself as a Council Employee, you are seen to represent the brand of the Council, therefore you need to be aware of your conduct and responsibilities when communicating online and using social media sites.
- Add a disclaimer to your social media profile that states that any views posted are your own and not the views of the Council.

- Posted material can, when matched with your identity and profile, reflect not only on you as an individual but also on the Council, Clients, colleagues and your profession.
- Incautious social media use brings with it the risk that employees may breach Council policy, which in turn may constitute misconduct or gross misconduct resulting in disciplinary action up to and including dismissal, even if the breach occurs in the employee's own time.
- As a general rule, employees should be aware that if they wouldn't (and shouldn't) say something personally to another individual or publicly about the Council, then it should not be posted on Social Networking Media.

Further information in relation to personal use of Social Media can be found in the Councils Disciplinary Policy and Managers Handbook [Disciplinary policy - The Core \(south-ayrshire.gov.uk\)](#) and in the Councils ICT Acceptable Use policy [ICT security policies and standards - The Core \(south-ayrshire.gov.uk\)](#)

9. Fraud and Bribery Detection

9.1 *Fraud*

Fraud is the use of deception with the intention of obtaining personal gain, avoiding an obligation or causing loss to another party. Fraud can be used to describe a wide variety of dishonest behaviour such as forgery, false representation and the concealment of material facts. In relation to Housing or Council Tax Benefit, knowingly obtaining benefit to which there is no, or lesser, entitlement, either personally or for a third party, is regarded as fraud. The fraudulent use of IT resources is included in this definition, where its use is a material factor in carrying out a fraud.

The Council will use, and disclose as necessary, information it holds, including payroll information, for the prevention and detection of fraud and for the recovery of debt. Additionally, and in terms of its duty to protect the public funds it administers and to assist in protecting the funds administered by other public bodies, the Council subscribes to the National Fraud Initiative (NFI) in Scotland. The NFI is a counter-fraud exercise led by Audit Scotland which uses computerised techniques to compare information about individuals held by different public bodies, such as the Department of Work and Pensions, to identify circumstances (matches) that might suggest the existence of fraud or error. The NFI allows public bodies to investigate these matches and, if fraud or error has taken place, to stop payments and attempt to recover the amounts involved. Further information on the National Fraud Initiative can be found at: [National Fraud Initiative - Employee Update - The Core \(south-ayrshire.gov.uk\)](#)

The Council expects employees to lead by example in ensuring opposition to fraud. Fraud on the part of an employee is considered an act of gross misconduct, therefore an employee who is guilty of obtaining, or attempting to obtain, personal financial benefit or financial benefit for a third party, through fraudulent means will have that matter dealt with under the Council's disciplinary procedures. The matter may also be referred to the Police.

Where the fraudulent activity has resulted in a financial loss to the Council, the Council will pursue the employee for recovery.

9.2 Bribery

A bribe is a financial or other type of advantage that is offered or requested with the intention of inducing or rewarding improper performance of a function or activity. It can take many different forms and could be the offering, promise or authorization of anything of value, or a reward or the giving of aid, donations or voting designed to exert improper influence. Bribes may not always be monetary and may include gifts or hospitality.

Receiving or making bribes is a criminal offence (that carries prison terms of up to 10 years and unlimited fines). Employees must not:

- Accept, agree to accept or request a reward, including gifts, loans, fees, or other financial or non-financial advantage, in return for incorrectly performing a function or action.
- Offer, promise or give someone a reward to persuade them to incorrectly perform functions or activities, including such offers made through a third party.
- Bribe a foreign public official in order to win business, retain business or gain business advantage for the Council.

9.3 Payroll

The Council considers false claims for payroll purposes to be acts of fraud and will treat them as such. Employees must ensure that any claim for payment is accurate – for example, overtime claims must relate only to time that has actually been worked and claims for travelling expenses must be accurate and relate only to journeys necessarily undertaken for business purposes. All employees must comply with the Council's Travel and Subsistence Policy [Travel and Subsistence - The Core \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk)

Managers must also ensure that timesheets, travel reimbursement claims, etc, are accurate before authorising them.

10. Gifts and Hospitality

Employees should not accept any personal gift and/ or hospitality offered to them, or any member of their family, in the course of their employment, unless they can

fully justify doing so and are satisfied that they will not be subject to legitimate criticism.

In particular, gifts and/ or hospitality must not be knowingly accepted during the tendering period of a contract and employees should always be aware of the possibility that the contractor/ consultant who offers gifts and/ or hospitality may be tendering for a contract elsewhere in the Council.

Employees may accept items of token value, such as inexpensive pens, calendars, flowers or other small tokens of gratitude.

A centralised register recording the offer of gifts and hospitality with an estimated value of £50 or over for each gift is maintained by the Chief Officer Admin Support team. Employees must record all offers of gifts and/ or hospitality, whether accepted or declined, in the register within 7 days of the date of the offer.

[Appendix 1](#) contains further guidance to assist employees in responding to offers of gifts and hospitality.

If an employee is in any doubt, he/ she should seek the advice of their line manager.

It will not be appropriate in any circumstances for employees to make offers of gifts and hospitality.

11. Use of Council Equipment and Resources

The Council is required by law to achieve value for money by ensuring that it has arrangements for securing economy, efficiency and effectiveness in the delivery of services. Employees must adhere to this principle when they use Council equipment, materials and resources.

Employees must not use Council equipment, materials and resources without authorisation or for a purpose not connected with their employment.

11.1 Council Vehicles

All employees must comply with the Council's Fleet Policy which, among other things, prohibits personal use of Council vehicles, including situations where (for operational reasons) an employee is required to take a Council vehicle home.

11.2 ICT

Employees must comply with the terms of the Council's Acceptable Use Policy governing the personal use of communications systems and provides guidance on: the use of the internet, email and telephones; explains what employees can and can't do; provides information on all the monitoring systems in place; and provides basic housekeeping guidelines and recommendations and outlines the requirement to encrypt equipment and files.

12. Media Contact

In an employee's work with the Council, contact with the media must only take place where this has been authorised by a Head of Service or other designated Senior Officer. Employees who become aware of an issue that potentially will be of media interest must notify their line manager who in turn must alert the Communications Team, even if out-of-hours, in accordance with the Council's Media Relations Protocol.

Guidance in relation to contact with the media is available in the Council's [Managing Work-related social media guidance for employees v4 - updated Feb 2025.pdf](#) and this must be followed in all cases.

13. Contact With Police

Employees who, in the course of their work, are contacted by the police as part of a police investigation must notify their line manager before making any comment or providing any information. If for any reason it is not possible to contact the line manager before speaking to the police, the employee should do so as soon as possible thereafter.

14. Reporting Concerns at Work

Employees who become aware of what they reasonably believe to be a serious wrongdoing in the Council, or who receive information regarding malpractice must comply with the Council's [Whistleblowing policy - The Core \(south-ayrshire.gov.uk\)](#)

The Council will ensure that any employee making a report is safeguarded against any detriment in the course of their employment. The Council will also take all complaints seriously; treat all parties involved fairly; exercise confidentiality wherever possible; and treat victimisation of the reporting officer(s) as a disciplinary offence.

If an employee deliberately submits a report that they know to be untrue or unfounded, he/ she will be subject to the rules of the Council's [Disciplinary policy - The Core \(south-ayrshire.gov.uk\)](#).

15. Confidentiality, Information Security and Records Management

Whilst in general information about the Council and its decisions will be made available to the public, there are exceptions to the principle of openness where there are confidentiality issues involved.

Employees must respect confidentiality and ensure that they do not divulge any information gained through the course of their work or use it to gain personal advantage or the advantage of a third party. Unless required by law, information must not be disclosed by Council employees if disclosure would compromise rights of personal or commercial confidentiality.

Employees must ensure that all files and documents in their possession are kept in a safe and secure manner and that they adhere to the requirements of the [Data protection code of conduct - The Core \(south-ayrshire.gov.uk\)](#)

Employees in any doubt about any issues relating to confidentiality, information security or records management should seek advice from their line manager.

16. Patents and Copyright

Employees must advise their line manager of any invention which is developed or discovered by them in the course of their employment with the Council. In accordance with the provisions of the Patents Act 1977 such inventions belong to the Council, and it is therefore the Council's responsibility to decide whether to apply for a patent or other protection in law for any such invention.

In accordance with the Copyright, Designs and Patents Act 1988 and the Registered Designs Act 1949, the copyright, design rights and registered design rights in all written documents and records, software, works of art, designs, industrial and handicraft products and other materials relating to the Council and Council business which are authored, designed or created by employees in the course of their employment belong to the Council as first owner. As the designs of certain industrial and handicraft products are capable of being registered under the Registered Designs Act 1949, employees who create such designs must advise their line manager so that the Council can decide whether to apply for such registration.

17. Your Rights as an Employee

17.1 *Public Statements*

As citizens, employees are entitled to express their views about the Council, provided they do not make use of or disclose information gained through their employment with the Council to do so. However, as an employee of the Council employees should not criticise the Council, either through the media, or at a public meeting, or in any written communication with members of the public.

17.2 *Access to your Councillor*

As citizens, employees are entitled to raise concerns or complaints about Council services with Elected Members. However, this should not include any concern or complaint about their employment, which should be raised or pursued through the appropriate Council employment policy.

18. Conclusion

Employees should refer any queries or concerns relating to this Code of Conduct to their line manager.

Guidance on Responding to Offers of Hospitality or Gifts

1. General Guidance

1.1 The following guidance should be considered at all times when deciding whether or not to accept an offer of hospitality or a gift in the course of your employment.

- you should treat all offers of gifts and hospitality with caution;
- where any such offers are made, you should be sensitive to the timing of decisions which affect the provider of the offer, for example, during the tendering period of a contract, the processing of a planning, housing or licensing application;
- you must reject any offer where it might be seen as intended to influence you in the discharge of your duties;
- you should accept an offer only if you feel that by doing so, you can comply with these guidelines. If you are in any doubt, you should err on the side of caution, and refuse the offer;
- you should accept an offer of hospitality only if there is a genuine requirement for you to attend the event and be part of the proceedings as a result of your role at the Council or to represent the Council in the community;
- you should not accept regular hospitality from the same source; and
- you must declare any offer of gifts or hospitality with an estimated value of over £50, whether accepted or not, in the Council Register by e-mail to Chief Office Admin Support within 7 days of the date of the offer. If you choose to accept a gift or hospitality, you must first obtain the approval of your Director, Head of Service or Service Lead (as appropriate). You and your line manager will receive confirmation of receipt of your declaration. The Register will be scrutinised on a 6 monthly basis by the Council's Monitoring Officer.

1.2 The information provided to Chief Officer Admin Support team should be in the following format:

- Date Offered
- Date Registered
- Received from Details
- Details of Offer
- Estimated Value (if greater than £50)
- Business Justification for Acceptance

- Accepted/ Rejected
- Approved by Director/ Head of Service/ Service Lead

2. General Considerations

2.1 You may find it helpful to consider the following when deciding whether or not to accept an offer of gift or hospitality.

- Will the reputation of the Council and its standing in the community be enhanced or diminished as a result of accepting or rejecting the offer?
- Could you easily justify your decision to the Council, press or the public?
- Is the offer of the gift or hospitality part of the normal business practice of the company, organisation, or individual?
- Is the motivation behind the invitation or offer absolutely clear? If it is not, then the hospitality cannot be accepted.
- Could any decision by the Council either now, or in the future, be prejudiced in any way by the acceptance, or otherwise of the offer?
- Is the extent of the hospitality, or the nature of the gift reasonable and appropriate?
- Is the company or organisation involved in the procurement process for Council business or support on which decisions will be taken in the immediately future?

Disciplinary Procedures Manager's Handbook

July 2025



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	28/03/24	New Policy Template and update to Appendices – Appendix D – link Special Investigation Procedure added and removal of appendix E Council Tax Fraud – now dealt with by DWP .	L Boyd	Dec 24
2	July 2025	Updated to provide guidance on Use of Social Media	L Boyd	July 2026

1. INTRODUCTION

This advisory handbook provides practical advice and guidance for managers on disciplinary matters and is based on the ACAS Code of Practice on Disciplinary and Grievance Procedures. It is intended to assist managers/supervisors at all stages of the disciplinary process from initial fact finding to dealing with particular problems such as performance and deciding whether disciplinary action is appropriate.

When using this handbook, reference should also be made to the relevant Disciplinary Policy for local government employees and Chief Officials, or Teaching Staff detailed in JNCT 1.16. All policies are available on the Core.

Before undertaking the Council's Disciplinary Procedures, supervisors/managers must have attended the corporate training course on Discipline and Grievance. Further information on this is available from Human Resources.

The Council has separate procedures to enable an employee to raise a formal complaint, e.g., the Council's Grievance policy, however, in certain circumstances for instance, following an investigation into a complaint of bullying or harassment, the matter may be progressed through the appropriate disciplinary procedures.

Advice and assistance should be sought from Human Resources on any aspect of managing discipline.

2. OVERVIEW

- 2.1 Employees must be made clearly aware of the standards of conduct and performance expected of them and the Council has set out the standards of conduct expected in its Code of Conduct for Employees. A copy of the Code will be issued to every new employee as part of the induction process and is also available on the Core [Code of conduct for employees - The Core \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk) In addition, there are rules and procedures covering areas such as health and safety at work, attendance and leave, bullying and harassment, use of Council equipment and performance.
- 2.2 Disciplinary procedures can be used when conduct or performance falls short of expected standards, however it may be possible to avoid formal disciplinary action if a problem is dealt with early and resolved promptly. In situations where there has been serious misconduct or where a pattern of behaviour has developed over a specific period of time, there may be no alternative but to begin disciplinary action, and hopefully, if used positively this may prevent any recurrence.
- 2.3 While it is important to deal with discipline issues fairly and effectively, the Council recognises that it is better to prevent problems arising in the first instance and will make every effort to do this through effective recruitment, induction, employee development and communication as well as working in partnership with the trade unions to address issues which give rise to disciplinary action.

