The aim of this policy is to support good conduct and performance. This policy sets out the action that will be taken when disciplinary rules are breached. Matters that may be dealt with under this procedure include discipline and dismissal for the following reasons (this list is purely an example of reasons and is not exhaustive):

* misconduct
* sub-standard performance
* harassment or victimisation
* misuse of employer’s facilities including computer facilities (e.g. e-mail and the Internet)
* poor timekeeping
* unauthorised absences

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal verbal warning may be given, which does not count as part of the formal (or statutory) disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is serious enough, the employer will follow the Disciplinary & Dismissal Procedure and will invite the employee to a disciplinary meeting at which the matter can be properly discussed. The employee is entitled to bring someone along to this meeting, such as a work colleague, advocate or friend. The employer will communicate the outcome of the meeting to the employee.

The employer might choose the following disciplinary measures:

**Formal verbal warning**

If the issue is deemed to be minor then the employer may give the employee a formal verbal warning. The employer will keep a note of this formal verbal warning on file but it will be disregarded for disciplinary purposes after a period of 6 months.

**Written warning**

If the issue is more serious or there is no improvement in conduct after a formal verbal warning the employer will give a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and that a final written warning may be given if there is no sustained satisfactory improvement or change.

A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after a period of 12 months.

**Final written warning**

Where there is a failure to improve or change behaviour during the period of a prior formal written warning, or where the infringement is sufficiently serious, the employer can give a final written warning. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after a period of 12 months.

**Dismissal**

If the employee’s conduct or performance still fails to improve, the final step will be to contemplate dismissal. In these circumstances, the statutory disciplinary & dismissal procedure will be followed.

**Standard Disciplinary & Dismissal procedure**

* **Step one: Employer gives employee a written statement and calls a hearing**

The employer will set out in writing the employee’s alleged conduct, characteristics or other circumstances which lead him/her to contemplate dismissing or taking disciplinary action against them. The employer will inform the employee in the written statement of the basis on which he/she has made the allegations against the employee. Where possible the employer will provide copies of any relevant evidence. The employer will invite the employee to a hearing to discuss the matter.

* **Step 2: Meeting is held and employer informs employee of the outcome**

The meeting will take place before any action (other than suspension on full pay if appropriate) is taken. The meeting will be held without undue delay but only when the employee has had a reasonable opportunity to consider a response to the employer’s written statement and any further verbal explanation the employer has provided. The employee must take all reasonable steps to attend the meeting.

After the meeting the employer will inform the employee of his/her decision and notify the employee of their right to appeal against the decision.

* **Step 3: Appeal against the disciplinary decision if necessary**

If the employee wishes to appeal, they must inform their employer in writing within a reasonable time. If they do this then the employer will invite them to attend a further meeting. The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing, the employer will inform the employee of his/ her final decision and will confirm it in writing as soon as practicable.

You will be reminded of your right to be accompanied by a work colleague, advocate or other such representative.

**Gross Misconduct**

There are types of misconduct that are so serious that they are termed Gross Misconduct. While the alleged gross misconduct is being investigated, an employee may be suspended, during which time they will be paid. Any decision to dismiss will be taken by the employer only after a full investigation.

The Standard Disciplinary and Dismissal Procedures apply to dismissals for gross misconduct.

If after investigation it is confirmed that the employee has committed one of the following offences (the list is not exhaustive), they will normally be dismissed:

* theft
* fraud and deliberate falsification of records
* physical violence
* serious bullying or harassment
* deliberate damage to property
* serious insubordination
* bringing the employer into serious disrepute
* serious incapability whilst on duty brought on by alcohol or illegal drugs
* serious negligence which causes or might cause unacceptable loss, damage or injury
* serious infringement of health and safety rules
* serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

**Modified Dismissal Procedure**

In a few cases of gross misconduct the employer may be justified in dismissing immediately without conducting an investigation. In these cases a two-step “Modified Dismissal Procedure” will be followed.

* **Step 1: Employer gives written statement**

The employer must give the employee a written statement setting out the conduct that has resulted in the dismissal and informing them of the right to appeal against the decision to dismiss.

* **Step 2: Appeal against the disciplinary decision**

If the employee wishes to appeal they must inform the employer. A meeting must be held (in accordance with the principles set out above). The employer must inform the employee of his/her decision following the meeting.

**General Principles**

The following principles apply to the Standard Dismissal and Disciplinary Procedure and the Modified Dismissal Procedure set out:

* The person who has authority to discipline you in accordance with this procedure is the employer.
* The employee has the right to be accompanied to any meeting by a work colleague, advocate or other such representative.
* Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
* Meetings will be conducted in a manner that enables both employer and employee to explain their cases.
* Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, the employee’s defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be kept confidential.