



MERSEYSIDE WASTE DISPOSAL AUTHORITY

## **Local Disciplinary Procedure**

### **Introduction**

The Chief Executive of Waste Disposal is responsible for the management of the Authority and for the discipline of members of staff. (The primary purpose of disciplinary action is to ensure fairness and order and (with the exception of dismissal) to encourage any necessary improvement in an employee's work or conduct). In this connection the following procedure will apply where an employee's work or conduct appear to warrant disciplinary action.

### **General**

- (i) An employee shall be entitled to be accompanied and represented by his/her trade union or a work colleague of their choice at any interview at any stage of the procedure. His/her attention shall be drawn to that facility.
- (ii) The trade union or colleague shall be given the opportunity to consult with the employee in private prior to or at any stage during the procedure.

### **Warning Procedure**

- (i) Where an employee's work or conduct are such as to appear to warrant disciplinary action, the Section Manger or Officer nominated for that purpose should interview the employee concerned and, if satisfied that disciplinary action is warranted give a warning to the employee.
- (ii) Warnings should be given only after the employee has been interviewed and has been given the opportunity to state his/her case in the presence of his/her trade union representative if he/she so desires.
- (iii) The warning may be given orally or in writing according to the circumstances. The warning should identify the nature of the complaint and any implication there from, and register the fact that the employee has been notified of the serious nature of the offence.

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- (iv) The further commission of an act warranting disciplinary action may result in a further warning, which according to the circumstances, may be a final warning. The employee's attention must be drawn to the issue of a final warning, and to the facility available to the employee to arrange for his trade union representative to be present at the interview.

Any final warning must be confirmed in writing as soon as possible after the interview has taken place. The letter should stipulate the nature of the complaint, the improvement in work or conduct expected, the probable result of failure to meet the desired standard, and the right of the employee to appeal.

Details of all formal recorded warnings (either oral or written) will be entered on the employee's personal file.

A written warning will be placed on the employee's personal file for a period of twelve months. Provided that no further warnings occur within a specified period of twelve months from the date of the warning letter, the warning will be cancelled and disregarded.

A final written warning will revert to a written warning after twelve months and will be cancelled and disregarded after a further twelve months, provided that no further warnings occur within the twelve months from the date of the warning letter

### **Gross Misconduct**

- (i) Gross misconduct is misconduct of such a nature that the Authority is justified in no longer tolerating the continued presence at the place of work of the employee who commits an offence of gross misconduct.

Examples of offences of gross misconduct which have led to dismissal of Local Authority employees, and which, if committed by an employee of the Authority, will be regarded as breaches of disciplinary rules include:-

- Unauthorised removal of the Authority's property;
- Stealing from the Authority, its members, members of staff or the public, and other offences of dishonesty;
- Sexual offences;
- Sexual misconduct at work;
- Fighting;
- Physical assault;
- Falsification of subsistence and expense claims etc.
- Falsification of qualifications which are a stated requirement of employment or which result in financial gain;
- Malicious damage to the Authority's property;
- Serious breaches of safety regulations endangering other people, including deliberate damage to, neglect of, or misappropriation of safety equipment.

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The list is neither exclusive nor exhaustive. There may be other offences of a similar gravity which would constitute gross misconduct.

- (ii) For offences of suspected or alleged gross misconduct, immediate suspension will normally apply, followed by dismissal without notice if the offence is established and there are no acceptable mitigating circumstances.

### **Suspension**

- (i) An employee may be suspended from duty on full pay by the Chief Executive of Waste Disposal either:-
  - to enable investigations to be made where the possibility of serious disciplinary action arises; or
  - where there are grounds for doubt as to the advisability of the employee continuing work pending criminal investigations or prosecution.

In the event of it being adjudged that the employee is not blameworthy, the suspension from duty shall be terminated.

- (ii) Where an employee is suspended from duty he/she shall be allowed to interview witnesses and obtain evidence.
- (iii) If the employee is adjudged blameworthy, the Authority shall have discretion to decide whether the offence is such as to warrant dismissal or to allow the employee to resume his/her duties after a warning as to his/her future conduct. The employee shall have the right to be represented in stating his/her case either in writing or orally.
- (iv) If the employee is dismissed, he/she shall be allowed to retain any such sum already paid to him/her as suspension allowance during the period of suspension from duty together with any holiday pay due to him/her at the date of his/her suspension from duty.

### **Dismissal**

The Chief Executive of Waste Disposal has delegated powers to:-

- (i) Dismiss an employee where previous warnings have been ineffective or for gross misconduct; and
- (ii) Exercise the powers of discipline and dismissal of all employees.

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## **Appeal**

An employee has a right to appeal against any formal disciplinary action. This appeal will be heard by the Chief Executive of Waste Disposal or an officer nominated by him. The nominated officer must be of a higher level of seniority than the line manager who took the original disciplinary decision.

Where an appeal is dismissed the appellant has a right to a final appeal. In the case of an oral warning, this final appeal is to the Chief Executive of Waste Disposal. In all other cases the final right of appeal is to the Appeals Committee of the Authority.

The right of appeal must be exercised by writing to the Chief Executive of Waste Disposal, within 5 working days of receipt of the warning or notification of termination of employment.

## **Review of Action**

- (i) In those cases where an employee is in receipt of a final written warning and the employee's conduct has been such as to warrant no further disciplinary action being taken for a period of one year from the date of the original offence, the disciplinary action shall be reduced to a first written warning. Thereafter the situation shall be reviewed after twelve months and if no further disciplinary action has been necessary within that period, the warning shall be expunged from the employee's record.
- (ii) All first written warnings shall have a review period of one year, after which time if no further disciplinary offence has been committed, they shall be expunged from the employee's record.
- (iii) All oral warnings shall have a review period of six months, after which time if no further disciplinary offence has been committed they shall be expunged from the employee's record.
- (iv) The results of all reviews of disciplinary action shall be communicated to the employees concerned in writing by the Chief Executive of Waste Disposal.

## **Elected Staff Side Representative**

No disciplinary action other than an oral warning shall be taken against an elected departmental representative until the circumstances of the case have been reported to a full official and/or Branch Secretary and/or Branch Chairperson of the union concerned.

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## **Exemptions**

The procedures outlined in this section relate only to disciplinary matters and do not apply to situations where notice is given to probationary or temporary employees and to employees engaged on a short term contract with less than twelve months' service.

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