3. ACAS CODE OF PRACTICE

- 3.1 This code provides basic practical guidance and sets out the principles for handling disciplinary and grievance situations in the workplace.

Summary of key points

- Employers and employees should raise and deal with issues promptly and should

- not unreasonably delay meetings, decisions or confirmation of these decisions.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts of the case.
- Employers should inform employees of the basis of the problem and give them the opportunity to put their case in response before any decision is made.
- Employers should allow employees to be accompanied at any formal disciplinary or grievance meetings.
- Employers should allow an employee to appeal against any formal decisions made.

3.2 Employment tribunals are legally required to take the ACAS Code of Practice into account when considering relevant cases. Tribunals will also be able to adjust any compensatory awards made in these cases by up to 25% (either by increasing or reducing) for unreasonable failure to comply with any provision of the Code.

4. EFFECTIVE HANDLING OF DISCIPLINARY ISSUES

4.1 Resolve Disciplinary Issues Informally

A manager has the right to speak to an employee on a one-to-one basis at any time where there is concern about the employee's work performance or conduct. This is expected, as part of the management function, to enable the employee to receive feedback on performance, to be given the support or training needed to improve and to tackle any problems as they arise and before they escalate. If discipline issues are settled at an early stage, they are normally less time consuming and less likely to damage working relationships. This type of discussion would not form part of an investigatory process. Please refer to the flow chart in Appendix G - Managing **Poor** Performance.

Any employee found to be failing to perform to the required standard must be given an opportunity to provide an explanation.

Capability:

Where the reason identified is related to **Capability**, i.e., lack of skills, the employee should be assisted through coaching/training or other appropriate measures and given reasonable time to improve and reach the required standard. Please refer to the Capability Policy [Capability policy - The Core \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk) for further information.

Conduct:

If the reason for poor performance is the result of an unwillingness to properly carry out the duties of a post or to comply with reasonable instructions or to meet specific registration and qualification requirements of the employee's post(s) with the Council (rather than a lack of ability to do so), the matter will be deemed to be one of **Conduct** and dealt with through this policy.

One to one discussions between an employee and manager to discuss employee's conduct, should be held in private, the aim of the discussion is to encourage improvement with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained. Make sure the employee understands what needs to be done, how their performance will be reviewed and over what period. This should be confirmed in writing (Appendix H Standard Letters Performance Improvement). an employee will not normally be dismissed for poor performance unless warnings have been issued and a chance to improve provided.

During the discussion, informal action should not turn into formal action as this may deny the employee certain rights. If during the discussion, it becomes obvious that the

matter may be more serious, the meeting should be adjourned. The employee should be advised that the matter may be subject to further investigation and that they will be informed of this as soon as possible. In these circumstances, further advice should be sought from Human Resources.

If a performance problem is related to an employee's disability, the manager must consult Human Resources for guidance and to discuss appropriate support.

4.2 Be Firm and Fair

Whilst maintaining satisfactory standards and dealing with disciplinary issues promptly, managers must also be objective, keep an open mind, and not prejudge the issues. It is important not just to be fair but also to be seen to be fair. Listen to what the employee has to say. Any new rules or systems of work must be properly communicated, and training provided to ensure they are complied with.

4.3 Provide Support

No matter how effectively or sensitively handled, it is recognised that this process can be stressful both for the employee who is the subject of an investigation or for other employees who have been asked to provide evidence. Support can be made available from Human Resources e.g., arranging a referral to Occupational Health or to act as a individual contact person, e.g., to clarify or provide access to Council policies and procedures.

4.4 Stay Calm

Managers should avoid hasty decisions, or actions in the heat of the moment. Taking disciplinary action is a serious matter and should never be regarded lightly or dealt with casually.

4.5 Consider all Facts

While fairness and equity are important, it is essential to take account of the individual circumstances of each case. In addition, personal details such as any existing or "live" disciplinary action, length of service, type of post held, and any mitigating circumstances which may have had a bearing on the employee's behaviour or conduct will be relevant. Any action taken should lie within a range of "reasonable" responses for the type of misconduct and it would not be reasonable for instance to dismiss an employee for a first and relatively minor breach of conduct.

Where a single error is committed due to negligence, the actual or potential consequences of which are, or could be, extremely serious for the Council, warnings may not be appropriate and punitive disciplinary action may be taken.

Advice should be sought from Human Resources.

5. FACT FINDING

5.1 Reporting an Incident

- 5.1.1 Where an incident occurs which may be due to an employee's misconduct that may lead to some form of disciplinary action being taken, the responsible officer should complete and submit an Incident Report Form (DCP REP1 Appendix A) to their senior manager whilst at the same time ensuring that the employee is advised of their intention to do this.

- 5.1.2 Following assessment of the information provided and having due regard to the seriousness and circumstances surrounding the incident plus the previous record of the employee concerned, the nominated senior manager will decide whether further investigation is required, a disciplinary hearing convened or the matter dismissed.

5.2 Anonymous Complaints

Where an anonymous complaint has been made, the Head of Service or nominated senior manager must assess the allegation and consider whether there is sufficient information to enable an investigation to progress. The manager should consult with Human Resources to make an initial assessment and decide whether an investigation is required, and which officer will undertake it.

5.3 Investigatory Stage

- 5.3.1 Prior to any employee being required to attend a disciplinary hearing, all relevant facts must be collected to enable a decision to be taken as to whether the matter should be dealt with under the Disciplinary Procedures. Disciplinary action should not normally be taken without some form of investigation being carried out beforehand.

However, not all instances will require a formal investigation. Where the matter is straightforward, e.g., timekeeping and spells of absence, at the investigatory stage, the manager or nominated officer will gather and collate the necessary information and compile a report to enable a view to be reached as to the whether or not a disciplinary hearing is required.

- 5.3.2 Where a formal investigation is required, the appropriate Head of Service or nominated senior manager will appoint an investigating officer(s). The investigating officer may be from another Directorate or Service area. Depending on the complexity of the matter under investigation, a note taker may be present.

- 5.3.3 Any investigation will be conducted as speedily as possible. A timescale will be set in advance based on the complexity of the investigation and the number of witnesses. The investigating officer will notify the Head of Service or nominated senior manager if, for any reason the set timescale requires to be revised and the employee and their representative will be advised accordingly.

5.4 Briefing the Investigating Officer(s)

The manager should brief the investigating officer before the investigation begins. Issues that should be covered include:

- Advising of the terms of reference and the scope of the investigation;
- Advising whether the investigation is being arranged under any of the special procedures (Appendices C and D);
- Ensuring officers are clear about the remit i.e., to investigate and come up with conclusions;
- Stressing the need for objectivity; the investigation should be balanced and seek out the facts, not focus on establishing the allegation;
- Discussing sources of information including witnesses, records etc.;
- Where there is the possibility of interviewing witnesses from outside the Council, this should be agreed with a senior manager within the Directorate. There may be protocols to be followed for example with regard to interviewing service users or pupils and these must be followed see section 5.6.

5.5 Advising the Employee who is Subject of the Investigation

5.5.1 The employee involved, will be advised at an early stage by the manager, of the reasons for and the scope of the investigation, who will undertake the investigation, as well as the employee's right to be accompanied at any interview. The manager should also advise the employee of the following:

- Whether the investigation is being carried out under any of the special procedures;
- Whether the employee is to be transferred to other duties, another location or removed from the workplace on full pay and the requirements associated with this procedure. (see section 5.8 below);
- About the process that would include being invited to a fact-finding meeting, at which the employee may be accompanied;
- Of the anticipated timescale for the investigation;
- Not to contact or influence any potential witnesses to the investigation, or obtain any other form of evidence e.g., computer records;
- That on conclusion of the investigation the employee will be advised of the findings and recommendations.

5.5.2 Interviewing the Employee

There is likely to be more than one interview with the employee who is the subject of the investigation. An interview should take place at the start of the investigation. However, as information is collected, the investigating officer may decide that a further interview with the employee is required for example, to enable them to respond to information obtained from other sources, which contradicts their original evidence.

During the investigation should further information come to light which alters the grounds of the original allegation, the investigating officer should advise the manager who initiated the investigation. The employee will then be advised and asked to attend a further interview with the investigating officer to have these matters put to them and given the opportunity to respond.

5.5.3 The Right to be Accompanied

If the employee wishes to be represented or accompanied this will be by a trade union representative or appropriate work colleague only, and the latter must not be someone whose presence would prejudice the hearing or who might have a conflict of interest. It is the responsibility of the employee to ensure that their representative or companion is present at any stage of the procedure. Reasonable notice should be given to allow for preparation by the employee and representative where appropriate. Where the employee is unable to make the arranged date through circumstances such as illness or if their representative is unavailable, the employee may offer a suitable alternative date within **5 working days** of the original date.

In matters of serious allegations, contact can be made with the relevant trade union if appropriate, to advise them that an investigation will be starting. In any event in scheduling the interviews, the timescale must allow sufficient time for representation to be arranged, and a trade union representative to be made available.

If the employee is not accompanied by choice, the fact that this facility was offered and refused should be recorded.

5.5.4 Advising the Employee of the Arrangements for Interview

The investigating officer should ensure receipt of the letter inviting the employee to attend an investigatory meeting either by sending the letter by recorded delivery or hand delivering where practicable, and the employee asked to confirm attendance or

to advise of another convenient date/location, if, for example a trade union representative is not available, (Appendix H Standard Letters Fact Finding 1, Fact Finding 2 or Fact Finding 3).

5.5.5 Conducting an Investigation while the Employee is on Sickness Absence

Advice should be sought from Human Resources, however as a general rule, it is important that the investigation proceeds. Not only does this resolve issues one way or the other for the employee, but evidence may become more difficult to obtain if matters are delayed. Where an employee is absent from the workplace during an investigation, the line manager must continue to deal with the absence in accordance with the Council's Framework for Maximising Attendance.

Employees will be offered every support throughout the process particularly if the absence is stress related. The investigating officer should emphasise that it is important for the employee to respond to the allegations and cite any evidence or witnesses who should be contacted on their behalf.

In considering how to progress matters, the investigating officer should consider what 'reasonable adjustments' could be made without compromising the outcome of the investigation, for example by offering:

- Help and support from Human Resources;
- Flexibility around the date and location of the interview, for example by offering 'neutral ground' for example outwith the normal work location;
- The opportunity to respond in writing to the allegations.

Should the employee not co-operate in the process either by not attending an interview or by not replying to a request for further information, this will be recorded in the investigating officer's report.

5.6 Fact Finding Interviews

5.6.1 Deciding who should be Interviewed

The investigating officer(s) must consider who to interview and the logical order for interviewing witnesses. It is important that the investigation is "balanced" and sets out to establish the facts as opposed to confirming any allegations. As the investigation progresses, other witnesses will need to be added to the list of employees asked to attend further interviews, particularly where further information comes to light. However, the investigating officer(s) must also consider the timescale agreed with the manager and consult them if it appears that this might no longer be practical.

Where an allegation has been made by a service user or young person such as a pupil, the investigating officer must seek advice from the appropriate senior manager before proceeding to make any arrangements. For example, it might be that contact can only be made through the client's social worker and parental consent would be required before interviewing a child.

5.6.2 Employees as Witnesses

Witnesses who are Council employees, should be contacted and advised that they are required to co-operate as part of a fact-finding investigation. They should be advised of the right to be accompanied by a work colleague or trade union representative. At this stage to keep matters as discreet as possible, any witness should be given only information relating to their involvement. (Appendix H - Standard letter Fact Finding 2).

Should an employee be reluctant to give evidence, the investigating officer should meet with them to find out the reasons for the employee's concern. It may be that the employee is worried about possible intimidation or implicating themselves. The investigating officer can provide the following advice:

- Where there is a genuine concern about reprisals, this will be assessed and the possibility of an anonymous statement considered. (See section 6.2 below).
- Support will be provided for an employee required to attend as a witness at any possible hearing.
- The Council's disciplinary procedures have been jointly agreed with employee representatives and require the participation and co-operation of both sides to operate effectively and fairly.

5.6.3 Preparation for Interview

Investigating officer(s) should consider the content and order of questions as well as remembering the appropriate format for asking a question, i.e. open, closed etc., and decide who will take the lead in questioning the witness.

Similar to any interview, the type of question used can influence the answer. Some questioning techniques are designed to obtain the maximum information and others to establish a point of fact.

For example:

- Use open ended questions such as "What happened then....." to get a broad picture
- Use precise, closed questions to get specific information, "At what time did you leave the building that morning?"
- Use direct questions to put issues or highlighting conflicting information for example "I have heard from another witness yet you say How do you account for the difference?"

While information has to be obtained and corroboration sought, care should be taken that this does not result in an interrogation of witnesses.

The usual points about suitable and discreet accommodation for interviews apply.

5.6.4 Note Taking

It should be made clear that a note of the interview will be drawn up and sent to the interviewee for signing. Where agreement cannot be reached about the content of any interview note, this should be recorded on the meeting note. Where a formal statement is required, this should be attached to the final report, a copy of which will be provided to the employee under investigation.

5.6.5 Structure of Interview

The investigating officer(s) should work through the prepared questions, making sure everything is covered and checking if any matter needs to be clarified. If it is a long or complex interview, the investigating officer can arrange for a break to check over the notes, consider the information provided and any further questions that need to be asked. While points should be put to an employee, information should be sought from the employee in a productive manner.

Before finishing, the investigating officer(s) should ask the employee if they have anything else to add and if there is any other employee who can corroborate or add to the information provided. The need for confidentiality should again be stressed. **The employee should be advised not to discuss the content of the interview with anyone.**

5.6.6 Assessing the Evidence

The purpose of the fact-finding process is to gather all available evidence to enable the manager to make a reasonable decision about what action to take.

