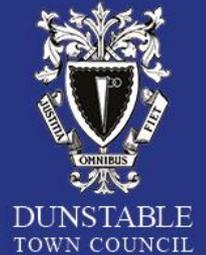


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Paul Hodson, Town Clerk and Chief Executive

Date: **Friday, 27 February 2026**

Dear Councillor,

A meeting of the **Personnel Sub-Committee** will be held on **Thursday 5 March 2026**, at **Grove House** in the **Council Chamber** at **7 pm**.

Please see the below QR code to access the full agenda:



Yours faithfully

Paul Hodson
Town Clerk and Chief Executive

Members are reminded when making decisions that the Public Sector Equality Duty 2010 requires Members to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act, advance equality of opportunity between people who share a characteristic and those who don't, and to foster good relations between people who share a characteristic and those who don't.

To: All Members of the **Personnel Sub-Committee**:
Councillors Matthew Neall, Richard Attwell, Nicholas Kotarski, Peter Hollick, Johnson
Tamara and Sally Kimondo

AGENDA

083/26 To Appoint a Vice-Chair for the remaining period of this municipal year

084/26 Apologies for Absence

085/26 Declarations of Interest

086/26 To approve as an accurate record the Minutes of the Meeting of the Personnel Sub-Committee held on 15 January 2026

087/26 HR Summary

088/26 Policy Updates

089/26 Exclusion of the press and public

RECOMMENDED In terms of Schedule 12A, Local Government Act 1972, the following items will be likely to disclose exempt information relating to establishment and contractual matters and it is, therefore, RECOMMENDED that pursuant to the provisions of the Public Bodies (Admissions to Meetings) Act 1960 the public and press be excluded.

090/26 Personnel Matters

Verbal update of any recent personnel or staffing matters.

091/26 Date of the Next Meeting

Thursday 4 June 2026

DUNSTABLE TOWN COUNCIL

MINUTES OF THE MEETING OF PERSONNEL SUB-COMMITTEE

**HELD AT THE COUNCIL CHAMBER, GROVE HOUSE, HIGH STREET NORTH,
DUNSTABLE**

ON THURSDAY 15 JANUARY 2026 FROM 7 PM

Present: Councillors Richard Attwell (Deputy Town Mayor), Nicholas Kotarski (Chair), Peter Holick and Matthew Neall

In Attendance: Paul Hodson – Town Clerk and Chief Executive
Kelley Hallam – HR & Payroll Manager

Public: Nil

015/26 APOLOGIES FOR ABSENCE

Apologies were received from Councillor O’Riordan

016/26 SPECIFIC DECLARATIONS OF INTEREST

None

017/26 MINUTES OF THE MEETING OF 6 NOVEMBER 2025

RESOLVED: The Minutes of the meeting of the Personnel Sub-Committee held on 6 November were approved as a correct record and were signed by the Chair.

018/26 HR SUMMARY

Members received an update on HR matters including staffing, sickness, people management, enhanced benefits and improvement projects.

Members noted the new Induction Form and process and the changes that affected the Council now that the Employment Rights Bill had become law.

019/26 DESIGNATED SAFEGUARDING LEAD STRUCTURE

Members considered the proposal to amend the Designated Safeguarding Lead structure from two leads and two deputies, to one lead and three deputies.

The proposal recommended that the Town Clerk and Chief Executive be the Designated Safeguarding Lead and the Head of Community Services, the Youth and Community Manager and the Senior Neighbourhood Development Officer be Deputy Designated Safeguarding Leads.

RESOLVED: to recommend to the Finance and General Purposes Committee that the Town Clerk & Chief Executive be the sole Designated

Safeguarding Lead, supported by three Deputy Safeguarding Leads.

020/26 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: In terms of Schedule 12A, Local Government Act 1972, the following item will be likely to disclose exempt information relating to establishment and contractual matters and it was, therefore, AGREED that pursuant to the provisions of the Public Bodies (Admissions to Meetings) Act 1960 the public and press be excluded.

021/26 HONORARIUM

Members considered a proposal for an honorarium payment.

RESOLVED: to recommend to the Finance and General Purposes Committee that a non-consolidated honorarium payment be recommended for approval by the Finance and General Purposes Committee as per the report provided.

022/26 YOUTH AND COMMUNITY NEW STRUCTURE

Members considered the proposal for a new staffing structure within the Youth and Community Services.

RESOLVED: to recommend to the Finance and General Purposes Committee that the proposed new staff structure for post 31 March 2026 be approved.

023/26 PERSONNEL MATTERS

The Chair verbally updated the Committee on items discussed at the Senior Management Team meeting he had attended on 7 January 2026.

The Town Clerk and Chief Executive gave a verbal update on various personnel and staffing matters. An update was also given on the plan for the recruitment of a Head of Grounds and Environmental Services. This included details of the recruitment and selection process and the exit plan including handover and cover while the position was vacant.

RESOLVED: that the interview panel would consist of the Town Clerk and Chief Executive, a representative from Council HR and Governance Support and three Councillors, being the Mayor, the Chair of the Finance and General Purposes Committee and the Chair of the Grounds and Environmental Services Committee, or the deputies of these roles if necessary.

024/26 DATE OF NEXT MEETING

The next meeting will be held on Thursday 5 March 2026.

