



## DISCIPLINARY POLICY & PROCEDURE

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Policy Created	Colin McAndrew
Version Control	1.0
Date of Current Review	09/2019
Date of Next Review	09/2022
Reviewed By	Staffing, Health & Safety Committee

CORPORATE FIT	
Internal Management Plan	
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## **1. INTRODUCTION AND POLICY STATEMENT**

Part of our key aims of The Albyn Group is to build our Purpose, our Mission, our Values and our Vision into our policy and decision making on a daily basis. With that in mind, we aim to follow our guiding principles that apply to all policies: <https://www.albynhousing.org.uk/about-us/>

## **2. DISCIPLINARY POLICY**

- 2.1.** The disciplinary policy set out below is designed to ensure that all employees of the Albyn Group are treated fairly and consistently, to ensure the efficient and safe performance of work and to promote the maintenance of good relations between colleagues and between employees and their managers.
- 2.2.** You should familiarise yourself with and abide by the disciplinary procedure, which applies to all employees.
- 2.3.** A breach of the Albyn Group rules set out below will render you liable to disciplinary action in accordance with the disciplinary policy. An instance of gross (serious) misconduct will normally render you liable to dismissal without notice or pay in lieu of notice.
- 2.4.** The Albyn Group rules and the examples of misconduct below are not exhaustive. They include the following:
  - 2.4.1.** you must comply with the rules relating to notification of absence;
  - 2.4.2.** you must arrive at work promptly, ready to start work at your contracted starting times, and must remain at work until your contracted finishing times;
  - 2.4.3.** you may be required to work additional hours at short notice, as the needs of the business require;
  - 2.4.4.** the Albyn Group reserves the right not to pay you in respect of working time lost because of poor timekeeping and persistent poor timekeeping will result in disciplinary action;
  - 2.4.5.** you are solely responsible for your own time recording on commencing and finishing work. Any errors or omissions must be corrected by you and raised with your line manager who will authorise or endorse any amendment;
  - 2.4.6.** you must keep confidential, both during your employment and at all times after its termination, all information gained in the course of your employment about the business and activities of Albyn Group, and that of Albyn Group's customers, contractors, suppliers and business partners, except in circumstances in which you are required to disclose information by law or in the course of the performance of your duties with the Albyn Group;

- 2.4.7. you are not permitted to engage in any activity outside your employment with the Albyn Group which could reasonably be interpreted as competing with the Albyn Group;
- 2.4.8. you must dress in a manner appropriate to the function in which you are engaged;
- 2.4.9. you may be required from time to time to undertake duties outside your normal job remit;
- 2.4.10. you may be required from time to time to work at locations other than your normal place of work;
- 2.4.11. you must co-operate fully with your colleagues and with management to ensure the maintenance of acceptable standards of courtesy and politeness;
- 2.4.12. you must take all necessary steps required to safeguard the public image of the Albyn Group and preserve positive relationships with its customers;
- 2.4.13. you must comply with the Albyn Group's operating policies and procedures;
- 2.4.14. you must ensure that you do not breach the Albyn Group's policies on equal opportunities and or bullying and harassment;
- 2.4.15. you must gain an understanding of the Albyn Group's health and safety procedures, comply with them and ensure that safety equipment and clothing provided is always used;
- 2.4.16. all accidents, however minor, must be reported to your line manager as soon as possible, and an entry made in the Albyn Group's accident book;
- 2.4.17. you are permitted use of the Albyn Group's IT and communication systems only under the terms of the ICT System Security and Acceptable Use Policy
- 2.4.18. Albyn Group property and equipment must not be taken from the Albyn Group's premises other than for use on authorised Albyn Group business;
- 2.4.19. you are solely responsible for the safety of your personal possessions while in the Albyn Group's premises. You must ensure that your possessions are always kept in a safe place; and
- 2.4.20. if you find an item of personal property on the premises that does not belong to you, you are required to inform your line manager immediately.

## **2.5. Gross Misconduct**

Set out below are examples of behaviour which the Albyn Group treats as gross (serious) misconduct, which will normally render you liable to dismissal without notice (the list is not exhaustive):

