

POLICIES AND PROCEDURES

Disciplinary Procedure

Author	Lorna Lightfoot
Reviewed	March 2019
Version	2
Approved	March 2019
Cross Reference	Aspired Futures Staff Handbook
Next review date	2021

Purpose of this document

Aspired Futures (AF) is committed to encouraging you to maintain the required standards of behaviour so as to deliver the best possible service for our children and young people and to ensure a healthy and productive working environment.

Where AF believe that your conduct or behaviour has fallen below the standards required, we will look to take steps to establish the facts and reasons for your conduct and we will look to identify ways in which we can address this issue with you.

Details of Procedure

Action will be taken where AF believes behaviour, actions or omissions constitute misconduct. The seriousness of the misconduct matter will determine the severity of any sanction imposed. Misconduct can range from minor misconduct through to gross misconduct, the latter justifying dismissal without notice.

The following are examples of matters that will usually be regarded as misconduct:

- Minor breaches of our policies and procedures
- Minor breaches of contract
- Damage to or unauthorised use of company property
- Poor time keeping
- Refusal to follow reasonable instructions
- Excessive use of telephones and/or internet or email
- Obscene language or other offensive behaviour
- Negligence in the performance of your duty
- Smoking in non-smoking areas

This list is intended to be a guide and is not a definitive list.

Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which is likely to prejudice our business, cause irreparable damage to our reputation or be so serious that employment cannot continue. All gross

POLICIES AND PROCEDURES

misconduct offences will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal) unless there are exceptional mitigating circumstances.

The following are examples of gross misconduct:

- Theft or fraud
- Deliberate falsification or misrepresentation of company records
- Physical violence or bullying
- Deliberate or serious damage to property
- Serious misuse of Aspired Futures property or name
- Deliberately accessing internet sites containing pornographic, offensive and obscene material
- Serious or repeated failures to obey instructions
- Serious acts of insubordination
- Unlawful discrimination and harassment
- Bringing the organisation into serious disrepute
- Being under the influence of alcohol, illegal drugs or any other substances during work hours
- Causing loss, damage or injury through serious negligence
- Serious or repeated breach of our health and safety rules
- Serious breach of confidence
- Breach of our anti-corruption policy
- Conviction of a criminal offence which may affect the company's reputation or relationship with staff customers or the public
- Possession, use or supply or attempted supply of illegal drugs
- Serious neglect of duties or a deliberate breach of contract
- Unauthorised use, process or disclosure of personal data contrary to the data protection policy
- Harassment or discrimination (depending on the severity)
- Making untrue allegations in bad faith against colleagues

This list is intended to be a guide and is not exhaustive.

Initial Action and Possible Suspension

- In the first instance, we would expect that conduct issues should be dealt with informally between you and your manager as part of the day to day management structure. Where conduct issues have been established, your line manager will discuss the issues with you and look to understand why this has occurred. You will both then work together to bring your conduct back up to the required levels.
- Where the issues cannot be resolved informally or where your conduct does not improve, formal action will be required. The purpose of a disciplinary procedure is to identify conduct issues and to discuss the level of behaviour expected of you.
- We reserve the right to suspend you for no longer than is necessary whilst we undertake an investigation in relation to any disciplinary concerns. A decision to suspend will normally be made where the matters to be investigated are potentially gross misconduct or where the circumstances are such that suspension is felt necessary to ensure an investigation is undertaken without interference or where there are concerns regarding the working relations between colleagues or possible further misconduct which may cause harm to the business.

POLICIES AND PROCEDURES

- Suspension should be seen as a neutral act designed to maintain the status quo or protect the business whilst an investigation is undertaken and does not infer a guilt or a predetermination of the issues being made.

Formal Action

If we consider there are grounds for taking formal action against you, you will be required to attend a disciplinary hearing and the stages for which are described below.

- We will provide you with notification of the hearing and shall provide you with the following information:
 - A summary of the evidence gathered as part of an investigation
 - Copy of all relevant documents to be used at the hearing
 - Copies of any witness statements
- At all stages of the disciplinary process, you are entitled to bring a fellow colleague with you as a companion. If you or your companion are unable to attend the hearing, you should inform us immediately so that we may arrange an alternative date. Where you or your companion are persistently unable to attend the hearing, we reserve our right to make a decision in your absence based on the evidence available.
- As part of the disciplinary hearing, AF will look to confirm the following:
 - Details of the conduct issues and the evidence which suggests your conduct or behaviour has fallen below the standards required
 - Provide you with an opportunity to ask questions and to present evidence on your own behalf
 - Establish the likely causes of your conduct issues
 - Identify whether any further measures can be taken to assist with your conduct issues
 - Discuss the standard of conduct expected of you
 - Issue you with an appropriate warning
- Where it is clear that your conduct or behaviour has fallen below the standards expected by AF, the following warnings may be issued.

<p><u>Stage 1 – verbal warning</u></p>	<p>If we decide that your conduct is unsatisfactory, we will give you a verbal warning. This warning will set out the conduct issues in question, the conduct standards expected of you, any measures to be taken, provide details on the length of time that the warning will remain active and the consequences of failing to improve. This verbal warning will remain active on your file for a period of six months after which the warning will be disregarded for disciplinary purposes.</p>
<p><u>Stage 2 – first written warning</u></p>	<p>If we decide that your conduct is unsatisfactory, we will give you a first written warning. This warning will set out the conduct issues in question, the conduct standards expected of you, any measures to be taken, provide details on the length of time that the warning will remain active and the consequences of failing to improve. This first written warning will remain active on your file for</p>

POLICIES AND PROCEDURES

Right to	a period of six months after which the warning will be disregarded for disciplinary purposes.	Appeal	
	<p><u>Stage 2 – final written warning</u></p> <p>If there is no improvement in your conduct or where there is further evidence of misconduct whilst the first written warning is active or where an offence is sufficiently serious, we will undertake a stage 2 disciplinary hearing with you and you will be notified of the hearing. Where appropriate you will be issued with a final written warning which will set out the conduct issues in question, the conduct standards expected of you, any measures to be taken, provide details on the length of time that the warning will remain active and the consequences of failing to improve. The final written warning will remain active on your personnel file for a period of 12 months after which it will be disregarded for disciplinary purposes.</p>		<ul style="list-style-type: none"> • If you feel that the
	<p><u>Stage 3 – Suspension/ demotion/ dismissal</u></p> <p>If there is still no improvement in your conduct, where further misconduct occurs whilst the final written warning is active, or your conduct amounts to gross misconduct, you may be dismissed. You will be invited to a stage 3 disciplinary hearing and we will discuss a range of options with you including dismissal, redeployment or extension of a final written warning. Where dismissal is appropriate, this will normally be on full notice and/or payment in lieu some or all of your notice unless your conduct amounts to gross misconduct, in which circumstances, you will not be entitled to notice.</p>		

decision about your conduct was wrong or unjust, you have the right to appeal in writing stating your full grounds for appeal within 7 days of the decision letter. AF will then look to arrange an appeal meeting with you within 7 days of receiving your written notice.

- Where further investigation is required due to the issues raised in your appeal, you will be provided with any additional information that has come to light prior to the meeting taking place. You are entitled to be accompanied to all hearings by a fellow employee.
- Following the appeal meeting, AF will inform you of their decision in writing within 7 days of the appeal meeting. You will have no further right to appeal thereafter.
- In the event that you have been dismissed, the date of dismissal will not be delayed pending the outcome of an appeal.
- In the event that your appeal is successful and the decision to dismiss you is revoked, you will suffer no loss of continuity or pay.