The investigating officer should always remember that the objective is not to search for evidence to support the allegations but to carry out as much investigation 'as is reasonable in all the circumstances of the case.' The report will be the subject of extensive scrutiny, in the first instance, from the manager who instigated the investigation and possibly thereafter from the members of a disciplinary hearing and appeals panel as well as the employee and their representative. When it appears that the investigation is concluded, the investigating officer should assess the evidence collected and consider:

- The extent to which any findings can be substantiated, what information has been established and what witness evidence is corroborated for example by cross checking with other witnesses or records.
- How much of the evidence of events has been directly observed by witnesses and how much is hearsay or contained in records or other data e.g., flexi records, training records, databases?
- Are witnesses credible and can their evidence be corroborated?
- Whether there are still areas to explore, information or procedures to be verified or additional documentary evidence to be checked. It can be useful to produce a matrix of information to cross check witness evidence against other records or a time chart to plot the time of events against locations of witnesses.
- What conclusions can reasonably be reached? Can they stand up to scrutiny? It is important to remember that the case does not have to be "proved beyond all reasonable doubt" it is about reasonable conclusions based on all the evidence available.

5.6.7 The Framework of the Report

On conclusion of the investigation, the investigating officer will prepare a report for consideration by the Head of Service or nominated senior manager who will decide whether there are grounds to convene a disciplinary hearing. There is no set format for a fact-finding report however, as with any management report it should be complete, balanced, accurate and succinct. Pages and sections should be numbered for ease and reference. A suggested framework can be found in Appendix B.

5.6.8 Advising the Employee

A meeting will be arranged to inform the employee of the outcome. The Incident Report Form should be completed indicating whether the decision taken has been to continue to a disciplinary hearing or not.

5.7 Special Investigations

- 5.7.1 Where an incident/situation occurs which gives rise to doubt as to an employee's professional conduct or competence to perform their duties, the matter will be dealt with in accordance with the Council's Procedure for Investigating Professional Misconduct, Competence etc (reference Appendix C).
- 5.7.2 Any investigation involving teaching staff will be dealt with under the appropriate GTC Code of Practice and guidance on this is available from Human Resources.
- 5.7.3 Where an incident/situation occurs involving the suspected or actual misappropriation or embezzlement of cash, monies etc, placed in an employee's charge, the matter will be investigated in accordance with the Council's Procedures on Fraud, Financial Regulations and Standing Orders further information (reference Appendix D).
- 5.7.4 Following a special investigation and consideration of action, a decision will be taken as to whether or not the employee should be disciplined.
- 5.7.5 Following a special investigation, where the decision is to take no further action in terms of the disciplinary procedures, all references to the investigation should be removed from the employee's personal file.

5.8 Removal from the Workplace

5.8.1 Precautionary Measure

An immediate supervisor/manager will have the necessary delegated powers to remove an employee from the workplace, who is considered to be creating a situation where the employee is in personal danger or a danger to others (e.g., under the influence of alcohol etc). This should be done in person and not by telephone. If an employee is removed from the workplace as a precautionary measure, this will be with pay and will not normally be for more than one day.

This will entail the employee leaving or being sent from the workplace therefore arrangements may need to be made to provide transport e.g., if the employee is under the influence of alcohol, then it would not be safe for them to drive. Arrangements should also be made to report to the supervisor/manager at the start of the employee's next working day. The employee can be accompanied to the meeting by a work colleague or Trade Union representative if they wish.

The supervisor/manager should then complete the Incident Report Form (DCP REP 1) and submit it to their senior manager whilst at the same time ensuring that the employee is advised of their intention to do so.

As removal from the workplace does not constitute disciplinary action, there is no right of appeal.

As soon as the employee has been removed from the workplace, the immediate supervisor/manager must contact the ICT Coordinator (Service Delivery) requesting that the employee's corporate account is disabled. If the Coordinator is not available, you must contact one of the ICT Technical and Helpdesk Supervisors. **Due to the sensitive nature of a workplace removal, managers must not raise a ticket with the service desk to request the de-activation.**

If the employee is in possession of any ICT equipment, such as a laptop or a work mobile, there may also be situations whereby, as a precautionary measure, it is appropriate for line managers to request that any relevant equipment is returned to them whilst an investigation is taking place.

5.8.2 During an Investigation

Where considered absolutely necessary, the Director or nominated senior officer may remove an employee from the workplace (suspension) whilst an investigation is underway. Suspension is one of the options available to management and will only be applied where the nature of the incident/allegation requires the total removal of that employee from duty. This action is not to be associated with any presumption of guilt and is not considered a disciplinary action.

Suspension should only be considered when other options such as redeployment to other duties or relocation on the same or alternative duties are inappropriate. Any such decision will be confirmed in writing to the employee (Appendix H Standard Letters DISCP 1).

The decision will be reviewed at agreed intervals during the investigation and the employee, and trade union representative where appropriate, advised (Appendix H Standard Letters DISCP2).

The Director/nominated senior officer will ensure that the employee is offered support during the period of the investigation through Occupational Health and Human Resources.

6. PREPARATION FOR THE DISCIPLINARY HEARING

6.1 Advising the Employee

- 6.1.1 Once a decision has been taken to proceed with a disciplinary hearing, the employee should be advised in writing of the arrangements and grounds for the hearing, providing sufficient information about the alleged misconduct or poor performance and including the right to representation (Appendix H Standard Letters DISCP3).

Any letter relating to a disciplinary hearing should, where possible, be hand delivered to the employee or sent recorded delivery. Any hand delivery should be dealt with discreetly, i.e. within a closed office and not in view of colleagues.

- 6.1.2 The employee will be provided with a copy of any evidence to be presented for consideration at the hearing. This will include the Incident Report Form (DCP REP 1), any investigatory report and/or signed witness statements and details of any witnesses who will be called. The employee should also provide similar evidence that will be led in their case in reasonable time before the hearing.
- 6.1.3 Where the employee is a trade union representative, no action should be taken until contact has been made with the full time official of the trade union advising of the reason for the hearing.

6.2 Confidentiality of Witness Evidence

- 6.2.1 Management and employees will have the opportunity to call witnesses at a disciplinary and appeal hearing. It is the responsibility of each side to make arrangements for the attendance of their witnesses and where witnesses are being called, advance notice must be given to the other side. They should be advised of the right to be accompanied by a work colleague or TU representative and be advised of the availability of support from Human Resources.
- 6.2.2 In certain extreme circumstances management might consider it appropriate for witness evidence to be provided anonymously. In these circumstances, any questions which the employee's representative wishes to ask the witness as part of the

preparation for the case, would be put to the witness by the Investigating Officer who would then report back to the employee's representative and provide a written statement. The decision regarding the anonymity of witness(es) will be taken by the Chief HR Officer following discussion with Trade Union Representatives as appropriate and will only occur where there is a genuine concern for the wellbeing or safety of the witness(es) in question.

- 6.2.3 When speaking to members of the public or witnesses from outside organisations who may not wish to attend a disciplinary hearing in person to give evidence, the investigating officer should arrange to take a signed statement. In these circumstances the witness must be advised that the statement might be used at a future hearing. In the exceptional circumstances outlined above, these witnesses may receive the same protection as employees and have any part of the statement which would identify them omitted and treated as confidential.

6.3 Preparation for the Hearing

- 6.3.1 The hearing is chaired by a manager (the "Disciplining Officer") who will not have been previously involved in the matter. They will normally be accompanied by another manager or a member of Human Resources who will act in an advisory capacity also a note taker may be present. Where possible arrange for a note taker to provide a note of the meeting. Where there has been a formal investigation, the investigating officer should present the case for the Directorate.

The disciplining officer is responsible for ensuring that there is a fair hearing and that the relevant procedures are followed. This involves preparation before the hearing as well as conducting the hearing and reaching a decision.

6.3.2 Meeting Arrangements

Ensure that the employee is treated in a professional manner. Hold the hearing in a private room where there will be no interruptions or telephone calls. A breakout room should be made available to give the employee and their representative privacy for conferring and provide a waiting area for any witnesses.

Set aside a reasonable amount of dedicated time to carry out the hearing.

Where a disciplinary hearing at departmental level has to be arranged for a night-shift worker it should be considered whether it will be more cost efficient for the hearing to be held during the shift the employee would normally work. This would also ensure that witnesses would be readily available if necessary.

The disciplining officer should also check if anyone participating has any special communication or access requirements.

Employees who are requested to attend a disciplinary hearing are doing so as a management requirement and therefore are entitled to any expenses incurred i.e. travelling.

6.3.3 Liaise with Either Side

The disciplining officer should liaise with each side to ensure they have exchanged all relevant information (copies of all submissions/reports/details of witnesses). In the interests of fairness, it is important that both the employee and the disciplining officer are issued with copies any submissions to allow reasonable time to prepare a response. They should also get details of any witnesses being called to prevent duplication of witnesses and ensure necessary arrangements are made for time off to enable the

witnesses to attend the hearing.

6.3.4 Ensure Adequate Time to Prepare

The disciplining officer should also ensure each side has reasonable time to prepare following receipt of documents for the case. The time allowed should reflect the complexity and serious nature of the case.

6.3.5 Ensure all Relevant Facts/Records are Available

The disciplining officer must ensure the following relevant information is available and be familiar with the contents:

- Relevant information from the employee's personal file;
- Information on any previous disciplinary record (check if there are any current warnings);
- Any fact finding report and written statements from witnesses;
- The Incident Report Form (DCP REP1) which has to be completed prior to and after the hearing.

6.3.6 Consider the Structure of the Interview

The disciplining officer should ensure that everyone is clear about their roles and how to proceed. Consider the issues such as:

- Who should be present at the meeting, what witnesses are being called and in what order.
- Precedent - what action has been taken by the Directorate in similar circumstances, but remember, whilst fairness and equity are important, each case should be judged on it's own merits.
- The employee's likely response - what explanation is likely to be provided by the employee and are there any special circumstances to be taken into account.
- Any questions to be put or points to be clarified. Having read the submissions from either side what questions arise? What contradictions are there in the evidence from either side. At the end of the hearing the disciplining officer must reach a view of the most likely version of events.
- Mark up/note any particular areas that require clarification or further questioning both in the management and employee submissions. Make a note of any questions that might usefully be asked of witnesses.
- Are there any special circumstances surrounding this case? Check any relevant policies for example if the case involves issues under the Framework for Maximising Attendance or the Scheme of Special Leave or the Addiction Policy if there is a chance that the employee might seek help under this policy.

7. CONDUCTING THE DISCIPLINARY HEARING

7.1 How the Hearing should be Conducted

- 7.1.1 The employee or representative will be given the opportunity at the hearing to present their case, call witnesses, subject to the terms of Paragraph 6.2 and explain their views on the circumstances. The representative does not however have the right to answer

questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employee from explaining their case. The hearing will be conducted in line with the procedures applying to an Appeals Panel as set out in Appendix E. In summary this is as follows:

- The management representative will present the case for the Directorate calling witnesses as necessary;
- The disciplining officer will then invite the employee's representative to question any management witness;
- Thereafter the disciplining officer can question the witness;
- Finally the management representative can ask questions of the witness to clarify any point; not to introduce any new information;
- This process is then repeated when the employee's representative presents the employee's case;
- Each side should conclude with a brief summary of their case not introducing any new information;
- The disciplining officer will then adjourn the meeting to reach a decision based on the information presented.

7.1.2 If new evidence comes to light during the hearing, it is the responsibility of the disciplining officer to adjourn the hearing to enable the points raised to be investigated. On completion of any further investigation, the hearing will be reconvened and all parties advised of the findings of that particular investigation.

7.1.3 In the event of an employee or their representative refraining from offering an explanation or contesting any allegation, the disciplining officer will draw their own conclusions from the information available and reach a decision on the appropriate action to be taken.

7.1.4 Following completion of the submissions by management and the employee, or representative, the hearing will be adjourned to allow the Disciplining Officer the opportunity to consider the evidence. Thereafter, the hearing will be re-convened and the employee advised of the outcome. Written confirmation of the decision must be issued within 7 days of conclusion of the hearing and must contain advice as to the employee's right of Appeal and Appeal's process.

7.1.5 Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, the disciplining officer should make a decision based on the evidence available.

7.1.6 If it is decided that no disciplinary action is to be taken, all references to the case will normally be removed from the employee's personal file. However, in exceptional circumstances, it may be appropriate to retain details of the decision for a specified period on the employee's file. Where this is the case, the employee will be notified.

7.2 **Problems Which May Arise in Disciplinary Hearings**

7.2.1 **If the Hearing Becomes Heated**

It is possible that a disciplinary hearing may not proceed smoothly; people may be

upset or even angry. The disciplining officer must keep control of proceedings while encouraging the employee and witnesses to speak freely with a view to establishing the facts. The approach should be formal and polite, this will include:

- Ensuring that parties are not badgered or harassed when giving evidence;
- Intervening to prevent any display of temper from either side;
- Responding appropriately if the employee becomes too emotionally upset during the proceedings. Clearly during a hearing there will be some “letting off of steam”, and this can be helpful to establish what happened. However the disciplining officer has to reach a view as to whether it would be in the best interest of the employee/the hearing to continue. If the discussion becomes so heated that the situation may become unmanageable, the disciplining officer should adjourn the hearing, having made it clear to both sides that such behaviour is unacceptable and will not help the outcome.
- Stating objectives/intentions firmly e.g. if either party continues to be interrupted while giving evidence, the disciplining officer may decide to adjourn the hearing until the situation calms down or reconvene at a later date.

7.2.2 Adjourning the Hearing

An adjournment can take place at any time with the consent of the disciplining officer, for example to allow the trade union representative to confer with the employee.

The disciplining officer may also decide to adjourn the hearing to give everyone a break in the proceedings, however it is sensible to look for a natural point to do this, for example after the management case has concluded.

An adjournment should also be offered to both sides prior to summations at the end of the hearing.

7.2.3 Questioning Employee and Witnesses

Throughout the hearing, the disciplining officer should remember that they have to reach a view on the most likely version of events. and decide whether to take any disciplinary action or not.

The employee should be questioned to find out whether they accept any responsibility for what has happened, to check out explanations and generally to assess whether they understand that they may have done something wrong.