- 2.5.1. theft, dishonesty, or fraud;
- 2.5.2. assault, act of violence, or aggression;
- 2.5.3. unacceptable use of obscene or abusive language (including language of a discriminatory nature);
- 2.5.4. possession or use of non-prescribed drugs on Albyn Group premises or during working hours;
- 2.5.5. consumption of alcohol on Albyn Group premises or during working hours, other than on occasions approved by the Albyn Group;
- 2.5.6. serious incapability at work brought on by alcohol or non-prescribed drugs;
- 2.5.7. wilful damage to the Albyn Group's property or the property of its employees or customers, contractors, suppliers or business partners;
- 2.5.8. serious insubordination;
- 2.5.9. falsification of records or other Albyn Group documents, including those relating to obtaining employment;
- 2.5.10. unlawful discrimination, harassment or bullying;
- 2.5.11. refusal to carry out reasonable management instructions;
- 2.5.12. gambling, bribery or corruption;
- 2.5.13. acts of indecency or sexual harassment;
- 2.5.14. serious breach of the health and safety policies and procedures, or endangering the health and safety of a fellow employee, client or third party;
- 2.5.15. breach of the Albyn Group's policy regarding smoking;
- 2.5.16. breach of confidentiality, including the unauthorised disclosure of Albyn Group business to the media or any other party (this rule does not apply to making, in good faith, a protected disclosure (whistleblowing) or to a relevant pay disclosure);

- 2.5.17. unauthorised access to or use of computer data or computer hardware;
- 2.5.18. copying of computer software, other than when authorised in your normal course of employment;
- 2.5.19. bringing the Albyn Group into disrepute;
- 2.5.20. misuse of the Albyn Group name;
- 2.5.21. serious breach of the Albyn Group's policies or procedures;
- 2.5.22. serious negligence which causes or might cause unacceptable loss, damage or injury; or
- 2.5.23. conviction of a criminal offence (except for minor road traffic offences) that impacts on your suitability to do your job or your relationship with the Albyn Group, your work colleagues or the Albyn Group's customers, suppliers or business partners.

### **3. DISCIPLINARY PROCEDURE**

- 3.1.** The disciplinary procedure will be used where there are possible issues of misconduct. It does not apply to cases where an employee fails to perform to the required standard as a result of lack of skill, capability or training or has genuine sickness absence.
- 3.2.** The disciplinary procedure does not form part of your contract of employment. It may be amended at any time and the Albyn Group may use an alternative procedure depending on the circumstances of the particular case.
- 3.3.** If you, or your chosen companion, anticipate or experience any difficulty at any stage of the procedure because of a disability or a medical condition, you should contact your line manager.

#### **3.4. Investigation**

- 3.4.1. If any complaint of misconduct is made against you, an investigation will usually be carried out, without unreasonable delay, to establish the facts of the case. You must cooperate fully and promptly in any investigation.
- 3.4.2. On completion of the investigation, the investigator will recommend whether a disciplinary hearing should be convened, or some other step(s) taken in relation to the situation.
- 3.4.3. Whilst there is no statutory right to be accompanied, you can have a work colleague or recognised trade union official in attendance at any investigatory meeting, that may take place.

### **3.5. Suspension**

If we have grounds to believe that you may be guilty of misconduct which we consider to be serious (gross) misconduct, where relationships have broken down, or where we have grounds to consider that our property or responsibilities to other parties are at risk, or where we consider that your continued presence at our premises would hinder an investigation, we will be entitled to suspend you on full pay. Any such suspension will be as brief as possible and will be kept under review. A decision to suspend you is not considered a disciplinary action, nor does it imply that any decision has been taken about your case.

### **3.6. Attendance and companions at disciplinary and appeal meetings**

3.6.1. You should make every effort to attend any disciplinary hearing (including any appeal hearing). If you or your companion cannot attend the meeting, you should let us know as soon as possible and propose a reasonable alternative date and time. If this is within five working days of the original date, we will accept it and the meeting will take place then. If it is not, we will make reasonable attempts to agree another alternative date and time. If you are persistently unable or unwilling to attend a disciplinary meeting without good cause, we will make a decision on the evidence available.

3.6.2. You are entitled to be accompanied at any disciplinary meeting (including any appeal) by a fellow work colleague of your choice or certified trade union representative. Please note that it is your responsibility to secure the attendance of any fellow work colleague. You may not be accompanied by any other person, such as a relative, without our prior agreement, or by a legal representative.

3.6.3. The person accompanying you is entitled to address the hearing to put and sum up your case, respond on your behalf to any views expressed at the hearing and confer with you during the hearing. The person accompanying you does not have the right to answer questions on your behalf, address the hearing if you do not wish it or prevent the Albyn Group from explaining its case. Any work colleague who you have requested to accompany you will be given a reasonable amount of paid time off to prepare for and attend the hearing.

### **3.7. Stage One: invitation to disciplinary meeting**

3.7.1. Where the investigator decides that there is a disciplinary case to answer, a disciplinary meeting will be convened without unreasonable delay, while allowing you reasonable time to prepare your case. You will be notified in writing of the date, time and venue for the meeting.

3.7.2. The letter will contain sufficient information about the alleged misconduct and its possible consequences to enable you to prepare to answer the case

at the meeting. It will also usually provide copies of any written evidence, which may include any witness statements.

