
Disciplinary Policy

Turas Training

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1. Policy Statement

- 1.1. TURAS recognises its obligation to ensure consistent and fair treatment for all staff within the organisation.

2. Purpose

- 2.1. The disciplinary procedures are designed to help and encourage all employees to achieve and maintain standards of conduct and job performance.

3. Scope

- 3.1. This policy covers all staff and volunteers within the organisation. There are also provisions for people from other agencies conducting in-reach services in TURAS for the time they are on the premises.

4. Glossary of Terms and Definitions

- 4.1. Minor Misconduct: Below are listed examples of misconduct which may warrant either a verbal warning or written warning. It is stressed however that this list is not exhaustive.
 - 4.1.1. Persistent lateness and poor time-keeping
 - 4.1.2. Absence from work without valid reason, notification or authorisation
 - 4.1.3. Smoking within unauthorised areas
 - 4.1.4. Failure to work in accordance with prescribed policies and procedures
 - 4.1.5. Incompetence
 - 4.1.6. Unreasonable standards of dress or personal hygiene
- 4.2. Gross Misconduct: Listed below are examples of misconduct which may be considered to be gross misconduct and may warrant a final warning, demotion or dismissal, it is stressed however that this list is not exhaustive:
 - 4.2.1. Theft, including unauthorised possession of company property
 - 4.2.2. Physical assault, breach of the peace or verbal abuse
 - 4.2.3. Deliberate damage to organisational property
 - 4.2.4. Serious incapability through alcohol or being under the influence of illegal drugs
 - 4.2.5. Breaches of confidentiality, prejudicial to the interest of the organisation
 - 4.2.6. Fraud or deliberate falsification of records
 - 4.2.7. Failure to observe organisational rules, regulations or procedures that results in risks to safety or the operational wellbeing of the organisation
 - 4.2.8. Incompetence or failure to apply sound professional judgement that results in risks to safety or the operational wellbeing of the organisation
 - 4.2.9. Insubordination including refusing to carry out lawful work directions
 - 4.2.10. Unauthorised possession of goods or documents
 - 4.2.11. Seriously breaching health and safety rules or procedures
 - 4.2.12. Harassment, sexual harassment, bullying behaviour or obscene conduct
 - 4.2.13. Viewing and/or downloading inappropriate material or images from websites
 - 4.2.14. Sending or distributing inappropriate or offensive material within the project either on paper or electronically
 - 4.2.15. Other substantial reason

5. Principles

- 5.1. Disciplinary procedures will be used only when necessary. When possible informal or formal supervision will be used to resolve matters prior to any disciplinary action being taken.
- 5.2. The basis for disciplinary action is clear, that the range of penalties that can be imposed is well defined and application of the policy is fair.
- 5.3. An employee can discuss any part of this policy with their union representative or their line manager in order to clarify their rights and obtain guidance and support as needed.
- 5.4. An employee will have the right to appeal against any discipline imposed.

6. Disciplinary Process

6.1. The disciplinary process has six stages; although these do not always have to be used sequentially:

- 6.1.1. Stage 1: Informal Verbal Warning
- 6.1.2. Stage 2: Formal Verbal Warning
- 6.1.3. Stage 3: First Written Warning
- 6.1.4. Stage 4: Final Written Warning
- 6.1.5. Stage 5: Suspension (only used in some instances)
- 6.1.6. Stage 6: Dismissal (including a disciplinary hearing)

6.2. Stage One: Informal Verbal Warning

- 6.2.1. An informal verbal warning is appropriate when it is necessary for a manager to take action in regard to an employee's minor failing or misconduct. This will set out the performance problem, the improvement that is required, the timescale and any organisational support that may be provided. This does not go on the employee's record.

