
Disciplinary Policy

Human Resources



Council of the
ISLES OF SCILLY

October 2025

Ratified	Full Council ratification not required
Review date	October 2027
Policy owner	Head of HR and Workforce

VERSION HISTORY – FOR FURTHER DETAIL SEE CHANGE LOG			
Date	Version	Author role	Purpose of change <i>[eg scheduled review; administrative change; change in legislation; change following feedback]</i>
2013	1.0	HR & OD Manager	Initial policy
15/04/15	1.1	LWJ	Revised policy
05/05/15	1.2	LWJ	Revisions following staff consultation
28/03/17	1.3	Senior Officer: Shared Services	Revision of examples of misconduct following SCG
27/10/25	1.4	Head of HR & Workforce Planning	Inclusion of Grey Book staff provisions and revision of outcome/sanction length

EQUALITY IMPACT ASSESSMENT (EQIA) RECORD					
Date	Is this an existing, revised or new/proposed policy?	Type of assessment conducted	Summary of actions taken & decisions made	Approved by	EqIA review date
27/10/25	Revision to existing policy	EIA	Training for managers, printing policies for employees with limited digital access	Head of HR	1/10/27
DOCUMENT RETENTION					
Document retention period		Until superseded plus 6 years			

INTRODUCTION

1.1 The Council of the Isles of Scilly is committed to being a fair and reasonable employer. All employees are expected to conduct themselves in a manner that reflects well on the organisation as a public body. It is the policy of the Council to encourage employees to attain and maintain acceptable levels of conduct and to ensure that they know what standards are expected of them in their work.

SCOPE

2.1 This policy applies to all employees of the Council of the Isles of Scilly who have successfully completed their probationary period. This includes those employed on:

- local government terms and conditions (the 'Green Book'),
- uniformed members of the Fire Service ('Grey book' terms and conditions),

Conduct concerns regarding employees in their probationary period will be handled under the Probationary Policy.

Conduct concerns regarding Chief Officers (Chief Executive (Head of paid Service, Monitoring Officer and Section 151 Finance officer) will be handled in line with the provisions of the [JNC for Local Authority Chief Officers Conditions of Service](#).

POLICY

High standards of behaviour and integrity are required from all employees. This policy sets out the procedure when employees fall short of these standards or fail to behave in an appropriate manner. Wherever possible, problems will be resolved informally but the Council recognises that there are circumstances that may require formal steps to be taken. The disciplinary procedure is designed to ensure that, where disciplinary action is contemplated, employees are treated fairly and reasonably.

The policy is not intended primarily as a means of imposing sanctions but as a means of emphasising and encouraging the attainment of good standards of individual conduct.

The Council will consider disciplinary action against employees for actions inside or outside of work which may have a bearing on their employment for the Council. Employees must notify their managers immediately of any external investigation, criminal charge or conviction.

PROCEDURE

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

Employees, and anyone accompanying employees at meetings, must not make electronic recordings of any meetings conducted under this procedure.

If any disciplinary action involves allegations of abuse of children or vulnerable adults, the Safeguarding Policy must be followed. This will include immediately and confidentially contacting a member of Children's Social Care or Adult Social Care as appropriate, in order to ensure all relevant safeguarding actions are taken.

INFORMAL MANAGEMENT ACTION

Where there is concern about the behaviour of an employee, the employee will normally be interviewed informally with the intention of finding the cause of the problem and advising appropriate remedial action, within an agreed timescale.

Any issues will normally be addressed informally in the first instance. In the event a manager believes an informal discussion is necessary the manager will arrange a one-to-one meeting with the employee. This is to ensure the employee understands where they are falling short of the required standard standards and that they are then encouraged to meet them. It is not a requirement that informal action must always be taken before invoking the formal stages of the procedure, if concerns about conduct are sufficiently serious.

Should it be the case that this informal discussion does not bring about the required improvement in conduct or behaviour, or the misconduct is considered sufficiently serious, the provisions of the formal disciplinary procedure will apply.

There is no statutory right to be accompanied at meetings at this informal stage of the procedure, however consideration will be given to whether the employee needs any special support or assistance, for example: a signer, an interpreter, or reasonable adjustments for a disability or health condition.

