

DISCIPLINARY PROCEDURE

1 Purpose and Scope

- 1.1 The Disciplinary Procedure provides for warnings to be given for failure to meet the Employer's standard of job performance, conduct (whether during working hours or not) and attendance, or breach of any of the Terms and Conditions of Employment. The aim is to ensure consistent and fair treatment for all.
- 1.2 This procedure applies to all employees regardless of their status or length of service. It is not contractual, but is intended as a statement of current Employer policy and commitment to operate a fair procedure in relation to all its Employees. The Employer therefore reserves the right to amend the procedure as necessary to meet any changing requirements.

2 Principles

- 2.1 The aim is to seek a high standard of personal conduct from every Employee as a means of achieving good employee relations, work performance and customer satisfaction.
- 2.2 Where the Employer believes the Disciplinary Procedure should be invoked, you will be written to and advised of the complaint being made against you. At every stage in the procedure you will be advised of the nature of the complaint against you and will be given the opportunity to state your case at a disciplinary hearing before any decision is made. You will normally be given at least 48 hours notice of any disciplinary hearing.
- 2.3 At all stages you will have the right to be accompanied by a fellow Employee or trade union representative.
- 2.4 The disciplinary action taken when the facts of the case warrant it, will be determined by the severity of the offence. Persistent breaches of the same, or similar rules will lead to progressively more severe action occurring.
- 2.5 Only [] may effect dismissal and suspensions.
- 2.6 You will have the right to appeal against any disciplinary penalty imposed.
- 2.7 A copy of the Employer's decision will be provided to you in writing together with the reasons for its decision.

3 The Procedure

- 3.1 Where necessary prior to any disciplinary action taking place, an investigation will be conducted into the circumstances of the alleged offence. The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing.
- 3.2 The investigation may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. Investigative interviews are solely for the purpose of fact finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 3.3 You will not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability.
- 3.4 It may be necessary in certain circumstances to suspend you with pay pending an investigation of the matter. The suspension will be for no longer than is necessary to investigate the allegations and the arrangements will be confirmed to you in writing. Suspension during an investigation is not disciplinary action and does not imply that any decision has already been made about you.
- 3.5 It is not possible to anticipate and provide expressly for all circumstances where consideration of disciplinary action may be appropriate. For that reason, the Company reserves the right to omit one or more stages of the process outlined below where circumstances dictate. In other words, employees are not guaranteed to receive a warning before any proposed dismissal especially in cases of gross misconduct.
- 3.6 Minor faults will be dealt with informally but where the matter is more serious the following procedure will be used:
- 3.7 Depending on the severity of the offence, disciplinary action may take one of the following forms:

3.7.1 Stage 1 - Verbal warning

If conduct or performance does not meet acceptable standards and where you have no other active warnings on your disciplinary record, you will normally be given a formal VERBAL WARNING. You will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of your right of appeal. A brief note of the verbal warning will be kept on your personnel file but it will be disregarded for disciplinary purposes after [6] months, subject to satisfactory conduct and performance.

Verbal warnings may be authorised by [insert appropriate management grade].

3.7.2 Stage 2 – First Written warning

If the offence is more serious, or if a further offence occurs within [6] months of a verbal warning, a FIRST WRITTEN WARNING will be given to you. This will give details of the complaint, and, in appropriate circumstances, the improvement required, and the time scale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement, or any repetition of misconduct, and will advise of the right of appeal. First written warnings may be given by []. A copy of this first written warning will be kept by [] but it will be disregarded for disciplinary purposes after [6] months subject to satisfactory conduct and performance. A copy of the actual warning will be given to you and a copy retained on your personnel file.

First written warnings may be authorised by [insert appropriate management grade].

3.7.3 Stage 3 - Final written warning

If there is still a failure to improve and/or conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning (in effect first and final warning) but insufficiently serious to justify dismissal, a FINAL WRITTEN WARNING will normally be given to you. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on your personnel file but it will be disregarded for disciplinary purposes after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance. A copy of the actual warning shall be given to you and a copy retained on your personnel file.

Final written warnings may be authorised by [insert appropriate management grade].

3.7.4 Stage 4 - Dismissal [with or without notice depending on the severity of the offence]

If conduct or performance is still unsatisfactory and you still fail to reach the prescribed standards within 12 months from the final written warning or if the misconduct is sufficiently serious to justify dismissal without prior warnings then following a hearing, DISMISSAL, will normally result. You will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

Dismissal may be authorised by [].

