

Disciplinary procedure

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1. ABOUT THIS PROCEDURE

1.1 This procedure is intended to help maintain standards of conduct and to ensure fairness and consistency when dealing with allegations of misconduct.

1.2 The role of the HR Department is to ensure that this procedure is conducted fairly and consistently, including following current ACAS best practice wherever possible.

1.3 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

1.4 This procedure does not form part of any employee's contract of employment and we may amend it at any time.

2. INFORMAL ACTION

2.1 Minor conduct issues should usually be resolved informally with your line manager in the first instance. Instances of minor misconduct should be noted, along with any actions that arise and improvement levels required.

2.2 If informal action has previously been taken and is not successful, it is likely to be escalated to the formal disciplinary procedure

2.3 The procedure below sets out the formal steps to be taken if the matter is more serious, is a repeated offence or cannot be resolved informally.

3. INVESTIGATIONS

3.1 Before any disciplinary hearing is held, the matter will be investigated. An investigator will usually be appointed by the HR Department. Normally, the investigator should be available throughout the investigation stage and be impartial to the issue being investigated. An investigator will be given clear guidance on what exactly they are required to investigate, and how their findings should be reported.

3.2 The investigator will gather and document what the issues of the matter are, consider what evidence may be available and relevant and how it may be collected. An investigator should try to be fair and objective when carrying out an investigation. They will look for evidence that supports and undermines the allegations. When conducting an investigation, an investigator will:

- (a)** consider what the issues of the matter under investigation are;
- (b)** plan how the investigation will be conducted;
- (c)** decide in what order evidence will be collected;

(d) collect all relevant evidence and consider what the evidence shows;

(e) report their findings.

3.3 Evidence in the investigator's report will usually be arranged into three groups:

(a) uncontested facts - which can be reported as facts;

(b) contested facts - investigators should determine 'on the balance of probabilities' what took place;

(c) unsubstantiated claims - investigators can recommend further investigation or say that they were unable to reach a conclusion.

3.4 An investigator will endeavour to reach conclusions about what did or did not happen, even when evidence is contested or contradictory.

3.5 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.

3.6 In some cases of alleged misconduct, we may need to suspend you from work (with pay) while we carry out the investigation or disciplinary procedure (or both). While suspended, you should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless authorised to do so. Suspension is not considered to be disciplinary action.

4. THE HEARING

4.1 We will give you written notice of the hearing, including sufficient information about the alleged misconduct and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements prior to the hearing.

4.2 You 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 your companion.

4.3 You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.

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4.4 The hearing will be conducted by a manager impartial to the incident where possible.

4.5 We will inform you in writing of our decision, usually within one week of the hearing.

5. DISCIPLINARY ACTION AND DISMISSAL

The usual penalties for misconduct are:

(a) Stage 1: First written warning. Where there are no other active written warnings on your disciplinary record, you will usually receive a first written warning. It will usually remain active for six months. If there is further misconduct during the six month period the procedure will usually escalate to stage 2.

(b) Stage 2: Final written warning. In case of further misconduct or failure to improve where there is an active first written warning on your record, you will usually receive a final written warning. This may also be used without a first written warning for serious cases of misconduct. The warning will usually remain active for 12 months. If there is further misconduct during the 12 month the procedure will usually escalate to stage 3.

(c) Stage 3: Dismissal or other action. You may be dismissed for further misconduct or failure to improve where there is an active final written warning on your record, or for any act of gross misconduct. Examples of gross misconduct are given below (paragraph 6). You may also be dismissed without a warning for any act of misconduct or unsatisfactory performance during your probationary period.

We may consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by your contract), and/or extension of a final written warning with a further review period.

6. APPEALS

6.1 You may appeal in writing within one week of being told of the decision.

6.2 The grounds for your appeal should be stated clearly in your appeal request

6.3 You can appeal on the following grounds;

- o new evidence has come to light that should be investigated;
- o the sanction imposed was too severe or disproportionate to the misconduct;
- o the sanction was inconsistent with one imposed for similar misconduct committed by another employee;
- o there was unfairness or bias among the original decision-makers;
- o the procedure was not adhered to

6.4 The appeal hearing will, where possible, be held by someone senior to the person who held the original hearing. You may bring a colleague or trade union representative with you to the appeal hearing.

6.5 We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.

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:

- o unauthorised use of UCFB's assets and equipment
- o bringing UCFB into disrepute
- o insubordination eg refusal to carry out duties or obey reasonable instructions, except where employee safety may reasonably be in jeopardy
- o intentional sexual harassment, harassment, bullying or physical violence
- o serious breach of rules, policies or procedures, especially those designed to ensure safe operation
- o divulging or misusing confidential information
- o theft or unauthorised possession of any property or facilities of the Company or of any employee of the company
- o consumption of alcohol or drugs, or intoxication by reason of alcohol or drugs, which could affect work performance in any way or have an impact on other employees
- o having illegal drugs in the possession, custody or control of the employee while at work or on the Company's premises
- o defrauding or attempting to defraud the company, its customers, suppliers or fellow employees
- o unauthorised or inappropriate use of email, internet and/or computer systems
- o falsification of any company records including reports, accounts, expenses claims or self-certification forms
- o serious damage to Company property
- o violent, dangerous or intimidatory conduct
- o bringing unauthorised person(s) onto Company premises
- o conviction of any criminal offence which may render the employee unsuitable for the role
- o serious abuse of time-keeping and attendance procedures
- o a serious breach of stadium partner's rules and regulations
- o a serious breach of confidence
- o failure to follow a Company standard operating procedure.

This list is intended as a guide and is not exhaustive.