

highlights

rural touring scheme

Disciplinary Procedure

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Signed:



Date:

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HIGHLIGHTS' DISCIPLINARY POLICY

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1) AIMS

Highlights Productions wishes to encourage the open and frank discussion of workplace issues and for solutions to individual performance problems to be sought through regular processes of appraisals, training, etc. However, it is recognised that there may be occasions where a more formal and direct approach to discipline is required. The main purpose of disciplinary action is to ensure that you as an employee clearly understand:

- a) What is required of you.
- b) Where specifically these requirements are not being met.
- c) What will happen if the situation does not improve.

2) POLICY STATEMENT

- a) This procedure is designed to help and encourage all employees to achieve and maintain good standards of conduct, attendance, and job performance.
- b) The aim is to ensure consistent and fair treatment for all.
- c) Highlights Productions expects that minor issues will be dealt with outside of the disciplinary procedure by advice, guidance and/or counselling; the aim being to encourage the employee to understand the Director's concerns and to agree ways of improving the situation.

3) ADVICE AND GUIDANCE

At the outset of any disciplinary activity, the Director should contact the Management Committee for general advice and guidance.

4) PRINCIPLES

- a) No disciplinary action will be taken against an employee unless an investigation has taken place.
- b) At the beginning of the procedure the employee will be advised of the nature of the complaint against her or him and will be given the opportunity to state her or his case before any decision is made.
- c) The employee will have the right to be accompanied by a work colleague or Trade Union representative during the disciplinary hearing.
- d) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice.
- e) An employee will have the right to appeal against any disciplinary penalty imposed.
- f) The procedure may be implemented at any stage i.e. stages 1 to 4 (see below) if the employee's alleged misconduct warrants such action.
- g) An employee may be suspended with pay pending the outcome of an investigation.
- h) The disciplinary process should be completed as quickly as is practicable (notwithstanding the need for proper investigation and consideration).

5) DISCIPLINARY ISSUES

Areas where disciplinary issues may arise include the following:

- a) Capability.
- b) Absenteeism and timekeeping.

- c) Honesty and integrity.
- d) Offensive behaviour.
- e) Breaches of company policy or regulatory requirements.
- f) Matters affecting the reputation of the company.

A further list of examples is appended for general guidance, but it should be noted that it is neither exclusive nor exhaustive.

6) INVESTIGATION

- a) We will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of our policies or rules or which may otherwise be a disciplinary matter. You will be informed as soon as possible that an investigation is being undertaken and when we envisage that investigation will conclude.
- b) There may be instances where suspension with pay is necessary while investigations are carried out.
- c) We reserve the right to suspend you from duty with pay where there are reasonable grounds for concern that evidence may be tampered with or destroyed, or witnesses coerced before the disciplinary hearing, or if we believe there is a potential risk to the organisation, other employees or third parties in allowing you to remain at work.
- d) Depending on the circumstances of the case, you may be invited to attend an investigatory interview. If such an interview is held prior to a disciplinary hearing, you will be informed at the outset that the interview is an investigatory interview.
- e) There is no right for you to be accompanied at a formal investigatory interview. We reserve the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing.
- f) At the end of the investigation, either no further action will be taken or a Stage 1 Verbal Warning will be given or in the event of a more serious finding, then a disciplinary hearing will be held.

7) THE DISCIPLINARY HEARING

- a) In the event of a disciplinary hearing taking place we will:
 - i) give you a minimum of two working days' advance notice of the hearing unless there are extenuating circumstances for not doing so;
 - ii) tell you in writing the purpose of the hearing and that it will be held under our disciplinary procedure;
 - iii) explain your right to be accompanied at the hearing by a fellow worker or trade union official;
 - iv) give you written details of the nature of your alleged misconduct;
 - v) provide you with all relevant information and evidence (including statements taken from any fellow employees or other persons that we intend to rely upon).
- b) Where you are unable to attend a disciplinary hearing and you provide a good reason for failing to attend, the hearing will be adjourned to another day. We will

give you notice of the rearranged hearing. Where the chosen companion is unavailable on the day scheduled for the meeting, it will be rescheduled, provided that you propose an alternative time within five working days of the original scheduled date.