Meeting closed at 19.57

DUNSTABLE TOWN COUNCIL

PERSONNEL SUB-COMMITTEE

THURSDAY 5 MARCH 2026

HR SUMMARY

Purpose of report: For information

1. STAFFING

- 1.1. Dunstable Town Council currently employs 71 staff.
- 1.2. Of these staff, 48 have permanent contracts, 4 have fixed-term contracts and 19 are casual workers.
- 1.3. 37 employees are full-time; 15 employees are part-time.
- 1.4. The Council is currently recruiting for two part-time sessional youth workers. The posts were initially advertised internally first, with one candidate applying. The second post is now being advertised externally.
- 1.5. The recruitment process for the position of Head of Grounds and Environmental Services is now complete. The candidate has accepted the position and has confirmed a start date of 27 April 2026.

2. SICKNESS

- 2.1. We have had no official occurrences of long-term sickness since the last meeting, but we are aware that one current absence is likely to lead into a long-term absence. Currently the service area affected are making arrangements for cover during this period.

3. PEOPLE MANAGEMENT

Engagement

- 3.1. Quarterly All-Staff meeting dates have been set for the year. These are held on 2 different days, at 2 different times and 2 different venues to enable as many staff to attend as possible. We also record one of the sessions and share this on MS Teams to allow anyone who was unable to attend in person to view it.
- 3.2. The first meetings for 2026 are due to be held on the 9 and 13 March.
- 3.3. The HR & Payroll Manager is holding a HR Drop-In Session on 5 March. The session is to encourage staff to come and discuss any queries relating to HR or

personnel matters informally. If successful, the plan is to hold on a quarterly basis at various council venues.

- 3.4. The HR & Payroll Manager is proactively trying to improve engagement using MS Teams, celebrating staff wins, sharing news and sending reminders.

Training

- 3.5 The training budget for this year has been mostly allocated. The HR & Payroll Manager will now ensure the completion and recording of the training that has been allocated.

- 3.6 Mandatory training for next year is being planned. This includes fire safety, DSE, COSHH and first aid.

Health and Wellbeing

- 3.7 As well as a HR Drop-In session, a Walk 100 Miles in March activity has been set up. 12 staff have signed up so far, with some working as a team. Lunchtime walks will be planned through the month.

- 3.8 As part of the Great British Spring Clean, a staff litter pick is being organised for the end of March.

- 3.9 Due to the success of the previous event, another Men’s Mental Health session is also being arranged.

4. ENHANCED STAFF BENEFITS

Stream (Formerly Wagestream)

- 4.1. 25 eligible staff are currently enrolled to use Stream to enable them to access their wages early. A breakdown of how they are using the app can be found below:

	Budgeting	Saving	Flexible Pay	Education
August	15	11	8	0
Sept	17	10	6	0
Oct	13	10	6	0
Nov	11	10	7	0
Dec	12	11	6	0
Jan	15	13	8	0

Vivup

- 4.2. 27 eligible staff are currently registered to use the Vivup app. There are currently 15 active orders from the Home & Electronics option, where household items are purchased, and repaid monthly, interest free, directly from their wages.

- 4.3. After approval from Committee, the Home & Electronics scheme will change to a salary sacrifice scheme from 1 April 2026. This would mean staff would make savings on tax, national insurance and pension payments on repayments for any purchases they make. It would also mean that the Council would make savings on these staffing oncosts as well. Staff with current orders will be notified of how this change will affect them.

Octopus Electric Vehicles

- 4.4. Two electric vehicles have now been leased via the scheme.

5. IMPROVEMENTS AND PROJECTS

- 5.2 The HR & Payroll Manager is currently updating the exit procedure to ensure that it is robust and provides useful information rather than a tick-box exercise.
- 5.3 The Employment Rights Bill has now become law. Amendments to Council policies will need to be made for changes being introduced in 2026. New policies for Council Uniform and Tipping are currently being researched and drafted. Other amendments will be recommended to Members once full guidance is provided by the government.
- 5.5 Work has started on collating the information for the Complete Benefits Package letter that will be provided to all staff in April.

6. APPENDICES

- 6.1 None

7. BACKGROUND PAPERS

- 7.1 <https://www.acas.org.uk/employment-rights-bill>
- 7.2 <https://www.gov.uk/government/publications/employment-rights-bill-factsheets>

8. AUTHOR

Kelley Hallam – HR & Payroll Manager
Kelley.hallam@dunstable.gov.uk

DUNSTABLE TOWN COUNCIL

PERSONNEL SUB-COMMITTEE

5 MARCH 2026

POLICY UPDATES

Purpose of Report: For Members to recommend the approval of recommended proposals to the Finance and General Purposes Committee and Full Council.

1 RECOMMENDATIONS

- 1.1 That the amended Grievance and Disciplinary policies be recommended for approval by the Finance and General Purposes Committee.
- 1.2 That Members recommend to Full Council that, where possible, membership of the Personnel Sub-Committee remain constant for the whole of the elected term.
- 1.3 That the Finance and General Purposes Committee be recommended to decide that members of the Personnel Committee be asked to attend HR training within three months of taking up the role.
- 1.4 That the Finance and General Purposes Committee be recommended to agree that the Council's staff awards scheme be extended to volunteers.

2 BACKGROUND

- 2.1 The Grievance and Disciplinary policies were first adopted by Dunstable Town Council in July 2006.
- 2.2 Both original versions of the policies made reference to the Chair of Finance and General Purposes (Leader of the Council).
- 2.3 The Personnel Sub-Committee was established in 2012.
- 2.4 The HR and Payroll Manager position was created by the Council in April 2024.

