

# Disciplinary Policy

# 1. Policy Statement

We believe we're stronger together when we're all inspired and we can see how our individual contribution enables collective success. We need everyone heading in the same direction to achieve our ambitions.

If someone fails to do what they need to do or behave in a way we expect, then we'll need to look at this. Things can often be resolved informally through the 'right word at the right time' but sometimes a more formal approach needs to be followed.

This policy aims to bring about personal improvement. If improvements aren't made then formal action may be taken. HR Services need to be involved in any cases that may result in dismissal. In cases of alleged gross misconduct a swifter approach may be followed.

It's non contractual and may be changed in the future. If you have any questions about it please contact HR Services.

## 2. Policy Owner

The policy is owned by the Director of Reward & HR Services, Kevin Blake.

## 3. Who does it apply to?

This policy applies to anyone with a GB contract of employment.

## 4. Policy Detail - What do I need to know or do?

This policy deals with any concerns about conduct, performance or absence levels.

## Informal Stage

If it's a minor shortcoming then your manager will sit down and talk to you about it. We encourage you to take on board what they're saying and do what you can to turn things around. You may get a counselling letter for conduct or absence matters, or a detailed performance improvement plan to help you get back on track.

## Formal Stage – Fact Finding and Disciplinary Meeting

If something is more serious or if improvements aren't made following the informal stage, a formal approach will be taken.

The first stage is to gather the facts. It may be your line manager or another manager that completes the fact finding exercise. It can include speaking to you and other people as well as collecting evidence from records and systems. It may also include surveillance; if it does HR Services need to be involved. If it's about performance, the evidence is usually already there in the performance improvement plan so a separate exercise may not be necessary.

If you're asked to attend a fact finding meeting, you may have a companion (colleague/TU rep) with you and you need to make every effort to be there.

The fact finding exercise will be carried out as quickly as possible. The fact finding manager should let you know how long they think it will take them to do this and reach an outcome. They may decide that there's no case to answer, that it should be dealt with informally or there's a case for you to answer.

You'll be invited to a disciplinary meeting if there's a case for you to answer. This will be run by a different manager, unless the meeting relates to your performance, in which case the meeting may be carried out by the same manager who has been managing your performance informally. We'll always give a minimum of 24 hours' notice of the meeting; it'll often be more than this. The meeting will take place without unreasonable delay.

You can have a companion (colleague/TU rep) with you and you need to make every effort to be there. If you're a trade union representative we'll discuss with you whether we need to make your trade union aware.

We'll tell you what the allegations are and let you have any supporting evidence that will be looked at before the meeting takes place. Sometimes evidence becomes available at the last minute, if it does the disciplinary manager will give you time to look at this during the meeting.

The aim of the meeting is to give the disciplinary manager the full picture so they can make a decision. You'll have the opportunity to state your case, explain any mitigation and to question the evidence gathered. This will normally be done from written evidence. You can ask to question a witness at the meeting and you'll need to give at least 24 hours' notice if you want to do this. The disciplinary manager can say no to your request and look at other ways to get this information.

The disciplinary manager should let you know when they plan to make a decision. They may decide to do this on the same day or it could be a later date if they need more time to think or do further investigation. If more evidence is found then the disciplinary manager will share this with you and you'll be given the chance to question it. They may meet with you again to talk this through.

Once a decision has been reached, you'll be told of the outcome in writing. Sometimes the disciplinary manager may decide to meet with you to talk it through. You have the right to appeal the decision.

If you are still within your probationary period and/or you have less than two years' continuous service, we may decide not to follow the formal process set out above and instead we will take alternative steps that we consider to be more appropriate in the circumstances.

If a grievance is raised during the formal stage we may decide to look into both matters at the same time or if appropriate we may look at any concerns before a disciplinary outcome is reached.

### **Disciplinary Outcomes**

If it's decided that your conduct, performance or absence levels haven't been acceptable then one of the following outcomes could be given for each of these reasons:

- First formal warning - live for 6 months - for minor concerns
- Final formal warning - live for 12 months - for more serious matters or if improvements aren't made from first warning or for concerns of a similar reason whilst a warning is live
- Dismissal (with notice) - if improvements aren't made from formal warnings or for concerns of a similar reason whilst a warning is live
- Summary Dismissal (no notice) - for gross misconduct only

If a warning is given then you should be told what you need to do to turn things around. This could include details of any support, a timeframe for improvement and how this will be managed. All warnings are based on "working time" so there can be a fair assessment of the required improvements. If you're absent for part of the warning period, the warning period will be suspended and re-started again on your return to work. Expired warnings will stay as a record on your file.

In serious matters or exceptional circumstances where there's a pattern or evidence of repeated breaches, a longer warning time may be given. Sometimes the disciplinary manager may decide to look at an option short of dismissal. This could be a transfer or demotion and would be done alongside a formal warning.

## Serious and Gross Misconduct

This list doesn't include every possible scenario and it's in no particular order:

- Theft, fraud or deliberate falsification of records
- Physical assault or violence of any kind
- Harassment, bullying or seriously inappropriate behaviour
- Deliberate damage or misuse of our company information (including our name and intellectual property), money and resources (including property and equipment)
- Serious insubordination or deliberate failure to comply with a reasonable management request
- Actions which could bring us into disrepute
- Serious negligence which causes or might cause loss, damage or injury
- Serious breach of health and safety rules resulting in, or likely to cause, injury to self or others
- Breach of rules on confidentiality or misuse of confidential information including personal data
- Criminal act which limits your suitability to continue in your role, whether convicted or not
- Serious breach or repeated deliberate breach of employment terms or any of our policies and working practices
- Unauthorised absence
- Incapacity at work brought on by alcohol or drug abuse

## Suspension

At any point during the formal stage we may decide to suspend you. We'll only do this if we feel it's necessary whilst investigations are carried out. Suspension is not a disciplinary action. It will be on full pay and will be as brief as possible. The fact finding or disciplinary manager will keep in contact with you.

## Record Keeping

Accurate notes should be taken at all stages of any formal process. These notes along with any other documentation need to be kept securely. We provide a note taker to capture meeting notes so we don't allow meetings to be taped, digitally recorded or videoed.

## Support Available

We'll always try and deal with disciplinary matters as quickly as possible and we encourage you to do the same. We understand that being part of a disciplinary process may be a difficult experience, no matter how well it's carried out. If you have any concerns speak to your manager or another manager. We also have our Employee Assistance Programme which gives you free and confidential advice and support.

## 5. Policy breach and consequences - What happens if I don't follow it?

This policy aims to bring about improvement. If concerns are raised and you do nothing about turning things around then you could be involved in a number of disciplinary matters. This could lead to your dismissal.

If you don't attend disciplinary meetings, then decisions could be made in your absence. You'll be told if this is the case.

## 6. Related Documents

The following related documents can be found on our [Policies and Disclosure](#) page on Focus:

- Companion Guidance
- Witness Guidance
- Appeal Guidance