

WITHAM AND HUMBER DRAINAGE BOARDS

Four independent statutory Land Drainage and Flood Risk Management Authorities working in partnership.



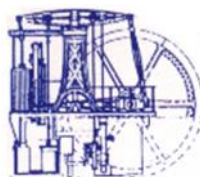
Witham First District IDB

www.witham-1st-idb.gov.uk



Upper Witham IDB

www.upperwitham-idb.gov.uk



Witham Third District

www.witham3idb.gov.uk



North East Lindsey

www.northeastlindsey-idb.org.uk

Disciplinary Policy

Background	This policy is written to promote a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
Statement	It is the policy of the 4 Boards to ensure that lawful, fair and effective arrangements exist for dealing with disciplinary matters
Responsibilities	Responsibilities of implementation and review of policy: Chief Executive, HR Lead and Line managers. This policy applies to: All staff
Training	Ultimate responsibility for ensuring the effectiveness of this policy rests with the 4 Boards. The personal commitment of every employee to this policy and application of its principles are essential. Senior Management Team and line management are responsible for implementing, supporting and guiding. Workshops are also available for managers on this policy and other supportive mechanisms. Training is available to raise awareness and reduce preconceived ideas about disciplinary and behaviours and its effect in the workplace.
Dissemination	Boards' Websites
Resource implication	Human Resource Lead, Senior Management Team, Line Management, individual staff members.
Equality & Diversity	This policy aims to meet the requirements of the Equality Act 2010 and reasonable adjustments. To ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.
	Version 3
Approval Date	Joint Services Committee 20.07.20 [review within 3 years of approval]

1. INTRODUCTION

1.1 In any organisation, it is necessary to maintain high standards of conduct if the organisation is to function in a harmonious, orderly and effective manner. It is a responsibility of all managers to ensure that these standards are communicated to team members and are fully maintained by them.

1.2 It is the policy of the 4 Boards to ensure that lawful, fair and effective arrangements exist for dealing with disciplinary matters. Usually, discipline is voluntary and self-imposed but occasionally an employee may fall short of the expected standards. The disciplinary procedure provides a consistent framework for informing employees of such shortcomings, and for developing ways of correcting the problem whenever possible.

1.3 This policy ensures that the 4 Boards have fair and effective arrangements for dealing with disciplinary matters.

2. OBJECTIVES

The objective of this policy is to ensure that:

- lawful, non-discriminatory, and effective arrangements exist for dealing with disciplinary matters
- all employees are aware of their duties and responsibilities regarding their own conduct and that of their colleagues
- managers are supported in carrying out their responsibilities for the maintenance of high standards of conduct of all employees
- standards of conduct of an individual employee are improved, wherever necessary and practicable

Witham and Humber Drainage Boards, their employees, clients and the recipients of Witham and Humber Drainage Boards' services are protected from the consequences of misconduct on the part of employees

3. RESPONSIBILITIES

3.1 Key responsibilities are outlined below for particular roles. Further details can be found in the Association of Drainage Authorities' Lincolnshire Branch's White Book of Wages and Salaries and conditions of service (ADA White Book) and ACAS Code of Practice and the ACAS Guide for Disciplinary and Grievances at work.

CHIEF EXECUTIVE/SENIOR MANAGEMENT TEAM

- Designating employees to whom formal disciplinary powers have been delegated, within the Witham and Humber Drainage Boards' scheme of delegation.
- Ensuring effective implementation and awareness of the procedure.
- Ensuring that all grievances are dealt with within appropriate timescales.
- Ensuring that all relevant information is available at each stage.

ALL EMPLOYEES

All employees have a contractual responsibility to be aware of and to conform to, the Boards' rules, policies and procedures laid down in this policy and the Code of Conduct and to attend any meetings and disciplinary hearings convened in accordance with the disciplinary policy.

MANAGERS

Managers are responsible for making sure employees are aware of the Boards' rules, practices and procedures and for applying the policy in a fair and consistent manner. They are also responsible for

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developing a culture where employees are supported and assisted in achieving the required standards of conduct.

INVESTIGATING OFFICER

An appointed investigating officer will be responsible for conducting a thorough investigation in line with the written brief, providing a comprehensive written report on completion of the investigation and presentation of that report at any subsequent disciplinary hearing. The investigating officer will be either a line manager or independent investigator.

MANAGEMENT REPRESENTATIVE

A management representative will be selected by the Chief Executive to present the management case at a disciplinary hearing and to ask questions of witnesses called.

