

## **Disciplinary Policy**

### **Aim**

The Organisation aims to encourage employees to achieve and maintain standards of conduct and performance. The purpose of the policy is to set out the action that will be taken when these standards are not met. The policy sets out what will happen at each stage of the disciplinary process, detailing the rights of individuals and the possible penalties that may be invoked.

### **PRINCIPLES**

- The procedure is designed to establish all the relevant facts and to deal with disciplinary issues in a consistent and timely manner. No action will normally be taken until the matter has been fully investigated.
- The employee will be advised of the nature of the complaint, will have the right to state his/her case and can be accompanied at any stage of the formal disciplinary procedure, either by a work colleague or a trade union representative.
- The Organisation recognises that most employees act in good faith, the purpose of any disciplinary process and actions will mainly be of a corrective nature to improve practice rather than to apportion blame.

### **INFORMAL PROCEDURE**

The Organisation may choose to use the informal procedure prior to the Formal Procedure being used. Where the informal procedure is used the Manager conducting the meeting should make written notes of the discussions and any agreed actions, these notes will normally be retained on the individual's personal file for future reference.

### **Poor performance**

Where an employee's poor performance is due to his/her lack of capability the Organisation will endeavour to support and encourage the employee to improve his/her performance. An informal meeting will be arranged between the employee and the line manager, to discuss the individual's level of performance and to identify what, if any corrective action can take place to improve his/her performance, such action may

include training, setting targets and review periods or a change in work pattern and/or level of responsibility.

Any action will be agreed with the employee and timescales will be set to review his/her ongoing performance. Where an individual's level of performance still fails to meet the appropriate standard then disciplinary action will normally be taken and the Formal Procedure as detailed below will be invoked.

### **Conduct**

Where an employee commits a minor breach of discipline the manager will normally meet with the employee to discuss his/her conduct. An informal caution may be given to the employee and the manager will inform the employee that if he/she commits the act of misconduct again then the Formal Procedure as detailed below will normally be invoked.

Minor breaches of discipline may include poor timekeeping or an inappropriate standard of dress.

## **FORMAL PROCEDURE**

### **Investigation**

Where a potential disciplinary matter arises the Organisation will endeavour to carry out an investigation into the issues which have arisen. As part of the investigation the Organisation may interview, where it is appropriate, any witnesses and the employee. Witness statements may be taken and evidence relating to the issues will be gathered. Where a meeting is held with the employee he/she will, whenever possible, be given advance warning and time to prepare. The investigation is to determine whether a formal disciplinary hearing is warranted and not to determine if a disciplinary sanction should be invoked. Where possible an independent Investigating Officer will be appointed to conduct the investigation.

In the case of alleged serious or gross misconduct the Organisation may suspend the employee on full pay whilst an investigation is carried out into the allegations. Normally this will be for no more than five working days. The purpose of suspension is to enable an unimpeded investigation into the issues and/or to avoid any risk to the operation or

the Organisation. Suspension will not be considered as a disciplinary sanction and will only be invoked after careful consideration.

### **Disciplinary Procedure**

If following the investigation, a disciplinary hearing is required, the Organisation will write to the employee inviting him/her to attend a disciplinary hearing. The employee will be given a copy of any witness statements and/or evidence prior to the hearing. The invitation will also state the reason(s) for holding the hearing, who will chair the hearing, the location, time and place of the hearing and details regarding the employee's right to be accompanied either by a work colleague or trade union representative. The manager chairing the hearing may also be accompanied.

### **During the hearing**

At the beginning of the hearing the manager will introduce all those present to the employee and explain why they are there, he/she will also explain the role of his/her companion and that he/she is there to take notes of the hearing.

The purpose of the hearing will be explained to the employee and how the meeting will be conducted. The manager will state precisely what the complaint is and present the evidence that has been gathered. The point of the meeting is to establish the facts. The employee will be given the opportunity to state his/her case and answer any allegations that have been made. The employee may ask questions, present his/her evidence and call upon any relevant witnesses.

The manager will adjourn the hearing if further investigation is necessary and/or prior to making a decision as to what, if any, disciplinary sanction may be required.

The manager considering whether any sanctions are required will take into consideration the seriousness of the allegations, the employee's previous disciplinary record and what if any would be a reasonable sanction to invoke.

The employee will be informed as to what action may be taken and what he/she must do to remedy the situation in the future. The employee will also be informed as to any further disciplinary action which may be taken should he/she commit a further act of misconduct or incapability. It may be appropriate for the manager and the employee to

agree an action plan to identify any specific actions and/or relevant training which may be necessary. The employee will also be informed as to how long the sanction will remain on his/her file and he/she will be given the right to appeal. Details of any disciplinary action and the right of appeal will be confirmed in writing to the employee.

If it is established from the hearing that the individual's performance or conduct is unsatisfactory there are a number of disciplinary actions that may be applied. These are as follows:

## **SANCTIONS**

### **Written Warning**

If performance or conduct is unsatisfactory a Written Warning will be given. The Written Warning will include the reason and the fact that the Written Warning will remain in force for six months.

### **Final Written Warning**

If the conduct or performance is still unsatisfactory, or if the performance or conduct is deemed as serious, a Final Written Warning will be given. The Final Written Warning will include the reason and the fact that the Final Written Warning will remain in force for 12 months.

### **Dismissal or Other Sanction**

If there is no satisfactory improvement in performance or if further misconduct occurs, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension which will be unpaid. Where an employee is dismissed on a procedural basis such a dismissal will be with paid notice.

In cases where gross misconduct is found to have taken place then the employee will be summarily dismissed without paid notice.

In all cases relating to dismissal the employee will be provided in writing the reasons for dismissal and will be given the right to appeal.

## **GROSS MISCONDUCT**

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the Organisation into serious disrepute
- incapability at work brought on by alcohol or substance abuse
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence

## **SHORT SERVICE PROCEDURE**

During the first 23 months of an individual's employment, the Organisation reserves the right to dismiss the employee for a first offence without following the procedure as detailed above.

## **APPEAL**

The employee will have the right to appeal against any disciplinary penalty. The appeal should be made within five working days from the date of receiving written confirmation of the warning or dismissal and must be made to the manager detailed in the written confirmation. The manager hearing the appeal will be of an appropriate level to

overturn, if necessary the original decision. The Organisation may appoint a third party to hear the appeal. An appeal will usually be made on the following grounds:

- Reasons related to the fairness of the decision
- Procedural irregularities
- New evidence

The employee will be invited to attend an appeal hearing at which he/she may be accompanied either by a work colleague or a trade union representative. The manager hearing the appeal may also be accompanied.

Where the appeal is against a dismissal, if the original decision to dismiss is upheld the original date of dismissal will still apply. If the decision to dismiss is overturned the employee will be reinstated and his/her service will be treated as continuous.

The appeal decision will be final.

### **THE RIGHT TO BE ACCOMPANIED**

All employees have the right to be accompanied at a disciplinary hearing either by a work colleague or a trade union representative. The Organisation does not have to formally recognise a trade union for the employee to have the right to be accompanied by a trade union official who is employed by the trade union or is certified by their union to act as an employee's companion.

You must tell the manager chairing the hearing who your chosen companion is, this information must be provided in good time before the hearing.

The companion has the right to address the hearing but does not have the right to answer questions on behalf of the employee. The employee can ask to postpone the disciplinary or appeal hearing for up to five working days, where his/her companion is unable to attend.

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