3 POLICY DETAILS

- 3.1 Both policies have been in place for a number of years and have been reviewed by the Council's HR consultant company and/or officers on an annual basis, but it has recently been noted that both policies in relation to complaints against the Town Clerk and Chief Executive, refer to the Chair of Finance and General Purposes, which historically was always held by the Leader of the ruling party.
- 3.2 At the time of the adoption of these policies, there was not a Personnel Sub-Committee but current members of the Personnel Sub-Committee suggested that in relation to matters of personnel and HR, that the Chair of the Personnel Sub-

Committee would be more appropriate, and that the Chair would also need to consult with the Town Mayor and Deputy Town Mayor.

- 3.3 The policies have therefore been updated to specify this and to also include notifying the HR & Payroll Manager of any potential grievance or disciplinary actions to ensure that consistent and correct procedures are carried out.

4 PERSONNEL SUB-COMMITTEE

- 4.1 Currently, there is a change of Chair and membership of the Personnel Sub-Committee each municipal year which can cause continuity issues. It is therefore recommended that, wherever possible, the membership of the Personnel Sub-Committee remains constant for the duration of the elected term.

- 4.2 The Council is now able to access HR training for councillors. It is recommended that following the next election HR training is made available to all councillors, and that members of the Personnel Committee are asked to attend the training within three months of taking up the role.

5 CELEBRATING VOLUNTEERS

- 5.1 The Council's Staff Award Scheme enables employees to recognise colleagues who demonstrate exceptional performance aligned to the Council's Corporate Priorities or the Council's Values and Behaviours. Awards take the form of a small non-monetary gift up to £25, purchased by the nominator and approved by a Head of Service or the Town Clerk and Chief Executive. It is proposed that the Staff Award Scheme be extended to include volunteers. Recognition would also be based on contributions aligned to the Corporate Priorities or Council values. The scheme would amend slightly to clarify that awards carry no implication of employment status. A £25 non-monetary gift cap would remain.

6 FINANCIAL IMPLICATIONS

- 6.1 The cost of training and the extension of the award scheme would be met from existing budgets.

7 POLICY AND CORPORATE PLAN IMPLICATIONS

- 7.1 The recommendations accord with the Council's objective of 'continuing to improve the organisational management and efficiency of the Council'.

8 HEALTH AND SAFETY IMPLICATIONS

- 8.1 None

9 HUMAN RESOURCE IMPLICATIONS

- 9.1 Requesting Members of the Personnel to attend HR training would increase the Council's ability to make appropriate HR decisions.

10 LEGAL IMPLICATIONS

- 10.1 Employment Rights Act 1996

11 EQUALITIES & DIVERSITY

9.1 None

12 APPENDICES

12.1 Appendix 1: Draft Grievance Policy

12.2 Appendix 2: Draft Disciplinary Policy

13 AUTHOR

Kelley Hallam, HR & Payroll Manager

E-mail: Kelley.hallam@dunstable.gov.uk



GRIEVANCE PROCEDURE

Policy Statement

Dunstables Town Council recognises that if an employee has a grievance relating to their employment, they have the right to express it.

The Council is committed to resolving employees' problems or concerns about their work, working conditions or working relationships promptly. This grievance procedure is a mechanism for these issues to be dealt with fairly and speedily, before they develop into major problems.

This following procedure has been agreed by the Council and recognised Trade Unions.

This grievance procedure applies to all employees of the Council, and it is the ultimate responsibility of the Town Clerk and Chief Executive, along with all line managers, to promote and maintain the standards set out.

Scope

This procedure is to be used in all cases where employees wish to raise a grievance against the Council.

Exclusions

The Grievance Procedure should not be used to complain about issues which do not directly relate to, or impact on, you and your work/ working environment.

The Grievance Procedure should not be used to complain about disciplinary action, or reasonable action taken under the capability procedure. Any such complaints should be dealt with under the relevant appeal procedure.

This procedure does not apply to appeals against the grading of a post. In addition to this, appeals relating to the Local Government Pension Scheme, income tax, National Insurance matters, which are all outside the scope of the Council and for which separate external statutory appeal mechanisms apply.

The Procedure in Operation

Stage One - Informal

An employee should discuss any matter relating to their employment (other than those excluded above) with their line manager. In most cases a solution can be agreed informally. If their line manager is the source of the employee's complaint they should discuss the

matter with the next level of management above them (i.e. the manager's manager) or the HR & Payroll Manager.

The officer who received the complaint will consider the issue and reply orally to the grievance as soon as possible, in any case within seven working days. It should be noted that in the event of a grievance against the Town Clerk and Chief Executive the matter should be discussed with the Chair of Personnel Sub-Committee, who will then consult with both the Town Mayor and the Deputy Town Mayor.

Stage Two - Formal

If the employee is dissatisfied with the oral reply, they should write to the Town Clerk and Chief Executive or their nominated representative (who will be another officer from the Council's Senior Management Team) to consider the grievance. The employee can seek support in doing so from their Trade Union representative if desired.

The HR & Payroll Manager should be promptly notified of any grievance's received.

Within seven days of their receipt of the letter, the Town Clerk and Chief Executive or their nominated representative will write to the employee inviting them to attend a formal grievance meeting.

At the grievance meeting the employee can be accompanied by their trade union official or by a work colleague of their choice. Both sides (where appropriate) will have the opportunity to speak and present their information. Every effort will be made to resolve the matter by discussion between the parties.

Following the grievance meeting the Town Clerk and Chief Executive or their nominated representative will examine the facts of the case and will obtain additional guidance and information from any source they consider relevant. The Town Clerk and Chief Executive or their representative's decision will be given to the employee orally, as quickly as possible and normally within seven days of hearing the grievance. Whilst every effort will be made to deal with the grievance as speedily as possible, if further investigation is needed, delays may occur in some cases. Where extended delays do occur, the Town Clerk and Chief Executive or their representative should keep the employee informed as to the reasons and the likely date of the investigations being completed.