Witnesses should be questioned to assess whether they actually saw any events or are giving hearsay evidence. If witnesses give differing accounts of events, the disciplining officer must question the witnesses and consider all the evidence carefully to reach a view. The disciplining officer should intervene if witnesses are badgered at any point during cross examination.

8. DECIDING ON AND IMPLEMENTING DISCIPLINARY ACTION

8.1 Deciding on Disciplinary Action

8.1.1 What has been established about the Incident/Allegation?

In cases of misconduct, the disciplining officer must reach a view of the most likely version of events based on the “balance of probabilities”. The “test” used by Employment Tribunals is to assess whether there is:

- a genuine belief
- on reasonable grounds
- after reasonable investigation...

that the employee committed the misconduct. This is different to the level of proof required for a criminal case where guilt has to be proven “beyond all reasonable doubt”.

Therefore the disciplining officer should consider:

- What facts have been clearly established;
- What facts are still in dispute;
- Is it possible to make a 'reasonable' judgement about what happened? Consideration must be given to the balance of probabilities and the credibility of witnesses and other evidence;
- How serious does the allegation appear since hearing the evidence? Is the misconduct “gross”. An employee may have received a series of warnings about their behaviour and ignored them. On the other hand, it may be a one-off offence, which is so serious that the result is dismissal.

8.1.2 Has Council Policy Been Followed?

For example, if the grounds for the hearing relate to attendance has the Directorate followed the Council policy on Maximising Attendance. The disciplining officer should check the circumstances of the case for example:

- Has there been attendance review and meetings with the employee before initiating the disciplinary procedure to check if there was any underlying medical condition?
- Did discussions take place about how the employee could achieve the level of improved attendance sought by the Resource and was support considered?
- Where there is no underlying medical condition and no improvement in the employee’s attendance the policy advises managers to deal with the matter under the disciplinary procedures as a conduct issue.

8.1.3 The Employee’s Record

Before deciding whether disciplinary action is appropriate and at what level, the Disciplining Officer should consider the employee’s disciplinary and general record. Are there any “live” warnings on the employee’s record?

Disciplinary action is cumulative so if an employee has an outstanding warning on their record any future action taken must be at least at the next level on the disciplinary scale.

Disciplinary action need not start with an oral warning. The level of action taken should be appropriate in all the circumstances for example, in a case involving absence or performance management, the process will have involved acknowledgement, and performance improvement discussion before any disciplinary action is considered. If an employee has been through this route, then disciplinary action need not commence at an oral warning.

Where an employee has a final warning or punitive action, which is subject to the

outcome of an appeal hearing and is involved in a further incident which may result in dismissal, advice should be sought from Chief HR Officer.

8.2 Types of Disciplinary Action

8.2.1 Oral Warning

For minor breaches of discipline, misconduct or poor performance, an oral warning may be given and confirmed in writing for record purposes. The employee will be advised of the reason and grounds for the oral warning, its duration (6 months), and that any further breach may leave them open to further disciplinary action. (Appendix H Standard letters DISCP 4)

8.2.2 Written Warning

For more serious breaches of discipline, misconduct or continued poor performance, or a failure to improve conduct or performance following receipt of a formal oral warning, a written warning may be given. The employee will be advised of the reason and grounds for the written warning, its duration (6 months), and that a further breach may result in further disciplinary action being taken. (Appendix H Standard Letters DISCP 5)

8.2.3 Final Written Warning

For significant breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a written or oral warning, a final written warning may be given. The employee will be advised of the reason and grounds for the final written warning, its duration (12 months), and that a further breach during the time limit of the warning may result in further disciplinary action being taken which may be punitive. (Appendix H Standard Letters DISCP 6)

Where a final written warning is issued as a result of misconduct which was so serious that it verged on gross misconduct, the employee will be advised that should there be any repetition of the misconduct the previous action may be taken into account at any future hearing. This does not mean that an employee has been issued with a final written warning without limit of time. It means that the previous action can be taken into consideration in these circumstances. Accordingly, a prescribed period during which the final written warning would be admissible will be confirmed.

8.2.4 Punitive Disciplinary Action

As an alternative to dismissal, punitive disciplinary action may be imposed against an employee who has previously received a final warning or where the gravity of the misconduct warrants this level of sanction, even in the absence of any previous disciplinary history. Punitive disciplinary action comprises the imposition of a final written warning in conjunction with one of the following:

- Suspension without pay (Appendix H DISCP 7)
- The withholding of an annual increment – in matters of performance only (Appendix I DISCP 8)
- Reduction in grade or position (Appendix H DISCP 9 or DISCP10)

The implications of this action must be carefully considered and a strategy developed. It is not enough to demote and transfer an employee without considering the implications for the new manager, colleagues and not least the employee whose duties must be reduced accordingly.

Issues therefore may include:

- Ensuring support / induction for the employee in their new role.
- Support for the new line manager to deal with the situation; they may be less experienced than the demoted employee.
- In all of the above instances, the Chief HR Officer and the employee's trade union, where appropriate, will be formally notified.

8.2.5 Dismissal

An employee may be dismissed for gross misconduct or serious repeated misconduct or poor performance during the currency of a final written, written or oral warning. The employee will be advised of the grounds for the dismissal, its effective date and whether it is summary dismissal or dismissal with notice. Gross misconduct is generally seen as misconduct serious enough to invalidate the employment contract between the employer and the employee and make any further working relationship and trust impossible. It is normally restricted to very serious offences e.g. physical violence, theft, fraud, gross negligence, serious insubordination, incapability due to the influence of drugs or alcohol, serious breach of health and safety rules, malicious damage to Council property, acts of harassment or discrimination, exploitation of a vulnerable service user, serious abuse of the Council's email and/or internet policies.

8.2.6 Dismissal with Notice

In circumstances other than gross misconduct, a dismissed employee will be entitled to notice. Notice will be either the statutory or contractual period, whichever is the greater. (Appendix H Standard Letters DISCP 11 or DISCP 12)

Before deciding to make a payment in lieu of notice, consideration should be given to the circumstances. It may be more appropriate for the employee to work the period of notice rather than receive payment in lieu. There must be a valid reason why the manager does *not* want the employee to work out their notice period. An example of this may be: -

An employee is being dismissed as a result of their unacceptable performance. The manager may feel that it would be inappropriate for the employee to remain on the premises if they have access to computer records. In these circumstances they would be dismissed with immediate effect and appropriate payment in lieu of notice.

8.2.7 Dismissal without Notice

When an employee is summarily dismissed without notice on the grounds of gross misconduct, no payment will be made in lieu of notice, however there will be entitlement to payment of accrued annual leave based on the statutory minimum (pro-rated where appropriate). (Appendix H Standard Letters DISCP 13)

If an employee is dismissed with immediate effect, they should be accompanied by a member of management to collect personal belongings and escorted from the premises. All Council property should be reclaimed, keys, identification badge, flexi-card etc.

8.3 Time Limits for Disciplinary Action

Disciplinary action will be recorded and be admissible against further breaches of discipline, misconduct or poor performance for the undernoted periods of time, effective from the date of the letter confirming the outcome of a disciplinary hearing.

Level of Action	Time Limit (Months)*
Oral Warning	6 Months
Written Warning	6 Months
Final Written Warning	12 Months
Final Written Warning & Punitive Action (demotion, reduction in grade, suspension of an increment, suspension without pay)	12 Months for final written warning (time limit on punitive action as deemed appropriate)

8.4 Taking Disciplinary Action

8.4.1 Following the hearing, once a decision has been reached, the Disciplining Officer should recall the employee, their representative and manager to advise of the outcome. Before notifying the decision, the disciplining officer should summarise: -

- The case presented by the management side and the employee's response
- The Disciplining Officer's view of the case, including an assessment of any facts in dispute and their conclusions
- Issues taken into account when reaching the decision: -
 - The severity of the allegation/misconduct
 - Any existing disciplinary record
 - The employee's position and length of service
 - Any mitigating circumstances
- The action being taken and the time limit which applies.
- To whom the employee may appeal and the time limit for submitting an appeal. An appeal against punitive disciplinary action, a warning issued by a Director /nominated senior officer or a final warning in the case of a teacher, is heard by the Appeals Panel.

8.4.2 It is the responsibility of the Disciplining Officer to ensure that the employee is clearly told the required level of improvement in their conduct or performance and over what period of time this is expected. The employee must also be made aware of the next stage in the process if this is not attained.

Remember that the purpose of discipline is to encourage improvement so further discussions may be required together with a strategy to assist/support the employee to reach the required standard.

8.4.3 Employees will be advised in writing of the disciplinary sanction and the reason for it, any improvements expected, the availability of appropriate support to achieve and maintain the improvement and the consequences of further misdemeanour.

8.4.4 All disciplinary action will be recorded in writing and remain in the employee's personal file during the period of the currency of the warning together with any relevant records which relate to the disciplinary action.

8.4.5 After the appropriate period of time, the warning will not be held against an employee in any further incident except where the employee's conduct is satisfactory for the period that the action is in force only to become unsatisfactory shortly thereafter, or where a pattern of behaviour like this emerged and there is evidence of abuse. In such circumstances the employee's disciplinary record should be borne in mind in deciding the level of any future action.

8.5 Follow Up

8.5.1 The Incident Report Form (DCP REP 1) should be completed by the disciplining officer.

All documentation and correspondence must be collated, forwarded to Human Resources and filed in the employee's personal file for future reference. This should include: -

- A copy of the submissions;
- Copies of correspondence relating to the disciplinary hearing;
- Copy of the written confirmation of disciplinary action taken;
- The completed Incident Report Form.

8.5.2 In circumstances where an employee is registered with an outside body such as the GTCS or SSSC, is dismissed or there are circumstances surrounding the misconduct which give rise to concern about the employee's registration, the Council is required to make a formal notification to the appropriate body. The employee will be advised of this in the letter confirming disciplinary action. There may also be notification requirements under the Protection of Children (Scotland) Act 2003. In any of these circumstances described above, Human Resources must be kept informed so as formal notifications can be arranged.

8.6 Prevent Recurrence

It is important to prevent any recurrence of the situation. The Disciplining Officer should advise the employee's manager and Human Resources of:

- Any management issues which became evident during the hearing e.g. the need to clarify operating systems/procedures, introduce/review training, and review supervision arrangements.
- Any support/assistance identified as being required to enable the employee to reach/maintain the required standard of conduct or performance.

9. PARTICULAR CASES

9.1 Criminal Offences

9.1.1 An employee should not be dismissed or otherwise disciplined solely because they have been charged with or convicted of a criminal offence. What needs to be considered is whether the employee's conduct warrants action because of the implications for their employment. The Council's Code of Conduct states that any employee convicted of a criminal offence must advise their Head of Service immediately. However, if an employee fails to inform their Head of Service, this in itself may lead to disciplinary action being considered.

9.1.2 Where it is thought that the conduct warrants disciplinary action, the following should be considered:

- The matter should be investigated as far as possible to enable a view to be reached

on whether the disciplinary procedure needs to be instigated. Where the conduct requires prompt attention, the manager need not wait for the outcome of any prosecution before taking fair and reasonable action.

- Where an employee charged or convicted of a criminal offence, refuses or is unable to co-operate with disciplinary investigations or proceedings, this should not deter any action being taken. The employee should be advised in writing that unless further information is provided, a disciplinary decision will be taken on the basis of the information available that could result in dismissal. Any decision taken needs to be reasonable in the circumstances.

9.1.3 Given the particular circumstances, it may be necessary to consider:

- Redeployment to other duties or to another location pending the outcome of the criminal proceedings;
- Removal from the workplace with pay pending an investigation;
- Disciplinary proceedings.

Further advice should be sought from Human Resources.

9.2 **Absence**

Absence from work will normally be dealt with under the Council's policy on "Maximising Attendance". Managers must be aware of the various support mechanisms available to employees and should take steps to ensure that this is offered at the earliest opportunity. They should deal immediately, fairly and sensitively with their employees when they are ill and provide support to encourage attendance.

Following each absence, managers should conduct a Return to Work interview. On return from a third period of absence, or earlier as is appropriate, an Attendance Review Meeting should be arranged to agree targets and actions required. Further absences should be reviewed and where there is an unacceptable level of short term persistent absences and no underlying health problem, action in terms of the disciplinary procedures considered.

If there is there is a breach of the Council's absence reporting procedures, then the matter should be treated as a conduct issue and dealt with appropriately.

9.3 **Dealing with Addiction**

The Council has a policy to help employees experiencing addiction problems which is detailed in Appendix F.

Addiction includes alcohol, drug, solvent abuse, gambling or any other recognised addiction which interferes with an employee's conduct or performance whilst at work.

Information about the existence of an addiction problem might emerge during a disciplinary hearing or be provided as mitigating circumstances. The Disciplining Officer must conclude the hearing, assess the evidence and reach a view as to what action to take, if any. The existence of an addiction problem will form part of the evaluation of the level of action that is appropriate. The Disciplining Officer should advise the employee of the outcome of the hearing, and if appropriate can decide to hold any action in abeyance pending the employee's satisfactory referral under the Addiction Programme. The disciplinary action remains in abeyance for the duration of the warning e.g. 6 months for a warning. Should the employee not comply with the addiction programme, the hearing will be reconvened and the warning imposed.

The employee will be expected to comply with the recovery programme for example in the case of an addiction to alcohol by attending regular counselling sessions and abstaining from alcohol. During the period of referral, their line manager will provide support but will also be expected to monitor the employee's general conduct including work performance, attendance and timekeeping. Regular meetings should be held with the employee to discuss progress, and identify any areas where improvement is required at an early stage when intervention would be most effective.

9.4 When an Employee Raises a Grievance

Where an employee raises a grievance prior to or during the disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the discipline and grievance cases are related, it may be appropriate to deal with both issues concurrently. In these circumstances advice should be sought from Human Resources.