EMPLOYEE REPRESENTATIVE

The employee representative can be a Witham and Humber Drainage Boards' work colleague, recognised trade union officer or recognised trade union representative. The representative can address the meeting or hearing in order to put forward the employee's case, sum up the employee's case and respond on the employee's behalf to any view expressed at the meeting or hearing.

WITNESSES

Witnesses may be interviewed as part of a disciplinary investigation in accordance with the procedure. Witnesses may also be required by management or employees to attend a disciplinary hearing, although written statements may be sufficient at this stage of the procedure.

WHAT IS A DISCIPLINARY MATTER?

A disciplinary matter may arise when an employee breaches Witham and Humber Drainage Boards' rules or fails to meet the required standards regarding conduct, which appears to warrant formal disciplinary action.

DISCIPLINARY RULES

The rules given below are intended to help employees to understand the standards required by the Witham and Humber Drainage Boards. Please see also the ADA White Book and the Code of Conduct, which expands further on some of these standards. No set of rules can cover all disciplinary matters and this list is therefore illustrative and not exhaustive.

➤ **Attendance at Work**

Examples of unacceptable standards:

- deliberate provision of false or misleading information on applications for employment or promotion
- failure to wear or use appropriate equipment/attire made available or necessary for the job (including PPE safety equipment), (unless exempted on the grounds of religion or belief following a risk assessment)

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- unauthorised absence, poor timekeeping, late starting, early finishing, excessive break periods
- failure to comply with sickness absence procedures
- falsification of official accounts or documents e.g. bonus, travel sheets, expense claims
- incapacity at work, due to the effects of alcohol or non-prescribed drugs

➤ **Behavior**

Examples of unacceptable standards:

- physical violence, indecent behaviour, action or language that is likely to cause offence, including racial, religious or sexual abuse, harassment, bullying or victimisation of others, including racial, religious or sexual intimidation or prejudice
- disruption of others by unruly or disorderly behaviour
- discourteous or improper treatment of members of the public, colleagues or service users
- acceptance of bribes or involvement in similar corrupt practice
- lack of integrity that would damage public confidence in the Witham and Humber Drainage Boards

➤ **Behaviour out of Work**

Examples of unacceptable standards:

- unauthorised employment, e.g. engaging in unauthorised employment during hours when contracted to work for the Witham and Humber Drainage Boards, or engaging during off-duty hours in employment that is detrimental to the interests of the Witham and Humber Drainage Boards
- engaging in political activity whilst occupying a politically restricted post, as defined in the Local Government and Housing Act 1989 (e.g. acting as a party election agent or sub-agent, failure to give notice of an intention to stand in a pending general or parliamentary by-election)
- neglect of health (e.g. activities or conduct which seriously affect your recovery during sickness)
- conviction of a criminal offence that is inconsistent with the position held by you
- Examples of unacceptable standards:
- use of the Witham and Humber Drainage Boards' time or property for personal reasons without permission
- misuse of property or equipment to which you have access through your work
- damage to or neglect of property in the course of your work theft

➤ **Neglect**

Examples of unacceptable standards:

- failure to report actual or suspected abuse of any service user/ land owner/ ratepayer/ member of the public by another member of staff
- disregard for the health and safety of others, including reckless driving or operation of vehicles, plant or equipment, and smoking in prohibited areas
- conviction of a criminal offence that is inconsistent with the position held by you

➤ **Standards of Work**

Examples of unacceptable standards:

- failure to follow operating instructions and procedures
- failure to achieve required levels and/or quality of performance, through carelessness or lack of application
- failure to carry out a reasonable instruction

N.B: It is recognised that before employees can be expected to reach appropriate standards of conduct and job performance, it is essential that Witham and Humber Drainage Boards will have provided employees with thorough training and appropriate levels of guidance and supervision.

The procedures to be used for dealing with misconduct are different from those to be used when dealing with work performance and capability. In cases of work performance and capability the Capability Policy should be used, this will include situations where employees are failing in a significant or persistent way, to carry out their responsibilities or duties in a satisfactory manner.

4. PRINCIPLES

At all stages in the formal procedure, an employee will:

- be informed of the nature of the problem or case against them
- be given a chance to offer an explanation before any decision is taken
- be given the right to be represented by a work colleague or a trade union official at any formal meeting or hearing
- be given reasonable notice of any formal meeting or hearing
- be notified of the outcome of any formal meeting or hearing in writing have a right to appeal against formal disciplinary action
- have the right to reasonable adjustment under the Disability Discrimination Act
- be always treated with dignity and respect
- be recognised as facing a situation of considerable stress, and to be treated accordingly not be judged "guilty" in advance of the conclusion of the process
- be confident of confidentiality of written and oral communication. Access to information by others on a strict "need to know" basis only expect the process to be carried out as quickly as practicable, and without undue delay

The expected timescales in which any disciplinary investigation and procedure take place are outlined in the ACAS Guide for Discipline and Grievances at Work.