6.3. Stage Two: Formal Verbal Warning

- 6.3.1. A formal verbal warning is appropriate when it is necessary for a manager to take action in regard to an employee's minor failing or misconduct that has not been improved following an informal verbal warning. The manager will inform the staff member that it is the second stage in the disciplinary process. A formal record of the warning will be signed by the line manager and the employee; this will be kept in the staff file. This record will contain information on:
 - 6.3.1.1. The period, for which the warning remains active, will be one year. After this date the warning will then be considered spent - subject to achievement of satisfactory performance.
 - 6.3.1.2. The nature of misconduct and any specific required performance improvements.
 - 6.3.1.3. Any supports which will be provided by the organisation to assist the staff member in meeting these required performance improvements.
 - 6.3.1.4. The right to appeal this disciplinary action.

6.4. Stage Three: First Written Warning

- 6.4.1. This is appropriate to be applied when:
 - 6.4.1.1. A formal verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed and within the stipulated timeframe.
 - 6.4.1.2. An offence is of a more serious nature for which a written warning is more appropriate.
 - 6.4.1.3. The recurrence or accumulation of (an) offence/offences, if left, will lead to more severe disciplinary action.
- 6.4.2. The first written warning will set out following process and information:
 - 6.4.2.1. The period for which the warning remains active; this will generally be one year. After this date the warning will then be considered spent - subject to achievement of satisfactory performance.
 - 6.4.2.2. The nature of the misconduct and any specific required performance improvements.
 - 6.4.2.3. Previous disciplinary interventions that have been undertaken.
 - 6.4.2.4. Any supports which will be provided by the organisation to assist the staff member in meeting required performance improvements.
 - 6.4.2.5. The warning should also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.
 - 6.4.2.6. The date of the meeting at which this disciplinary procedure will be discussed, and who will be in attendance. The individual will be informed of the right to have representation.
 - 6.4.2.7. The right to appeal this disciplinary action.

6.5. Stage Four: Final Written Warning

- 6.5.1. A final written warning is appropriate when:
 - 6.5.1.1. An employee's offence is of a serious nature falling just short of one justifying dismissal.
 - 6.5.1.2. An employee persists in the misconduct which previously warranted a verbal and first written warning.
 - 6.5.1.3. If the offence is sufficiently serious, or there is a failure to improve during the designated time-frame of a prior warning for the same type of offence, a final written warning may be given to the employee.
- 6.5.2. The final written warning will set out following:
 - 6.5.2.1. The period, for which the warning remains active, this will be one year. After this date, the warning will then be considered spent - subject to achievement of satisfactory performance.
 - 6.5.2.2. The nature of the misconduct and any specific required performance improvements.
 - 6.5.2.3. Previous disciplinary interventions that have been undertaken.
 - 6.5.2.4. Any supports which will be provided by the organisation to assist the staff member in meeting required performance improvements.
 - 6.5.2.5. The warning should also inform the employee that if there is no sustained improvement or change in performance dismissal will occur.
 - 6.5.2.6. The date of the meeting at which this disciplinary procedure will be discussed, and who will be in attendance. The individual will be informed of the right to have representation.
 - 6.5.2.7. The right to appeal this disciplinary action.
- 6.5.3. A copy of this written warning will be kept on the staff members file but will be disregarded for disciplinary purposes after one year, subject to achievement and sustainment of satisfactory performance.

7. Stage Five: Suspension

- 7.1. Suspension can be used when it is necessary to remove a member of staff from the workplace. This may be as a result of an investigation pending, to prevent them influencing others, or to prevent possible interference with evidence. Suspension will be approved by the most senior person available at the time within the service. Where possible the decision will be approved by the senior officer within the organisation.
- 7.2. If the disciplinary action related to work performance or other on-going work related matters, suspension would not normally be used as a stage in the process, as employees are not able to improve performance while on suspension; in this case the process goes from stage four to stage six.
- 7.3. If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated, see point 11. If, on completion of the investigation and investigatory hearing, the organisation is satisfied that gross misconduct has occurred, the result will normally be dismissal which will occur through a disciplinary hearing, see point 8.
- 7.4. An employee suspended from duty will receive immediate verbal confirmation and written confirmation within three days, to include:
 - 7.4.1. The reason for the suspension.
 - 7.4.2. The date and time from which the suspension will operate.
 - 7.4.3. The timescale of the ongoing investigation.
 - 7.4.4. The right of appeal.
 - 7.4.5. The time for an investigatory or disciplinary hearing.
- 7.5. Where an individual will be called into either an investigatory or disciplinary hearing, as much notice as possible should be provided and no less than two days notice given. If an individual wishes to have representation, the meeting will be arranged for a mutually agreeable date if possible.