### **3.8. Stage Two: disciplinary meeting**

3.8.1. Where possible, the meeting will usually be heard and chaired by a manager or who was not involved in the investigation (the Chairperson). Another individual will be present at the meeting to take notes.

3.8.2. At the hearing, the Chairperson will explain the complaint against you and go through the evidence that has been gathered. You will have an opportunity to state your case in relation to the allegations and challenge any evidence produced in support of the allegations by the Albyn Group.

3.8.3. You will be given a reasonable opportunity to ask questions, present evidence and call witnesses. You should notify us in advance of the hearing of the names of such witnesses and their relevance to the allegations. You will also be given an opportunity to raise points about any information provided by witnesses. Any witness you have requested to attend a hearing with you who is a fellow work colleague will be given a reasonable amount of time off work to prepare for and attend the hearing.

3.8.4. The proceedings, any statements and all documents and records relating to disciplinary hearings will be kept confidential.

### **3.9. Adjournment**

The Chairperson will may adjourn any disciplinary meeting (including any appeal), for example if further investigation or evidence is required. The meeting will usually be reconvened afterwards.

### **3.10. Decision**

At the end of the disciplinary meeting, the Chairperson will normally adjourn the meeting before making a decision. Following the adjournment, the Chairperson may issue an oral decision or may deliberate further and issue a decision in writing. In any event, written notification of the outcome of the meeting will usually be sent to you within five working days of the last meeting, or as soon as reasonably practicable, together with an explanation of any disciplinary action to be taken and notification of your right to appeal.

### **3.11. Levels of disciplinary sanction**

3.11.1. Very minor cases of misconduct will be dealt with informally, with the objective of improving your conduct. Where the matter is more serious, or where you have failed to improve your conduct, formal action will be taken as described below.



3.11.2. There are three levels of disciplinary sanction. Other than in cases of gross (serious) misconduct, you will not normally be dismissed for a first offence but the Albyn Group reserves the right to impose sanctions at any level, or to skip levels, depending on the circumstances of the case.

#### **3.11.3. Level 1: written warning**

Where misconduct is confirmed you will usually be given a formal written warning. A first written warning will normally remain in force for six months.

#### **3.11.4. Level 2: final written warning**

Where you have a current written warning and / or where the misconduct, infringement or offence is sufficiently serious, you may be given a final written warning. A final written warning will normally remain in force for 12 months.

#### **3.11.5. Level 3: dismissal or other sanction**

If you have a current prior warning, or where the misconduct, infringement or offence is sufficiently serious to warrant dismissal, or if you are guilty of an act of gross (serious) misconduct (see paragraph 2.4 for a non-exhaustive list of examples), dismissal will normally result. A decision to dismiss will only be taken by a manager who has the authority to do so.

3.11.6. Alternatively, a sanction other than dismissal may be imposed (eg demotion, loss of seniority). If that is the case, you will, as soon as is reasonably practicable, be provided with written confirmation of the action to be taken, how it is to be implemented, the reason for the action, the date on which it will come into force (if appropriate) and information on your right to appeal. These sanctions may be used in conjunction with a written warning.

### **3.12. Summary dismissal**

If you are guilty of an act of gross (serious) misconduct or some other fundamental breach of the Albyn Group's rules or of the contract of employment you may be summarily dismissed. This means that there will be no obligation on the Albyn Group to allow you to work your notice period or make a payment in lieu of notice.

### **3.13. Appeals**

3.13.1. If you wish to appeal against a disciplinary decision or sanction, you must inform the Chairperson in writing within five working days of receiving notification of the disciplinary decision, setting out the full grounds for your appeal. If you wish to produce additional evidence to support your case, then this must be provided to the Chairperson in advance of the appeal hearing.

- 3.13.2. All appeals will be dealt with as promptly as possible and a date will be set for the appeal hearing as soon as is reasonably practicable after the Chairperson has received written notification of your appeal.
- 3.13.3. Wherever possible, the appeal will be heard by a manager or director of the Albyn Group who has not been involved in the investigation or disciplinary hearing and/or who is more senior than the person who heard the disciplinary hearing (the Appeal Chairperson).
- 3.13.4. You will be informed of the arrangements for the appeal hearing, confirmation of the Appeal Chairperson, details of any other representative of the Albyn Group who will be present (where possible, another manager or member of the Albyn Group's HR department will be present at the meeting to take notes) and of the right to be accompanied at the appeal hearing.
- 3.13.5. The Appeal Chairperson will confirm to you in writing the outcome of the appeal hearing usually within five working days of the appeal hearing, or as soon as is reasonably practicable. The Appeal Chairperson's decision will be final. There is no further right of appeal.