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| ~ Your Company ~ | | | | | |
| Policy No. |  | Date ratified |  | Version No |  |
| Approved by |  | Ratified by |  | Review date |  |
|  | **DISCIPLINARY POLICY & PROCEDURE** | | | |  |

## Purpose & Scope

This procedure is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct and job performance. The aim is to ensure consistent and fair treatment for all in the Company.

This procedure sets out the steps that will be followed when the Company is contemplating disciplinary proceedings involving any employee for misconduct and/or poor performance.

## General principles

This procedure applies to all employees.

The Company considers that the normally accepted rules of behaviour which apply in society as a whole will apply equally to work.

The aim of these procedures is to promote good working relations within the Company by defining the rights and responsibilities of the parties in disciplinary matters, the types of disciplinary action and when they can be taken, and by creating a consistent system with the object of promoting fairness and consistency in the treatment of individuals.

Employees will not ordinarily be dismissed for a first breach of discipline, except in the case of gross misconduct where the sanction will ordinarily be dismissal without notice or payment in lieu of notice.

This procedure may be implemented at any stage of the employees alleged misconduct or if performance justifies such action.

## Confidentiality

The Company will, where possible, treat matters dealt with under this procedure sensitively and with respect for the privacy of those involved. However, confidentiality cannot be guaranteed. The Company is under an obligation, as part of its duty of fairness to all parties involved in issues dealt with under this procedure, to investigate comprehensively and establish facts. This may mean disclosing details or information concerning employees alleged behaviour to other members of staff and, in rarer circumstances, to third parties.

Where it is necessary to disclose information to other members of staff and third parties in respect of alleged misconduct, care will be taken to ensure that such information is disclosed in confidence and only in so far as is necessary for the purposes of completing an investigation or establishing facts fairly.

Employees should treat information relating to any matter dealt with under this procedure as strictly confidential and should not disclose any such details directly or indirectly without the Company’s express permission. Failure to observe this simple rule is likely to lead to disciplinary action in its own right and may even lead to dismissal.

**Guidance for managers for dealing with witnesses in proceedings under this policy who wish to remain anonymous is set out in the First Appendix.**

## Discipline – who may do what?

The Company delegates authority to senior members of its staff to apply this policy as it deems appropriate. As a general rule, the following authority is delegated:

* An oral warning may be given by [define level]
* Written warnings may be given by [define level]
* Suspension for any reason may be imposed by [define level]
* More serious disciplinary sanctions, including dismissal, may only be dealt with by [define level]

## Informal action

Wherever possible, minor misconduct or poor performance will firstly be dealt with informally, usually by the employee’s immediate line manager.

If at any time an employee’s performance or behaviour falls below an acceptable standard then, if it is practicable, that employee’s line manager will discuss the concerns with the employee. In these circumstances, the employee will be given every opportunity to put their side of the case across.

The aim of informal action is to identify the reasons why the employee’s behaviour or performance has fallen below an acceptable standard and define what needs to be done to correct the drop in standard.

Informal action is not in itself disciplinary action. Therefore, employees who are subject to informal action may not be required to attend an investigation or disciplinary meeting. However, if employees feel that they have been treated unfairly by a manager taking informal action, then they may refer their concerns to the [NAME]R Manager , who will review the reasonableness of the action taken.

The line manager may issue an informal warning under the informal procedures set out in this policy. Although the warning will be oral, a record will be kept on the employee’s personnel file but disregarded for disciplinary purposes after 6 months.

## Investigation

An investigation will take place into any matter formally dealt with under this procedure before any action is taken.

Investigations will be carried out by managers with an appropriate level of seniority and in accordance with the following principles:

* Investigations will be carried out without unreasonable delay in order to establish, in so far as is reasonably practicable, the facts of each case.
* Investigations will be carried out sensitively and with regards to principles relating to confidentiality set out in this procedure.
* Managers carrying out investigations will keep notes of the steps taken as part of those investigations and keep records of evidence and other documents privately and securely.
* Investigations will be carried out in whatever form and within whatever parameters the investigating officer reasonably considers necessary to ensure that, in so far as is reasonably practicable, the facts of each case are established.

It would be extremely rare for an investigation not to include at least one meeting with the employee who is the subject of the investigation. Save in exceptional circumstances, such as where the Company is making reasonable adjustments under the Equality Act 2010, an employee has no right to be accompanied at an investigation meeting.

When the investigation officer has carried out as much investigation as is reasonably necessary to establish the facts in so far as is reasonably practicable, they should produce an investigation report in writing which should contain the following minimum information:

* Details of what precipitated the investigation and what circumstances are being investigated.
* The name of the investigation officer.
* The parameters and scope of the investigation.
* The investigation officer’s findings and conclusions, in so far as it is possible to draw conclusions.
* The investigation officer’s recommendation(s).

The role of the investigation officer is to establish facts (insofar as is reasonably possible) and make a recommendation as to whether there are circumstances that warrant further action. It is not the role of the investigation officer to establish guilt or culpability. In short, the question that the investigation officer must address is: *in light of the established facts, is there a case to answer?*

## Anonymisation

During the investigation or at any other point during a disciplinary procedure, witnesses and other individuals interviewed may express a wish to remain anonymous….