8. Stage Six: Dismissal Procedure

- 8.1.1. Dismissal is appropriate when an employee's:
 - 8.1.1.1. Behaviour is considered to be gross misconduct.

- 8.1.1.2. Misconduct has persisted, exhausting verbal, first and final warning systems.
- 8.1.1.3. If there is a failure on behalf of the employee to address improper conduct or performance deficiencies, a final step may be dismissal or some other action short of dismissal such as demotion.
- 8.1.2. Dismissal decisions can only be taken by the appropriate senior manager. If an employee faces dismissal, a disciplinary hearing will be held to provide an opportunity for a discussion of this decision. The organisation will make efforts to inform the staff member of this both verbally and by letter.
- 8.1.3. A written letter will be sent to the employee, which sets out the following information:
 - 8.1.3.1. The nature of the misconduct, the fact that dismissal has been recommended and that a disciplinary meeting has been established to discuss this.
 - 8.1.3.2. Previous disciplinary interventions that have been undertaken.
 - 8.1.3.3. The date of the meeting at which this disciplinary procedure will be discussed, and who will be in attendance.
 - 8.1.3.4. The individual will be informed of the right to have representation.
 - 8.1.3.5. The right to appeal this disciplinary action.
- 8.1.4. Any employee who faces a potential disciplinary meeting must be allowed fair procedures including having right of representation and right of reply at a disciplinary meeting. In the case that the chosen representation can not attend on the proposed date, reasonable efforts will be to select a date that is suitable to all parties.
- 8.1.5. If the staff member chooses not to attend the disciplinary hearing then the dismissal will be activated from the date of the proposed meeting.
- 8.1.6. The disciplinary hearing will involve no more than three members of the organisations management. The hearing will include the following:
 - 8.1.6.1. An overview of the process.
 - 8.1.6.2. An overview of the reason for hearing and all processes and actions to date, from the perspective of the organisation.
 - 8.1.6.3. An opportunity for the staff member and/or their representative to respond and propose other alternatives.
 - 8.1.6.4. A summary including information as to when a final decision will be made and how this will be communicated.
- 8.1.7. The organisation will inform the staff member of a decision in writing and by phone as early as possible following the hearing and no later than three days following the meeting.
- 8.1.8. This decision is final from the point of view of the organisation and any appeal would need to take place through a third party.
- 8.1.9. Should anyone who is subject to disciplinary action resign during the course of this action, the process will cease unless there are extenuating circumstances which require its continuance.

9. Removal of Dismissal Procedures

- 9.1. If the person changes/improves their conduct throughout the disciplinary process, the following normally applies; if they have reached any stage up to and including stage four and their record remains clear for at least one year then they will go back to the stage one if there is no further breach.

10. Appeals

- 10.1. Every employee has the right to appeal against a disciplinary procedure or intervention. The basis of an appeal should normally relate to one of the following areas:
 - 10.1.1. That the procedure had not been followed correctly.
 - 10.1.2. That the resulting disciplinary action was inappropriate.
 - 10.1.3. That the need for disciplinary action was not warranted.
 - 10.1.4. That new information regarding disciplinary action has arisen.
- 10.2. An employee who wishes to appeal against a disciplinary decision must do so within five working days from receipt of official correspondence or the verbal warning.