FORMAL DISCIPLINARY INVESTIGATION

Where misconduct has not been resolved at the informal stage or the allegations of misconduct are sufficiently serious, formal disciplinary action may be taken. This will include an investigation into the allegations.

The employee will be informed as soon as possible as to the fact of an investigation and when it has been concluded. Employees will be given appropriate prior notice of any formal investigatory

interview, including their right to be accompanied by a trade union representative or colleague. Consideration will be given to whether the employee needs any special support or assistance, for example: a signer, an interpreter, or reasonable adjustments for a disability or health condition.

A supervisor, manager or external independent investigator will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Council's policies or rules or may otherwise be a disciplinary matter. For uniformed Fire service employees on 'Grey Book' terms, the lowest levels of internal management who can conduct the investigation are:

- First formal stage: Watch Manager
- Second formal stage: Station Manager
- Third formal stage: Chief Fire Officer

The investigating officer (either internal, or external) will be selected with regard to their prior training and skills in investigations, and their neutrality and independence in the case.

If the allegations are not disputed by the employee at their investigation interview, they can waive their right to a formal hearing and instead accept a written warning or final written warning.

In the event that an employee resigns from their employment before or during a disciplinary investigation into their conduct, the Council may still decide to complete the investigation into the matter after the employee has left, in order to establish the factual findings and inform relevant decisions. For example, if the allegations relate to safeguarding, fraud and/or where there are other serious allegations.

SUSPENSION

In exceptional circumstances it may be necessary to suspend the employee whilst an investigation is undertaken. This is a neutral act, and suspension will not prejudice the outcome of the process. The employee will be suspended for as short a time as possible, on their normal pay and benefits, pending an investigation and potentially a subsequent disciplinary hearing. Wellbeing support will be offered to employees on suspension.

Suspension will not take place unless there are reasonable and proper grounds to suspend the employee. Reasons for suspension could include for example, possible gross misconduct, and/or where the employee's presence at work presents risks to the health and wellbeing of themselves or others, risks of undermining the investigation, the risk of reputational damage to the Council, or other risks.

During their period of suspension, the employee may be required to return Council keys, phones, laptop and any other Council property that they are in possession of. Restrictions may also be put in place regarding access to email and Council property. The terms of suspension will be provided in writing to the employee, and the decision to suspend will be kept under review on a regular basis.

DATA PROTECTION

The Council of the Isles of Scilly processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its data protection policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

ASSOCIATED GRIEVANCES

Where an employee raises a grievance under the CIOS Grievance Policy relating to any disciplinary investigation or potential action against them, their grievance hearing may be considered concurrently at the disciplinary hearing, rather than on a separate date, in order to avoid delay.

DISCIPLINARY HEARINGS

If after the formal disciplinary investigation there is found to be a disciplinary case to answer, the employee will be invited to attend a disciplinary hearing. The employee will have the right to be accompanied by a fellow employee or trade union representative at the hearing.

Local government employees on 'Green Book' terms and conditions will be given a minimum of 5 working days' notice of the meeting.

Uniformed fire service employees on 'Grey Book' terms will be given the following minimum notice of a hearing:

- 7 working days for first formal stage
- 10 working days for second formal stage
- 21 working days for third formal stage

In all cases, the employee will be sent copies of any evidence that will be referred to at the hearing in line with the above timescales.

Both the employee and the investigating officer can call witnesses to the hearing.

Any evidence the employee wishes to refer to at the hearing, and the names of any witnesses they wish to attend, must be submitted to the Council at least two working days before the hearing.

If the employee is unwilling or unable to attend the hearing, an alternative date will be offered. Only one postponement will be allowed, and it may therefore be necessary to subsequently hold the hearing in the absence of the employee. The employee will be allowed to send a colleague or trade union representative to speak on their behalf, or to put forward a written submission of their case, if they are not able or are unwilling to attend a hearing.

Written confirmation of the outcome will be sent to the employee within fourteen calendar days of the disciplinary meeting (this can be extended with the agreement of the employee).

COMPOSITION OF THE HEARING PANEL

The Disciplinary Hearing will be Chaired by a Senior Officer, Senior Manager or an appropriate external independent person. The Chair will usually be advised by a HR adviser. The Disciplinary case will be dealt with impartially, and wherever possible neither of the panel members will have had any significant previous involvement in the case.