The employee should receive written confirmation, from the Town Clerk and Chief Executive or their representative, of their decision within one week of the decision first being given orally.

Stage Three - Appeal

If the employee continues to be aggrieved in respect of their original complaint after they have been informed of the Town Clerk and Chief Executive or their representative's decision they (or their trade union representative) should write to the Town Clerk and Chief Executive requesting for the matter to be considered by the Member Appeal's and Appointments Sub-Committee.

A meeting of the Appeal's and Appointments Sub-Committee will be convened at the earliest opportunity ensuring the employee is given seven days' notice of the meeting.

At the appeal meeting the employee may appear in person and be either represented by their trade union representative or by a colleague of their choice. The procedure used at the appeal meeting will follow, as far as practical, Schedule C of the Local Disciplinary Procedure.

After examination of the grievance, the Appeal's and Appointments Sub-Committee may choose to uphold the appeal, reject it, or amend the decision of the Town Clerk and Chief Executive (or his representative).

The employee should receive written confirmation (from the adviser to the Appeal's and Appointments Sub-Committee) of the Committees decision within seven days of the decision being made. Copies will also be sent to HR and your trade union representative (if requested)

The decision of the Appeal's and Appointments Sub-Committee is final, and the Town Council's Grievance Procedure ends here.

Any appeal is not intended to be in substitution for, or prejudicial to, employees' rights of appeal to an Employment Tribunal. However, apart from initial registration, Employment Tribunals usually satisfy themselves that internal appeal procedures have been exhausted before they entertain cases referred to them.

Provision of Advice

At all stages of this procedure the HR & Payroll Manager or the Town Clerk and Chief Executive will provide, upon request, advice on the implementation of this policy.

Training

Those responsible for using and operating the grievance procedure will be trained for the task.

Review

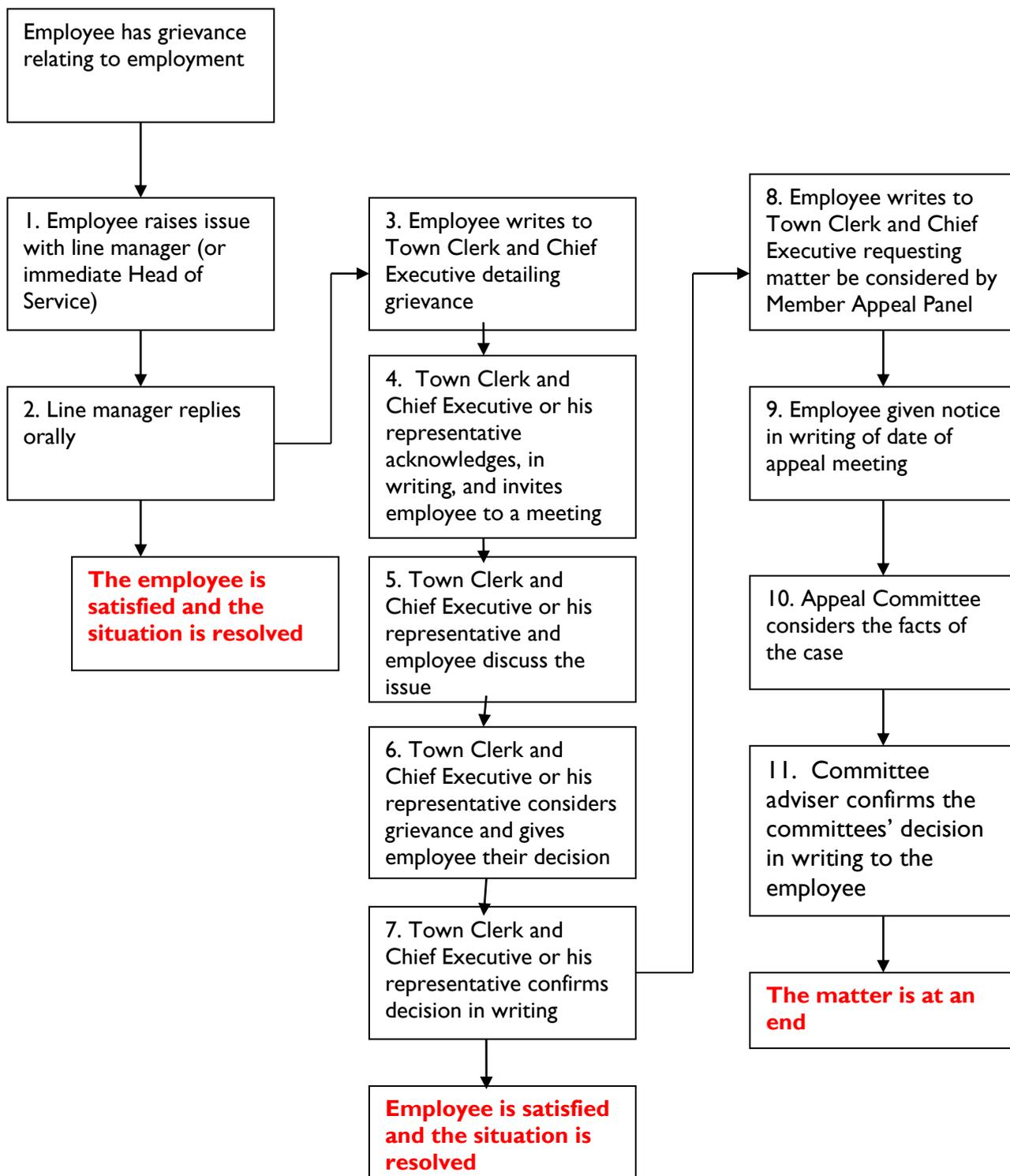
This policy will be reviewed annually, or more frequently if there are changes to legislation or situations demand it.