9.5 Use of Social Media

9.5.1 Social media refers to online platforms and technologies that enable users to create, share, and interact with content, and to connect and communicate with others. These platforms facilitate the exchange of information, ideas, interests, and expressions through virtual communities and networks. Whilst this is not an exhaustive list, examples of social media platform are Facebook, Instagram, Snapchat, TikTok, WhatsApp, LinkedIn, YouTube, Twitter and Pinterest.

The Council understands that Employees have the right to express themselves freely when using social media, however, employees must take care not to undermine the Council's reputation at all times. Therefore, employees should be aware that posting certain information or comments in regard to South Ayrshire Council, even in their own time and using their own equipment, may be in breach of the Council's IT Acceptable Use Policy, the Code of Conduct or other Council policies which may result in disciplinary action up to and including Dismissal.

When communicating, posting or agreeing to comments electronically, employees should consider the impact this may have on their job or their colleagues, clients, service users or customers. If employees identify themselves as employees of South Ayrshire Council, they must not act in a manner which could bring the Council into disrepute or affect colleagues, clients, service users or customers.

Examples of unacceptable and inappropriate online activity and use of social media include (but not restricted to):

- Posting of or distributing by email, offensive or defamatory comments in relation to any employee, including management, colleagues, or service users, of the council, service user, customer, or elected member;
- Comments that may be considered as discriminatory, harassment, bullying, or victimisation;
- Language or comments used in a discriminatory or defamatory way;
- Using photographs or video footage of an employee or service user of the Council without their permission;
- Disclosure of personal, sensitive, or confidential information gained during your employment without authorisation (unauthorised disclosure could constitute misconduct/gross misconduct in accordance with the council's disciplinary procedures);

- Posting comments, content, media, or information that could bring the Council into disrepute;
- Indecent, violent, or offensive behaviour while working on behalf of the council, including the viewing, downloading, and/or circulation of offensive or sexually explicit material;
- Harassment, bullying, discrimination, intimidation, or victimisation against any individual(s) while working on behalf of the council or which can be connected to work by bringing the name of the Council into disrepute;
- Behaviour during working hours and outwith hours which brings the name of the Council into disrepute.

The extent to which such information or images shall be regarded as meeting any of the above descriptions shall be judged in terms of the likelihood of the employee's comments causing harm or distress, the scale of any harm, and the implications of such harm, whether physical, psychological, financial, reputational, or commercial or illegal.

There are other areas which may be deemed to be unacceptable use therefore employees are not permitted to:

- Post or send confidential pupil, client or service user information which may breach the Data Protection Act 2018 or the General Data Protection Regulation. Consult your manager if you are unsure;
- Communicate with employees, clients, pupils or service users (whether as friends on Social Networking sites or otherwise) in a way that could be deemed inappropriate, unprofessional or potentially breach confidence and trust;
- Correspond with clients, pupils or service users from personal email accounts in a way that could be deemed inappropriate;
- Publish unfounded statements about another person which could damage their reputation or working relationships;
- Use the Council's logo unless authorised and only for business related purposes;
- Make use of any confidential information gained through your work with the Council.

9.5.2 **Cyber Bullying**

Cyber-bullying is when someone or a group of people use a mobile phone or the internet to send or post text or images which may be offensive, intimidating, malicious, humiliating or insulting towards an individual or group of employees. Cyber-bullying can take many forms, for example:

- Someone continually sending messages after being asked not to;
- Sending messages that are threatening or upsetting;
- Setting up profiles on Social Networking sites with the sole purpose of making fun of someone;
- Posing as someone else for the purposes of publishing material in their name to cause offence, ridicule or humiliate others.

Inappropriate online behaviour, such as cyberbullying, can result in disciplinary action up to and including Dismissal. However, it can also result in criminal action or, in some instances, civil action brought by others. Employees should also be aware that in circumstances where their behaviour is unlawful (i.e., a hate crime incident, such as sectarianism, racism, or homophobia), the matter will be referred to the Chief Executive who in conjunction with the Chief HR Officer and Chief Governance Officer, will report the matter to the Police.

10. APPEALS

10.1 Right of Appeal

Employees will be advised in writing of their right of appeal against all levels of disciplinary action imposed and the process and timescales to be followed to submit an appeal. Appeals against disciplinary action will not be heard by the same person who implemented the action in the first place and any appeal should normally be heard by a more senior officer than the disciplining officer.

The following table outlines *as an example*, the appropriate level at which appeals may be heard:

Level of Warning	Imposed by	Appeal Heard by
Oral warning	Supervisor and above	Co-ordinator/Service Manager
Written warning	Supervisor and above	Co-ordinator/Service Manager
Final Written Warning	Co-ordinator and above	Service Manager/Head of Service
Final Written Warning & Punitive Action (demotion, transfer or suspension of an increment)	Co-ordinator and above	Appeals Panel
Dismissal	Service Manager and above	Appeals Panel

10.2 Time Limits for Submitting an Appeal

If an employee considers the disciplinary action taken to be unfair, an appeal may be submitted in writing, preferably through a trade union within 14 days of receipt of notification of the decision of the disciplinary hearing.

10.3 Appeal Hearing at Directorate Level

Appeals against oral, written and final written will be heard as soon as possible at Directorate level and normally within 28 days of receipt of the application.

The employee must be advised in writing of the arrangements for hearing the appeal, including the right to representation should they wish someone to be present. Representation will be by a trade union representative or work colleague only and it is the responsibility of the employee to ensure the presence of their representative should they wish someone to be present.

Reasonable notice should be given to allow for preparation by the employee or the employee's representative where appropriate.

The procedure followed will be the same as for the Appeals Panel (reference Appendix E).

The officer hearing the appeal may vary the disciplinary action previously taken but in no instance can the previous disciplinary action imposed be increased.

Written confirmation of the decision will be issued within 7 days of conclusion of the appeal hearing.

Following an appeal should any disciplinary action be revised, the employee will be notified accordingly and records amended. If an appeal is successful and the original disciplinary sanction is withdrawn all references to the case will be removed from the employee's personal file.

Appeals against warnings will be concluded within the relevant Directorate with two exceptions:

- Where a warning has been issued by a Director/nominated senior officer, the appeal will be heard by the Appeals Panel; and
- Where a Director has been involved in the decision to take disciplinary action against an employee within that Directorate the appeal will be heard by another Chief Officer nominated by the Chief Executive.

10.4 **The Appeals Panel**

Appeals against Punitive Disciplinary Action or against a Warning issued by a Director/nominated senior officer should be submitted in writing and preferably through a trade union, for hearing by the Appeals Panel. Appeals will be dealt with as soon as possible and normally within 28 days of receipt of the application.

The role of the Appeals Panel is to consider the case before it by reviewing and providing an independent assessment of the case. Members are required to hear, question and assess the evidence submitted from either side to reach a view which might be to uphold, reject or vary the previous decision taken by the officers within the department.

The employee must be advised in writing of the arrangements for hearing the appeal, including the right to representation. Normally representation at an Appeals Panel will be by a trade union representative or work colleague only. However, in certain limited cases an employee may be permitted to legal representation. Legal representation may be appropriate where the disciplinary action could have implications for their general employability through registration or de-registration with a professional body. If legal representation is requested this must be agreed with the Chair of the Appeals Panel at least 7 days prior to the date of the Hearing. In all cases, it is the responsibility of the employee to ensure the presence of their representative.

Together with the written notification of lodgement of the appeal, the employee or their representative should specify the grounds for the appeal and may include a brief statement of the case to be made, together with supporting documents.

The management representative shall also be invited to submit a brief statement. This should be submitted within 14 days of the date of the appeal hearing.

At least 7 days' notice of the Hearing of the Appeals Panel will be given to the parties involved and will include copies of any papers submitted by the parties.

In exceptional circumstances, if either side intends to submit or refer to any further documentary evidence, then this should be submitted to Chief Governance Officer no later than 3 days prior to the Hearing. Committee Services will ensure, where

practicable, that copies are available at the Hearing and that parties are notified of the intention to submit or refer to this further documentary evidence.

Details of the procedures adopted by the Appeals Panel will be supplied to the appellant(s) and their trade union representatives. These are set out in Appendix E.

Should the appellant fail to appear on the set date, the Appeals Panel will dismiss the appeal unless, within 7 days prior to the date of the hearing, the appellant has provided, in writing, acceptable reason why the Panel should not do so.

Where an Appeals Panel decides to revise the original disciplinary action the employee will be notified accordingly and records amended.

11. DISCIPLINARY PROCEDURES FOR CHIEF OFFICIALS AND THE CHIEF EXECUTIVE

11.1 Disciplinary Procedures for Chief Officials

11.1.1 The Chief Executive will be responsible for all matters affecting the discipline of Chief Officials, but it is recommended that, where formal disciplinary action is contemplated, they should consult with senior elected members.

11.1.2 Investigation

In circumstances where a Chief Official is suspected of misconduct or unsatisfactory work performance, the Chief Executive will carry out, or arrange for, an investigation to establish the facts. Depending on the circumstances, and to assist with the investigation, the Chief Official may be suspended on full pay, pending completion of the investigation.

11.1.3 Disciplinary Hearing

In all circumstances where disciplinary action is being considered, the Chief Executive, at the earliest opportunity, will interview the Chief Official, having advised him/her in advance of the purpose of the interview. At this interview the allegations will be put to the Chief Official, who will be given the opportunity to explain or defend himself/herself. This may be done personally or with the assistance of a representative of their choice.

The Chief HR Officer will be present as an adviser at all disciplinary interviews.

11.1.4 Disciplinary Action

Where a situation arises in relation to a Chief Official's work performance or conduct and it is considered that some form of disciplinary action should be taken, the Chief Executive will take the necessary action which may include a warning, final warning, suspension without pay, demotion, reduction in salary or dismissal.

Any disciplinary action imposed will be confirmed in writing by the Chief Executive. The letter will specify the reason for the disciplinary action, its extent, the consequences for the Chief Official of further misconduct, the right of appeal and the nominated official to whom the appeal should be submitted. The letter will be delivered to the Chief Official by hand, or by post using recorded delivery.

11.1.5 Appeals

If the Chief Official wishes to appeal, they should do so in writing to the Chief HR Officer within 14 days of receipt of notification of the disciplinary action taken.

If they are a member of a recognised trade union, the appeal should be submitted through the trade union acting on the official's behalf.

On receipt of the letter intimating an appeal, the Chief HR Officer, through the Chief Executive, will call a meeting of the appropriate Appeals Panel. Where possible, this meeting should be convened within 28 days of an appeal being submitted, although this timescale may be varied with the agreement of both parties.

Any appeal should be heard in accordance with the procedures laid down for the Appeals Panel, all such meetings of the Appeals Panel shall be taken in private session.

11.2 Disciplinary Procedures for the Chief Executive

11.2.1 Investigation

Where disciplinary action is contemplated against the Chief Executive, it is recommended that investigation of the matter should be carried out by a special Sub-Committee of the Council, with the Chief HR Officer acting as an adviser. Where it is considered necessary, the Chief Executive should be suspended on full pay, prior to the investigation commencing. This course of action will be intimated to the Chief Executive at a specially convened meeting of the appropriate Panel and be confirmed in writing to the Chief Executive by the Chief HR Officer.

11.2.2 Disciplinary Hearing

On completion of the investigation, the Chief Executive will be called to the special Panel acting as a disciplinary body, at which time the Chief Executive will be advised of the findings of the investigations and given the opportunity to comment thereon. Thereafter, the Chief Executive will be advised of the course of action which will be taken. The Chief Executive may be accompanied by a representative if they so wish. Any disciplinary action taken will be confirmed to him/her in writing by the Chief HR Officer.

11.2.3 Appeal by the Chief Executive against Disciplinary Action

Any appeal by the Chief Executive, should be submitted in writing to the Chief HR Officer within 14 days of receipt of notification of the disciplinary action taken.

The appeal will be heard by a special Panel of the Council with delegated authority to dispose of the appeal. This Panel will exclude any member of the investigating disciplinary Committee and appeals will normally be heard within 7 days of being submitted.

**DISCIPLINARY PROCEDURES –
INCIDENT REPORT FORM / RECORD SHEET (DCP REP1)**

Note: If completing by hand, please do so *clearly* and in *black ink*. If you require assistance in completing this form please contact Human Resources.

SECTION A

To be completed by the employee’s Supervisor or Manager as soon as possible following an incident, and *before* the disciplinary hearing.

EMPLOYEE DETAILS			
Name:		Directorate:	
NI Number:		Service:	
Date of Birth:		Designation:	
Home Address:		Work Location:	
Phone (Home):		Phone (Work):	
Date entered service:		Grade/Level:	
Trade Union details:			

BRIEF DESCRIPTION OF ALLEGED OFFENCE/INCIDENT:

SECTION A - CHECKLIST:	
Has the employee been advised of potential disciplinary hearing and advised of their rights?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Person Reporting Alleged Offence/Incident: (Investigating Officer)	Name: Designation:
Having considered the alleged offence/incident, do you wish to continue to a formal disciplinary hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No If YES move to Section B
Person taking this decision: (Disciplining Officer)	Name: Designation: Date:

SECTION B

To be completed *prior* to the date of the disciplinary hearing.

SUMMARY OF PREVIOUS UNEXPIRED DISCIPLINARY ACTION

Disciplinary Action	Yes/No	Date Issued	Expiry Date	Details
Oral Warning				
Written Warning				
Final Written Warning				
Suspension without Pay				
Demotion				
Reduction in Grade				
Withheld Increment				

Note: This summary should only be taken into account when deciding on the severity of the action to be taken. The current incident under investigation should be judged on its own merits.

SECTION B – CHECKLIST:

Has standard letter calling employee to the disciplinary hearing been issued?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Details of Disciplinary Hearing:	Date: Time: Disciplining Officer: HR Representative:
If the employee is a TU representative has the Full Time Official been advised?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Person taking this decision: (Disciplining Officer)	Name: Designation: Date:

Note: Sections A and B must be completed prior to the start of the disciplinary hearing and if requested the information contained therein should be made available to the employee.

SECTION C

To be completed during / immediately following the disciplinary hearing.

