

## **The Place Disciplinary Procedure**

### **Introduction**

The Place is committed to sustaining an environment conducive to integrity, honesty and high standards of performance. In order to contribute to this, staff need to know what is expected of them within the workplace.

The Place has developed rules setting out the standards of conduct we expect from staff. These are explained to staff as part of their induction and will be reinforced through ongoing management. They are also set out in the contract of employment.

The Place aims to ensure that rules and procedures are:

1. Clear and unambiguous
2. Relevant and up to date
3. Consistently and fairly applied
4. Accessible to all
5. Applied promptly and without undue delay

The procedures below aim to support improvement in cases where the standard of conduct is deemed to be unsatisfactory and apply to all employees of The Place including those on fixed-term and casual contracts.

Issues that relate to an employee's performance in their role, rather than conduct, will be dealt with under The Place's Capability Procedure.

The Head of HR is available to assist and support with all matters relating to cases of employee discipline.

These policies and procedures have been developed using the recommendations of ACAS and taking into account the Employment Act 2008.

### **Informal Procedures**

Minor cases of misconduct will be managed initially through informal discussions between the employee concerned and an appropriate Line Manager. Counselling, coaching and advice are often the most appropriate ways of dealing with minor misconduct.

This would not form part of the formal disciplinary procedure. However, evidence from informal discussions may be used to assess the need to take formal action at a later date. Brief notes of any counselling or informal advice will therefore be kept by the employee's Line Manager for reference purposes with a copy of any agreed action for a period of either no more than 6 months, or in the case of casual staff, until 6 months continuous service have been completed.

The Head of HR should be consulted for advice and support in this area.

## Investigations

The Place aims to investigate any potential disciplinary matters without undue delay in order to establish the facts of each case prior to deciding whether disciplinary action is required. The nature and extent of the investigation will depend on the seriousness of the matter.

When a potential disciplinary matter arises, the employee's Line Manager or other appropriate member of staff will:

1. Contact the Head of HR and Head of Department
2. Interview the employee and other staff and witnesses involved where appropriate
3. Examine verbal and written submissions
4. Obtain relevant work-related personal details
5. Having investigated the facts, decide whether to:
  - a. drop the matter
  - b. arrange informal measures for dealing with the matter
  - c. arrange for the matter to be dealt with under the formal disciplinary procedure
6. Keep records of the investigation for future reference for no more than 6 months after the issue has been resolved.

Where practicable a different manager should carry out the investigation and the disciplinary hearing.

### Investigatory meetings:

If a meeting is held to determine the facts of a case, it is an investigatory meeting, not a disciplinary meeting.

Where an investigatory meeting is held, the member of staff will be informed in of the date, time and location of the meeting in writing, in advance.

Staff will normally have the right to be accompanied to an investigatory meeting. (*see Right to be Accompanied below*)

### Suspensions:

Where a serious disciplinary matter is under investigation (for example in cases of gross misconduct) or in other circumstances where it is felt that it is reasonably necessary to do so, The Place reserves the right to suspend an employee on full pay whilst the investigation is conducted.

This will only be imposed after careful considerations and will be for as short a period as practicable. The suspension will not prejudice the outcome, imply guilt or represent a form of punishment.

A member of the senior executive team, normally the Director of the department from which the member of staff is being suspended must give authority for such action.

The Chief Executive Officer will normally be informed of the facts of the case and reasons for suspension for review before a final decision is made.

## Formal Disciplinary Procedures

### **Right to be Accompanied:**

Members of staff have the right to be accompanied by a fellow worker or trade union representative to disciplinary hearings and appeal meetings that could result in disciplinary action. A trade union representative who is not an employed official must have been certified as being competent to accompany a worker. They do not have a right to be accompanied to informal discussions or counselling sessions or some investigatory meetings.

In order to be accompanied, the member of staff must make a reasonable request to the Head of HR. The request does not have to be in writing or within a certain timeframe but should give The Place enough notice to accommodate the companion's attendance at any disciplinary or appeal meetings/hearings.

At meetings/hearings, companions can address the hearing to put forward and sum up a staff member's case, can respond to any views expressed at the meeting on behalf of the staff member and can confer with the staff member during the meeting. They cannot, however, answer questions on the staff member's behalf, address the hearing if the staff member does not wish it, or prevent The Place from explaining their case.

## Disciplinary Hearings

### ***Preparation***

If despite informal discussions, the conduct of a member of staff does not meet acceptable standards, or if the facts of a case appear to call for disciplinary action, the formal procedure will be followed, and a disciplinary hearing will be called.

The member of staff will be notified of this in writing, this notification will include details of the alleged misconduct, details of the time, date and venue of the disciplinary hearing and the possible consequences as a result of the meeting. It will also include details of their statutory right to be accompanied during the meeting.

Where possible, staff members will be provided with written copies of evidence and minutes of meetings with relevant witnesses from investigations that may have taken place in advance of the disciplinary hearing.

The hearing will be arranged at a mutually convenient time, ideally within 10 working days, except in cases where more time is needed to collect evidence or undertake an investigation.

### ***At the Hearing***

At the hearing, the purpose of the meeting, the nature of the complaint and supporting evidence will be put forward. The member of staff will be allowed to state their case, call witnesses, ask questions, present evidence and raise points about any information provided by witnesses.