[Demotion or redeployment may be considered, as an alternative to being dismissed, in appropriate cases. These sanctions may be used in conjunction with a written warning.]

3.7.5 Serious Misconduct

If the breach is more serious and the Employer is satisfied that an offence has occurred the Disciplinary Procedure will be invoked at stage 3 or stage 4. You will receive either a final written warning which will contain clear notice that any repetition of misconduct will result in dismissal or you will be dismissed with notice (or a payment in lieu), depending on the seriousness of the offence.

4. Gross Misconduct

If you are accused of an act of gross misconduct, you may be suspended from work with pay while the Employer investigates the alleged offence. During the period of suspension you may be refused access to any of the Employer's premises without the prior consent of the Employer and subject to such conditions as the Employer may impose.

If, on completion of the investigation, it appears to the Employer that gross misconduct has occurred, you will be notified of a hearing setting out the grounds on which the Employer contemplates dismissing you as per clause 2.2. If you are dismissed, you will be advised of a right to Appeal. After the Appeal hearing you will be informed of the final decision. Normally for gross misconduct the decision will be made to dismiss summarily, that is without notice or without payment in lieu of notice.

The following list shows examples of the type of offences which the Employer has categorised as gross misconduct justifying summary dismissal but is not exhaustive:-

- a) theft of the Employer's or another employee's property;
- b) drunkenness or intoxication with drugs on the Employer's premises or on a site at which the Employer operates;
- c) fighting on the Employer's premises or on a site at which the Employer operates;
- d) breach of confidentiality concerning the Employer's confidential information;
- e) wilful damage to the Employer's property;
- f) refusal to obey the reasonable orders of a superior;
- g) failure to attend for work without reasonable cause;
- h) conduct likely to bring the Employer into disrepute.
- i) an order of ACCA's Disciplinary Committee removing you from the student register (subject, if applicable, to an affirmation of that order by the Appeal Committee)

- j) harassment, bullying or discrimination against employees, clients, contractors or members of the public;
- k) breach of the Employer's policy on electronic communications and/or misuse of the Employer's information technology systems and/or deliberately accessing internet sites containing pornographic, obscene, offensive or sectarian material.

5. The Disciplinary Hearing

- 5.1 The Employer will give you written notice of the date, time and place of the disciplinary hearing, which will normally be held between two and five working days after you receive the written notice.
- 5.2 The hearing will be chaired by [*insert appropriate person*]. You have the right to be accompanied at the disciplinary hearing by either a colleague or trade union representative.
- 5.3 You must take all reasonable steps to attend the hearing. Failure to attend without good reason may be treated as misconduct in itself. If you or your companion cannot attend at the time specified you should inform the Employer immediately and it will seek to agree an alternative time.
- 5.4 The purpose of the disciplinary hearing is to review the evidence and to enable you to respond to any allegations that have been made against you. If you have a companion, he or she may make representations to the Employer and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.
- 5.5 The disciplinary hearing may be adjourned if we need to carry out any further investigations.
- 5.6 Within 5 working days of the disciplinary hearing, the Employer will inform you in writing of its decision (including details of any misconduct that the Employer considers you have committed and the disciplinary sanction to be applied) together with reasons for the Employer's decision. You will be informed of your right of appeal.

6. Appeal

- 6.1 If you wish to appeal you should do so in writing, stating your full grounds of appeal, to [*insert person*] within 5 working days of the date on which you were informed of the decision.
- 6.2 The Employer will give you notice of the date, time and place of the appeal hearing.

The appeal hearing will where possible be heard within seven working days of receiving your appeal. You must make all reasonable efforts to attend the appeal hearing. You have the right to be accompanied at appeal hearings by a colleague or trade union representative.

- 6.3 Where practicable the appeal will be heard by a manager who is senior to the person who conducted the disciplinary hearing. Their decision will be final.
- 6.4 The conduct of the appeal will be a matter for the manager conducting the appeal who may call such witnesses and consider such documents as he/she feels appropriate. He/she may also adjourn the appeal to conduct any further enquiries that he/she believes are necessary.
- 6.5 Following the appeal hearing, the Employer may:
 - (a) confirm the original decision; or
 - (b) uphold the appeal and set aside the original decision; or
 - (c) substitute an alternative form of disciplinary action or penalty if he/she thinks it appropriate to do so.
- 6.6 The Employer will inform you of its final decision after the appeal hearing. The decision made at the appeal will be final and there is no further right of appeal.