For uniformed Fire service employees on 'Grey Book' terms, the lowest levels of management who can chair the hearing are:

- First formal stage: Station Manager
- Second formal stage: Chief Fire Officer
- Third formal stage: Chief Fire Officer

Where the allegations are complex or specialist in nature, a third specialist advisory panel member may also be instituted, to advise the chair of the panel.

If the case is against the Chief Executive and/or the Monitoring Officer, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply.

The composition of the panel will consider ways to reduce bias in disciplinary proceedings, for example using a diverse disciplinary panel with a balance of people from different backgrounds.

THE OUTCOME OF THE DISCIPLINARY HEARING

The outcome of the disciplinary meeting may be one of the following:

- No Case to Answer
- Informal management action
- First Written Warning
- Final Written Warning
- Dismissal (with or without notice).

Where a disciplinary warning is issued, the employee will be expected to adopt the required standards of conduct with immediate effect. During the period that warnings are active for disciplinary purposes, any further formal disciplinary action will commence at one stage higher than the previous action. After these periods the warning will be disregarded for determining any future disciplinary sanction, however they will stay on the employee's personnel file as a permanent record of the events.

- **First formal stage: Written Warning - 6 months**

If the offence is a serious one, or if there is a further offence or no satisfactory improvement following an informal action, then following a disciplinary investigation and hearing, the employee may be issued with a Written Warning. This will remain active for disciplinary purposes for six months.

- **Second formal stage: Final Written Warning**

- 12 months ('Green Book' local government employees)
- 18 months ('Grey Book' uniformed fire service employees)

Where the employee's conduct remains unsatisfactory following a written warning, or if the offence is very serious, then following a disciplinary investigation and hearing the employee may be issued with a Final Written Warning. This will remain active for disciplinary purposes for twelve months for local government employees on 'Green book' terms. For uniformed fire service employees on 'Grey Book' terms, the final written warning will remain active for eighteen months.

Third formal stage: Dismissal or action short of dismissal

If, following a disciplinary hearing, the decision is taken to dismiss the employee, this will be confirmed in writing within fourteen calendar days of the hearing.

As an alternative to dismissal the employee may be offered the opportunity to be transferred to a job of the same level, or to be moved to and accept a job at a lower level, together with a final written warning. In these circumstances the final written warning may remain live on the employee's file for up to eighteen months, and the employee will need to formally accept a revised contract of employment based on the terms of the new post. If the employee does not accept the offer of the new job, then their employment will be terminated.

Only Senior Managers and the Chief Executive have the authority to dismiss.

If the case is against the Chief Executive or the Monitoring Officer then, Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply. The same approach outlined above will be followed.

If the panel considers that there is no alternative to dismissal, the employee will be informed. Notice in accordance with the contract of employment will be given, or a payment made in lieu of notice unless the panel decide the misconduct constitutes gross misconduct, in which case the employee may be dismissed summarily, i.e. without notice or pay in lieu of notice.

EXAMPLES OF SOME ACTS AT WORK WHICH MAY CONSTITUTE MISCONDUCT ARE:

- Failure to comply with the Council's Code of Conduct, Professional Codes of Conduct, Standing Orders, departmental work rules and reasonable requirements.
- Failure to comply with health and safety requirements.
- Lapses of conduct - improper, disorderly or unacceptable conduct; unprofessional behaviour; insubordination, use of inappropriate language.
- Discrimination - failure to observe the requirements of the Council's Equal Opportunities policy or Bullying and Harassment policy.
- Being under the influence of alcohol, illegal drugs or other substances in breach of the Alcohol and Drugs Policy.
- Misconduct at work (criminal or otherwise) which could discredit the Council's reputation or misconduct outside of work which could be considered as damaging to the Council's reputation.
- Time-keeping/absence - persistent late attendance, inadequate timekeeping, abuse of flexible working systems or home-working arrangements.
- Unacceptable levels of absenteeism; unauthorised absence.
- Smoking, including e-cigarette or vaping, is prohibited on the Council's premises.
- Bribery offences under the Bribery Act 2010.
- Failure to report or record any material which is required to be reported or kept, improper disclosure of information.
- Failure to comply with the Council's policies and procedures.

