

Disciplinary Procedure

Issued by the Human Resources Team



If you require this procedure in another format please go to the end of this document for details.

Purpose

This document sets out the procedure KCC will apply to managing conduct issues. It should be read in conjunction with KCC's Disciplinary Policy.

Investigations

It may be necessary for the line manager to undertake a preliminary investigation to determine certain basic facts about a person's alleged misconduct. The preliminary investigation will identify whether there are sufficient grounds to require a more detailed formal investigation to be carried out into the employee's conduct (further information on this is available in KCC's Conducting Investigations Guidance). The formal investigation will determine whether or not there is a case to answer and will be undertaken prior to any to any disciplinary action being taken.

In cases where the allegations could potentially result in a first or second level warning , the line manager can conduct the required investigation and HR advice will be available where it is required. The investigation process should examine all relevant available evidence including information from any witnesses. The investigation should be conducted as quickly as possible, ideally within 28 days, although recognising it may take longer based on the availability of all parties, including witnesses. Where it is not possible to conclude the investigation within 28 days, the employee under investigation should be informed and the investigation should be resolved as soon as is reasonably possible. All parties to the disciplinary investigation process will be kept fully briefed on the arrangements and the timescales.

In cases where the line manager will be involved as a potential witness or where the allegations are more complex and serious (including those which could constitute gross misconduct) the investigation should be conducted by someone who is as independent of the case as is necessary. This could involve a member of Internal Audit, or an external investigator.

Where a line manager is involved in the matters being investigated, another manager will need to take responsibility for:

- identifying and appointing the investigating officer
- extending the employee's suspension period (if suspension has been required)
- monitoring the investigation timescales
- receiving the completed investigating report
- taking decisions on whether to progress the matter to a disciplinary hearing

The manager who has undertaken the responsibilities listed above may also present the management case at the disciplinary hearing.

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Where the allegations relate to more serious acts of misconduct (i.e. where, if the allegations are substantiated, the potential disciplinary sanction could be a final warning or above) HR advice should be sought throughout the disciplinary process

In cases of serious misconduct or gross misconduct the investigation should aim to be completed within 8 weeks. Where this is not possible, the employee should be informed and the investigation should be resolved as soon as is reasonably possible. All parties to the disciplinary investigation process will be kept fully briefed on the arrangements and the timescales. These cases, if upheld, are likely to result in a final warning, transfer and/or downgrading, or dismissal.

In cases involving Internal Audit, interviews may be conducted under caution during the investigation process.

Suspension

It may be necessary to suspend an employee for the duration of the investigation. This is not a sanction in itself and other options will be considered in consultation with the Human Resources Team before taking the decision to suspend. The decision to suspend must be made by a senior officer delegated by a Corporate Director* in consultation with the Human Resources Team and the Head of Internal Audit if fraud or similar is suspected. Decisions to suspend should only be made when alternative working arrangements are assessed as not being practicable or appropriate.

* or by the Corporate Director themselves

Suspension may need to continue beyond the period of the investigation. However, it must be for a fixed period of time, with regular formal review, confirmed in writing to the employee who will retain the pay they would have received if at work during the period of suspension. Either their line manager or another nominated officer should also provide the employee with sufficient support and communication during this period, including any conditions that apply to the suspension.

Decisions on Findings of Investigations

A decision on whether to proceed to a disciplinary hearing should be made by the line manager (or another manager if the line manager is involved in the investigation process) and will be based upon the findings of the investigation. This decision must be taken in consultation with the Human Resources Team, and the employee will be notified accordingly. If the case is to proceed to a hearing, the full investigation report should be shared with the employee, unless there is exceptional justification for not doing so.

Disciplinary Hearings

As a result of the formal investigation, and subsequent decision by the authorised manager, a Disciplinary Hearing may be held; information regarding Disciplinary Hearings is available within KCC's Hearings Procedure.

Disciplinary Sanctions

Sanction	Level of management authorised to issue	Level of management who will hear appeal & to whom appeal should be addressed	Period that warning remains live
First Level Warning	Line manager or more senior manager	Next level of management	6 months
Second Level Warning	Line Manager or more senior manager	Next level of management	12 months
Final Warning	senior manager delegated by a Corporate Director*	Corporate Director, or Head of Paid Service if issued by Corporate Director	18 months
Transfer and/or downgrading	Corporate Director or delegated senior manager	Senior Officer Appeals Panel; appeal should be addressed to Corporate Director of Engagement, Organisational Design and Development	
Dismissal (including summary dismissal)	Corporate Director or delegated senior manager	Senior Officer Appeals Panel; appeal should be addressed to Corporate Director of Engagement, Organisational Design and Development	

* or by the Corporate Director themselves

Pay Arrangements Following Dismissal

Where the outcome of a Disciplinary Hearing is dismissal, pay will cease upon expiry of notice or on the day identified in the letter notifying the employee of the dismissal, in the case of summary dismissal. If, through no fault of the employee, an Appeal Panel is unable to consider the matter before notice expires, pay will be fully reimbursed in the event of a successful appeal.

Appealing Against Sanctions

If a sanction is issued as an outcome of a formal Disciplinary Hearing, employees will have a right of appeal against this sanction; information regarding the appeals process is available within KCC's Hearings Guidance.

[Alternative Formats](#)

This document is available in other formats. Call 03000 421553 or email alternativeformats@kent.gov.uk

DISCIPLINARY PROCEDURE FLOWCHART