5. CASES OF ALLEGED CRIMINAL ACTIVITY

A disciplinary investigation may run in parallel to a police investigation if necessary, but should not be held up by either, unless it is prejudicial to those investigations to proceed. Case law clearly indicates that it is not always necessary to await the outcome of any court hearing before deciding on disciplinary action.

Note: The Boards accept and support the principles of the Public Interest Disclosure Act 1998 – commonly referred to as the 'Whistleblowers' Charter'. For example, an employee who provides information on criminal acts, breaches of legal obligations, health and safety dangers, environmental risks and related cover ups will have the right not to be dismissed or victimised for speaking out on such malpractice.

6. SUSPENSION

Please see ACAS Guidance on Suspension for detail.

7. POSSIBLE OUTCOMES

The Disciplinary Procedure allows for the following penalties to be applied:

8. No Further Action

There is no case to answer, or that the employee is not blameworthy.

9. Management Action

Where the alleged offence is proved but an informal reprimand is an appropriate outcome.

Verbal Warning

- Where the employee has committed a minor act of misconduct where no other active warnings of disciplinary have been recorded.
- The warning will be confirmed in a letter and will set out the nature of the misconduct, the acceptable standards required and the likely consequence of further misconduct.
- A record of the verbal warning will be placed on the personnel file and will remain active for six months from the date it is given, after which time it will normally be disregarded. Conduct will be reviewed at the end of this period and decisions made regarding extension of the active period.

10. First Written Warning

Where the conduct of the employee has fallen below acceptable standards and informal guidance has not resulted in sufficient improvement or,

Where the offence is sufficiently serious to justify an immediate formal sanction. This is the first stage of the disciplinary procedure and will be active for 6 months and will be regarded as live on the employees file for between 6 to 12 months if the Board decide to extend the period if sufficient improvement has not been demonstrated.

11. Final Written Warning

Where the conduct of the employee continues to be significantly below acceptable standards, and previous live warning(s) have not resulted in sufficient improvement, or where the offence is so serious that a first and final warning is appropriate, or where dismissal was a clear possibility, but significant mitigating circumstances were accepted.

The warning will remain active for 12 months and will be regarded as live for between 12 to 24 months if the Board decides to extend the period if sufficient improvement has not been demonstrated.

All warnings will be confirmed in writing and will include:

- A clear statement of the unsatisfactory conduct or behaviour

- The level of the warning
- The length of time it will remain live
- The required level of improvement (in measurable terms)
- The consequences of no improvement in conduct or behaviour
- The right to appeal

12. Transfer

In conjunction with any of the above sanctions and where it is agreed that it is not reasonable for the employee to return to their substantive post, in discussion with the employee a move to another post could be considered though not a right of employment. The written confirmation of such action will normally be accompanied by an appropriate level of written warning.

13. Dismissal

Dismissal will occur where there has been gross misconduct or where the employee has a final written warning and further misconduct, or unsatisfactory conduct has taken place.

14. Dismissal with contractual notice

Unless an employee is dismissed for gross misconduct, he/she will receive the appropriate period of notice.

15. Summary dismissal

Actions of gross misconduct will, except in the most exceptional circumstances, justify dismissal without notice. It will only be applied where there has been a serious breach of trust and confidence and the 4 Boards can no longer tolerate the employee's presence at work.

Examples of Gross Misconduct include:

- Abuse or harassment of a member of the public
- Fighting or physical violence at work
- Fraud or serious theft
- Serious personal harassment or bullying
- Malicious damage to the property of colleagues, clients, Witham and Humber Drainage Boards or members of the public
- Serious breach of health and safety regulations
- Corrupt practice
- Conviction of a serious criminal offence that is inconsistent with the position held by the employee

This list is neither exclusive nor exhaustive

All dismissal notices will include:

The reasons for the dismissal

The date on which the employment will terminate. The right of appeal

16. APPEALS

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An employee has the right to appeal against any formal disciplinary action taken against him/her under this procedure. Appeals can be raised by employees on various grounds, for instance undue severity or inconsistency of the penalty.

If an employee wishes to appeal, the ACAS Appeals Process will be followed.