EXAMPLES OF SOME ACTS AT WORK WHICH MAY CONSTITUTE GROSS MISCONDUCT ARE:

Gross misconduct is defined as an act or acts which are a fundamental breach of the employee's obligations to the employer and sufficiently serious to destroy the relationship between the employer and the employee. Each case has to be considered in the light of all its circumstances including the nature of the job and the details of the misconduct.

The examples given below show the type of misconduct that may be classified as 'gross misconduct', however the list is not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.

- Theft, misappropriation, fraud, corruption.
- Deliberate falsification of records including financial claims.
- Fighting, assault on another person, threatening behaviour.
- Sexual misconduct.
- Unlawful discrimination, harassment or bullying.

- Serious incapability through alcohol or being under influence of illegal drugs or other substances in breach of the Alcohol and Drugs Policy.
- Serious negligence that causes unacceptable loss, damage or injury.
- Serious act of insubordination.
- Inappropriate use of information technology or social media.
- Serious breach of specific departmental rules.
- Serious misconduct at work or outside work (criminal or otherwise) which could discredit the Council's reputation.
- Misuse of Council's property and assets - wilful or careless loss, damage to or misuse of equipment, property, assets, facilities, financial irregularities.
- Information - making false, misleading, malicious or inaccurate oral or written statements; unauthorised alteration or destruction of records or documents.
- Serious professional misconduct
- Conduct that brings the Council's name into disrepute

APPEALS

Employees have the right to appeal against a disciplinary action issued to them under the formal stages of the procedure (that is, a written warning, final written warning, or dismissal (with or without notice). There will be no right of appeal against any action taken under the informal stage of the procedure.

Appeals against disciplinary action must be lodged in writing, including the detailed grounds of appeal, with the person who signed the letter notifying the employee of the outcome of the disciplinary meeting, within seven calendar days of receipt of the letter confirming the disciplinary action.

One appeal will be allowed at each formal stage of the procedure, including dismissal. The appeal outcome will be final and there will be no further internal appeal process.

The membership of the appeal panel will be a higher authority than that of the original disciplinary panel, and may include an external independent person. Appeals will be dealt with impartially, and wherever possible by a manager who has not previously been involved in the case.

For appeals against dismissal of the Chief Executive or the Monitoring Officer, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply. Other arrangements regarding the composition of the panel will be as for disciplinary hearings.

The employee will be given seven working days' notice of an appeal meeting.

The case will be heard within 20 working days of receipt of the appeal application (this can be extended with the agreement of the employee).

During the meeting the management and the employee will have the right to call witnesses and have the right to question witnesses.

A letter detailing the outcome of the appeal meeting will be sent to the employee within fourteen calendar days of the meeting.

If an employee is reinstated on appeal after dismissal, the employee's service will be continuous and any loss of pay between dismissal and reinstatement will be paid to the employee. The pay will be full pay in accordance with the contract of employment and any regular payments averaged over the 12 weeks immediately before the dismissal or, if applicable, before the period of suspension.

SPECIAL CASES

Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.

Where disciplinary action is considered in respect of the Chief Fire Officer or any other uniformed fire service employee, this Disciplinary Policy will apply. In addition, the Council must notify the Crown Inspector at Her Majesty's Inspector of Constabulary and Fire and Rescue Services (HMICFRS) of any allegations that have the potential to constitute staff gross misconduct and that:

- involve allegations of a criminal nature that have the potential to affect public confidence in Fire and Rescue Services;
- are of a serious nature; or
- relate to assistant chief fire officers or those at equivalent or higher grades.

Data Protection procedures will be adhered to for these notification procedures, including ensuring that any identifiable personal data disclosed to HMICFRS is limited to that required by law.

Where the employee's alleged misconduct includes Safeguarding concerns regarding their behaviour in relation to children, young people or adults at risk, the 'Procedure for Misconduct Concerns relating to Safeguarding' must be followed. A copy of this procedure can be found at **Appendix 1**.

RESOLVING PROBLEMS

If you have any concerns about this policy please speak to your manager in the first instance, who will work with you to resolve any issues. If you are unsatisfied with informal resolutions to your concerns please refer to the Grievance Procedure for further details about how to raise a grievance.

