2. 8. **Disciplinary Procedure**
      1. **Purpose and Scope**

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct and attendance which are acceptable at all times, including the need to: -

* Fulfil the duties specified in their contract of employment,
* Be honest and act beyond suspicion of dishonesty, and,
* Maintain high standards of integrity and conduct to protect THE ORGANISATION’s image and reputation with the public.

The aim is to ensure consistent and fair treatment for all staff. It does not apply to employees in their probationary period.

* + 1. **Principles**
* Informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
* No formal disciplinary action will be taken (i.e. a formal warning) until the case has been fully investigated
* For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary hearing
* Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
* Employees have the right to be accompanied at a formal disciplinary hearing by a work colleague or trade union official of their choice. There is no right for employees to be accompanied at a formal investigatory interview
* Employees will not ordinarily be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will usually be dismissal without notice or payment in lieu of notice
* An employee will have the right to appeal against any disciplinary action
* The procedure may be implemented at any stage if the employee's alleged misconduct warrants this
  + 1. **The Procedure**

**Informal discussions**

Before taking formal disciplinary action, THE ORGANISATION will make every effort to resolve the matter by informal discussions with the employee where it is appropriate to do so.

Records of these discussions must be agreed and kept on file.

Where this fails to bring about the desired improvement or where the matter cannot be resolved informally, the formal disciplinary procedure will be implemented.

**Investigation**

THE ORGANISATION will where appropriate and necessary, carry out an investigation to establish relevant facts. Employees will be expected to attend any investigatory meeting called. In serious cases, THE ORGANISATION may suspend the employee, with full pay, pending investigation of the allegations. Suspension in these circumstances does not constitute disciplinary action. The employee will be provided with copies of all documentation and supporting evidence to be presented at the hearing.

**Stage 1 - First Warning for Misconduct**

If THE ORGANISATION has concerns about an employee’s conduct we will write to the employee explaining the concerns and invite them to a formal disciplinary hearing to discuss the concerns. This will give the employee an opportunity to give their perspective. Employees will have the right to be accompanied to the meeting by a work colleague or trade union official.

Following a disciplinary hearing if the employee’s conduct has fallen beneath acceptable standards, a first written warning will be issued. This will be in writing and will;

* Set out the nature of the misconduct
* The change in behaviour required
* The right of appeal
* The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change within a specified period of time

The warning will be taken into account should any further misconduct occur (whether for similar circumstances or not) within a specified period of time. While the warning will not remain active in relation to future disciplinary matters after the specified time, a record of what has occurred will be kept and may be referred to if relevant**.**

**Stage 2 - Final Written Warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, THE ORGANISATION will write to the employee again explaining the concerns and invite them to a formal disciplinary hearing to discuss the concerns. This will give the employee an opportunity to give their perspective. They will have the right to be accompanied to the meeting by a work colleague or trade union representative.

Following a disciplinary hearing if the employee’s conduct has fallen beneath acceptable standards, a final written warning may be issued. This will give details of;

* The complaint
* The improvement required and the timescale
* It will also warn that failure to improve may lead to dismissal
* Will refer to the right of appeal

The warning will be taken into account should any further misconduct occur (whether for similar circumstances or not) within a specified period of time. While the warning will not remain active in relation to future disciplinary matters after the specified time but within a maximum of 12 months, a record of what has occurred will be kept and may be referred to if relevant.

**Stage 3 - Dismissal**

If there is still further misconduct or a failure to improve sufficiently THE ORGANISATION will write to the employee again explaining the concerns and invite them to a formal disciplinary hearing to discuss the concerns. This will give the employee an opportunity to give their perspective. They will have the right to be accompanied to the meeting by a work colleague or trade union official.

Following a disciplinary hearing if the employee’s conduct remains beneath acceptable standards or if there has been insufficient improvement, they may be dismissed. If the employee is dismissed they will be provided in writing with;

* Reasons for dismissal
* The date on which the employment will terminate
* The right of appeal

If the employee is accused of an act of gross misconduct, it is likely that they will be suspended from work on full pay while the alleged offence is investigated. If, on completion of the investigation, THE ORGANISATION is satisfied that gross misconduct has occurred, the result will normally be summary dismissal.

**Appeals**

An employee who wishes to appeal against a disciplinary decision must do so in writing to the Chair within five working days. The Chair will either hear the appeal, or appoint another person or panel to hear the appeal.