REPRESENTING MANAGEMENT

Name:		Designation:	
-------	--	--------------	--

ACCOMPANYING EMPLOYEE / REPRESENTATIVE

Name:	T.U./Other:	Address:	Tel No:

DETAILS OF ALLEGED OFFENCE / INCIDENT

--

EXPLANATION OFFERED BY EMPLOYEE

--

MITIGATING CIRCUMSTANCES

--

WITNESSES CALLED AT DISCIPLINARY HEARING

Name:	Status:	Address:	Tel No:

STATEMENT SUBMITTED

Name:	Status:	Address:	Tel No:

Note: Statements must be attached to this form.

SECTION D

NON PUNITIVE ACTION	Tick	PUNITIVE ACTION	Tick
No action		Suspension Without Pay	
Counselling		Demotion	
Addiction Referral		Reduction in Grade	
Oral/Warning		Withhold Increment	
Written Warning		Dismissal with Notice	
Final Written Warning		Dismissal without Notice	
Detail:			

DATE EMPLOYEE ADVISED IN WRITING**Notes:**

- a) If no disciplinary action is taken then advise employee accordingly
- b) If disciplinary action is taken then issue employee with appropriate letter (see Standard Letters)
- c) In the case of **punitive action** a copy of this completed form, together with a copy of the letter to the employee and any other relevant papers **must** be sent to Human Resources.

DISCIPLINING OFFICER

Name:		Designation:	
Work Tel:		Work Location:	
Date:		Signature:	

Note: when completed, please store securely in employees **personal** file for record purposes.

This form is used for the investigation and recording of an incident which might lead to disciplinary action. It will be securely stored in your personal file where only authorised personnel will have access to it.

SOUTH AYRSHIRE COUNCIL**Fact Finding Report
Date
Area and subject of investigation
Investigating officer(s)****1. Background**

Give a summary of the background to the investigation

2. Terms of Reference

The area and extent of the investigation

3. Method of Investigation

Describe the approach taken by the investigating officers e.g. list any witnesses interviewed and areas of records or other evidence sourced.

4. Findings

Set out the findings, supporting them with evidence from witnesses and records, attaching as appendices, copies of documents or records where relevant, and any witness statements. If there is more than one allegation, the findings should address each in turn. This section should be a detailed and balanced analysis of the evidence setting out those areas where information is supported by witness statement or other records.

5. Conclusions

The conclusions should be based on the findings as set out above. There should be no 'surprises' at this point in that the evidence and arguments will have already been presented in detail.

PROCEDURES FOR INVESTIGATIONS INTO PROFESSIONAL CONDUCT, COMPETENCE, ETC.

Situations could arise whereby it may be appropriate to have an agreed special procedure available which would enable a "Special Investigation" to be undertaken to establish the facts of an incident or complaint prior to any consideration being given to the need for disciplinary action being taken against an employee.

This area mainly concerns professional staff and is related to professional conduct or competence in the carrying out of duties in situations where it is considered advisable to have the matter investigated and a report prepared by officers qualified to do so and who have no direct involvement in the situation or with local management of the employee(s) involved. Where such a move is contemplated, the following procedures will apply:

1. Such a decision will normally rest with the Director or senior nominated officer and they should advise the Chief HR Officer of their wish to have a "Special Investigation" carried out. This may involve Internal Audit and / or Corporate Fraud Team.
2. Having discussed the situation with the Director or senior nominated officer and being satisfied that this is the proper course, the Chief HR Officer (or representative) will convene a meeting with the full-time officer or senior trade union officials of the appropriate trade union(s) together with the Director or senior nominated officer and their support staff.
3. At the meeting, the trade union(s) will be formally advised of the background to the situation and of the reasons for a "Special Investigation" being considered necessary. The union representatives will be advised of the officers nominated to undertake the investigation and asked to nominate their own Liaison Officer.
4. At this stage, the terms of reference and the scope of the investigation should be agreed with the trade union(s) and the procedures set in motion.
5. All employees to be interviewed will have the right to be interviewed in the presence of the nominated Liaison Officer or, if a member of a different union, an official of that union, if they so wish, and the union(s) will be kept advised of the progress of the investigation.
6. At the conclusion of the investigation, a report will be prepared and presented to the Director or senior nominated officer and the Chief HR Officer and arrangements made for the trade union(s) to be likewise provided with a copy.
7. A meeting will then be arranged, attended by the trade union(s) at which the content and the recommendations of the report will be discussed.
8. Where the report clearly indicates that remedial action as opposed to disciplinary action is indicated, then agreement on this should be sought with the union(s) involved and an agreed statement recorded.
9. Where, however, the findings are such as to warrant disciplinary action, then management shall indicate to the trade union(s) the course of action they propose taking and thereafter take the appropriate procedural steps in terms of the Disciplinary Procedures.
10. Thereafter, the normal disciplinary procedures, rights and privileges etc will apply together with the right of appeal, where appropriate.

FRAUD, FINANCIAL REGULATIONS AND STANDING ORDERS PROCEDURES

In line with the [Council's Anti-Fraud and Anti-Bribery Strategy](#), this section sets out the procedures to be followed where fraud is uncovered or suspected.

1. All Directors/nominated senior officers, shall make arrangements to ensure that where it is suspected or known that fraud has occurred (i.e. the misappropriation or embezzlement of monies, materials, etc, placed in an employee's charge) or a significant breach of Financial Regulations, the matter shall be reported immediately to them or the Senior Officer nominated by them for the purpose of receiving on their behalf reports concerning suspected or known defalcations or a significant breach of Financial Regulations.
2. Where a Director or nominated Senior Officer, is informed of a suspected or known defalcation or a significant breach of Financial Regulations, they shall immediately contact the Section 95 Officer requesting that an investigation be carried out. The Chief Internal Auditor with reference to the Special Investigation Procedure [Internal Audit & Corporate Fraud - Special Investigation Procedure - May 2024.pdf - All Documents \(sharepoint.com\)](#), will thereafter decide the approach that should be taken (including the requirement for a preliminary investigation), having due regard to the nature and materiality of the suspected fraud and the surrounding circumstances. It may be appropriate or necessary to involve an external expert or organisation to inform or support the special investigation.
3. On the basis of a report on the preliminary investigation from the Chief Internal Auditor, a decision shall be taken by the Director or nominated Senior Officer, in consultation with the Section 95 Officer as to whether or not the employee concerned should be removed from the workplace and found alternative work or suspended with pay pending the results of further investigation.
4. Prior to this decision being implemented, the employee concerned shall be called to an interview (accompanied if wished, by a trade union representative or work colleague) and advised of the reasons for the interview, of the decision to extend the Audit investigation and whether a removal to another work location or suspension with pay is proposed pending the completion of the investigation. (If an employee is to be suspended with pay, the Chief HR Officer must be informed).
5. If, in the course of the investigation, further interviews by Internal Audit and/or Corporate Fraud teams or other Council Officials are required with the employee concerned, the employee must be given the opportunity of being accompanied by a trade union representative or appropriate work colleague.
6. On completion of the investigation, the Section 95 Officer shall prepare a written report.
7. Where disciplinary procedures appear necessary, the Section 95 Officer shall advise the Director/nominated senior officer concerned and Chief HR Officer.
8. The Section 95 Officer and Chief HR Officer shall consult jointly with the Chief Executive on all cases of defalcation or a significant breach of Financial Regulations and advise the Chief Executive in writing on what further action they consider should be taken.
9. At the conclusion of the investigation when the findings are known and the required consultations between the Chief Executive, the Section 95 Officer and the Chief HR Officer have taken place, the employee concerned shall be called to a further interview

by the Director or the nominated Senior Officer, and advised of the broad nature of the findings and of the proposed course of action (e.g. a return to place of work and normal working, or disciplinary action).

10. In the event of disciplinary action being contemplated, the employee shall be given written information on the broad nature of the findings of the investigation. Thereafter, the employee shall be called to a disciplinary interview by the Director (or nominated Senior Officer) and may be accompanied if so wished by a trade union representative or appropriate work colleague.
11. At this disciplinary interview, the employee should be given an opportunity to answer the case before any decision is taken and thereafter the normal disciplinary procedures shall apply.
12. In cases of significant breaches of Standing Orders, the Council's Monitoring Officer should be kept fully informed. Breaches of Standing Orders that may involve financial irregularities would be investigated by applying the above procedure. Other significant breaches of Standing Orders will be investigated following the procedure for the investigation into professional conduct.

Please note:

No approach is to be made to the Police regarding defalcation except by the Chief Executive or other person acting on the Chief Executive's authority.

PROCEDURE TO BE FOLLOWED AT HEARING OF AN APPEAL AGAINST PUNITIVE DISCIPLINARY ACTION

1. There may be present at all times, the appellant, their representative and the Directorate representative.
2. A person or persons acting in an advisory capacity only to the appellant their representative or to the Directorate representative, may also be allowed to be present at the hearing provided such persons are made known to the Appeals Panel prior to the case commencing.
3. The Directorate representative will put forward its case in the presence of the appellant and their representative, and call such witness(es) as may be required.
4. The appellant's representative or the appellant (if not represented) will have the opportunity to ask questions of witnesses called by the Service.
5. The members of the Appeals Panel will then have the opportunity to ask questions of the witness.
6. The Directorate representative will have the opportunity to ask further questions to clarify points arising from questions from the appellant's representative and members of the Appeals Panel.
7. The appellant or their representative will put their case in the presence of the Directorate representative and may call any witnesses required.
8. The Directorate representative will have the opportunity to ask questions of any witnesses called by the appellant or their representative.
9. The members of the Appeals Panel will then have the opportunity to ask questions of the appellant's representative, the appellant or any witnesses called.
10. The appellant or their representative will have the opportunity to ask further questions of the witness, to make points of clarification arising from questions from the Directorate representative and members of the Appeals Panel.
11. The Directorate representative followed by the appellant or their representative will have the opportunity, if they wish, to sum up their case introducing no new material.
12. The Directorate representative, the appellant and their representative and any advisers if present, will then withdraw.
13. The Appeals Panel in the presence of the officer(s) appointed to assist the Panel, will then deliberate in private, only recalling if necessary the Directorate representative, the appellant and their representative to clarify points of uncertainty on evidence already given. If recall is necessary, **both** parties have to return even if only one of the parties is required to clarify any point.
14. The Appeals Panel will recall the Directorate representative, the appellant and their representative and announce its decision on the appeal which will be confirmed in writing.

Under the Council's Scheme of Delegation, the Appeals Panel is authorised to uphold

or reject appeals against disciplinary action or to order the varying of the disciplinary action taken. The form of the decision to be announced by the Appeals Panel will be one of the following as appropriate.

- (1) That the grounds of the appeal have been substantiated and the appeal be upheld.
- (2) That the grounds of the appeal have been substantiated in part and the appeal is upheld to the extent that
- (3) That the grounds of the appeal have not been substantiated and the appeal is not upheld.

PROCEDURES FOLLOWING THE HEARING OF A DISCIPLINARY APPEAL

1. The Chief Governance Officer (or appointee) will give the parties written confirmation of the decision taken by the Appeals panel. This will be in writing within 7 days of the hearing at which the decision was taken.
2. An employee shall be entitled to request written reasons for the decision by writing to the Chief Governance Officer within 14 days of the notification of the decision.
3. If such a request is received, the written reasons shall be given within 14 days of the receipt of the request.

Please Note:

Where the decision of the Appeals Panel is to vary the disciplinary action to a period of unpaid suspension, the duration of the suspension will be a matter for the determination of the Appeals Panel at its complete discretion having due regard to the circumstances of the case.

Where the grounds of an appeal against dismissal have been substantiated in part and the Appeals Panel varies the disciplinary action previously taken to action other than dismissal, the appellant shall be deemed to have been reinstated to the employ of the Council with effect from the date of the dismissal.

PROCEDURES FOR DEALING WITH ADDICTION PROBLEMS

The following information and procedures outlined below, apply equally to alcohol related problems, drug related problems, solvent abuse, gambling and other recognised addictions which interfere with an employee's health and/or work capability.

Employees who come to notice through normal disciplinary procedures or as the result of a decision by the Appeals Panel as possibly having an addiction problem will be offered the opportunity to seek diagnosis and treatment, if necessary, from the appropriate agencies approved by the Council.

Further information is available in the Council's Addiction Policy, here [Supporting Employees in Managing Addiction.docx \(sharepoint.com\)](#).

Those employees who:

- decline to accept the offer of referral for diagnosis and/or help and treatment;
- discontinue a course of treatment before its satisfactory completion;
- continue to return unsatisfactory levels of work performance and attendance;

will be subject to the normal and recognised disciplinary procedures.

Where an employee has work capability problems, the cause of which is known or suspected to be addiction related and where disciplinary measures have been applied or are indicated, the following procedures will apply:

1. The Head of Service (or nominated senior officer) will interview the employee in the normal course of endeavouring to rectify work performance, in the presence of a trade union representative or work colleague, if the employee so wishes.
2. The Head of Service (or nominated senior officer) will offer referral to Occupational Health through Human Resources.
3. Occupational Health Referral can be carried out as an alternative to taking disciplinary action OR, dependant on the nature of the misconduct, after disciplinary action has been applied.
4. If the employee accepts the offer of a referral to Occupational Health, the Head of Service (or nominated senior officer) will arrange a referral through Human Resources.

Occupational Health have responsibility to progress all addiction related problems in the most appropriate way depending on the support needs of the employee's individual case. This may include referral to appropriate external support agencies or a medical examination.

5. If an employee rejects the offer of referral, the next stage of the disciplinary procedures will be applied.
6. Occupational Health will issue a report confirming whether or not an addiction problem is confirmed. Occupational Health will be aware of this via the external support agencies put in place and a report will be sent through Human Resources to the Head of Service (or nominated senior officer).

