

Addendum – Disciplinary Procedure

This addendum applies to all employees.

Disciplinary Procedures

This procedure does not form part of an employee's contract of employment. It may be amended at any time.

These procedures are designed to ensure that there will be a fair and consistent approach to the enforcement of standards or conduct. This policy and procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This policy also aims to resolve and improve problems of conduct or performance and wherever possible to avoid dismissal.

The procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently. No disciplinary action will be taken until the matter has been fully investigated. At every stage you will be notified of the allegations that have been made against you and you will be invited to a hearing to discuss them.

You will have the opportunity to state your case and be accompanied, if you wish, at the hearing by a Trade Union representative or by a work colleague.

You will be notified of the outcome of the hearing in writing. (It should be noted that the procedure could start at any of the stages described below, dependent on the seriousness of the matter.)

You have the right to appeal against any disciplinary penalty. An appeal meeting will be arranged as soon as possible and will be conducted by a more senior employee/manager if possible.

If you wish to exercise your right of appeal you should set out the grounds of appeal in writing. You will be invited to an appeal hearing and you have the right to be accompanied as set out above. You will be notified of the outcome of the hearing in writing.

Stage 1 – First written warning

If your conduct or performance is unsatisfactory you may receive a formal disciplinary warning. This warning represents the first stage of the formal procedure. The warning will set out: the nature of the misconduct the change in behaviour that is required your right of appeal

This warning will be recorded, but disregarded after for a period of 6 months of satisfactory service.

Stage 2 - Final Written Warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning may be given. This will include the reason for the warning and a letter stating that if no improvement is made in 12 months action at Stage 3 will be taken.

While alleged gross misconduct is being investigated you may be suspended, normally on full pay.

Stage 3 – Dismissal or action short of dismissal

If conduct or performance has failed to improve, the employee may suffer redeployment, demotion, or dismissal.

Gross misconduct

If an employee has committed an offence of the following nature the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft, fraud

- any involvement in bribery or giving, receiving or facilitating bribes
- unauthorised entry to computer records or deliberate falsification of records
- a serious breach of the employer's rules on email and internet usage, health and safety policy, harassment policy or data protection policy
- fighting or assault deliberate or reckless damage to employer's property
- an inability to perform job duties through being under the influence of alcohol or drugs
- a serious breach of the employer's safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the employer, its employees or customers
- conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties a serious act of insubordination, such as deliberate refusal to carry out proper instructions acts of bullying, harassment or discrimination a serious breach of trust or confidentiality.
- Bringing my office into disrepute

This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct.

The employee may be suspended while the alleged gross misconduct is being investigated.

During this time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer/manager after full investigation. When this investigation has been completed the employee will be invited to attend a disciplinary meeting (at which s/he will be entitled to representation by a colleague or Trade Union rep) to respond to the allegations.

In cases of misconduct (situations less serious than gross misconduct) it might also be appropriate to suspend the employee if this assists with the investigation.

Appeals

Employees have the right to appeal after a disciplinary sanction has been applied. This right to appeal must be exercised by writing to the person named in the letter confirming the outcome of the disciplinary hearing within five working days of receiving written notification of the disciplinary sanction. The letter should state the grounds upon which the appeal is being lodged. If your appeal is against dismissal, the dismissal decision will stand unless or until it is decided otherwise. The decision at the appeal will be notified to you in writing and will be final and binding.

The appeal hearing may need to be adjourned if further investigations are required.