Additional Note

If the source of the employee's grievance is an elected member of the Council, stages one and two should be followed as set out above. However, the member in question should not be part of the committee considering the case.

The time scales set out within this policy will be appropriate in most situations. However, where timescales are varied it is necessary to remember a grievance should be heard within a 'reasonable' time.

SUMMARY OF LOCAL GRIEVANCE PROCEDURE





DISCIPLINARY PROCEDURE

POLICY STATEMENT

Dunstables Town Council is committed to encouraging all employees to achieve and maintain high standards of conduct, attendance and job performance. This Disciplinary procedure has been developed to help promote orderly employment relations as well as fairness and consistency in the treatment of individuals.

The Council and its staff will be guided by the principles of natural justice and the requirements of relevant legislation in dealing with disciplinary situations.

The Council recognises that good management can prevent the development of potential disciplinary problems. On those occasions where there is a need to consider disciplinary action this procedure will be used by line managers to support employees to correct inappropriate conduct or unacceptable levels of attendance or performance within a clear procedural framework.

This disciplinary procedure applies to all employees of the Council, and it is the ultimate responsibility of the Town Clerk and Chief Executive, along with all line managers, to promote and maintain the standards set out.

GENERAL REQUIREMENTS

This procedure takes account of the ACAS Code of Practice on Disciplinary and Grievance Procedures that came into effect on 11 March 2015.

It is crucial to inform the HR & Payroll Manager promptly about any potential disciplinary action.

It should be noted that in the event of disciplinary action against the Town Clerk and Chief Executive the words "Town Clerk and Chief Executive" should be replaced by "Chair of the Personnel Sub-Committee" in the following procedures. The Chair of the Personnel Sub-Committee shall consult with the Town Mayor and Deputy Town Mayor on any matters that are reported.

INFORMAL ACTION

Prior to initiating a formal disciplinary procedure, efforts should be made to address the issue informally where possible. Instances of minor misconduct are often best managed through a confidential one-to-one meeting between the employee and either their line manager or the HR & Payroll Manager.

During this meeting, the employee may be provided with guidance, support, and additional training as appropriate to facilitate the achievement of required standards. All informal advice and guidance should be documented in writing to the employee, clearly outlining the necessary improvements and the expected standards of conduct moving forward.

However, where the matter is more serious, there are repeat or multiple allegations or informal action has not brought about the necessary improvement the following procedure should be used.

1. Scope

1.1 This procedure applies to all employees of Dunstable Town Council.

1.2 This procedure should only be used where problems cannot be resolved informally.

1.3 This procedure is to be used in all cases where misconduct warrants disciplinary action.

1.4 In cases of poor performance, this procedure will only be used once an employee has been referred from the Council's formal Capability Procedure.

1.5 The procedure does not apply to cases of genuine sickness absence unless there is a reason to suspect neglect of duty, dishonesty or non-compliance with procedures or related rules.

2. Exclusions

2.1 This procedure does not apply where employment has terminated in respect of redundancy, permanent ill health, some forms of incapacity, or an incident/a situation that makes the continued employment impossible for reasons other than conduct or capability.

2.2 In addition, day to day supervision of employees is outside the procedure's scope. For examples, there will be occasions when it is appropriate for employees' deficiencies to be discussed with them as part of normal supervisory arrangements and without recourse to the formal procedures. However, if the discussions fail to produce improvement employees will be made aware that the next step could be to formal disciplinary action being taken.

3. The Procedure in Operation

3.1 In order to establish the need for disciplinary action it will normally be necessary to formally investigate a situation giving rise to concern. Employees, accompanied in accordance with paragraph 3.5 (f) below, may be asked by appropriate officers to respond to questions raised with, or statements made to, them in connection with the preparation of papers for any disciplinary actions that may prove necessary.

3.2 If it is necessary to suspend employees pending investigation and action, this will be at full pay (i.e. contractual entitlement). Where an employee, when suspended, is receiving less than full pay (or no pay at all) under the terms of their contract of employment that entitlement (or lack of it) of less than full pay shall continue for the period of suspension.

3.3 Where an employee goes on sick leave during a period of suspension, the provisions relating to sick leave and pay will apply.

3.4 It may be necessary for the appropriate officers to interview and take statements from witnesses and to request them to attend a subsequent disciplinary hearing in support of their evidence.

3.5 If disciplinary action is proposed employees will be informed in writing of:

- a) the nature of the misconduct
- b) the date, time and place for any hearing (no less than three working days' notice shall be given)
- c) the name of the Head of Service hearing the case
- d) the name(s) of the officer(s) stating the case
- e) the right to produce written statements. Any written statements produced by the parties shall be circulated to such parties and to the person hearing the case in advance of the hearing
- f) the rights to state their case, to produce witnesses and to be represented at all stages by a trade union official or work colleague of their choice.

3.6 A Head of Service or the Town Clerk and Chief Executive, (who has not been involved with the investigation, other than in exceptional circumstances), will hear the case along the general lines of the procedure at schedule B.

3.7 All Written Warnings as a result of the hearing will be issued to explain:

- a) the nature of the misconduct
- b) the stage reached in the procedure
- c) what is expected for the future, any period not normally less than three months nor exceeding twelve months over which improvement must take place, and whom employees should contact if they require assistance
- d) what will happen if the matter proceeds to the next stage
- e) the appeal rights and the time limit thereon, and how the appeal should be made.

