

## **Disciplinary Procedure**

### **1. Purpose and Scope**

This procedure is designed to help and encourage all Employees to achieve and maintain standards of conduct, attendance and job performance.

This procedure applies to all Employees. The aim is to ensure consistent and fair treatment for all.

### **2. Principles**

Informal action will be considered, where appropriate, to resolve problems. No disciplinary action will be taken against an Employee 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 meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. At all stages of the procedure the Employee will have the right to be accompanied.

No Employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will 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.

### **3. The Procedure**

#### **First stage of formal procedure**

This will be a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and 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. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after six months.

#### **Final written warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given. 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 (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance.

#### **Dismissal**

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal.

Dismissal decisions can only be taken by the Employer, and the Employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of 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
- serious incapability at work brought on by alcohol or illegal drug
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

### **Appeals**

An employee who wishes to appeal against a disciplinary decision must do so within 14 calendar days of the date of the letter confirming disciplinary action and clearly state the grounds for the appeal.

The purpose of the appeal hearing is to consider whether the disciplinary action taken was fair and reasonable.

**The decision of the appeal hearing is final. This does not affect your right to invoke the grievance procedure.**

The Employer **must** seek guidance and assistance from their Insurance provider, appropriate Care Trust/Council and or ACAS.