



Free2B Alliance

Disciplinary Policy

Version: 1.4

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Amended by: Lee Smith, reviewed by Amica HR

Authorised: Board of Directors

Next review period in 5 years – March 2026

Unless an earlier review is triggered by any of the following changes:

- There are changes to operating environment / or strategic direction of the company
- Work behaviour issues that require clarification
- Changes to government policy or legislation

Disciplinary

Policy

It is essential that all Employees regardless of their position in the organisation meet the standards and performance expected. This is to support and maintained the smooth running of the organisation and protect and respect all employees and clients.

The policy is designed to help and encourage Employees to achieve and maintain required standards of conduct and performance. This policy and procedure applies to all employees except for those in their probationary period, they will be afforded a fair process, but will not automatically attract the right to appeal at a disciplinary decision.

Informal action will always be considered as a first option, where appropriate to resolve problems;

No disciplinary action will be taken against an Employee until the case has been fully investigated;

For formal action the Employee will be advised in writing of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting;

Employees will be provided, with copies of evidence and relevant witness statements in advance of a disciplinary meeting, however, it may be necessary to redact some information if it is of a sensitive nature or likely to lead to a criminal matter being referred to the police;

Employees will have the right to be accompanied by a fellow worker or a trade union representative all formal disciplinary meetings;

Employees will not be dismissed for a first breach of discipline except in cases of gross misconduct, where the penalty will be dismissal without notice or payment in lieu of notice;

An Employee will have the right to appeal against any disciplinary action; and

The procedure may be implemented at any stage if the Employee's alleged misconduct warrants this.

Procedure

The disciplinary process provides a fair and consistent method for dealing with alleged breaches of policy, rules and procedures, cases of alleged misconduct or poor performance. It ensures that disciplinary action, if taken, is appropriate to the circumstances.

Informal

It will not always be necessary to use the formal disciplinary procedure. For minor cases of misconduct or underperformance it may best be dealt with by discussion, coaching, training or other informal interventions to achieve the required improvement.

In these cases, the line manager should discuss issues with individuals with the aim of encouraging and helping them to improve. They will ensure that Employees understand what needs to be done to improve or remedy the situation. However, to avoid any doubt a written record should be made by the manager and shared with the Employee. This should reflect the agreed steps and actions to be taken to improve including how their performance or conduct

will be reviewed and over a specific period. Employees should be advised informal warnings do not form part of the formal disciplinary procedure. However, action may be taken if they fail to improve their performance or conduct within the required timescale which could include moving to the formal process.

Formal

If performance or conduct does not meet acceptable standards after attempts to resolve informally have been made, or in more serious situations, then the formal procedure must be followed:

Other Duties or Suspension

The line manager or senior manager will assess whether it is appropriate to move the Employee cited in a misconduct allegation to another role, if possible. However, in more serious cases it may be appropriate to suspend the Employee with immediate effect on full pay, until the investigation has been completed and a disciplinary hearing held. Suspension in these circumstances does not constitute disciplinary action. Any period of suspension will be as brief as possible. The manager will write to an Employee to explain why they are to be suspended and reason other alternatives were not appropriate. The letter will advise on the initial length of the suspension and how the Employee can contact the manager if they need to during this period.

Misconduct Investigation

In misconduct cases, the organisation will operate a fair and impartial investigation into an alleged incident. The overriding principle of the Organisation is to properly investigate the incident to make sure a fair and respected findings are found. A manager outside of the immediate management chain will be appointed as the investigator. Alternatively, an external investigator may be brought in who will be independent of the management chain. The F2B board will decide whether an external investigator is required.

The investigating officer will obtain statements from any witnesses they consider to be relevant to the case. The depth and breadth of investigation will depend on the nature of the alleged misconduct and facts relating to it. If an investigation meeting is held, the Employee will be informed at the outset there will be an investigation interview.

In cases of poor performance, the investigatory stage will be the collation of evidence by the manager for use at the disciplinary meeting.

Disciplinary meeting

Following the investigation, if the decision is made that a disciplinary meeting is necessary, the Employee should be notified within five working days. The manager will write to the Employee specifying the allegations or poor performance concerns and will invite them to attend a disciplinary meeting within five working days. They will be provided with any relevant supporting evidence. The letter will also advise the Employee of their right to be accompanied at the meeting by a fellow worker or trade union representative, but not a solicitor or lawyer. The Employee must take all reasonable steps to attend any formal disciplinary meeting. If the Employee (or their companion) fails to attend the meeting or gives notice that they cannot attend through circumstances beyond their control, a new date should be set. If the Employee fails to attend on a second occasion the meeting may proceed in their absence and the evidence available at the time will be used to make a decision.

A decision to take formal disciplinary action will be made at the disciplinary meeting or as soon as possible afterwards. The decision will be confirmed in writing to the Employee and their representative within five working days of the disciplinary meeting.

Appeal

The Employee may appeal against any formal disciplinary action. An appeal must be lodged in writing with the Chair of the Management Committee (or another appointed member of the Management Committee) within five working days of receiving written notification of the disciplinary action. The appeal letter must state the reasons for the appeal and any documents in support must be attached. At the appeal any disciplinary penalty imposed will be reviewed. The decision of the appeal panel hearing the appeal is final.

Disciplinary Action

First written warning for misconduct

Where informal action has not brought about the desired improvement in conduct, or if the Employee's conduct is considered sufficiently serious, a first written warning will be given following the disciplinary meeting. This will set out the details of the misconduct, the improvement that is required, the timescale, review dates, and the right of appeal. The Employee will be advised that it constitutes the first stage of the formal procedure and that a final written warning may be considered if there is no sustained satisfactory improvement. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period of satisfactory conduct or performance (usually six months).

Or

First written warning for unsatisfactory performance

Where informal action has not brought about the desired improvement in performance, an improvement note will be given following the disciplinary meeting. This will set out the details of the performance problem, the improvement that is required, the timescale, review dates, any help that may be given and the right of appeal. The Employee will be advised that it constitutes the first stage of the formal procedure and that a final written warning may be considered if there is no sustained satisfactory improvement. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period of satisfactory conduct or performance (usually six months).

Final written warning

If the issue is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the Employee. This will give details of the problem or complaint, the improvement required and the timescale for improvement. It will also warn that failure to improve may lead to dismissal and will refer to the right of appeal. A copy of this written warning will be kept but will be disregarded for disciplinary purposes after a specified period of satisfactory conduct or performance (usually 12 months).

Gross misconduct

The following provides examples of offences which will normally be regarded as gross misconduct, however, this is not an exhaustive list:

- theft or fraud;
- physical violence or bullying;
- deliberate and serious damage to property;
- serious misuse of the employer's property or name;
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment

- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety policy and policies relating to the protection of children and/or vulnerable adults
- failure to disclose unspent criminal conviction or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act
- providing false information on a job application form or a disclosure form

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, for more information see paragraphs 84 on suspension, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation believes it has reasonable grounds that it is satisfied gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.