The employee's line manager will chair the disciplinary hearing with a Senior Manager present, or a Director if the severity of the case warrants it.

If the allegation is against a Director, a Board Member will act as the Senior Manager. If the allegation is against the CEO, two Board Members (normally including the Chair) will hold the hearing.

A member of the HR Team will act as note taker during disciplinary hearings.

An adjournment will always take place before a decision regarding the outcome of the hearing is made.

### ***Failure to Attend a Disciplinary Hearing***

A case is unlikely to be adjourned on more than one occasion if the staff member does not attend a disciplinary hearing, other than where compelling evidence is presented.

Staff members should be aware that in instances where they are persistently unable or unwilling to attend a disciplinary hearing without good reason, The Place reserves the right to make a decision regarding disciplinary action based on the evidence available.

It should be noted that non-attendance without a valid reason might constitute an act of misconduct.

## **Disciplinary Hearing Outcomes**

After a Disciplinary Hearing, a decision will be made as to whether disciplinary or any other action is justified. The employee will be informed of this in writing, usually within 5 working days of the hearing. They will also be provided with the notes from the disciplinary meeting.

Any existing sanctions on a staff member's personnel file may be taken into account when considering appropriate disciplinary action. Please note that the disciplinary and capability procedures are not mutually exclusive and sanctions issued in accordance with either procedure will be considered.

Depending on the nature and severity of conduct or behaviour, typical sanctions include:

### ***Written Warning***

This is the first stage of formal disciplinary sanctions at The Place.

A record of the warning will be kept in the staff member's personnel file but will lapse after 6 months, subject to sustained satisfactory conduct.

### ***Final Written Warning***

Where there is a failure to improve conduct during the active period of a prior warning or where the severity of misconduct is sufficiently serious, staff member's will be given a final written warning.

A copy of the final written warning will be kept on the staff member's personnel file but will normally be disregarded for disciplinary purposes after 12 months, subject to sustained satisfactory conduct.

In each case, warnings will include the following information:

- The reason for the warning
- What improvements are required
- The timeframe for improvement

- The staff member's right to appeal
- Possible consequences of a failure to improve

### ***Dismissal with Notice or Other Sanction***

If there is no satisfactory improvement in conduct, if the severity of the misconduct is sufficiently serious, or where further serious misconduct occurs, staff members may be dismissed with notice or another sanction may be imposed.

Other sanctions could include, for example, a disciplinary transfer, a disciplinary suspension without pay for up to 60 working days or demotion.

Imposing one of these sanctions must be considered reasonable in all circumstances of the case.

The member of staff will be informed as soon as reasonably practicable of:

- The reason(s) for the dismissal or imposition of the sanction
- The date on which the contract between the parties will terminate or the sanction will begin and end
- The appropriate period of notice or pay in lieu of notice
- Information on the right to appeal

Dismissal with notice or a sanction can only be authorised by a Director. This would normally be the Director of the department of the staff member being disciplined.

The CEO will normally be informed of the facts of the case and reasons for dismissal or imposition of a sanction before the final decision is made.

### ***Dismissal without Notice (for gross misconduct)***

A dismissal for gross misconduct will only take place after the normal investigation and disciplinary hearing to establish all the facts.

Gross misconduct is generally seen as misconduct serious enough to destroy the contract between the company and the member of staff making any further working relationship and trust impossible.

Examples may include:

- Theft, fraud and deliberate falsification of records
- Corrupt practices, including asking for bribes or gratuities
- Physical violence or bullying
- Serious insubordination
- Gross negligence that causes unacceptable loss, damage or injury
- Misuse of company facilities, including computer facilities
- Serious breaches of GDPR
- A serious breach of Health and Safety at work
- Bringing The Place into serious disrepute
- Incapability whilst at work brought on by alcohol or illegal drugs and/or refusing treatment for continual misuse of alcohol or illegal drugs
- Criminal activity on the premises or criminal conviction for an offence that questions an employee's suitability to continue in The Place's employment



- Serious breaches of The Place’s policies on Equality and Diversity, Prevention of Bullying, Harassment and Sexual Misconduct, Personal Relationships, Safeguarding of Children and Adults at Risk and other key policies.

### **Appeals**

If a staff member feels that disciplinary action taken against them is wrong or unjust, they have the right to appeal the decision.

Staff members should inform the Head of HR, in writing, within 5 working days of receiving notice of the disciplinary action. The staff member must provide details of the grounds on which they feel the original decision was unjust and must provide specific evidence to support this.

Appeals will be heard within 10 working days of receive the appeal. The appeal hearing will be held, if possible, by managers not involved in the initial disciplinary hearing. There will be two people on the appeal panel and an independent third party to act as an observer to the proceedings and as note taker during the meeting.

Staff members have the right to be accompanied to Appeal meetings by a colleague, union representative or official employed by a trade union.

Staff members will be notified of the outcome of Appeal meetings, in writing, usually within two working days of the meeting.

There is no further right to appeal following this stage of the disciplinary process.

### **Overlapping Grievance and Disciplinary Cases**

Where an employee raises a grievance during a disciplinary process, if appropriate, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

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<b>Date Reviewed</b>	February 2022
<b>Next Review Due</b>	February 2025
<b>Committee</b>	Finance and General Purposes