

DISCIPLINARY POLICY AND PROCEDURE

What does this policy cover?

We trust our staff to work consistently to a good standard. However, where there are instances where conduct is unsatisfactory or a serious breach of the standards and values we expect at ESTEEM, then we may need to take formal action. The policy ensures that there is a fair process to fully investigate the problem and to ensuring that both Esteem and the employee are clear about their responsibilities.



This policy should be read in conjunction with the ACAS code of practice on Disciplinary and Grievance Procedures. This is available at www.acas.org.uk

1. Principles

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated although it may be necessary to suspend the employee while the investigation takes place.
- At all formal stages of the procedure employees will have the opportunity to put their side of the case, and to be accompanied by a colleague or trade union representative, if they wish.

Name and reference: HRM_POL_PRO_8_v2_Disciplinary Policy and Procedure	Revision no: 2	Document Date: 28/01/2019
Document Author: Virginia Sampaio	Revised by: Cat Vizor	Approved by: Peter Latham
		Page: 1

- An employee has the right to appeal against any disciplinary decision.
- The procedure is intended to give the employee, an opportunity to remedy their poor performance or unsatisfactory behaviour and no one will be dismissed for a first offence, except in the case of gross misconduct.
- Employees may be accompanied by a Trade union or colleague to all formal meetings under this procedure.
- Esteem may invite an independent adviser to conduct an investigation, participate in a hearing or advise a manager or trustee on the procedure.

2. The Procedure

- If there is dissatisfaction with an employee's performance or conduct, or a specific complaint is received Esteem will investigate any incident fully and set out in writing the alleged conduct, characteristics or other circumstances which lead it to contemplate taking disciplinary action. Esteem will send a copy of the written statement to the employee and invite them to attend a meeting to discuss the matter. The meeting will normally be with the manager.
- The meeting will take place before any action, other than suspension, is taken. The meeting will be held without undue delay and when the employee has had a reasonable opportunity to consider their response to the written statement. The employee is entitled to be accompanied at that meeting by a work colleague or a trade union representative. They must take all reasonable steps to attend the meeting. After the meeting the employee will be informed in writing of the decision.
- The outcome of this meeting could result in the following:
 - **An informal warning** - The warning will draw the employee's attention to the possible consequences of repetition of the poor performance or behaviour or failure to improve. It will be disregarded after 6 months' satisfactory service.
 - **A formal written warning** - This will be issued for a more serious conduct or performance matter or failure to improve following an informal warning. It will be removed from your record after 12 months' satisfactory service. A copy will be kept by ESTEEM for 6 years.
 - **A final written warning** - This will be issued for a very serious conduct or performance matter or failure to improve following previous warnings. It will be removed from your record after 12 months' satisfactory service. A copy will be kept by ESTEEM for 6 years.

Name and reference: HRM_POL_PRO_8_v2_Disciplinary Policy and Procedure	Revision no: 2	Document Date: 28/01/2019
Document Author: Virginia Sampaio	Revised by: Cat Vizor	Approved by: Peter Latham
		Page: 2

- **Dismissal** - Decision in cases of serious and/or repeated misconduct or poor performance, dismissal with appropriate notice (except in cases of Gross Misconduct when no notice will be given).
- If it is decided that disciplinary action short of dismissal should be taken, the employee will be told of the decision and will be given a letter in confirmation which will state:-
 - details of the misconduct, poor performance etc. which has occasioned the warning
 - the improvement that is required
 - the timescale for achieving this improvement
 - a review date
 - any support the employer will provide to assist the employee
 - how the employee may appeal
 - the employee will be informed that the letter represents the first stage of a formal procedure and that failure to improve could lead to a final written warning and ultimately, dismissal.

1. Appeals

If the employee wishes to appeal against the decision, they must inform Esteem in writing of their grounds for appeal within 5 working days. They will be invited to attend a further meeting. They are entitled to be accompanied at that meeting by a work colleague or a trade union representative. They must take all reasonable steps to attend the meeting. A trustee not previously involved in the disciplinary procedure will hear the appeal. The appeal hearing may take place before or after disciplinary action or dismissal has taken effect. After the appeal hearing the employee will be informed of the final decision and it will be confirmed in writing as soon as practicable.

2. Gross Misconduct

- In rare circumstances the employee will be summarily dismissed if it is established, after investigation and hearing the employee's version of the matter, that there has been conduct that brings the organisation into disrepute or an act of gross misconduct or a major breach of duty.

In particular, this can include:

- Theft, fraud or dishonesty
- Deliberately falsifying records and information
- Threatening behaviour, verbal abuse, acts of violence, fighting and assault
- Acts of discrimination, harassment or bullying on the grounds of sex, race, religious belief, sexual orientation, disability, age, or any other nature

Name and reference: HRM_POL_PRO_8_v2_Disciplinary Policy and Procedure	Revision no: 2	Document Date: 28/01/2019
Document Author: Virginia Sampaio	Revised by: Cat Vizor	Approved by: Peter Latham
		Page: 3

- A criminal offence committed at work, or an offence committed outside work, which makes your position with the Charity untenable;
 - Serious misuse of the Esteem’s computer systems including illegal copying of software
 - Being under the excessive influence of alcohol or illegal drugs, or being in possession of illegal drugs, whilst at work
 - Serious acts of insubordination or refusal to carry out a reasonable instruction
 - Unauthorised use or disclosure of confidential information
 - Serious breaches of the Charity’s rules, policies and procedures including health and safety and use of email and internet
 - Serious carelessness, incompetence or negligence which causes, or may cause unacceptable damage, loss or injury.
- The employee may be suspended whilst the circumstances of any complaint are investigated.

3. Suspension

Esteem reserves the right to suspend an employee from work while a complaint or allegation of misconduct or poor work performance is investigated. Any such suspension must not be seen as a disciplinary action in itself and will not involve any prejudgement. The employee will be suspended on full pay.

Document Control

Virginia Sampaio is the owner of this document and is responsible for ensuring that this policy is reviewed in line with the review requirements of the ACAS Code of Practice.

A current version of this document is available to all members of staff on the company Google Drive and is published in the employee handbook.

This policy and procedure were approved by the Peter Latham on 28/01/2019 and is issued on a version-controlled basis under her/his signature.

Signature:

Date:

Revisions to this document		
Revision number:	Date:	Description on modifications:
01	21/11/2018	Formatting of the Document
		Edit to formal and final written warnings:

Name and reference: HRM_POL_PRO_8_v2_Disciplinary Policy and Procedure	Revision no: 2	Document Date: 28/01/2019
Document Author: Virginia Sampaio	Revised by: Cat Vizor	Approved by: Peter Latham
		Page: 4

		It will be removed from your record after 12 months' satisfactory service. A copy will be kept by ESTEEM for 6 years.
--	--	---

Name and reference: HRM_POL_PRO_8_v2_Disciplinary Policy and Procedure	Revision no: 2	Document Date: 28/01/2019
Document Author: Virginia Sampaio	Revised by: Cat Vizor	Approved by: Peter Latham Page: 5