

IMPROVEMENT & DISCIPLINARY POLICY

ISSUE NUMBER: 9
ISSUED: December 2022
REVIEW DATE: December 2024

SCOPE OF POLICY

This policy does not give contractual rights to individual employees. The Group reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.

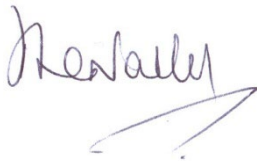
The purpose of this disciplinary policy is to help us deal fairly and consistently with disciplinary issues and to ensure that you are aware of the process for handling such matters.

This procedure does not apply during probationary periods, nor does it apply to sickness absence which is dealt within our absence management and capability policies.

CONTENTS

1. General Principles
2. Gross misconduct
3. Conduct of meetings under the policy, including appeals
4. Right to be accompanied in formal hearings
5. Warnings and dismissal
6. Appeals

Authorised by:



Dawn McNally
Group Chief Executive

Age UK North Tyneside Group strives to ensure equality of opportunity for all, both as an employer and a provider of services. This policy has therefore been equality impact assessed by the Head of Corporate Support to ensure fairness and consistency for all those covered by it regardless of their individual differences.

1. General principles

At our discretion, we may choose to deal with minor instances of misconduct informally by way of counselling, guidance or instruction or informal cautioning. If a problem continues or we judge it to be sufficiently serious, the following procedure will apply.

Before making any formal disciplinary decision under this procedure we will carry out the following steps:

- We will carry out a prompt investigation. We will inform you whether any meeting you are asked to attend is investigatory or disciplinary. In serious cases, where practicable, different people should carry out the investigation and the disciplinary hearing.
- We will give you or send you a letter setting out the complaint made against you and inform you of the possible outcomes of the disciplinary hearing. Also included will be relevant evidence which may, where appropriate, include witness statements. The letter will inform you that you must attend a disciplinary hearing to discuss the matter and will confirm the time, date and location of that meeting. The letter will also tell you that you have the right to be accompanied at the disciplinary hearing. If you do not understand the letter, you should ask HR for an explanation.
- We will give you, together with any permitted person that you may choose as a companion, reasonable time to prepare your response.
- At the hearing we will explain the company's case and give you the opportunity to put your case in respect of the allegations made against you.

You have the right to appeal against any formal action taken against you under the procedure. See 'Appeals' below.

We may miss out stages of the procedure if we think this would be reasonable in the circumstances.

Depending on the circumstances, it may be appropriate to suspend you from work on full pay in order that an investigation can take place. Suspension on full pay does not amount to a disciplinary sanction and does not imply that any decision has already been made about the allegations.

This disciplinary procedure should be understood as incorporating provisions relating to discipline in any other company policies.

Each stage of this procedure will be carried out without unreasonable delay.

We aim to deal with disciplinary matters sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or a disciplinary matter.

We will keep records of any action taken under these disciplinary procedures. Wherever possible, these records will be treated as confidential.

If you have difficulty at any stage of the disciplinary procedure because of a disability, you should discuss the situation with HR as soon as possible.

2. Gross misconduct

The following are examples of behaviour which fall within the definition of 'gross misconduct':

- refusal to accept and act on reasonable instructions from supervisor or other member of management;
- serious negligence that could or does result in unacceptable loss, damage or injury
- fighting, assault or threatening or bullying behaviour;
- harassment or deliberate discrimination;
- theft, fraud, accepting or offering a bribe, falsification of company records or any dishonesty involving the company, its employees, customers or authorised visitors, or attempts to commit such offences;
- deliberate and/or serious breach of any of our company policies;
- deliberate or reckless damage to property belonging to the company, its employees, customers or authorised visitors;
- being unfit to work due to misuse of alcohol or illegal drugs;
- breach of the General Data Protection Regulation;
- serious safeguarding incidents;
- any action likely to endanger seriously the health and safety of the employee or any other person;
- any action or behaviour which could seriously damage the company's reputation;
- deliberately accessing Internet sites containing pornographic, offensive or obscene material.

The above list is *not* exhaustive. It illustrates the type of conduct that will normally merit dismissal for a first offence. Other types of offence may also be treated as gross misconduct, depending on the seriousness of the particular facts.

Following investigation and a disciplinary hearing, if we are satisfied that you have committed gross misconduct we will be entitled to dismiss you without notice or payment in lieu of notice.

3. Conduct of meetings under the policy, including appeals

All disciplinary meetings, including appeals, will be held at a reasonable time and place. If you are invited to attend a disciplinary meeting you must take all reasonable steps to attend. If, without good cause, you are persistently unable or unwilling to attend, we will hear the matter in your absence and make a decision based on the evidence available to us.

An appropriate level of senior management together with a representative of HR will conduct hearings. At the meeting, the senior manager will explain the role of all those in attendance. The senior manager will then explain the case against you and go through the evidence that has been gathered. You will be given the opportunity to respond in full. This will include time to ask questions and present evidence. If you intend to call any witnesses, you must give us advance written notice that you intend to do this.

If any matters come to light during a disciplinary meeting which require further investigation, we may, at our discretion, adjourn a disciplinary meeting to enable us to investigate them.

4. Right to be accompanied in formal hearings

In any formal disciplinary hearings under this policy, including appeals, you have a statutory right to make a reasonable request to be accompanied by a fellow worker or trade union official of your choice.