- c) Unless there are special circumstances, if you are unable to attend the rearranged hearing it will take place in your absence. Your fellow worker or trade union official may attend in such circumstances and allowed the opportunity to present your case.
- d) If appropriate, you may also be allowed to make written submissions in such a situation. Due to our restricted management structure, the investigatory officer and the chair of the disciplinary hearing may require to be the same person.
- e) At the hearing, you will be given reasonable opportunity to ask questions, respond and present a full explanation of the case against you and be notified of the content of any statements provided by witnesses. You will be able to call your own witnesses.
- f) In addition, you will also be given the opportunity to raise points about any information provided by witnesses. Where we intend to call relevant witnesses, we will give you advance notice of this. You must also give advance notice if you intend to call your own witnesses.
- g) We may adjourn the disciplinary hearing if it appears necessary or desirable to do so (including for the purpose of gathering further information).
- h) You will be informed of the duration of any period of adjournment. If further information is gathered, you will be allowed a reasonable period of time, together with your fellow worker or trade union official, to consider the new information prior to the reconvening of the disciplinary hearing
- i) After the conclusion of the disciplinary hearing, we will communicate the decision to you and what disciplinary action, if any, is to be taken against you. The decision will be confirmed in writing. You will be notified of your right of appeal under this procedure.

8) ROLE OF COMPANION

- a) You have the right to be accompanied by a fellow worker or trade union official at any disciplinary hearing or subsequent appeal. The trade union official need not be a fellow worker or employee, but if the person is not a fellow worker or employee, we may insist on them being certified by the trade union as being experienced or trained in accompanying employees to disciplinary hearings.
- b) If your companion is one of our employees, he or she will be given appropriate paid time off to allow them to accompany you at a disciplinary hearing or appeal hearing.
- c) At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf.
- d) However, both the hearing and any appeal hearing are essentially meetings involving you and our organisation, so any questions put directly to you should be dealt with by you and not by your companion.

- e) Your chosen companion has the right to address the hearing to put your case, sum up your case and respond on your behalf to any view expressed at the hearing should you wish him/her to do so.
- f) The companion may also confer with you in adjournments or during the hearing.

9) DISCIPLINARY ACTION

Where an issue is identified as a disciplinary matter the following actions may be taken:

a) STAGE 1 VERBAL WARNING

- i) If conduct or performance does not meet acceptable standards, the employee will normally be given a Verbal Warning by the Director. A note of this warning will be kept on the employee's personal file but will be disregarded for disciplinary purposes after six months, subject to satisfactory conduct and performance.
- ii) It is expected that in most cases a verbal warning will quickly resolve most difficulties.
- iii) A verbal warning can be given after the investigatory stage, without a hearing.

b) STAGE 2 WRITTEN WARNING

Following a disciplinary hearing where it is proven that you have committed a minor offence or offences, a first stage written warning may be given. We will rely on such a warning in the event of you committing further misconduct. The warning will:

- i) set out the nature of the offence committed;
- ii) inform you that further misconduct is liable to result in further disciplinary action under this procedure;
- iii) specify the period for which the warning will remain "active" on your personnel record. After such a period the warning will automatically lapse;
- iv) state that you may appeal against the warning.

c) STAGE 3 FINAL WRITTEN WARNING

Following a disciplinary hearing where it is proven committed either a more serious disciplinary offence, or, further minor offences have been committed by you after a stage 2 written warning has been issued to you and remains active, you will normally receive a second stage written warning. The warning will:

- i) set out the nature of the offence committed;
- ii) inform you that further misconduct is liable to result in further disciplinary action under this procedure;
- iii) specify the period for which the warning will remain "active" on your personnel record. After such a period the warning will automatically lapse;
- iv) state that you may appeal against the warning.

d) STAGE 4 DISMISSAL

Following a disciplinary hearing where it is proven that conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, or the misconduct or the failure to reach acceptable standards is sufficiently serious, dismissal will normally result. The ultimate decision to dismiss will be taken by the Management Committee. The employee will be provided, as soon as is reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and details of the right of appeal.

10) SUMMARY DISMISSAL

If a disciplinary hearing of the Management Committee finds that an employee has committed an act of gross misconduct, s/he may be summarily dismissed without notice and without payment in lieu of notice.

11) DEMOTION

At either stage 3 or stage 4 of the Procedure, as an alternative to (or in addition to) a written warning or dismissal, employment at a lower grade may be offered to the employee where the disciplinary matter relates to capability.

12) APPEALS

- a) An employee who wishes to appeal against a disciplinary decision should inform the Management Committee in writing within 5 working days of the date of the letter informing them of the decision, stating:
 - i) your grounds of appeal; and
 - ii) whether you are appealing against the finding that you committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.
- b) Appeals will be heard by the Management Committee within 10 working days, unless there are extenuating circumstances.
- c) The person conducting the appeal is obliged to consider any representations made by you and your fellow employee or trade union official and those of any members of management who conducted the investigation or who imposed the disciplinary penalty.
- d) The person conducting the appeal will decide on the basis of these representations, and any facts that may have come to light since the disciplinary hearing, whether or not to uphold the disciplinary sanction.
- e) Upon completion of the appeal, the person conducting the hearing will consider matters and a decision will then be notified, to you, in writing.
- f) At the appeal, any disciplinary penalty imposed will be reviewed but cannot be increased.
- g) You will normally receive written confirmation of the appeal outcome within five working days of the meeting unless there are circumstances preventing the notification of the outcome within that timescale. If there are reasons preventing notification, you will be notified accordingly.
- h) No further appeal is available against this decision.