Employees shall be required to sign and return one copy of any such document to acknowledge receipt.

3.8 The procedure provides for employees to try to improve their conduct. Exceptions are some cases of established gross misconduct, where unless there are exceptional circumstances dismissal without notice or pay in lieu of notice will take place (see Schedule A for examples of conduct which could constitute gross misconduct) or where a Final Written warning has been unsuccessful.

3.9 Where employees are subject to a probationary period of service, matters of capability, competence and general suitability for the job will be assessed in accordance with the Council's Probationary Procedure.

3.10 If employees have personal or domestic difficulties, or if the problem is caused by something beyond the employees' control, the Head of Service will offer such assistance as they feel is appropriate in the circumstances.

3.11 The formal warning will be live on file for the period set out in the disciplinary warning letter (usually 12 months) and further instances of misconduct will not lead to an automatic progression to the next stage (as described below) after this period.

4. Formal Stages

4.1 First Written Warning (First Formal Action) – Where an employee’s misconduct, warrants formal disciplinary action, or where normal day-to-day management interventions have not brought about the necessary improvements in the employee’s conduct, a First Written Warning will be issued within seven calendar days of the hearing and will include the information required by sub-paragraph (a) to (e) of paragraph 3.7. A First Written Warning shall be recorded on the employee’s personal file.

4.2 Final Written Warning – Where an employee’s misconduct gives further cause for concern, or where the matter is considered very serious but short of gross misconduct, a Final Written Warning may be issued by the Head of Service. This will be within seven calendar days of the hearing and will include the information required by sub-paragraph (a) to (e) of paragraph 3.7. It will contain a clear indication that any further offence (subject to investigation in line with paragraph 3.1 of this procedure) may lead to dismissal. A Final Written Warning shall be recorded on the employee’s personal file.

4.3 Dismissal – If the issuing of Written Warnings does not bring about stipulated improvements, the employee will be required to attend a further disciplinary hearing and, unless there are exceptional circumstances, will be dismissed subject to the appropriate notice period. Details of the reason for dismissal and appeal rights will be included in the letter of dismissal, which will be issued within seven days of the hearing.

4.4 Gross Misconduct – Except in very exceptional circumstances, if the situation is considered sufficiently serious the employee will normally be suspended forthwith (which will be confirmed in writing) on full pay pending necessary investigations. If a disciplinary hearing is subsequently held, the provisions of paragraphs 3.5 and 3.6 will apply. Except in exceptional circumstances, if after investigation and disciplinary hearing, it is believed that gross misconduct is established, dismissal without notice or pay in lieu of notice will follow.

5. Appeals

5.1 Employees have the right of appeal against any disciplinary decision notified to them.

5.2 Appeals against dismissal shall be to an Elected Member Appeal Panel. Appeals against Written Warnings shall be heard by a Head of Service uninvolved in the disciplinary investigation or hearing or by the Town Clerk and Chief Executive.

5.3 The employee must log their appeal, in writing, with the Town Clerk and Chief Executive within fourteen calendar days of the date of the letter informing them of the decision.

5.4 Employees shall have the same rights of representation at appeals as for disciplinary hearings.

5.5 Where the appeal is against dismissal, the date of the appeal hearing shall be no later than four weeks after the date of the registration of the appeal. Parties to an appeal will be

notified of the hearing date within fourteen calendar days of the registration of the appeal. Statements of Appeal/Case and a list of witnesses to be called must be received from both parties to no later than ten calendar days before the hearing. A Case File incorporating such statements will be sent to the parties no later than seven calendar days before the hearing date. However, the time scales in this paragraph may be varied by agreement of both parties.

5.6 The Appeals Committee will determine whether to uphold the appeal, reject it, or amend the decision. The decision of the Appeal Committee is final, and the Town Council's Procedure ends here.

5.7 Any appeal is not intended to be in substitution for, or prejudicial to, employees' rights of appeal to an Employment Tribunal. However, apart from initial registration, Employment Tribunals usually satisfy themselves that internal appeal procedures have been exhausted before they entertain cases referred to them.

6. Types of Disciplinary Action

6.1 Dependent on circumstances, disciplinary action on the part of the Council could result in:

- a) a Written Warning indicating the improvement required and, where appropriate, the timescale for achievement (see Schedule E)
- b) the relegation/transfer of employees or the withholding of increments
- c) allowing employees to resign (without duress and with clear advice as to the effect) whether or not upon the offer of alternative employment at a lower level
- d) dismissal subject to notice
- e) dismissal without notice

6.2 In addition to disciplinary action as above, the Council will in certain circumstances seek recovery of monies or property due to it from employees.

7. Provision of Advice

7.1 At all stages of this procedure the HR & Payroll Manager will provide, upon request, advice with the implementation of this policy.

7.2 General guidance can be found in Schedule D.

8. Training

Those responsible for using and operating the disciplinary rules and procedures will be trained for the task. Ignoring or circumventing the procedures when dismissing an employee is likely to have a bearing on the outcome of any subsequent tribunal complaint. Good training helps managers achieve positive outcomes, reducing the need for any further disciplinary action.

9 Review

This policy will be reviewed annually or more frequently if there are changes to legislation or situations demand it.