A companion is allowed reasonable time off from their duties without loss of pay, but nobody is obliged to act as a companion if they do not wish to do so. If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than 5 working days afterwards, we may request that you choose an alternative companion.

Your companion may address the hearing to put your case, sum up your case or respond on your behalf to any view expressed at the hearing. He or she may confer with you during the hearing but does not have the right to answer questions on your behalf or address the hearing if you do not want him or her to do so, or prevent anyone from making his or her contribution to the hearing.

5. Warnings and dismissal

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing.

5.1 First written warning

We may issue a first written warning if your conduct does not meet the company's standards.

A first written warning will normally be issued by a Head of Service or a nominated deputy e.g. a Senior Manager. Where, at the conclusion of the disciplinary hearing, we decide to issue such a warning, you will be informed of the following:

- the nature of the misconduct that has led to the warning;
- the action or improvement (if any) which is required of you;
- if appropriate, the timescale for taking any such action;
- the consequences if there is further misconduct;
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after six months but a longer period may be stated in exceptional cases;
- the right of appeal.

All these matters will be confirmed to you in writing. Should a further breach occur within your sanction period related to the said incident or not related and there is a breach, you will be invited to a further hearing.

5.2 Second written warning

We may issue a second written warning if:

- the required improvement is not achieved within the timescale stated in the first warning;
- further misconduct occurs while a first written warning is still in effect, whether or not involving a repetition of the conduct which was the subject of the first warning;

- the seriousness of the misconduct merits it, regardless of whether or not a first written warning has already been issued;
- or the sanction may be extended for a further 3 months.

A second written warning will normally be issued by your Head of Service or a nominated deputy from senior management. Where, at the conclusion of the disciplinary meeting, we decide to issue a second written warning, you will be informed of the following:

- the nature of the misconduct that has led to the warning, including any prior warning(s) which have been taken into account;
- the action or improvement (if any) which is required of you;
- if appropriate, the timescale for taking any such action;
- the consequences of further misconduct, which could be a final written warning;
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after 12 months but a longer period may be stated in exceptional cases;
- the right of appeal.

All these matters will be confirmed to you in writing. Should a further breach occur within your sanction period related to the said incident or not related and there is a breach, you will be invited to a further hearing.

5.3 Final written warning

We may issue a final written warning if:

- the required improvement is not achieved within the timescale stated in the first or second written warning;
- further misconduct occurs while a first or second warning is still in effect, whether or not involving a repetition of the conduct which was the subject of a previous warning;
- the seriousness of the misconduct merits it, regardless of whether we have issued any previous warnings.

A final warning will normally be issued by your immediate manager or a nominated deputy. Where, at the conclusion of the disciplinary meeting, we decide to issue a final written warning, you will be informed of the following:

- the nature of the misconduct that has led to the final warning, including any prior warning(s) which have been taken into account;
- the action or improvement (if any) which is required of you;
- if appropriate, the timescale for implementing any such action;
- the fact that this is a final warning and that the next stage of the procedure will be dismissal;
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after 18 months but a longer period may be stated in exceptional cases;
- the right of appeal.

All these matters will be confirmed to you in writing. Should a further breach occur within your sanction period related to the said incident or not related and there is a breach, you will be invited to a further hearing.

5.4 Dismissal

We may dismiss you if:

- the required improvement is not achieved within the timescale stated in the final written warning;
- further misconduct occurs while a final written warning is still in effect, whether or not involving a repetition of the conduct which was the subject of a previous warning;
- it is reasonably believed that you have committed an act of gross misconduct;
- Unless dismissal is for gross misconduct, you will be dismissed with notice.

A decision to dismiss you will normally be taken by the Head of Service or a nominated deputy. You will be dismissed only after you have received a written invitation to a disciplinary hearing and the hearing has been held. If the manager decides to dismiss you, as soon as is reasonably practicable after the end of the disciplinary meeting, he or she will:

- state the reason for your dismissal;
- state, where applicable, the length of notice you are being given;
- state the date on which your employment will terminate;
- inform you of your right to appeal.

These matters will be confirmed in writing.

In exceptional circumstances, we may seek your agreement to a transfer, demotion or suspension without pay instead of dismissal. If you are transferred, demoted or suspended without pay, we may also give you a final warning. In these circumstances the capability policy may be invoked.

6. Appeals

If you are dissatisfied with a disciplinary decision that has been taken about you, you can appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal, and should be delivered to HR within five working days of receiving in writing the disciplinary decision. We will then invite you to an appeal meeting via letter or email which will normally take place within ten working days of receipt of your appeal. The appeal meeting will take place after the disciplinary decision has taken effect. If you are appealing against dismissal and your appeal is subsequently upheld, you will normally be treated as having continued in employment pending the hearing of the appeal and will be reinstated with back pay. However, if your appeal is not successful, the original date of your dismissal will stand.

You have the right to be accompanied to an appeal hearing by a fellow worker or a trade union official.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case.

Wherever possible, your appeal will be heard and chaired by someone more senior than the person who took the decision to take disciplinary action against you. If this is not practicable, the appeal will be heard by another manager who has not previously been involved in the matter.

The chair will be provided by HR with all the information and evidence shared in the disciplinary including notes, to gain a full picture to understand the case. Following the appeal hearing, we may either confirm the original decision; revoke the original decision; or substitute a different penalty. This decision will be final.