# DISCIPLINARY

**Caretakers Southwest Ltd**

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**Policy Statement**

All employers are unfortunately forced to administer discipline to staff at some time or another. This organisation believes that any disciplinary action taken should aim to identify those problems that precipitated the disciplinary action being required, and to assist in correcting them. The organisation believes that it is in the interests of all that disciplinary actions are carried out in a prompt, uniform and impartial way, and that the main purpose of disciplinary action is to correct the problem, prevent its recurrence and prepare the employee for delivering satisfactory service in the future. At the earliest opportunity, advice must be sought from our Employment Law Advisors 3CP training/Federation of Small Businesses and all advice received will be recorded as follows

This organisation adheres fully to the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice Disciplinary and Grievance Procedures. The principles of these procedures are

 Step 1: Understanding the options

 [Step 2: Following a fair procedure](https://www.acas.org.uk/disciplinary-procedure-step-by-step/step-2-following-a-fair-procedure)

 [Step 3: Carrying out an investigation](https://www.acas.org.uk/disciplinary-procedure-step-by-step/step-3-carrying-out-an-investigation)

 [Step 4: The disciplinary hearing](https://www.acas.org.uk/disciplinary-procedure-step-by-step/step-4-the-disciplinary-hearing)

 [Step 5: Deciding on the disciplinary outcome](https://www.acas.org.uk/disciplinary-procedure-step-by-step/step-5-deciding-on-the-disciplinary-outcome)

 [Step 6: After the disciplinary procedure](https://www.acas.org.uk/disciplinary-procedure-step-by-step/step-6-after-the-disciplinary-procedure)

# The Policy

This policy is intended to set out the values, principles and policies underpinning this organisation’s approach to staff discipline. The purpose of this policy is to ensure a fair and systematic approach to the enforcement of acceptable standards of conduct and behaviour amongst all employees.

# Staff Disciplinary Policy

In this organisation disciplinary action may be taken in response to one of the following:

* Unsatisfactory performance at work
* Improper behaviour at work
* Persistent lateness or absenteeism
* Misconduct.

In this organisation disciplinary action may take one of the following forms depending on the severity of the problem and the number of occurrences:

* Verbal warnings
* One or more written warnings
* Suspension with or without pay
* Dismissal.

Suspension is considered as a “last resort” mechanism which considers employee length of service and security of the breach.

In this organisation the following procedure applies.

* For offences other than serious or gross misconduct, the employee’s immediate supervisor or line manager should first ascertain the facts and review any evidence relating to any breach of rules or discipline. The employee will be interviewed in private and should be asked for an explanation. The immediate supervisor or line manager will then decide upon a course of action.
* If an informal, verbal warning is decided upon then this should be administered in private by the immediate supervisor or line manager, and appropriate notes made in the employee’s personnel file.
* If a formal, written warning is required―because an informal warning has already been given for the offence or because of the severity of the offence―only a senior organisation manager or head of organisation should carry this out. Appropriate notes should be made in the employee’s personnel file.
* If the offence is repeated, or agreed improvements are not made, then a second and final written warning may be issued.
* If standards improve and there is no repetition of the offence then the employee may request that the warning is removed from their file after 12 months. The organisation reserves the right to refuse to remove the offence from the file if it feels that the offence warrants or that there is a likelihood of further transgression.
* An employee may be suspended without pay if the organisation deems them incapable of performing their duties, or while investigations take place. A written copy of the suspension should be given to the member of staff by the head of organisation.
* An employee may be dismissed if:
	+ They have already received a final written warning and then repeat the offence
	+ They have been suspended and the organisation decides that, upon investigation, their offence merits dismissal
	+ They have committed serious or gross misconduct
	+ They have committed an offence that makes their continued employment impossible.

The organisation recognises that there are certain types of problem that are so serious they justify either a suspension or, in extreme situations, dismissal, without verbal or written warnings being given.

In this organisation the following apply.

* Disciplinary matters should be dealt with quickly and fairly
* An indication should be provided of the disciplinary action that might be taken
* Supervisors or line managers can issue verbal warnings
* Only the head of organisation or senior organisation management can use written warnings and dismissal
* Employees should be told of the complaint against them and be given full opportunity to state their case before a decision is taken
* Employees have the right to be accompanied by a trade union representative or fellow employee of their choice
* Employees will not normally be dismissed for a first offence, other than gross misconduct
* No disciplinary action will be taken before there has been a full investigation
* An explanation of any penalty will be given
* Employees have a right of appeal.

**Written warnings**

Written warnings should state clearly:

* The conduct concerned
* The improvement required and the time limit for this, if appropriate
* The likely consequences of further offences or failure to improve (e.g. final warning, dismissal, etc.).

The warning should be handed to the employee, who should be informed of the right of appeal.

**Appeals**

Appeals should not be pursued through the organisation’s grievance procedure but should instead be made directly to the head of organisation. Where a final decision within the organisation is contested, or where the matter becomes a collective issue between management and a trade union, then appeals should be made via an external body such as the ACAS.

**Records**

Records will be kept in the employee’s personnel file that detail the nature of any breach of disciplinary rules, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be carefully safeguarded and kept confidential.

The company disciplinary policy should be included in the induction training for all new staff.

**Related Policies**

Appraisal

Code of Conduct for Workers

Grievance (Staff)

Supervision

**Related Guidance**

* ACAS Code of Practice <http://www.acas.org.uk/index.aspx?articleid=2174>
* ACAS Discipline and Grievance at Work <https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf>
* Disciplinary procedures and action against you at work <https://www.gov.uk/disciplinary-procedures-and-action-at-work>
* ACAS Example discipline and grievance procedures <https://www.acas.org.uk/example-discipline-and-grievance-procedures>
* Employee handbook

**Training Statement**

The company disciplinary policy should be included in the induction training for all new staff. All staff, during induction are made aware of the organisations policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, on-line, workbook, group meetings, individual supervisions and external courses are sourced as required.