- 10.3. The appeal will be initiated by the staff member sending, in writing, a request for a disciplinary appeal. This should be addressed to the manager who issued the disciplinary letter or undertook the verbal warning. The manager must then contact either their senior manager, or the chairperson of the board / management committee to instigate the establishment of an appeal committee and process.
- 10.4. At the request of a staff member a disciplinary appeal committee will be established. This committee can include members of the board and senior management other than the staff member who was responsible for issuing the disciplinary procedure in question. The committee will have two or more members and no more than three members. The process undertaken by the appeal committee, will be:
 - 10.4.1. A meeting will be called and both parties will be informed of the date and time of the hearing, as well as the membership of the committee. Reasonable efforts will be made to ensure that both parties can attend. The two parties are; 1) the staff member who has requested the appeal, and 2) the manager who was responsible for issuing the disciplinary procedure.
 - 10.4.2. The staff member will be made aware that they are entitled to representation.
 - 10.4.3. Both parties will be asked to provide a verbal and/or written account of the situation and the reasons for their decision or appeal of the decision.
 - 10.4.4. The committee will discuss the matter in private and has the right to seek further information from either party.
 - 10.4.5. The staff member taking the appeal will be informed of the decision in writing. This letter will also inform them of the further and final right to appeal.
- 10.5. The final right of appeal will follow the same process as that in 10.4, although the panel will consist of members of the board or senior management who have not been involved in either initial disciplinary procedures of the first appeal process. The decision of this committee is final within the organisation and can be appealed to a third party.

11. Procedure for Formal Investigation

- 11.1. Investigations will be employed when there is insufficient information for decision making and reasonable grounds for a disciplinary process to be initiated. Investigations may also be employed as a result of an incident, grievance or complaint.
- 11.2. Formal investigations should be carried out by an appropriate manager who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. In the event where it may not be appropriate to involve a manager, an external agent may be appointed as investigator.
- 11.3. All the relevant facts should be gathered promptly after the incident. Statements should be taken from witnesses at the earliest opportunity and any physical evidence should be preserved and/or photographed if reasonable to do so.
- 11.4. A report should be submitted to the appropriate senior manager / chairperson who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.
- 11.5. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. In this instance the staff member in question will be informed of a formal investigation hearing by letter at the earliest possible date. The letter will contain details on the following: date and time, opportunity to have representation, the fact that the hearing may proceed to an immediate disciplinary hearing.
- 11.6. The procedure for a investigatory hearing is:
 - 11.6.1. The hearing will be chaired by a senior manager or board member as appropriate, who has not been involved in the investigation. The investigating manager will be asked to present his/her findings in the presence of the employee who has been investigated. Witnesses can be called at this stage, and the employee will be allowed to question those witnesses.
 - 11.6.2. Following the full presentation of the facts, and the opportunity afforded to the employee to state their side of the case, the hearing will be adjourned. The senior manager and the investigating manager will discuss the matter with outcomes being: (1) take no further

action, (2) recommend counselling/ other supports for the employee, or (3) proceed to a disciplinary hearing.

- 11.6.3. All parties should be brought back, and informed as to which option has been chosen.
- 11.7. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:
 - 11.7.1. The employee has been informed by letter that the investigation may turn into a disciplinary hearing.
 - 11.7.2. The staff member has been told in advance what the nature of the complaint is, and had time to consult with a representative or have a representative in attendance if so wished.
 - 11.7.3. All the facts have been produced at the investigatory hearing, and the senior manager / board member is in a position to decide on disciplinary action.
 - 11.7.4. The manager should inform the employee and their representative that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.

12. Misconduct by Staff Member Conducting In-Reach

- 12.1. If the issue cannot be resolved through an informal process, the line management of the staff member concerned will be informed of the issue in writing. The staff member will be informed of this correspondence.
- 12.2. The organisation may request that the staff member in question no longer engages in in-reach or other related activities.