

# Disciplinary Policy

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<b>Review</b>	This policy will be reviewed periodically.

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**This policy applies to all Board members, employees and casual workers henceforth referred to as the Staff of Sadeh.**

**Due to the size of the organisation it may not always be practicable to identify different individuals to complete investigations, disciplinary hearings and appeals. In the event of such difficulty, the CEO and/or the Board will determine who should complete the relevant tasks. In some cases it may be appropriate to engage suitably competent and trusted third parties to conduct some elements of the process. In all situations, the principle of fairness is primary.**

## **1. PURPOSE AND SCOPE**

- 1.1 This procedure is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance.
- 1.2 Minor conduct or performance issues can usually be resolved informally with line managers. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.
- 1.3 This procedure applies to all Staff regardless of length of service, except as set out below. It does not apply to:
  - agency workers or self-employed contractors
  - termination during or at the end of a probationary period (including any extended probationary period of employment)
  - termination by mutual consent or resignation.

## **2. INVESTIGATION**

- 2.1 Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.
- 2.2 In some cases of alleged misconduct, Sadeh may need to suspend the member of Staff from work whilst the investigation or disciplinary procedure (or both) are carried out. While suspended, the member of Staff should not visit Sadeh's premises or contact any of Sadeh's clients, customers, suppliers, contractors or staff, unless authorised to do so. Suspension is not considered to be disciplinary action.

## **3. THE HEARING**

- 3.1 Sadeh will give Staff written notice of the hearing, including enough information about the alleged misconduct or poor performance and its possible consequences to enable Staff to prepare. Staff will normally be given copies of relevant documents and witness statements. Such information will be provided sufficiently far in advance of the Hearing, as to allow the Staff member reasonable time to review and consider as appropriate.
- 3.2 Staff may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as the member of Staff's companion.

- 3.3 Staff should let Sadeh know as early as possible if there are any relevant witnesses that they would like to attend the hearing or any documents or other evidence that they wish to be considered.
- 3.4 Sadeh will inform the member of Staff in writing of the decision, usually within 5 working days of the hearing.

#### 4. **DISCIPLINARY SANCTIONS**

##### 4.1 **First Written Warning**

- 4.1.1 If a member of Staff's conduct or performance does not meet acceptable standards the Staff member may be given a First Written Warning
- 4.1.2 If appropriate, Staff who are at this stage of a disciplinary may also be given an Individual Support Plan (**ISP**) or similar to assist them in bringing their performance up to an acceptable standard. The emphasis is on supporting the individual.
- 4.1.3 A First Written Warning will be retained on the Staff member's file (for recording purposes only) and will be considered spent after 12 months, subject to satisfactory conduct and performance.

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

- 4.2.1 If there is still failure to improve, performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant more than a First Written Warning but insufficient to warrant Dismissal, a Final Written Warning will normally be given.
- 4.2.2 The Staff member will receive a letter confirming the reason for the warning, improvements to be made and told that if there is no satisfactory improvement in conduct or performance then Dismissal may occur. Staff will also be told of their right to appeal.
- 4.2.3 A Final Written Warning will usually be considered spent after 24 months (exceptional cases may be longer), subject to satisfactory performance and conduct. A copy of the warning will be retained on the Staff member's personnel file, an HR system or other suitable document retention mechanism.

##### 4.3 **Dismissal**

- 4.3.1 A member of Staff may be dismissed for further misconduct or failure to improve where there is an active Final Written Warning on their record, or for any act of gross misconduct. Examples of gross misconduct are given below.
- 4.3.2 Sadeh may consider other sanctions short of Dismissal, including demotion or redeployment to another role (where permitted by the Staff member's contract), and/or extension of a Final Written Warning with a further review period.
- 4.3.3 Staff will normally be informed in writing within 5 working days from the date of the hearing the reason for Dismissal, the date on which employment will terminate and the right of appeal.
- 4.3.4 Where the Staff member has committed further acts of misconduct (other than gross misconduct) following a Final Written Warning, the Staff member may be dismissed with notice or with pay in lieu of notice.

## 5. **APPEALS**

- 5.1 The member of Staff may appeal in writing within 5 working days of being told of the decision.
- 5.2 The Staff member must put their appeal in writing to the Chief Executive Officer who will arrange for the appeal to be heard. If the decision to be appealed was made by the Chief Executive Officer, the appeal should be raised with a member of the Board.
- 5.3 The appeal hearing will, where possible, be held by someone senior to or other than the person who held the original hearing. It will usually be heard within 10 working days of Sadeh receiving the appeal. Staff may bring a colleague or trade union representative with them to the appeal hearing.
- 5.4 Sadeh will inform the Staff member in writing of the final decision as soon as possible, usually within 5 working days of the appeal hearing. There is no further right of appeal.

## 6. **POOR PERFORMANCE**

In the event of poor performance by a Staff member, the disciplinary procedure will usually be undertaken only where counselling of the Staff member, further training (if appropriate) and/or oral warnings have failed to produce satisfactory improvement to performance. If the above support has been exhausted the disciplinary process will commence and may result in demotion or Dismissal.

## 7. **GROSS MISCONDUCT**

- 7.1 Gross misconduct will usually result in Dismissal without warning, with no notice or payment in lieu of notice (Summary Dismissal).
- 7.2 The following are examples of matters that are normally regarded as gross misconduct. This list is a guide and is non-exhaustive:
  - theft of Sadeh's property, from other Staff or from a client
  - falsification of records
  - falsification of expenses
  - the disregard of safety precautions likely to endanger the individual concerned or other Staff of Sadeh
  - the disregard of any other Sadeh policies and procedures designed to protect the Staff of Sadeh, Sadeh's itself and its assets
  - assault upon other Staff of Sadeh at any level or third parties, on Sadeh's premises or at Sadeh functions
  - serious bullying, harassment or discrimination of Staff or clients either face to face, or electronically
  - being unfit for work due to consumption of drink and/or drugs or being on Sadeh's premises whilst under the influence of alcohol and/or drugs
  - bringing Sadeh's name into disrepute

- deliberate damage to Sadeh's property
- serious abuse or misuse of any Sadeh IT system, which could include personal misuse of Internet or email systems, or accessing, downloading or circulating pornography
- serious offences outside the workplace which may impact on the Staff member's work or Sadeh
- contravening Sadeh's confidentiality and security procedures
- smoking on Sadeh's premises
- breach of a Final Written Warning
- offering, accepting or failing to take steps to prevent bribes taking place. This includes seeking permission prior to arranging to take clients out.

#### 8. **HOLIDAY ACCRUAL**

If a Staff member is dismissed, then any holiday pay due to them will be paid. In the case of Gross Misconduct, Sadeh will limit any holiday pay due to statutory minimum only.

#### 9. **RECORDS**

Records will be kept of all investigatory meetings, disciplinary hearings, action taken, levels of warning given, appeals lodged, outcome of appeal and any other issues relating to the disciplinary procedure.

These records will be kept in the Staff member's file or on an HR system as applicable and kept confidential.

They will be retained for the duration of employment for the purpose of assessing disciplinary history where relevant, such as when considering suitable disciplinary sanctions.

They will be retained for a further 6 years after the Staff member has left Sadeh. The purpose of doing so is to ensure that the records can be accessed in the event of any relevant action such as civil proceedings, for which the time limit is 6 years post termination of employment.

**Sadeh reserves the right to amend this policy as required.**