SCHEDULE A

Responsibilities and obligations: General rules on behaviour and conduct

GENERAL

1. The ACAS Code of Practice on Disciplinary and Grievance Procedures indicates that employees should be made aware of the type of behaviour or conduct that will result in disciplinary action against them.
2. As mentioned in the procedure, dismissals for redundancy, permanent ill-health and some forms of incapability are outside the scope of this document.
3. It is not possible to specify all forms of behaviour that will result in disciplinary action. Each case must be judged in the light of the circumstances surrounding it. Varying circumstances may well allow different disciplinary action to be taken for what are, basically, similar offences.
4. The following examples give a clear indication of the Council's position. Omissions from the examples are not, in themselves, grounds for appeal and the examples are not exhaustive. In addition, employees should be acquainted with the working rules and procedures relating to their particular area of work. These may be in the form of manuals, notices, e-mails, periodic memoranda, etc.

SOME REASONS JUSTIFYING DISCIPLINARY ACTION

- Professional negligence, misconduct, omission or, in certain situations, failure in performance to a reasonable and acceptable standard
- Negligence in the care or custody of cash, stores or other property of the Council.
- Failure to disclose interest in Council contracts.
- Failure to obey the reasonable, lawful and proper instructions of a supervisor.
- Persistent lateness or absenteeism.
- General misconduct (e.g. bad or insolent behaviour, harassment, breaching the Council's Policies).

SOME REASONS WHICH MAY JUSTIFY DISMISSAL WITH NOTICE

As distinct from gross misconduct (see below) dismissal **with** notice, or with pay in lieu, will normally occur in situations where the various stages of the disciplinary procedure have been followed in response to persistent failures under one or more of the type of reasons listed above.

In addition, there may be circumstances which are not matters of conduct or performance and which are therefore not dealt with using the Council's disciplinary procedure, which oblige the Council to give notice to terminate employment, e.g.

- Behaviour of a serious or criminal nature outside the employment with the Council the nature of which, in the opinion of the Senior Manager, makes continued employment impossible
- Where a person employed as a driver loses their driving licence as a result of a criminal offence and is unable to carry out the duties of their job.

SOME REASONS WHICH MAY JUSTIFY DISMISSAL WITHOUT NOTICE (GROSS MISCONDUCT)

Actions of gross misconduct will normally result in dismissal without notice or pay in lieu of notice. The Council considers that the following actions come within this category. (This list is not exhaustive.)

- Deliberate refusal or wilful failure to carry out a reasonable and lawful direct instruction given by management during working hours.
- Serious insubordination.
- Deliberate falsification of time sheets, bonus sheets, travelling and subsistence claim forms or other documents whose completion would lead to a financial (or some other) benefit.
- Serious professional negligence, misconduct, omission or, in certain situations, failure in performance to a reasonable and acceptable standard.
- Theft or misappropriation of cash or property belonging to the Council, fellow employees or persons in the care of the Council.
- Fraud or any other illegal offence committed against the Organisation.
- Deliberate and wrongful disclosure of security passwords in connection with computers (and similar systems) and buildings.
- Unauthorised access to (computer) systems and information, including attempting to access.
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure.
- Serious cases of bullying, harassment or other types of discrimination.
- Serious cases of sexual/indecent misconduct.
- Use of alcohol and/or drugs in the workplace.
- Threatened or actual physical assault on Elected Members, colleagues or members of the public; fighting or riotous behaviour at work and similar actions.
- Serious cases of bullying, offensive, aggressive, threatening or intimidating behaviour or excessive bad language.
- Malicious damage to property belonging to the Council, fellow employees or persons in the care of the Council.
- Breach of safety rules and/or any action, which seriously endangers the health or safety of an employee, or any other person, whilst at work.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material (see also DTC policy on acceptable use of internet and e-mail).
- Downloading or transmitting pornographic, offensive or obscene material
- Breach of confidentiality in relation to the business of the Council.
- Receipt of bribes to affect the placing of business with a supplier of goods or services.
- Offering of bribes to affect the securing of business.
- Bringing the Council into disrepute, including but not limited to, making negative or disparaging comments on social media sites or similar.

- Carrying out other paid or unpaid work during Council working hours, including when absent through sickness.
- Prosecution for an offence outside of work affecting staff or external relations, which amount to a breach of trust.
- Acts of gross negligence or misconduct involving careless or reckless driving, including the use of hand-held mobile phones whilst driving.
- Smoking in designated non-smoking areas.
- Reckless behaviour posing a risk to health and safety.
- Making untrue allegations in bad faith against a colleague.
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith.
- Sleeping on duty.

SCHEDULE B

Procedure for disciplinary hearing

Employees will be afforded every reasonable assistance to put their case. The procedure will be along the following general lines:

- **Introduction** - The officer presiding, who may be accompanied/assisted by an adviser, will introduce the parties.
- **The case for the employer** - An opening statement may be made and as part of the presentation of the case witnesses may be called.

The employee will have the opportunity to ask questions after each witness has given evidence.

The officer presiding and the adviser may also ask questions.

- **The case for the employee** - An opening statement may also be made and as part of the presentation of the case witnesses may be called.

The officer handling the case for the employer may ask questions after each witness has given evidence.

The officer presiding and the adviser may also ask questions.

- **Re-examination** - Both parties will be asked if they wish to re-examine any evidence before they proceed to the next stage.
- **Final Statements** - Both the officer handling the case for the employer and the employee (last) may make a final statement.
- **Adjournment** - Either party may request an adjournment of the hearing at any stage.
- **Consideration of the case** - All parties to the hearing will then withdraw.

The officer presiding, assisted by the adviser, will then deliberate. If it is necessary to recall either party or witness in order to clear up any point of uncertainty on the evidence given, both parties will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

- **Decision** - The officer presiding will, if possible, give a decision to the parties immediately after the hearing, but in any case appropriate confirmation in writing will be given within seven calendar days.

