

Disciplinary Policy template

1. Purpose of the policy

The aim of this policy is to support good conduct and performance. This policy sets out the action which will be taken when disciplinary rules are breached. This could include misconduct and / or poor performance.

(Guidance Notes 1: The purpose should remind people that the policy is not designed as a dismissal procedure, but as a means of encouraging personal assistants to meet a good standard.)

2. 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.
- At every stage you will be advised of the nature of the complaint, be given the opportunity to state your case.
- You have the right to be represented or accompanied by an advocate of your choice. This could be a fellow employee, a union representative or a friend.
- 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.

(Guidance Notes 2: Employers often lose at employment tribunals because they did not comply with the procedure – so always follow the procedure.)

3. Informal discussions

Before taking formal disciplinary action, I will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented. I will follow the ACAS code of practice as far as is reasonably practicable.

I will write to you explaining what it is you are alleged to have done wrong, the reasons why this is not acceptable and where appropriate copies of written evidence will be provided with the letter. I will give you reasonable notice of a formal meeting to discuss the issue.

If you are unable to attend the meeting you must let me know and the reason as soon as possible. If there is a good reason for your nonattendance then the meeting will be rearranged. If you fail to attend the meeting a decision may be made in your absence.

After the meeting I will decide whether to take disciplinary action. Depending on the severity of the situation it may be appropriate to go straight to a final written warning. In the event of your gross misconduct I may decide to dismiss you. A letter informing you of my decision will be sent to you.

(Guidance Notes 3: Make sure that personal assistants understand the difference between a routine complaint and action taken under the policy.)

4. First warning

If your conduct or performance is unsatisfactory, you will be given a written warning

following a disciplinary interview. This will set out the improvement required and the timescale over which the improvement is to be achieved. This warning will be recorded but disregarded after 12 months of satisfactory work.

You will be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is serious, for example because it is having a serious harmful effect, I may move directly to a final written warning.)

(Guidance Notes 4: It can be unfair to keep details of warnings on an employee's file indefinitely. Unless a warning is for a very serious matter, it should be disregarded after, say, six months to a year. The written warning should accurately record the warning given at the disciplinary interview. Do not write the warning before the interview.)

5. Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs; a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within **(X)** months, you will be dismissed.

(Guidance Notes 5: The warning should state clearly that dismissal will result from a failure to comply. Except in cases of gross misconduct employees should receive notice or payment in lieu.)

6. Dismissal procedure

If your conduct or performance continues to be unsatisfactory and the procedure outlined in points one to five has been followed, further investigation may take place and a final disciplinary hearing will be held which may result in dismissal. If you have reached this stage of the disciplinary procedure you will be warned that this may be a possibility. You will be reminded of your right to bring someone with you to a disciplinary meeting. This is a meeting which can lead to disciplinary action. Taking someone with you is called the right to be accompanied.

If dismissal is the outcome you will be informed of your right to appeal. You will also be informed in writing of the reasons for your dismissal and the date on which your employment will end.

7. Gross misconduct

If, after investigation, it is confirmed that you have committed an offence of the following nature, the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft
- damage to property
- fraud
- incapacity for work due to being under the influence of alcohol or illegal drugs
- physical violence
- bullying
- gross insubordination.

(Note: the list is not exhaustive)

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal pay rate. Any decision to dismiss you will be taken by me only after full investigation and a disciplinary hearing at which you will be allowed to be accompanied by a colleague or Trade Union representative or a mutually agreeable companion.

8. Appeals

If you wish to appeal against any disciplinary decision you must appeal in writing within five working days of the decision being communicated to you. Someone who was not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.

(Note: You will need to think in advance who this might be, for example - the local advocacy agency/Independent Living Advisor/Direct Payment Support Service/User Led Organisation, etc.)

(Guidance Notes 6: Operating the disciplinary procedure. The ACAS Advisory handbook – Discipline and grievances at work gives some useful information. You can download this as www.acas.org.uk/index.aspx?articleid=890 or order it from 08456 06 16 00.)

9. Other dismissals

Neither the termination of fixed term contracts nor dismissals for redundancy will follow the disciplinary procedure.

Note:

Before taking disciplinary action using the procedure, you will need to be certain that:

- the matter cannot be resolved through informal counselling,
- you have investigated the matter fully,
- your PA is told that they will be interviewed and have the right to be accompanied by a fellow employee, friend or a trade union official of their choice.

At the disciplinary interview, make sure that:

- the employee concerned knows the details of the allegation.
- he or she has the opportunity to put across his or her side of the matter.
- any disciplinary measure is appropriate to the circumstances.

If a warning is given, it should tell the employee:

- the level of improvement required.
- the date by which it is to be achieved.
- what will happen if it is not.
- how to appeal.