



Disciplinary Policy

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1.1 This document sets out the procedure we follow when we need to take formal disciplinary action against an employee. It's designed to help and encourage employees to achieve and maintain acceptable standards of conduct, attendance and job performance.

1.2 A disciplinary procedure is a formal way for an employer to deal with an employee's:

- 'Misconduct' – this is unacceptable or inappropriate behaviour
- 'Capability' (performance) – this is the ability to perform the job properly

This procedure applies to all employees and aims to ensure consistent and fair treatment for everyone in the organisation.

2 Principles

- We'll consider informal action to resolve problems when appropriate.
- We won't take formal disciplinary action against an employee until the case has been fully investigated.
- When we take formal action, we'll invite the employee to a hearing in writing and advise the employee of the complaint against them. We'll then give them the opportunity to state their case before making any decision.

- Where appropriate, we'll give employees written copies of evidence and relevant witness statements before the disciplinary hearing.
- Employees have the right to be accompanied by a colleague or trade union representative at formal disciplinary hearings and appeal hearings.
- We won't dismiss any employee for a first breach of discipline unless it's a case of gross misconduct. In this case, the penalty will be dismissal without notice or payment in lieu of notice.
- All employees have the right to appeal against any disciplinary action.
- We may implement this procedure at any stage if an employee's alleged misconduct warrants it.

3 **Procedure**

3.1 **Stage 1: Informal stage - improvement note/letter of concern.**

Employees may receive an improvement note/letter of concern if their performance doesn't meet acceptable standards, but this doesn't warrant progression to the formal stage (stage 2).

An improvement note/letter of concern can relate to:

1. Performance

In this case, the improvement note/letter of concern will set out:

- the performance problem
- the improvement required
- the timescale
- any support the employee will receive.

If the employee doesn't improve their performance within the agreed timescale, we may progress matters to stage 2.

2. Misconduct

The improvement note/letter of concern will set out:

- Details of the misconduct
- The improvement required
- Action we could take if there is a repeat of the same concern

If an employee receives an improvement note/letter of concern, we'll let them know this is informal. We'll keep a record of the improvement note on file.

If the employee repeats the same type of misconduct, we may progress matters to stage 2.

3.2 **Stage 2: First warning for performance (capability) or misconduct.**

1. Performance.

If an employee's performance doesn't improve and doesn't meet acceptable standards following an improvement notice/letter of concern, we'll arrange a formal performance hearing. This may result in us issuing a first warning for capability (performance).

2. Misconduct

If there's a further misconduct concern following an improvement notice/letter of concern, we'll arrange an investigation and may follow this up with a formal disciplinary hearing. This may result in us issuing a first warning for misconduct. If we issue a first warning for either a performance or misconduct concern, we'll confirm this in writing, setting out:

- The nature of the performance / misconduct concern
- The improvement in performance or change or improvement in behaviour required
- The duration of the sanction
- The right of appeal

The warning will also inform the employee that we may move to stage 3 of the policy if they don't improve. This would mean we would issue a final written warning if the employee doesn't sustain their performance or behaviour improvement within an agreed timeframe.

Once a warning has expired, we'll no longer consider it when determining the level of any further disciplinary action for performance or misconduct concerns, providing the employee has achieved and sustained satisfactory performance or improved their behaviour.

3.3 **Disciplinary hearings.** Before and during any disciplinary hearing, we commit to the following.

- At every stage in the formal procedure, we'll advise the employee, in writing, of the nature of the allegation(s), and provide them with the relevant evidence gathered.
- We'll advise the employee of their right to be accompanied at the hearing.

- We'll provide reasonable notice of when a disciplinary hearing is scheduled.
- We'll give the employee the opportunity to state their case and respond to the allegation(s) at the hearing before we make any decision.

3.4 **Stage 3: Final written warning.**

If the employee fails to improve their performance or an act of misconduct is sufficiently serious, or if the employee is accused of further misconduct, we'll arrange an investigation and may follow this up with a formal disciplinary hearing. This could result in us issuing a final written warning for either capability (performance) or misconduct.

If we issue a final written warning for either a performance or misconduct concern, we'll confirm this in writing, setting out:

- the nature of the performance/misconduct concern
- the improvement in performance or change or improvement in behaviour required
- the duration of the sanction
- a warning that a failure to improve in performance or a repeat of behaviour may lead to dismissal (or some other action short of dismissal)
- the right of appeal.

We'll keep a copy of this written warning on file for 12 months. Once a warning has expired, we'll no longer consider it when determining the level of any further disciplinary action, for performance or misconduct concerns, providing the employee has achieved and sustained satisfactory performance or improved their behaviour.

3.5 **Stage 4: Redeployment or dismissal.**

If an employee doesn't improve their performance, or there are further misconduct concerns, we'll arrange an investigation. This may progress to the final step in the process. This may be dismissal or a sanction short of dismissal, such as redeployment to a more suitable role in cases of poor performance.

Only the appropriate senior manager can make dismissal decisions. If a senior manager takes this decision, the employee will receive the following in writing:

- the reasons for dismissal

- the date on which their employment ends
- the right of appeal.

If a sanction short of dismissal is decided, the employee will receive details of the concerns and actions to be taken.

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Gross Misconduct

The following list provides some examples of offences that are normally regarded as gross misconduct.

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of our 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 due to alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of confidence

If an employee is accused of an act of gross misconduct, we may suspend them from work on full pay while we investigate the alleged offence. Suspension doesn't constitute a disciplinary sanction and doesn't imply any assumption that the employee is guilty of misconduct. We'll keep any period of suspension under review to make sure it lasts no longer than necessary.

Following an investigation and full disciplinary procedure, if we believe gross misconduct has occurred, we'll usually dismiss the employee without notice or payment in lieu of notice.

We're not required to follow **stages 1-3** where an employee has committed an act of gross misconduct.

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Appeals process

If an employee wants to appeal against a disciplinary decision, they must do so within five working days. Wherever possible someone more senior to the original decision maker will hear this appeal.

If this isn't possible, another manager or a trustee who hasn't previously been involved in the matter will hear the appeal. At the appeal, they'll review any disciplinary penalty imposed and come to a final decision.