If an addiction problem is confirmed, Human Resources will obtain the co-operation and agreement of the employee's department regarding any required absence from

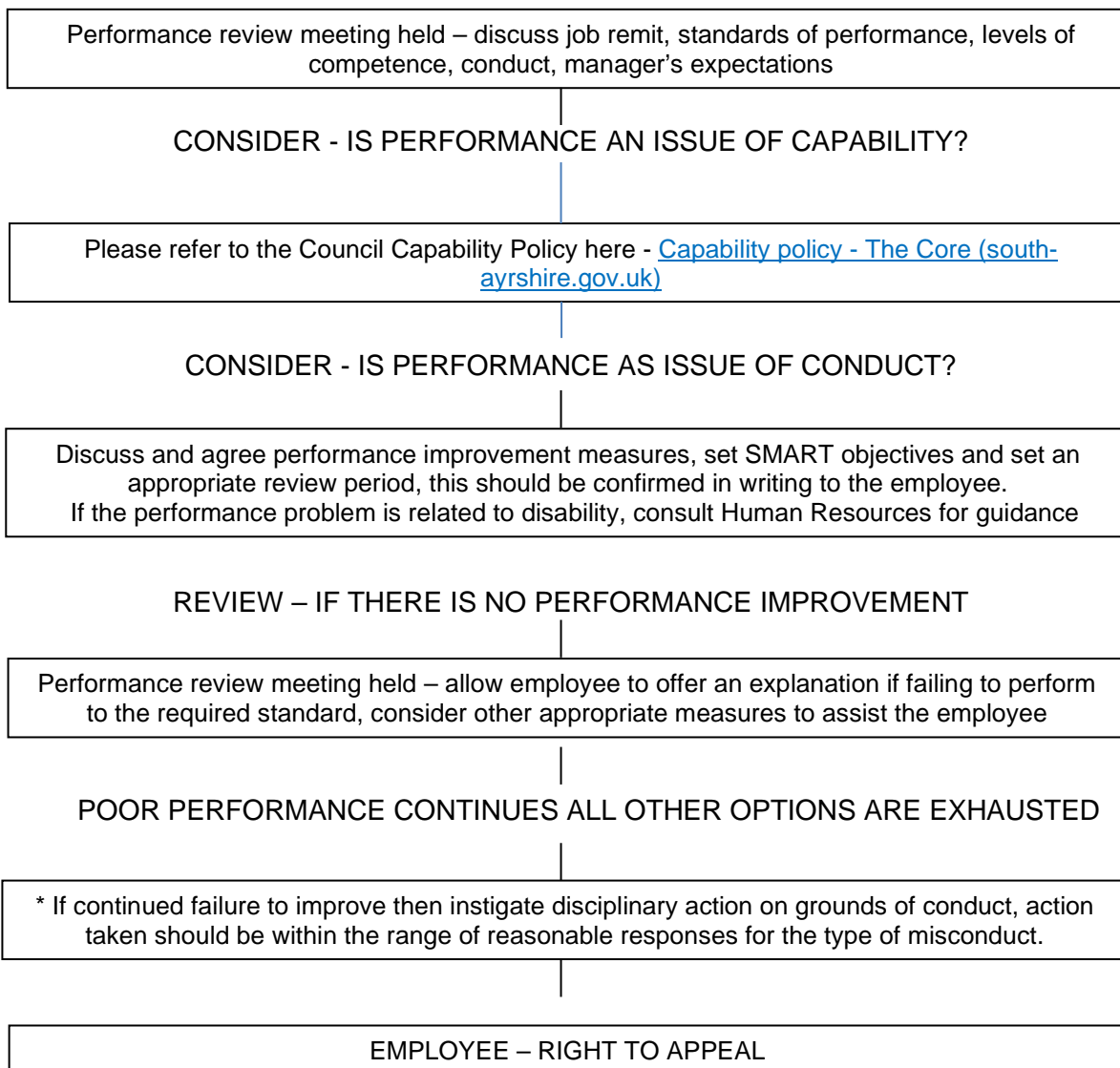
work. This could include attending appointments and/or to accommodate any other appropriate support. Where the employee co-operates and accepts the help and treatment prescribed and returns to an acceptable level of work performance and attendance the problem is then resolved.

If an addiction problem is confirmed and the employee does not co-operate with the support mechanisms put in place Occupational Health will be notified and in turn, via Human Resources, will refer the employee back to the Head of Service (or nominated senior officer).

If an addiction problem is not confirmed, the employee will be referred back to the Head of Service (or nominated senior officer) and the next appropriate stage of the disciplinary procedures applied.

7. If work performance and attendance problems continue or recur, a decision will be taken as to whether the employee should be sent for further treatment or if the next stage of the disciplinary procedures should be applied.

MANAGING PERFORMANCE – HOW TO DEAL WITH ISSUES OF POOR PERFORMANCE



* Please note the employees has the right to be accompanied/represented at disciplinary stages of the above procedure

INDEX TO STANDARD LETTERS

The following letters are for general guidance only and will require minor adjustment to take account of individual circumstances.

Performance Improvement:	Letter to employee confirming performance improvement measures
Fact Finding 1:	Letter advising employee who is the subject of an investigation
Fact Finding 2:	Letter to employee who is a witness to an investigation
Fact Finding 3:	Letter to employee advising of Special Investigation
Sign off statement:	Cover letter and sign off sheet for fact finding interview statements
DISCP 1	Letter advising employee of removal from the workplace on Full Pay pending Investigation
DISCP 2	Letter advising employee of extension to period of removal from the workplace on Full Pay
DISCP 3	Letter calling employee to Disciplinary Hearing
DISCP 4	Letter advising employee of Oral Warning
DISCP 5	Letter advising employee of Written Warning
DISCP 6	Letter advising employee of Final Written Warning
DISCP 7	Letter advising employee of period of Suspension without Pay
DISCP 8	Letter withholding increment
DISCP 9	Letter advising of Reduction in Grade
DISCP 10	Letter advising of Demotion
DISCP 11	Letter advising of Dismissal with Pay in Lieu of Notice
DISCP 12	Letter advising of Dismissal - Notice to be worked
DISCP 13	Letter advising of Summary Dismissal
DISCP 14	Addiction Clause
DISCP 15	Letter Calling employee to Appeal Hearing
DISCP 16	Letter advising employee of Outcome of Appeal - Appeal not upheld
DISCP 17	Letter advising employee of Outcome of Appeal - Appeal upheld in part
DISCP 18	Letter advising employee of outcome of Appeal - Appeal upheld

Performance Improvement: Letter to employee detailing performance improvement measures

Dear (insert name)

PERFORMANCE IMPROVEMENT

I refer to the meeting which was held on (insert date), regarding XXXXX.

Following this discussion, I would confirm that the *conduct or performance improvement expected is as follows XXXXXX, and it is expected that this improvement will take place (insert timescale) and thereafter on an ongoing basis.

Appropriate training and support will be provided as follows XXXXXX.

I will meet with you again on (insert date) at (insert time) in (insert location) to review progress.

Yours sincerely,

Manager

Copy: Personal file

Fact Finding Letter 1: Letter to employee who is subject of investigation

PRIVATE AND CONFIDENTIAL

Dear (insert name)

FACT FINDING INVESTIGATION

I write to confirm that an investigation is being undertaken into the following matter:
xxxxxxx.

I am therefore writing to ask you attend a fact finding interview on (insert date) at (insert time) in (insert location) at which you will be given the opportunity to respond to the allegation and to provide any information or names of witnesses who can support your case. Your trade union representative or work colleague may accompany you at the interview. It would be helpful if you would confirm both your attendance and the name of anyone accompanying you at the interview.

On completion of the investigation a report will be prepared for the Disciplining Officer to consider. You will be advised in due course of the outcome of the investigation and of any further proceedings which the Council may wish to instigate.

Yours sincerely,

Manager

Copy: Line Manager
Trade Union (as appropriate)

Fact Finding Letter 2: Letter to employee who is a witness to an investigation

Dear (insert name)

FACT FINDING INVESTIGATION

I write to confirm that I would like you to attend an interview with (insert name) from (insert service/Directorate) on (insert date) at (insert time) in (insert location).

The purpose of the interview is to seek your assistance with regard to an ongoing investigation and would confirm that you are not the subject of the investigation.

If you would find it helpful, a trade union representative or work colleague may accompany you. The interview should take approximately xxxxx and I would ask that you treat this request as confidential. Your line manager has been advised and will arrange appropriate time off for you to attend.

Please confirm with (insert name) that you are able to attend the meeting at the above noted time.

Yours sincerely,

Manager

Copy: Line manager
Trade Union (as appropriate)

Fact Finding Letter 3: Letter advising employee of special investigation

Dear (insert name)

Special Investigation into (insert detail)

As you are aware from your meeting on (insert date) with (insert name and job title), a Special Investigation under the Council's Disciplinary Procedure is being undertaken by (insert name) into the following matters:

- a) Insert detail
- b)
- c)

I am therefore writing to ask you to attend a fact finding interview on (insert date) at (insert time) in (insert location), where you will be interviewed to ascertain facts and information on the matters detailed above. Your trade union representative or work colleague may accompany you at the interview.

It would be helpful, if you would confirm to (insert name and contact details), both your attendance and the name of anyone accompanying you at the interview.

*I can also confirm that you will be removed from work during the Investigation and initially this will be for up to (insert number of weeks) i.e. from (insert date) to (insert date), at which point your suspension will be reviewed. Your suspension from duty is with pay and this will not be recorded on your personal record, consequently you have no right of appeal.

Since your removal from work is on full pay you are required to be available for recall to work at any time during your normal working hours. Accordingly, if you fall ill during this period, you must report this to your line manager providing the appropriate fit note from your GP. If you wish to take annual leave during the period of removal, you must seek the approval from your line manager.

On completion of the investigation, a report will be prepared for the Council's Section 95 Officer, detailing the findings. You will be advised in due course of the outcome of the investigation and of any further proceedings the Council may wish to instigate.

Finally, you are advised that you should not contact any potential witnesses to discuss the investigation as it may prejudice the outcome.

Yours sincerely,

Manager

* Call in paragraph, use if employee being removed from work during investigation

Sign off Statement: Cover letter for fact finding interview statements

Dear (insert name)

INVESTIGATORY INTERVIEW – INTERVIEW RECORD

Please find enclosed two copies of the interview record taken during our investigatory interview held on (insert date).

I would ask that you review the enclosed interview record and respond by either signing and returning or advising of any suggested variations to the document. The second copy is for your retention.

If you wish to provide additional information, please do so by including a clearly marked appendix to the interview record.

Please return your signed copies or suggested amendments to (insert name) by (insert time) on (insert date), at the above address.

I have to advise you that should you fail to respond by the above date then the Investigating Officer will progress the investigation based on the original record issued to you.

* I can confirm that a copy of the enclosed interview record has also been issued, by email, to your Representative.

Yours sincerely

Manager

* Call in paragraph, use if appropriate

Sign Off Statement Cover Sheet

INTERVIEW RECORD – date

START TIME: am **FINISH TIME:** pm

PRESENT: **Name**
 Name

This is an accurate account of the interview conducted by xxname and name on datexx .

The answers are a note of the responses provided by xxnamexx.

I, xxname and job titlexx, agree that the interview record is an accurate account of the interview that took place on xxdatexx as a result of the investigation into xx brief detail xx :

Signed:	
Name:	
Date:	

DISCP 1 - Letter to employee - removal from workplace pending investigation

Dear (insert name)

REMOVAL FROM THE WORKPLACE ON FULL PAY DURING INVESTIGATION

I refer to the meeting which was held on (insert date). In terms of the Council's Disciplinary Procedures, I have to advise you that you will be removed from the workplace with pay from (insert date) to (insert date).

The reason for your removal, is to enable the department to carry out an investigation concerning XXXXXXXX.

Your removal from duty with pay is a temporary measure which will not be recorded on your personal record, consequently you have no right of appeal.

Since your removal is on full pay, you are required to be available for recall to work at any time during your normal working hours. Accordingly, if you fall ill during this period, you must report this to your line manager in the normal manner providing the appropriate Fit Note from your GP. If you wish to take annual leave during the period of removal, you must seek the approval of your line manager to take leave in the normal manner.

You will be advised in due course of the outcome of the investigation and of any further proceedings which the Council may wish to instigate.

A copy of this letter has been forwarded to the Director (insert Directorate) and to your Trade Union (as appropriate).

Yours sincerely,

Manager

DISCP 2 - Letter to employee - extension to removal from workplace

Dear (insert name)

EXTENSION OF REMOVAL FROM THE WORKPLACE ON FULL PAY DURING INVESTIGATION

I refer to my letter dated (insert date) confirming the decision to remove you from the workplace on full pay from (insert date) to (insert date) to enable an investigation to take place concerning XXXXXXXX.

I have now to advise you that the investigation is not yet complete and consequently you will continue to be removed from duty with pay from (insert date) to (insert date) pending the outcome of the investigation.

Since your removal is on full pay you are required to be available for recall to work at any time during your normal working hours. Accordingly, if you fall ill during this period, you must report this to your supervisor in the normal manner providing the appropriate medical certificates. If you wish to go away on leave during the period of removal you must seek the approval of your supervisor to take leave in the normal manner.

You will be advised in due course of the outcome of the investigation and of any further proceedings which the Council may wish to instigate.

A copy of this letter has been forwarded to the Director (Directorate name) and to your Trade Union (as appropriate).

Yours sincerely,

Manager

DISCP 3 - Letter calling employee to disciplinary hearing

Dear (insert name)

DISCIPLINARY HEARING

In accordance with the Council's Disciplinary Procedures, you are required to attend a disciplinary hearing on (insert date) at (insert time) in (insert location).

The reason(s) for the hearing is/are XXXXXXXXXXXX.

You will be given the opportunity to explain your views on the allegations. If you wish, you may be accompanied by your Trade Union representative or appropriate work colleague.

*call in clause: The purpose of the hearing is to decide whether any disciplinary action, up to and including dismissal is appropriate.

** call in clause: You / your representative should advise me of any written submission you wish to make. A copy of the management submission is enclosed / will be sent to you / your representative prior to the hearing.

You should also advise me of any witnesses you intend to call on your behalf.