SCHEDULE C

Appeals procedure to the Town Clerk and Chief Executive or to the council's appeals committee

Introduction – The Town Council at its Annual Meeting will appoint an Appeals Committee comprising of four Members of the Council (Town Mayor & Chair of 3 Standing Committees). The Clerk to the Appeal Committee will be appointed by the Town Clerk and Chief Executive.

The employee will be given at least fourteen calendar days' notice in writing of the time and place of the hearing. They may be represented by their trade union representative or a work colleague.

The Senior Manager's Case - The Senior Manager may make an opening statement and as part of the presentation of their case may call witnesses. New, relevant, evidence will be admissible.

The Appellant will have the opportunity to ask questions of the Senior Manager, and any witnesses called after each witness has given evidence.

The Committee may also ask questions.

The Appellant's Case - The Appellant may also make an opening statement and as part of the presentation of their case may also call witnesses. New, relevant, evidence will be admissible.

The Senior Manager will have the opportunity to ask questions of the Appellant, and any witnesses called after each witness has given evidence.

The Committee may also ask questions.

Re-examination - Both parties will be asked if they wish to re-examine any evidence before they proceed to the next stage.

Final Statements - Both the Senior Manager and the Appellant (last) may make final statements if they so wish.

Adjournment - Either party may request an adjournment of the hearing at any stage.

Consideration of the Case - All parties to the hearing will then withdraw.

The Committee will then deliberate. If it is necessary to recall either party or any witness to the hearing in order to clear up any point of uncertainty on the evidence given, both parties will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

Decision of the Committee - The Committee will, if possible, give their decision to the parties immediately after the hearing, but in any case such decision will be confirmed in writing within seven calendar days.

Notes:

(i) *The order of presentation of appeals can be reversed by agreement of the parties so that the Appellant's case is presented first.*

(ii) *References to 'Appellant' and to 'Senior Manager' are deemed to include advocates acting on their behalf.*

SCHEDULE D

Handling discipline: an overview

1 Encourage improvement

The main purpose of operating a disciplinary procedure is to encourage improvement in an employee whose conduct or performance are below acceptable standards.

2 Act promptly

Problems dealt with early enough can be “nipped in the bud”, whereas delay can make things worse as the employee may not realise that they are below standard unless they are told.

3 Gather the facts

By acting promptly, the relevant supervisor or manager can clarify what the problem is and gather information before memories fade, including anything the employee has to say. Where necessary, statements should be obtained from witnesses at the earliest opportunity. Keep records of what is said. Copies may need to be given to the individual if the matter progresses any further. Relevant personal details such as previous performance, length of service and any current warnings will need to be obtained before the meeting, as well as any appropriate records and documents.

4 Be firm and fair

Whilst maintaining satisfactory standards and dealing with disciplinary issues requires firmness on the part of the manager, it also requires fairness. The manager needs to keep an open mind and not prejudge the issues.

5 Suspension with pay

Where there appears to be serious misconduct, or risk to property or other people, a period of suspension with pay should be considered while the case is being investigated. This allows tempers to cool and hasty action to be avoided. Any suspension must be with pay, and any period of suspension should be as short as possible. The employees should be told why they are being suspended, and that they will be called in for a disciplinary meeting as soon as possible. Suspension should not be used as a sanction before the disciplinary meeting and decision, and employees should be treated fairly and consistently.

6 Stay calm

Enquiries, investigations and proceedings should be conducted with thought and care. The discipline of an employee is a serious matter and should never be regarded lightly or dealt with casually.

7 Be consistent

The attitude and conduct of employees may be seriously affected if management fails to apply the same rules and considerations to each case. All employees should be aware of the Town Council's normal practice for dealing with misconduct or unsatisfactory performance.

8 Consider each case on its merits

While consistency is important, it is also essential to take account of the circumstances and people involved. Personal details such as length of service, past disciplinary history and any current warnings will be relevant to such considerations. Any provocation or other mitigation also needs to be taken into account. Any decision to discipline an employee must be reasonable in all the circumstances and must not discriminate on any grounds.

9 Follow the disciplinary procedure

The disciplinary procedure must be followed, and the supervisor or manager should never exceed the limits of their authority.

If the employee is dismissed or suffers a disciplinary penalty short of dismissal, the statutory minimum procedures must have been followed. If they have not been followed and the employee makes a claim to an employment tribunal the dismissal or penalty may be ruled unfair.

SCHEDULE E

DUNSTABLE TOWN COUNCIL LOCAL DISCIPLINARY PROCEDURE – WRITTEN WARNING

Employee's name:			
Department:			
Date(s) of offence:			
Date of Written Warning:			
Nature of misconduct:			
This is a:	<input type="checkbox"/> First Written Warning (First Formal Action)	<input type="checkbox"/> Final Written Warning	
Nature of improvement required including timescale and, if appropriate, review dates:			
Officer to be contacted for assistance:			
What will happen if the matter proceeds to the next stage of the procedure?			
Right of Appeal:	You have the right of appeal against this Written Warning which you may exercise by notice, in writing, to the Senior Manager identified below within 14 days of the date it was issued		
Any appeal should be notified to:			
Notification to Trade Union Official/Representative:	You may request your Trade Union Official or other representative be given a copy of this Written Warning		
Signature of Senior Manager issuing this Written Warning:		Date:	
Acknowledgement:	I acknowledge receipt of this Written Warning. I wish / do not wish (<i>delete as appropriate</i>) that my Trade Union Official/Representative be given a copy of this document.		
Signature of Employee:		Date:	
Distribution:	The employee; Senior Manager; HR & Payroll Manager		