



# Disciplinary Policy and Procedure

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## Policy Statement

All employees working for Autism Bedfordshire are expected to carry out duties as set out in their job descriptions or roles and responsibilities. From time to time there may be a need to take out a disciplinary against an employee.

It will usually be possible to resolve problems as and when they occur. ??, if this is not the case then the formal disciplinary procedure below should be followed.

Full records of the disciplinary procedure should be kept throughout the process.

## Purpose and Scope

This procedure applies to all employees and is designed to help and encourage employees to achieve and maintain standards of conduct, attendance and job performance. The Charity's policies apply to all employees. The aim is to ensure consistent and fair treatment for all.

Every effort will be made to deal with matters as quickly as possible.

This procedure is for guidance only and does not form part of your contract of employment.

If you encounter difficulties at any stage of the procedure you should discuss the situation with your line manager.

## Principles

If you are subject to disciplinary action:

The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated;

Investigative interviews are solely for the purpose of fact finding and no decision or disciplinary action will be taken until after a disciplinary hearing has been held;

Your disciplinary matter will be dealt with sensitively and with due respect for the privacy of any individual involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter;

In some circumstances where your continued presence in the work place would hinder an investigation we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our clients, customers, suppliers, contractors or employees, unless you have been authorised to do so by your line manager. Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. You will continue to receive your full basic salary and benefits during the period of suspension.

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of outcome will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

A summary of relevant information gathered during the investigation;

A copy of any relevant documents which will be used at the disciplinary hearing;

A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually 2 to 7 days, to prepare your case based on the information we have given you.

You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

You will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.

You have a right to appeal against any disciplinary action taken against you;

The procedure may be implemented at any stage if your alleged misconduct warrants such action.

You have the right to be accompanied at a disciplinary and appeal hearing by a work colleague or trade union official. You must tell your line manager who your chosen companion is in good time before the hearing. Workers will be allowed reasonable time off from duties without loss of pay to act as a companion. If your choice of companion is unreasonable we may ask you to choose someone else. We may, at our discretion, allow you to bring a companion who is not an employee or union official (for example, a member of your family) where this will help overcome a disability, or where you have difficulty understanding English. If you or your companion cannot attend the hearing you should inform us immediately and we will arrange an alternative time.

### Informal Discussion

Minor faults will be dealt with informally, with your line manager, making every effort to resolve the matter by informal discussions with you. Only when this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

## The Three Step Discipline and Dismissal Procedure

### Disciplinary Action

#### Step One

Autism Bedfordshire senior staff or Trustees will give a written statement to the employee setting out why we have decided to take disciplinary action, providing a copy of the evidence and inviting the employee to a disciplinary hearing.

#### Step Two

A member of senior Autism Bedfordshire staff will meet the employee, who has the right to be accompanied by a work colleague or union representative. Autism Bedfordshire will state their case, let the employee respond and present any evidence of their own. Your companion may make representations to Autism Bedfordshire and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to you in person.

### **Step Three**

If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Chair of Board of Trustees or suitable trustee within one week of the date on which you were informed of the decision.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay. If you raise any new matters in your appeal, we may need to carry out further investigation.

If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be 2 to 7 days after you receive the written notice.

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. In any event the appeal will be dealt with as impartially as possible.

The appeal hearing will be conducted impartially by the Chair of the Board of Trustees or suitable trustee who has not been previously involved in the case. The manager who conducted the disciplinary hearing will also usually be present. You may bring a companion with you to the appeal hearing.

We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

### **Following the appeal hearing we may:**

Confirm the original decision; or

Revoke the original decision; or

Substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

### **Disciplinary Penalties**

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

#### ***Stage 1 - First Written Warning.***

A first written warning may be authorised by your line manager. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

#### ***Stage 2 - Final Written Warning.***

A final written warning may be authorised by your line manager. It will usually be appropriate for:

Misconduct where there is an active written warning on your record;

Misconduct that is considered sufficiently serious to warrant a final written warning even if there may be no other active warnings on file.

#### ***Stage 3 - Dismissal.***

Dismissal may be authorised by your line manager. It will usually only be appropriate for:

Any misconduct during your probationary period;

Further misconduct where an active final written warning is on record;

Any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

### **Alternatives to Dismissal**

In some cases we may at our discretion consider alternatives to dismissal. These may be authorised by your line manager and will usually be accompanied by a final written warning.

Examples include: Demotion;

Transfer to another department or job;

A period of suspension without pay;

Loss of seniority;  
Reduction in pay;  
Loss of future pay increment or bonus;  
Loss of overtime;

### Effect of a Warning

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct, a final written warning may state that it will remain active indefinitely. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently we may decide to extend the active period.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

### Gross Misconduct

Examples of offences, which are normally regarded as gross misconduct:

Theft, fraud, deliberate falsification of records.  
Physical violence.  
Serious bullying or harassment.  
Deliberate damage to property.  
Serious act of insubordination.  
Misuse of the organisation's property or name.  
Bringing the employer into serious disrepute.  
Incapability through alcohol or being under the influence of illegal drugs.  
Serious negligence, which puts an individual in the staff's care at risk of being injured or lost.  
Serious negligence, which causes unacceptable loss or damage to property.  
Serious infringement of health and safety rules.  
Serious infringement of any current legislation governing the safety of individuals in our care.  
Serious breach of confidence.  
Unauthorised entry to computer records.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than ten working days, while the charity investigates the alleged offence. If, on completion of the investigation and the full disciplinary procedure, the charity is satisfied

that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

In extreme cases of gross misconduct, Autism Bedfordshire reserves the right to dismiss you without notice and without pay in lieu of notice. This will be put in writing at the same time that we inform you verbally and does not affect your right to appeal. If you are working on any of the offsite activities, then you will be immediately dismissed from work and given expenses or pay up until that day. The Board of Trustees or representatives of the Board will be given a full report on the incident including the reasons for dismissal.