

## Disciplinary Policy

### 1. Introduction

This organisation requires all staff to maintain the highest possible standards of attendance, conduct and performance. The purpose of this policy is to help staff to understand and maintain the standards.

If any staff member is unsure of what is expected of them, they should speak to their line manager. If any staff member fails to meet the standards, this disciplinary procedure will be applied.

Where it is not possible to hold a face-to-face meeting under this procedure, the process will be conducted remotely. The organisation will ensure staff and their representatives have access to the necessary technology for participating. Staff rights will not be affected, and the organisation will ensure the procedure remains fair and reasonable.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by a note taker.

This document forms part of a contract of employment and will be changed from time to time in line with current best practice and statutory requirements and to ensure business needs are met. Staff will be consulted in advance of any proposed changes with those required by law being implemented with or without staff consent.

### 2. Policy Aims:

- Ensure all staff are aware of the standards expected of them in respect of conduct, performance and attendance.
- Provide procedures in this policy should any staff member not meet the expected standards.
- To manage any fall in standards in a fair and consistent manner.

### 3. Investigation

Before any formal action takes place, an investigation will be carried out by an appropriate person. The purpose of this is to establish facts of the allegations. This will normally involve speaking to the person the allegations are made against and anyone else who may provide relevant information. Relevant documents or information may also be obtained and referred to.

There is no right to Trade Union or colleague support at Investigation meetings as these are not formal and do not form part of the formal disciplinary process.

If the staff member is unable or chooses not to participate in the investigation, the investigation will proceed in their absence.

The investigating officer cannot make a decision with regards to what action, if any. They can only recommend:

- No further action
- Informal action
- Formal disciplinary action

#### **4. Police Involvement and Criminal Offences**

The organisation may treat any criminal investigation, charge or conviction connected to the member of staff as a disciplinary matter if it is considered relevant to employment with the organisation.

Should a member of staff be subject to any police investigation, the organisation will conduct its own independent investigation and proceed regardless of the status of any police involvement.

If a member of staff is subject to any of the above, and believe this may in any way affect their ability to do their job or the organisation's reputation, they must discuss this with their line manager as soon as possible.

#### **5. Suspension**

Suspension will only occur where there is significant risk to the staff members, others or the organisation. This includes interfering with the investigation or disciplinary process.

#### **6. Informal Process**

If performance, conduct or attendance does not meet required standards, the line manager will meet with the staff member. The discussion will be noted in the staff member's file and include what the concerns are, what improvements are required, any support available and explain potential further action if standards are not met. This will be provided in writing to the staff member.

#### **7. Formal Process**

The formal process will be instigated when attempts to improve conduct, performance and/or attendance have not improved through the informal process. The formal process will be applied if there is a more serious allegation.

A minimum of 48 hours' notice in writing will be given following an investigation to invite the staff member to the disciplinary hearing. They have a right to bring a Trade Union representative or colleague with them, should they wish to do so.

The invite to hearing letter will include a copy of the investigation report together with a copy of any supporting evidence.

#### **Stage One – First Written Warning**

The purpose of the disciplinary hearing is to provide an opportunity for the staff member to state their case and consider all appropriate evidence. Should the panel decide a disciplinary sanction is appropriate, a first written warning will be issued. This will be live for a period of six months.

#### **Stage Two – Final Written Warning**

If the matter is considered of a serious nature or there is an existing live first written warning on file, a disciplinary hearing will be convened following the investigation. The purpose of the disciplinary hearing is to provide an opportunity for the staff member to state their case and

consider all appropriate evidence. Should the panel decide a disciplinary sanction is appropriate, a final written warning will be issued. This will be live for a period of 12 months.

### **Stage Three – Dismissal**

If the matter is considered to be gross misconduct or there is an existing live final written warning on file, a disciplinary hearing will be convened following the investigation. The purpose of the disciplinary hearing is to provide an opportunity for the staff member to state their case and consider all appropriate evidence. Should the panel decide a disciplinary sanction is appropriate, a notice of dismissal may be issued alternatively, the panel may consider alternative sanctions to termination such as redeployment, demotion, or an extension to the time limit of a warning.

Dismissed staff will not be expected to work any notice period and will be paid for such unless dismissal is for gross misconduct. Where gross misconduct applies, staff are not entitled to receive any notice pay but, will receive remuneration for all annual leave accrued and not yet taken as at the date of termination

### **8. Gross Misconduct**

Gross misconduct equates to a serious breach of contract and includes actions which have or could have a serious impact on the organisation, its' reputation or irrevocably breakdown the relationship of trust and confidence. The following list is examples of gross misconduct but, is not exhaustive

- Theft and/or serious wilful damage or misuse of organisational property, staff, clients, customers or anyone connected with the organisation.
- Bullying, harassment, threatening behaviour, verbal or physical threats.
- Attending the workplace or being on duty whilst under the influence of alcohol or any other substance.
- Possession, use, supply or attempted supply of illegal and/or legal substances.
- Fraud, forgery or other dishonesty including, fraudulent wage claims or falsification of records/expenses including time sheets and overtime.
- Discrimination or victimisation.
- Breach of health and safety rules and procedures or any other policies, operating procedures or workplace rules.
- Acts of gross professional incompetence.
- Serious breaches of the Data Protection Regulations 2018.
- Acceptance of bribes or other concealed payments.
- Deliberately accessing internet sites containing illegal, pornographic, offensive, obscene and/or information to incite or carry out any acts of violence.
- Being charged or convicted of a criminal offence which may affect the organisational reputation or relationships with staff, clients or service users and/or affects suitability to work for the organisation.
- Any official information from external agencies which may compromise suitability for the role.

### **9. Notice of Decision**

The staff member will be issued with the outcome of the decision, including the reasons for this in writing within five working days of the formal disciplinary hearing. This letter will detail the reasons for the formal warning. If dismissal applies, the letter will confirm the last date of employment and any outstanding payments due

### **10. Appeals**

The right to appeal applies to all formal disciplinary action including dismissal. The appeal must be received in writing within five working days of the written warning or dismissal letter being received. Details on how to appeal will be included in the written warning or dismissal letter. The appeal hearing will be arranged within ten working days of receiving the appeal. The outcome will be confirmed in writing which may be to confirm the previous action, dismiss the previous action or substitute a lesser penalty.

### **11. Data Protection Act 2018**

The organisation will treat all personal data in line with obligations under the current data protection regulations.