- i) Any decision taken to dismiss you will have had immediate effect. Accordingly, if your dismissal is with notice, the period of notice will already have commenced on the date on which you were notified of our decision. If your dismissal was a summary dismissal without notice, we will be under no obligation to reinstate or pay you for any period between the date of the original dismissal and any appeal decision.
- j) In the event that the decision to dismiss is overturned, you will be reinstated with immediate effect and you will be paid for any period between the date of the original dismissal and the successful appeal decision. Your continuous service will not be affected.

13) RESPONSIBILITIES

In most circumstances responsibilities are as follows:

- a) Investigations to be undertaken by the Director and recommendations made to the Management Committee that there are allegations to be answered.
- b) The Director to notify the employee of the allegations, arrange and conduct the disciplinary hearing, and notify the employee of the outcome.
- c) If the employee appeals the Management Committee will arrange and conduct the appeal hearing and notify the employee of the outcome.

Normally the disciplinary process will be dealt with by the above procedure. However, this may not always be appropriate or practical. Therefore, an appropriate person outside of the employee's management chain may be nominated to undertake any part of the process.

14) APPENDICES

Appendix 1: EXAMPLES OF OFFENCES ATTRACTING DISCIPLINARY ACTION

- a) Failing to take reasonable care of Highlights Productions' property; this includes failing to act to prevent loss or damage.
- b) Acting in a way that could constitute a significant risk to the health or safety of the employee concerned or any other person on Highlights' premises or property, or contravening the rules drawn up in consequence of the Health and Safety at Work Act.
- c) Leaving the place of work during the hours of duty without permission or a satisfactory reason.
- d) Negligence
- e) Incapability
- f) Persistently failing to be in attendance at the place of work at the required time.
- g) Being absent from work without prior permission and without reasonable cause.
- h) Persistent short-term sickness absence.
- i) Failing to report absence from work on the day of such absence without good reason.
- j) Failing to conform to established working practices and procedures, whether professional or as laid down by Highlights Productions.
- k) Refusal or failing to carry out legal and reasonable instructions.
- l) Acting in a way prejudicial to Highlights Productions' interests in dealing with suppliers, contractors, other agencies, the public or other outside contacts.
- m) Using threatening or abusive language or conduct.
- n) Breach of confidentiality of written or verbal information connected with a staff member, organisation or third party.
- o) Racial, sexual or other form of harassment.
- p) Failure to comply with the UK General Data Protection Regulation.
- q) Using unlicensed software.
- r) Breaches of specific rules set out in Highlights Productions Manuals or rules issued from time to time by Highlights Productions.

Appendix 2: EXAMPLES OF GROSS MISCONDUCT

- a) Committing any assault or threatening assault against a member of staff or member of the public
- b) Committing a serious act of racial, sexual or other form of harassment or discrimination
- c) Sexual abuse of a colleague or member of the public
- d) Placing the life or health of a service user or member of staff or other person at risk
- e) Grossly offensive or indecent behaviour towards others
- f) Verbal abuse of members of staff or members of the public
- g) Obtaining money or other property from Highlights Productions, its service users, suppliers or contractors by fraudulent means
- h) Theft
- i) Unauthorised possession of Highlights Productions' property or that of service users, suppliers, contractors or any other employee
- j) Falsifying official records, timesheets, rotas, petty cash Vouchers receipts, etc.
- k) Committing an illegal offence which renders the employee unsuitable or unable to carry out the duties for which s/he was employed or otherwise makes his/her continuing employment undesirable
- l) Being unfit for work as a result of the influence of drink or drugs
- m) The persistent and wilful refusal to carry out instructions despite warnings of the consequence of continued refusal
- n) Altering or defacing medical certificates
- o) Committing a serious breach of duty prejudicial to Highlights Productions' relations with other bodies or the general public or any wilful attempt to damage Highlights Productions' reputation or to bring its operations into disrepute
- p) Giving false information when applying for a job
- q) Gross breaches of proper standards of Health and Safety at work
- r) Serious breaches of specific rules set out in Highlights Productions Manuals or rules issued from time to time by Highlights Productions.