We want to ensure that your needs are met.

If you would like this information in an audio format, Braille, large print, any other format or interpreted in a language other than English, please contact:

Officer: Policy & Scrutiny
Council of the Isles of Scilly
Town Hall
St Mary's
Isles of Scilly TR21 0LW
Telephone: 01720 424524
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APPENDIX 1: PROCEDURE FOR MISCONDUCT CONCERNS RELATING TO SAFEGUARDING

Introduction

This procedure applies when misconduct concerns are raised about a person working for or on behalf of the Council regarding their behaviour in relation to children, young people or adults at risk.

An adult at risk is defined as a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves or unable to protect themselves against significant harm or exploitation.

Scope

This procedure applies to employees, workers, agency staff, contractors and volunteers working for or on behalf of the Council of the Isles of Scilly. This group is collectively referred to as 'staff' in this policy.

It will be particularly important to apply this procedure to members of staff whose work brings them into regular contact with children, young people and adults at risk and where this work is regulated by an external body.

This procedure applies to behaviour both at work and outside work.

Alerts

When allegations or concerns are raised relating to children, young people and adults at risk, the relevant Safeguarding Team should be contacted at the earliest opportunity.

For allegations relating to children and young people under the age of 18, a referral should be made to the Local Authority Designated Officer. For allegations relating to adults at risk, a referral should be made to the Safeguarding Adults Manager.

They will assess the information received and will determine whether formal safeguarding action needs to be taken. Managers and staff are encouraged to contact them for initial advice at the earliest opportunity, whatever the nature of the concerns.

Procedure

Some examples of when this procedure will apply are set out below (this is not an exhaustive list):

- Behaviour that has harmed or may have harmed someone.
- Behaviour towards a child, young person or adult at risk that indicates they may pose a risk of harm to such individuals.
- Where the person has committed, or is perceived to have committed, a potential criminal offence.
- Concerns could include:
 - Physical abuse
 - Neglect
 - Psychological abuse

- Sexual abuse
- Emotional abuse
- Financial abuse
- Institutional abuse
- Domestic violence

The concerns may relate to behaviour by the staff member towards a service user during the course of their employment or work. They may also be unrelated to their work and instead relate to their family or their private life outside work.

The concerns could potentially relate to a staff member's inappropriate professional judgement, for example, a failure to report a safeguarding concern appropriately.

The concerns could relate to recent events, or they may relate to events that took place sometime in the past but have only recently come to light.

Safeguarding Actions

The Local Authority Designated Officer or the Safeguarding Adults Manager will determine the appropriate course of safeguarding action to be taken in each case. Their initial concern will be to put in place measures that will protect the child, young person or adult at risk and make them safe.

Where appropriate, they will convene a multi-agency strategy meeting to consider all the issues arising from the case. This may include professional representatives from various Council services, the Human Resources team, the Police and any other interested parties. The strategy meeting will consider both the position of the person considered to be at risk and also the employment implications for the member of staff against whom the allegations have been made.

Disciplinary Action

Where the allegation is about an employee of the Council, the relevant Head of Service may decide to suspend the employee from duty as soon as the allegations are first raised. Alternatively, the suspension may occur later following a recommendation from the multi-agency strategy meeting. Following an appropriate investigation, formal disciplinary action may be taken, up to and including dismissal.

Where the allegation is about a worker, agency staff, contractor or volunteer, they may be asked to temporarily discontinue their work for the Council whilst the matter is investigated. If the allegations are substantiated by the evidence following the investigation, their work for the Council may be discontinued permanently.

Notification to the relevant authorities

Where the evidence substantiates allegations of safeguarding-related misconduct against any member of staff, the Disclosure and Barring Service (DBS) must be notified. In the case of employees, notification to the DBS will usually take place after the disciplinary hearing, when the outcome of the hearing has been decided.

The relevant Head of Service will be responsible for making the notification with advice and support from the Human Resources team.

The DBS will then investigate the matter to determine whether the staff member should be barred from working with all children, young people and adults at risk in any capacity in future. The member of staff should be made aware of the Council's intention to make a referral.