



DISCIPLINARY POLICY

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Who should use this	All Staff
Author	SAC
Approved by Management Team	
Approved by Joint Board	
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CONTENT

PAGE

1.	INTRODUCTION	3
2.	LEGISLATION	3
3.	KEY PRINCIPLES	3
4.	RESPONSIBILITIES	5
5.	APPLICATION OF POLICY	5

1. INTRODUCTION

- 1.1 Within this Policy Ayrshire Valuation Joint Board is referred to as “The Board”. The Nominated Senior Officer and Personal Assistants are referred to as the Board’s Personnel Representatives and South Ayrshire Council’s Human Resources are referred to as “Human Resources”.

It is recognised that discipline is essential for the conduct of the Board's affairs and for the safety and well-being of all employees.

Ayrshire Valuation Joint Board is committed to achieving fairness and equity in the treatment of individual employees in relation to their performance at work. Formal Disciplinary Procedures are essential to realising this aim. The Board will ensure that any disciplinary action taken within these procedures will be considered and applied fairly, be undertaken only in cases where adequate evidence exists, be appropriate to the nature of the offence that has been committed and allow the employee the right of appeal.

Clear rules and procedures benefit both the Board as an employer and its employees. Rules set standards of conduct and performance at work; procedures help to ensure that the standards are adhered to and also provide a fair method of dealing with any alleged failure to observe these standards. Employees will be made aware of the standards of conduct and performance expected of them as set out in the Code of Conduct for Employees. The aim of this policy is to ensure consistent and fair treatment for all employees involved in their operation.

All problems involving minor misconduct and poor performance should be dealt with, at least in the early stages, through the use of informal advice, guidance and counselling. It is essential that all problems of this nature are fully discussed with employees and that support is provided with the objective of encouraging and helping employees to improve.

Where it is necessary to take disciplinary action, employees should be made aware of the support and counselling that is available. Where an employee is suspected of, or seeks help for, an addiction problem, support will be offered through the Board’s Framework for Maximising Attendance at Work by referral to South Ayrshire Council Occupational Health.

2. LEGISLATION

- 2.1 This policy and procedure complies with the provisions outlined in the ACAS Code of Practice on Disciplinary and Grievance Procedures and with and the Equality Act 2010.

3. KEY PRINCIPLES

- 3.1 The key principles outlined in the policy apply to all Board employees. Procedural guidance to accompany this policy has been developed to provide advice on the practical application of the disciplinary procedure.

- 3.2 Normally, no action in terms of these procedures will be taken against a trade union representative until the matter has been discussed with a full time official of the union concerned.
- 3.3 All officers with delegated authority to carry out disciplinary procedures will undertake appropriate training in the procedures. Any decision to impose disciplinary action will not be taken by the same person who conducted the investigation and no disciplinary action will be taken until all facts have been gathered for consideration. In certain extreme circumstances witness evidence may remain anonymous. This is a decision that will be taken by the Assessor following discussion with the relevant trade union representative(s). An employee removed from the workplace pending investigation or suspended during an investigation will be entitled to full pay. All aspects of the procedure will be completed timeously and without any unreasonable delay to meetings, decisions or confirmation of decisions.
- 3.4 Disciplinary action should not normally be taken against an employee until he/she has attended a properly convened hearing and been given the opportunity to respond to the allegations. If the employee wishes to be represented or accompanied during the process, this will be by a trade union representative or work colleague only and it is the responsibility of the employee to arrange for their representative to be present at any stage of the process.
- 3.5 The Assessor, or other nominated senior officer, has the power to apply all forms of disciplinary sanction including that of dismissal, subject to the employee's right of appeal against such disciplinary action. Human Resources should be fully involved at all stages particularly where dismissal is a potential outcome. Disciplinary sanctions may be initiated at any stage and do not need to start at the level of an oral warning. This decision will be totally dependent on the seriousness of the misconduct. Apart from acts of gross misconduct, an employee will not normally be dismissed for a first breach of discipline. Nor should an employee be dismissed or otherwise disciplined solely because he/she has been charged with or convicted of a criminal offence. Consideration needs to be given to whether the employee's conduct warrants action because of the implications for their employment.
- 3.6 An employee will be informed, in writing, of any disciplinary action taken, the reason for it, any improvements expected, the availability of appropriate support to achieve and maintain the improvement and the consequences of further misdemeanour. The employee must also be advised of their right of appeal against any disciplinary action and such appeals will not be heard by anyone with prior involvement in the investigatory process or in taking the original disciplinary action.
- 3.7 Where disciplinary action results in punitive action or dismissal, employees will have the right to appeal against these decisions to the Ayrshire Valuation Joint Board (Appeals) Sub-Committee. Officers or Members hearing an appeal against disciplinary action will not have the power to increase the level of disciplinary action imposed at the disciplinary hearing.

- 3.8 The Board's Sub-Committee will be responsible for all matters affecting the discipline of Chief Officials, but it is recommended that, where formal disciplinary action is contemplated, the relevant Elected Members should be consulted. Consideration should also be given to what professional advice will be required in making an assessment of disciplinary matters.
- 3.9 Where disciplinary action is contemplated against the Assessor, it is recommended that investigation of the matter should be carried out by the Board Sub-Committee with the Head of HR and Organisational Development acting as an adviser.
- 3.10 Where required the Board will alert relevant Professional or Statutory Bodies of any disciplinary action taken against one of their members and where an employee is registered with an external body such as the Disclosure Scotland (PVG), or other professional body, the Board is required to make a formal report in instances such as:
- Dismissal
 - Resignation during a disciplinary investigation
 - Removal from the workplace during an investigation
 - When the Board is made aware of any criminal conviction against such a worker
 - Any other circumstances which the Board thinks might have a bearing on the worker's registration.

In this event the employee and his/ her trade union will be advised.

4. RESPONSIBILITIES

4.1 Managers

The Assessor or nominated senior officer is responsible for ensuring that all employees are made aware of the standards of conduct and performance expected of them, particularly the type of behaviour that might constitute gross misconduct.

Where it has been necessary to undertake disciplinary procedures, the Assessor or nominated senior officer will make employees aware of the support and counselling that is available and will ensure that disciplinary procedures are carried out in a fair and equitable manner.

4.2 Employees

Employees are responsible for understanding and following the rules, standards and conduct that are expected of them in carrying out their day to day duties and as set out in the Board's Code of Conduct. They should make themselves aware of behaviour that might constitute gross misconduct.

5. APPLICATION OF POLICY

- 5.1 The Managers Handbook provides additional information to managers on the application of the policy and procedures to be followed. This Handbook which is available on the AVJB directory has been subject to consultation with the joint trade unions and contains information on all aspects of discipline including:
- Disciplinary procedures for Board employees
 - Types of disciplinary action
 - Appeals Hearing and Appeals Panel
 - Further information on fact finding, how to prepare for and conduct a disciplinary hearing and deciding on appropriate action
 - Particular cases involving absence, addiction, criminal offences and grievances
 - Appendices including the incident report form, a fact finding report template, procedures for special investigations, procedure for the appeal hearing and all standard letters.
- 5.2 The policy and procedure will be available for all Board employees to access.