

# Disciplinary policy template example

This policy is designed to ensure that there are effective and equitable arrangements for handling disciplinary and related matters. The purpose of the disciplinary procedure is to set out the standards of conduct expected of all team members and to provide a framework within which managers can work with staff to maintain those standards and encourage improvement where necessary. The policy complies with the Acas Code of Practice on Disciplinary and Grievance Procedures.

In order to ensure consistent and fair treatment, this procedure applies to all members of staff, although it may not always be followed during a probationary period. It does not apply to agency workers or self-employed contractors.

Minor conduct issues can usually be resolved informally with your manager. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.

Matters relating to poor performance are dealt with via the Company's capability procedure, and matters relating to genuine sickness absence are dealt with by via the Company's sickness absence policy.

This policy and the procedure set out within it does not form part of any employee's contract of employment and we may amend it at any time. Dependant on the particular circumstances of the case, the Company reserves the right to resolve matters without recourse to this policy, or to only apply certain aspects of the disciplinary procedure.

## Investigations

Before any disciplinary hearing is held, or any disciplinary action is taken, the matter will be investigated in order to establish the facts. Any meetings and discussions as part of an investigation are purely for the purpose of fact-finding and should in no way be considered to be a disciplinary hearing. No disciplinary action will be taken without a disciplinary hearing.

In some cases we may need to suspend you from work while we carry out the investigation. Suspension is not considered to be a disciplinary action, and is not indicative of any prejudgment of the matter. You will remain on full pay and benefits during any period of suspension.

## Disciplinary hearing

Having investigated all the facts the Company will decide whether:

- No action is needed, or;
- The matter should be dealt with informally, or;
- Formal disciplinary action is necessary.

If formal disciplinary action is the appropriate course of action, a disciplinary hearing will be arranged. You will receive written notice of the date, time and venue of the hearing, including information about the alleged misconduct and its possible consequences. You will normally be given copies of relevant documents and witness statements. You will have a reasonable period of time prior to the hearing to consider and prepare your response.

Where practicable, a different person to the one carrying out the investigation will carry out the disciplinary hearing.

An HR representative will normally be present at any formal hearing or interview and will take notes of the proceedings.

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. No-one is obliged to act as a companion if they do not wish to do so. If the Company considers your choice of companion to be unreasonable (for example if they have a conflict of interest or may prejudice the hearing), we may require you to choose someone else.

If you or your companion cannot attend on the date proposed, you can offer an alternative time and date so long as it is reasonable and is within five working days of the date proposed by the Company.

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.

At the hearing you will be presented with the allegations and evidence against you. You will be given the opportunity to respond to the allegations and put forward any mitigating circumstances to be taken into account. Your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

We may adjourn the hearing if we need to carry out any further investigations in the light of any new points you have raised.

We will inform you of the decision either at this hearing or as soon as possible after it has taken place (usually within one week). You will be provided with written reasons for the decision and advised of your right to appeal.

## Disciplinary action and dismissal

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 be usually be taken into account. However no sanction should be treated as a precedent, and each case will be assessed on its own merits.

### Stage 1: First written warning

Where there are no other active warnings on your file you will usually receive a first written warning. This will usually remain active for six months, if the disciplinary procedure is not invoked again during that time. This written warning (and any subsequent written warnings) will state:

- The misconduct or other matters complained of;
- The action necessary to remedy the situation;
- Any review period which may be agreed;
- The consequences of failure to comply with the warning (either a final written warning, or dismissal with notice).

### Stage 2: Final written warning

For more serious matters, or in case of further misconduct where there is an active first written warning on your record, you will usually receive a final written warning. This warning will usually remain active for twelve months, if the disciplinary procedure is not invoked again during that time.

## Stage 3: Dismissal or other action

In instances of gross misconduct, or where your conduct has continued to fall below our standards after due warnings have been given, you may be dismissed. Examples of gross misconduct are given below. In cases of gross misconduct, the dismissal will usually be summary (ie without notice).

We may consider other sanctions short of dismissal, including demotion, redeployment to another role or a period of suspension without pay (where permitted by your contract), and/or an extension of a final written warning with a further review period.

Any decision will be confirmed in writing.

## Appeals

If you are not satisfied with a disciplinary decision, you may appeal within one week of being told of the decision. Your appeal should be made in writing, and should indicate the full grounds upon which your appeal is made.

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

On appeal a decision may be to confirm the previous decision, or to impose a lesser or greater penalty, or no penalty at all. We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There will be no further right to appeal.

If you are appealing against dismissal, the date on which the 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.

## Confidentiality

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

Any documentation (such as witness statements, letters, warnings and meeting summaries) will be stored securely, and only shared on a 'need to know basis'.

## Examples of misconduct

Examples of misconduct which could lead to disciplinary action include, but are not limited to:

- Unauthorised absence, or failure to comply with any aspect of the sickness absence policy;
- Poor time keeping and/or time wasting;
- Failure to comply with a specific instruction;
- Excessive use of personal email or internet usage;
- Impropriety, whether or not within working hours, which the Company reasonable considers to be detrimental to the interests of the Company;
- Failure to disclose any personal interest which represents a conflict of interest with the Company or its clients;
- Breach of confidentiality;

- Failure to maintain health and safety standards;
- Impaired work due to the consumption of alcohol and/or drugs;
- Persistent or regular unavailability for work due to illness, injury or otherwise;
- Abusive or unacceptable behaviour;
- Bullying and harassment of another staff member;
- Minor breaches of your contract.
- Any review period which may be agreed;

## Examples of gross misconduct

We regard certain issues as so serious as to warrant dismissal without notice. Such matters include, but are not limited to:

- Physical and verbal violence / assault;
- Theft;
- Serious bullying, harassment or victimisation, particularly of a discriminatory nature;
- Making untrue allegations in bad faith against a colleague;
- Deliberate and serious damage to property;
- Fraud or deliberate falsification of records (eg in job applications, documents relating to sickness absence, or expense claims);
- Undertaking unauthorised paid or unpaid employment during your working hours;
- Accepting or offering a bribe or other secret payment;
- Serious negligence which causes or might cause unacceptable loss, damage or injury;
- Serious incapacity at work caused by being under the influence of alcohol or drugs;
- A serious breach of confidence;
- Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- Disclosure of any confidential information relating to the Company, especially if such information is subject to a Non-Disclosure Agreement (NDA);
- Serious insubordination or rudeness to managers, colleagues, clients, suppliers or professional contacts;
- Bringing the Company into serious disrepute;
- A serious breach of health and safety rules;
- Conviction on a criminal charge relevant to the employee's employment, or damaging to the Company's interests.
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- Any review period which may be agreed;

## Criminal charges

Where your conduct at work is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

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