It would be helpful if you would confirm both your attendance and the name of anyone accompanying you at the interview.

Yours sincerely,

Manager

*call in clause use if disciplinary hearing is serious and could lead to the employee's dismissal.

DISCP 4 - Letter confirming oral warning

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I have to confirm that I issued you with an Oral Warning regarding XXXXXXXXXXXX.

The *conduct or performance improvement expected is as follows XXXXXX and it is expected that this improvement will take place (insert timescale).

This warning will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of six months from the date of this letter, namely until (insert date). Any further complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you.

I have to advise you that the Disciplinary Procedures entitle you to appeal to (insert name) within fourteen days of receipt of this letter if you believe the issuing of an Oral Warning to be unfair in the circumstances. If you choose to appeal, you will be given an opportunity to explain your reasons at an interview with (inset name) at which you may be represented by your Trade Union official or appropriate work colleague.

A copy of this letter has been forwarded to your Trade Union (as appropriate).

Yours sincerely,

Manager

* use as appropriate

DISCP 5 - Letter confirming written warning

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I am issuing this Written Warning to you regarding XXXXXXX.

The *conduct or performance improvement expected is as follows XXXXXX and it is expected that this improvement will take place (insert timescale).

**Your conduct/work performance has previously given cause for concern and resulted in an Oral Warning being issued to you on (insert date).

This Written Warning will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of six months from the date of this letter, namely until (insert date). Any future complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you.

I have to advise you that the Disciplinary Procedures entitle you to appeal to (insert name) within fourteen days of receipt of this letter if you believe the issuing of a Written Warning to be unfair in the circumstances. If you choose to appeal, you will be given an opportunity to explain your reasons at an interview with (insert name) at which you may be represented by your Trade Union Official or appropriate work colleague.

A copy of this letter has been forwarded to your Trade Union (as appropriate).

Yours sincerely,

Manager

* Use as appropriate

**Call in paragraph, use if appropriate where disciplinary action is still live

DISCP 6 - Letter confirming final written warning

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I am issuing this Final Written Warning to you regarding XXXXXXXX.

The *conduct or performance improvement expected is as follows XXXXXX and it is expected that this improvement will take place (insert timescale)

**Your conduct/work performance has previously given cause for concern and resulted in an Oral Warning being issued to you on (insert date) and a Written Warning being issued to you on (insert date).

This Final Written Warning will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of one year from the date of this letter, namely until (insert date). Any further complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you which may be dismissal.

***In addition, as this misconduct is serious verging on gross misconduct, should there be any repetition in the future, this Final Written Warning may be taken into account.

I have to advise you that the Disciplinary Procedures entitle you to appeal to (insert name) within fourteen days of receipt of this letter if you believe the issuing of a Final Written Warning to be unfair in the circumstances. If you choose to appeal, you will be given an opportunity to explain your reasons at an interview with (insert name) at which you may be represented by your Trade Union official or appropriate work colleague.

****A copy of this letter has been forwarded to your Trade Union XXXXXX and to the Chief HR Officer.

Yours sincerely

Manager

- * Call in paragraph, use if appropriate where disciplinary action is still live
- ** Call in paragraph, use if appropriate
- *** Call in paragraph, use if Trade Union Representative attended disciplinary hearing
- **** Use if appeal against final warning will be heard by Appeals Sub Committee i.e. warning issued by Director

DISCP 7 - Letter confirming final written warning and punitive action, suspension without pay

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I have to advise you that you have been issued with a final written warning and that you will be suspended from work without pay from (insert date) to (insert date).

The reason(s) for this action is/are XXXXXXXX.

The *conduct or performance improvement expected is as follows XXXXXX and it is expected that this improvement will take place (insert timescale)

**Your conduct/work performance has previously given cause for concern and resulted in a(n) (insert type of warning) Warning being issued to you on (insert date).

The action will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of one year from the date of this letter, namely until (insert date).

Any future complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you which may be dismissal.

***In addition, as this misconduct is serious verging on gross misconduct, should there be any repetition in the future, this action may be taken into account.

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your Trade Union, within fourteen days of receipt of this letter to the Chief Governance Officer, South Ayrshire Council, County Buildings, Wellington Square, Ayr KA7 1DR, for consideration by the Appeals Panel.

A copy of this letter has been forwarded to the Chief HR Officer and to your Trade Union (as appropriate).

Yours sincerely

Manager

* use as appropriate

** Call in paragraph, use as appropriate where disciplinary action still live

*** Call in paragraph, use as appropriate

DISCP 8 - Letter confirming final written warning and punitive action – withholding increment

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I write to advise you that you have been issued with a Final Written Warning with effect from (insert date) and payment of the increment due to you on (insert date) will be withheld.

The reason(s) for this action is/are XXXXXXXX.

The *conduct or performance improvement expected is as follows XXXXXX and it is expected that this improvement will take place (insert timescale)

**Your conduct/work performance has previously given cause for concern and resulted in a(n) (insert type of warning) Warning being issued to you on (insert date).

This action will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of one year from the date of this letter, namely until (insert date). Any future complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you which may be dismissal.

***In addition, as this misconduct is serious verging on gross misconduct, should there be any repetition in the future, this action may be taken into account.

If you consider this action to be unfair in the circumstances you may appeal in writing and preferably through your Trade Union, within fourteen days of receipt of this letter, to the Chief Governance Officer, South Ayrshire Council, County Buildings, Wellington Square, Ayr KA7 1DR for consideration by the Appeals Panel.

A copy of this letter has been forwarded to the Chief HR Officer and to your Trade Union (as appropriate).

Yours sincerely

Manager

- * Use as appropriate
- ** Call in paragraph, use if appropriate where disciplinary action still live
- *** Call in paragraph, use if appropriate

DISCP 9 - Letter confirming final written warning and punitive action - reduction in grade

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I write to advise you that you have been issued with a Final Written Warning and your grade has been reduced from (insert grade/level) to (insert grade/level) with effect from (insert date).

The reason(s) for this action is/are XXXXXXXX.

The *conduct or performance improvement expected is as follows XXXXXX and it is expected that this improvement will take place (insert timescale)

**Your conduct/work performance has previously given cause for concern and resulted in a(n) (insert type of warning) Warning being issued to you on (insert date).

This action will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of one year from the date of this letter, namely until (insert date). Any future complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you which may be dismissal.

***In addition, as this misconduct is serious verging on gross misconduct, should there be any repetition in the future, this action may be taken into account.

If you consider this action to be unfair in the circumstances you may appeal in writing and preferably through your Trade Union, within fourteen days of receipt of this letter, to the Chief Governance Officer, Chief Executives Office, South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR for consideration by the Appeals Panel.

A copy of this letter has been forwarded to the Chief HR Officer and to your Trade Union (as appropriate).

Yours sincerely

Manager

* Use as appropriate

** Call in paragraph, use if appropriate, where disciplinary action is still live

*** Call in paragraph, use if appropriate

DISCP 10 - Letter confirming final written warning and punitive action - demotion

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on XXXXXXXX. In terms of the Council's Disciplinary Procedures, I write to advise you that you have been issued with a Final Written Warning and demoted from (insert post/grade/level) to (insert post/grade/level) with effect from (insert date).

The reason(s) for the action is/are XXXXXXXX.

The *conduct or performance improvement expected is as follows XXXXXX and it is expected that this improvement will take place (insert timescale)

**Your conduct/work performance has previously given cause for concern and resulted in a(n) (insert type of warning) Warning being issued to you on (insert date).

This action will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of one year from the date of this letter, namely until (insert date). Any future complaints I receive about your conduct or work performance may result in more serious disciplinary action being taken against you which may be dismissal.

***In addition, as this misconduct is serious verging on gross misconduct, should there be any repetition of this type of misconduct in the future, this action may be taken into account.

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your Trade Union, within fourteen days of receipt of this letter to the Chief Governance Officer, South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR for consideration by the Appeals Panel.

A copy of this letter has been forwarded to the Chief HR Officer and to your Trade Union (as appropriate).

Yours sincerely

Manager

- * Use as appropriate
- ** Call in paragraph, use if appropriate, where disciplinary action is still live
- *** Call in paragraph, use if appropriate

DISCP 11 - Letter confirming dismissal (notice to be paid)

Dear (Insert Name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I have to advise you that you will be dismissed from your post of (insert post title) with effect from (insert date).

You will receive a payment of XX weeks' pay in lieu of notice and any outstanding annual leave entitlement.

The reason(s) for your dismissal is/are XXXXXXXX.

*Your conduct/work performance has previously given cause for concern and resulted in a(n) (insert type of warning) Warning being issued to you on (insert date).

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your Trade Union, within fourteen days of receipt of this letter to the Chief Governance Officer, South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR, for consideration by the Appeals Panel.

A copy of this letter has been forwarded to the Chief HR Officer and to your Trade Union (as appropriate).

Yours sincerely

Manager

* Call in paragraph, use if appropriate where disciplinary action is still live

DISCP 12 - Letter confirming Dismissal – notice to be worked

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I have to advise you that you will be dismissed from your post of (insert post) with effect from (insert date).

The reason(s) for your dismissal is/are XXXXXXXX.

*Your conduct/work performance has previously given cause for concern and resulted in a(n) (insert type of warning) Warning being issued to you on (insert date).

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your Trade Union, within fourteen days of receipt of this letter to the Chief Governance Officer, South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR, for consideration by the Appeals Panel.

A copy of this letter has been forwarded to the Chief HR Officer and to your Trade Union (as appropriate).

Yours sincerely

Manager

*Call in paragraph, use if appropriate where disciplinary action is still live

DISCP 13 - Letter confirming summary dismissal (gross misconduct)

Dear (insert name)

DISCIPLINARY PROCEDURES

I refer to the disciplinary hearing which was held on (insert date). In terms of the Council's Disciplinary Procedures, I write to advise you that you are being/have been dismissed from your post of (insert post title) in this department with effect from (insert date) on the grounds of gross misconduct.

You will not be entitled to any payment in lieu of notice however you are entitled to accrued annual leave based on the statutory minimum of 28 days pro rata, which includes public holidays already taken.

The reason(s) for your summary dismissal for gross misconduct is/are XXXXXXXX.

*Your conduct/work performance has previously given cause for concern and resulted in a(n) (insert type of warning) Warning being issued to you on (insert date).

If you consider this action to be unfair in the circumstances you may appeal, in writing and preferably through your Trade Union, within fourteen days of receipt of this letter to the Chief Governance Officer, South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR, for consideration by the Appeals Panel.

A copy of this letter has been forwarded to the Chief HR Officer and to your Trade Union (as appropriate).

Yours sincerely

Manager

* Call in paragraph, use if appropriate where disciplinary action is still live

DCP 14 - Add in clause for Addiction issues

However, as you have indicated that you may have an alcohol/drug/gambling/solvent abuse related problem and have accepted the offer of assistance offered by the Council's policy, I am holding the above mentioned disciplinary action in abeyance pending the outcome of your attendance at the appropriate helping agency and satisfactory attendance, conduct and performance at work which will be monitored during your attendance for counselling.

DISCP 15 - Letter to invite employee to Appeal Hearing

Dear (insert name)

APPEAL HEARING

I refer to your letter dated (insert date) appealing against the (insert type of warning) Warning issued to you on (insert date).

I have to advise you that, in accordance with the Council's Disciplinary Procedures an Appeal Hearing will be held on (insert date) at (insert time) at (insert location).

You will be given the opportunity to put forward your case for appeal. If you wish, you may be represented by your Trade Union representative or appropriate work colleague.

Please confirm with (insert name) that you are able to attend the appeal hearing at the above noted time.

Yours sincerely

Manager

DISCP 16 - Letter confirming outcome of Appeal Hearing - Appeal Not Upheld

Dear (insert name)

APPEAL HEARING

I refer to the Appeals Hearing which was held on (insert date) to consider your appeal against the (insert type of warning) Warning issued to you on (insert date) regarding XXXXXXX.

Following consideration of the case put forward by you and/or your representative, I have to advise you that I have decided not to uphold your appeal. In terms of the Council's Disciplinary Procedures, you have no further right of appeal against this decision.

Consequently, in accordance with the Disciplinary Procedures, the XXXXXXX Warning issued to you on (insert date) will stand and will continue to be admissible against any further misdemeanour for a period of six months/one year from that date, namely until (insert date).

A copy of this letter has been forwarded to your Trade Union (use as appropriate).

Yours sincerely

Manager

DISCP 17 - Letter confirming outcome of Appeal Hearing – Appeal Upheld

Dear (insert name)

APPEAL HEARING

I refer to the Appeals Hearing which was held on (insert date) to consider your appeal against the XXXXXX Warning issued to you on (insert date) regarding XXXXXXXX.

Following consideration of the case put forward by you and/or your representative, in accordance with the Council's Disciplinary Procedures I have decided to uphold your appeal in part, to the extent that the XXXXXXXX Warning issued to you on (insert date) will be replaced with a XXXXXXXX Warning.

This warning will be noted on your personal record and will stand to be admissible against any further misdemeanour for a period of six months effective from the date of the original letter intimating the XXXXXX Warning, namely (insert date).

Any future complaint I receive about your conduct or work performance may result in more serious disciplinary action being taken against you.

*A copy of this letter has been forwarded to your Trade Union (use as appropriate).

Yours sincerely

Manager

DISCP 18 - Letter confirming outcome of Appeal Hearing – Appeal Upheld no Further Action

Dear (insert name)

APPEAL HEARING

I refer to the Appeals Hearing which was held on (insert date) to consider your appeal against the XXXXXX Warning issued to you on (insert date) regarding XXXXXXXX.

Following consideration of the case put forward by you and/or your representative, I have to advise you that I have decided to uphold your appeal.

Consequently, in accordance with the Council's Disciplinary Procedures the XXXXX Warning issued to you on (insert date) will be expunged from your record and no written reference to the warning will be held in your personal file.

*A copy of this letter has been forwarded to your Trade Union (use as appropriate).

Yours sincerely

Manager