**Retaining records of disciplinary warnings**

The warning will be disregarded after a specified period of time for the purposes of providing an employment reference. However, it may be taken into account in relation to future disciplinary matters where relevant.

* + 1. **Confidentiality**

All staff members must treat as confidential any information communicated to them in connection with an investigation.

Staff members are not permitted to make any electronic recordings of any investigative meetings, disciplinary or appeal hearings. A representative, or any companion or witnesses who may accompany a member of staff to any meetings or hearings are also forbidden from making electronic recordings. However, a note taker will be present at formal hearings in order to produce and distribute an accurate written record of the meeting.

* + 1. **Disciplinary rules**

The following is a list of the disciplinary rules. These are intended to set safe and efficient standards of performance and acceptable levels of conduct.

This list is not to be regarded as exclusive or exhaustive. Acts of misconduct not falling within one of these rules may also give rise to disciplinary action.

**Who do these rules apply to?**

These disciplinary rules apply to all employees regardless of their length of service or the length of their contract.

**Misconduct**

The following is a list of examples of behaviour and conduct which is viewed as misconduct. They will normally lead to a disciplinary warning unless there are very exceptional mitigating circumstances. This list is not to be regarded as exclusive or exhaustive. Acts of misconduct not falling within one of these rules may also give rise to disciplinary action:

* Unsatisfactory timekeeping including repeated lateness, an unacceptable level of attendance or failure to follow absence reporting procedures
* Absence without proper authorisation or reasonable cause
* Unsatisfactory work performance (either repeated instances or poor work or one piece of very poor work)
* Failure to use safe working practices and / or observe the requirements of the Health and Safety Policy and associated procedures
* Failure to carry out reasonable instructions
* Unwillingness to work co-operatively and positively as a member of a team
* Failure to preserve the dignity, respect and privacy of others or behaviour that would breach the harmony in the workplace
* Breach of confidentiality - to an extent short of that specified under the relevant example given for Gross Misconduct
* Placing inappropriate, derogatory or offensive comments on social networking sites, e.g. Facebook which affect THE ORGANISATION its staff, members or suppliers
* Dishonesty; to an extent short of that specified under the relevant example given for Gross Misconduct
* Behaviour liable to bring THE ORGANISATION into disrepute; to an extent just short of Gross Misconduct
* Incapability at work brought on by the use of alcohol or drugs
* Negligence resulting in minor loss, damage or injury to THE ORGANISATION, a fellow employee or client
* Impropriety or disorderly conduct whether within or outside working hours which THE ORGANISATION reasonably considers to be detrimental to or conflicting with the interest of THE ORGANISATION or its clients
* Failure to disclose a personal interest which conflicts with THE ORGANISATION or its clients
* Unsatisfactory manner or / and appearance
* Any act or omission which, after investigation and due consideration to the individual circumstances is believed to amount to misconduct

**Gross Misconduct**

The following is a list of examples of behaviour and conduct which is viewed as extremely serious. They will normally lead to dismissal unless there are very exceptional mitigating circumstances. This list is not to be regarded as exclusive or exhaustive. Acts of gross misconduct not falling within one of these rules may also give rise to disciplinary action:

* Intentionally making false statements when incidents or accidents are being investigated, or when applying for employment or in connection with medical examination
* Negligence which potentially or actually results in serious loss, damage or injury
* Physical violence or bullying
* Theft or fraud of THE ORGANISATION resources whether attempted or actual
* Unauthorised possession of property belonging to THE ORGANISATION, a client or another team member
* Behaviour inside or outside working time which is liable to bring THE ORGANISATION into disrepute
* Wilful disregard of duties or of instructions relating to employment
* Abandoning duty without permission
* Serious breach of trust or confidence relating to THE ORGANISATION or its clients’ affairs
* Serious incapability at work brought on by the use of alcohol or drugs
* Deliberately accessing internet sites containing pornographic, offensive or obscene material
* Action leading to the cautioning or conviction of an employee for an act relevant to the employment if it is decided that this makes an employee unsuitable for the type of work or unacceptable to THE ORGANISATION
* Serious infringement of any of THE ORGANISATION's policies and procedures including the Health and Safety Policy, Equality and Diversity Policy, and any policies regarding the use of information technology
* Any act or omission which, after investigation and due consideration to the individual circumstances is believed to amount to gross misconduct