

HR & OD POLICIES

human resources and organisational development



Disciplinary Policy

1. POLICY STATEMENT

It is the view of Aberdeenshire Council that a well motivated and highly effective workforce is essential for the effective performance and conduct of the Authority's affairs, and for the safety and wellbeing of employees and of others affected by the Council's activities. An appropriate disciplinary procedure is necessary to help ensure these aims can be achieved.

The aims of the Council's Disciplinary Policy are to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

The Council expects its employees to be aware of and conduct themselves within the law, any code of practice, competence, or ethics associated with their profession or trade; any rules specifically relating to the employee's professional responsibilities or activities and within generally accepted standards of social and moral behaviour.

The Council will assist employees so far as practicable in achieving acceptable standards of conduct by bringing to their attention rules of the workplace and by providing such training as is deemed necessary to assist them in undertaking their work effectively and safely. All problems involving minor misconduct and poor performance should be dealt with, at least in the early stages and where appropriate, through the use of informal advice, guidance and counselling between the employee and their line manager. Apart from serious or gross misconduct, no employee will be dismissed for the first breach of discipline.

The Council will initiate appropriate counselling, disciplinary or other serious action if an employee fails to meet the required standards of conduct or behaviour generally referred to above. In order to ensure the fair and equitable treatment of employees subject to disciplinary action, the procedure will be used as required and will apply to all employees. It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action if appropriate.

The Service Director or their nominated representatives are responsible for the management and discipline of their Service. The Service Director must ensure that all employees are made aware of the standards of conduct, safety, and of any disciplinary rules applying to them, and is ultimately responsible for any disciplinary action taken against the employees of the Service. He/she should discuss with the Head of Service (Human Resources & Organisational Development) and the Head of Legal & Governance, or their nominated representatives, any proposal to take serious action, including dismissal.

In the case of possible dismissal the Head of Service (Human Resources & Organisational Development), in consultation with the Head of Legal & Governance, or their nominated representatives, shall advise Service Directors or their nominated representatives on the operation of the procedure in order to achieve, as far as is reasonably practicable, a fair and consistent approach to action taken under the procedure.

Service Directors and the Head of Service (Human Resources & Organisational Development) will be responsible for arranging appropriate training and briefing on the use of the procedure and the maintenance and updating of records, within services and centrally, sufficient to facilitate the smooth operation of the procedure.

2. SCOPE OF POLICY

The procedure will apply to all employees of the Council covered by the following National Schemes of Conditions of Service:

- SJC for Local Government Employees
- Scottish Negotiating Committee for Teachers (SNCT)
- SJNC for Local Authorities' Service – Craft Operatives
- SJNC for Local Authorities' Service – Chief Officials

The Disciplinary Policy and Procedure conforms to the revised Disciplinary Framework for Scottish Teachers and Associated Professionals (SNCT 12/33) and Scottish Social Services Council (SSSC) codes of conduct. It should be noted that the provisions of the Disciplinary Framework for Teachers and Associated Professionals (SNCT 12/33) also applies to educational psychologists and music instructors.

In agreeing to the introduction of this procedure, Aberdeenshire Council and the trade unions have taken account of the provisions of the relevant national schemes of conditions of service, and this will be reviewed as required.

Notwithstanding the fact that trade union representatives are subject to this disciplinary procedure, no formal disciplinary action should be taken against a trade union representative until the circumstances of the case have been discussed with a full-time officer of the union concerned.

3. RELATED LEGISLATION

This Policy links to other associated policies, agreements, legislation and procedures including:

- Acceptable Use Policy and associated Code of Practice and Code of Practice for Monitoring and Investigation of Employees
- Disciplinary Framework for Scottish Teachers (SNCT12/33)
- Framework on Teacher Competence (FTC)
- The Protection of Vulnerable Groups Act (Scotland) 2007
- Scottish Social Services Council Codes of Conduct
- Health and Safety at Work Act 1974
- Employee Relations Act 1999
- ACAS Code of Practice on Discipline at Work
- Anti Fraud & Corruption Policy
- Financial Regulations

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Revision Date	Previous Revision Date	Summary of Changes
01-03-2006	-	Creation of all Documents
28-11-2012	01-11 2012	Legislation Update PVG
18-04-2013	28-11-2012	Scheduled Revision
01-05-2015	18-04-2015	Format update