

Disciplinary policy and employee conduct (Template)

Overview

- [Introduction](#)
- [Purpose](#)
- [Principles](#)
- [Suspension](#)
- [Investigations](#)
- [Informal discussion](#)
- [Disciplinary hearing](#)
- [Warnings](#)
- [Dismissal](#)
- [Confirmation of disciplinary action](#)
- [Appeals](#)
- [Appendix 1](#)
- [Disclaimer](#)

Introduction

[NAME OF ORGANISATION] is committed to the provision of high quality services and expects high standards of work and behaviour from all our employees.

Purpose

This policy applies to all paid staff and it aims to ensure consistent and fair treatment when dealing with issues of unacceptable behaviour or improper conduct. Where there are issues with behaviour or conduct, [NAME OF ORGANISATION] aims to encourage improvement. Expected standards of performance and behaviour are set out in Appendix 1, Employee Conduct.

Every effort will be made to ensure that any action taken under this procedure is fair, with employees being given the opportunity to state their case and appeal against any decision that they consider to be unjust.

Principles

Our disciplinary policy is based on the following principles:

- All employees will be advised of the disciplinary policy.

- No disciplinary action will be taken against any employee until the circumstances have been fully investigated.
- Informal action will be considered, where appropriate, to resolve problems.
- Disciplinary matters will be dealt with as promptly as possible and every effort will be made to adhere to the time limits set out in this policy. The time limits will be extended only with agreements of all parties.
- The employee will be advised of the nature of the complaint(s) against them and will be given the opportunity to present their case before any decision is made.
- At every stage of the procedure, the employee has the right to be accompanied, whether by a work colleague or trade union representative of their choice.
- No employee will be dismissed for a first breach of discipline **except** in the case of gross misconduct, when the penalty will be dismissal without notice or pay in lieu of notice.
- The procedure may be implemented at any stage if the alleged misconduct warrants such action – it is not always the case that a first “offence” always warrants a first warning.
- All employees have the right of appeal against any disciplinary penalty.

Suspension

In some cases, a period of suspension with pay may be considered necessary. Suspension is not part of disciplinary action. The employee must be told of the suspension in person (face to face, by phone or online) and this will be confirmed in writing within 5 working days by the relevant line manager/Chair of the Committee.

Suspension from duty should be considered where continued presence in work may:

- Endanger the safety or well-being of any beneficiary, employee or volunteer *or*
- Compound the alleged offence *or*
- Compromise or interfere with the investigation

Investigations

[NAME OF ORGANISATION] will carry out an investigation of potential disciplinary matters to establish the facts of the case. The nominated investigating officer will produce a report detailing allegations, findings, relevant facts, conclusions and recommendations.

[Where practicable – *based on the size and structure of the organisation*] Different people will carry out the investigation and disciplinary hearing. An investigatory meeting will not by itself result in any disciplinary action.

Informal discussion



The organisation has responsibility for addressing conduct and behaviour issues as early as possible and for taking appropriate action. Where appropriate, steps will be taken to resolve issues on an informal basis without recourse to the formal disciplinary procedure.

Informal discussions aim to encourage and help the employee to improve. Feedback should be constructive, and the focus should be on finding ways in which the employee can solve any shortcomings.

Where an improvement is required, we will ensure that the employee understands what needs to be done, how this will be reviewed and over what period. We will monitor the employee's progress towards making the necessary improvements.

Informal discussions must not be used as a substitute for an investigation.

Disciplinary hearing

The employee will be informed of the consequences of further misconduct, or failure to improve performance, within the set period.

If it is decided that there is a disciplinary case to answer, the employee will be notified of this in writing. The notification will give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting. Notice of a disciplinary hearing, to include a copy of the investigation report and supporting materials, will be sent 00 working days prior to the hearing.

At the disciplinary meeting, the Chair of the panel will explain the complaint(s) against the employee. They will invite the investigating officer to present the report and any evidence that has been gathered.

The employee will be allowed to set out their case and answer any allegations that have been made. The employee will be given a reasonable opportunity to ask questions, present their evidence and call relevant witnesses.

After the disciplinary meeting, the panel will decide whether disciplinary action is justified, what type of warning will be given and will then inform the employee in writing. Disciplinary action will be confirmed in writing within 00 working days of the hearing.

The employee will be informed of the consequences of further misconduct, or failure to improve performance, within the set period.

A further act of misconduct or failure to improve performance within a set period will normally result in a final written warning. If the employee's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation or its clients.

Warnings

Spent warnings will be removed from personal files (paper and electronic) and destroyed/deleted in accordance with the timescales specified within this policy.

First written warning

If conduct or performance does not meet acceptable standards, the employee will normally be given a first written warning, which will be removed from their personal file and destroyed after six months. The employee will be informed, in writing, that this has been done.

Second written warning

If conduct or performance does not improve after a warning, or if there is already a first warning on file, or if the misconduct is considered serious, a second written warning will be given which will be removed from the personal file and destroyed after twelve months. The employee will be informed, in writing, that this has been done.

Final written warning

If the conduct or performance does not improve after a second warning, or if there is a second warning on file, or if the misconduct is considered more serious, a final written warning will be given which remains on the personal file for one year.

Warnings can only be issued as the result of a disciplinary hearing.

There may be occasions when, depending on the seriousness of the misconduct, it will be appropriate to enter the procedure at the stage of final written warning or to consider dismissal.

It is not always the case that a first 'offence' always warrants a first warning.

Dismissal



Where conduct or performance does not improve after a final written warning, or if a final warning is already on file, or where there is gross misconduct, dismissal will occur.

Dismissal after the issue of a final written warning will be with notice or pay in lieu of notice.

Dismissal for gross misconduct will be considered summary dismissal, i.e. without notice or pay in lieu of notice.

A decision to dismiss can only be taken by a manager or trustee who has the authority to do so. The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Some acts are deemed to be gross misconduct and are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence.

Confirmation of disciplinary action

All disciplinary action will be confirmed in writing; the written confirmation will include the following:

- The nature of the allegation
- The disciplinary action agreed
- The consequence of any subsequent act of misconduct during the lifetime of the warning
- The period during which the warning will remain on the file and may be considered
- The employee's right to appeal

Appeals

All employees have the right of appeal against any disciplinary penalty. Appeals will be heard without unreasonable delay and at an agreed time and place. Any appeal should be sent to the Disciplining Officer within ____ working days of the employee receiving the written decision. The appeal must state the grounds for appeal.

The appeal will be dealt with by a panel of people who have not previously been involved in the case.

The employee has a statutory right to be accompanied at the appeal meeting. They can be accompanied by a work colleague or trade union representative of their choice.

The decision of the appeal panel may be given verbally at the meeting and will be conveyed or confirmed in writing within 00 working days of the meeting. The decision of the appeal meeting will be final and there will be no further internal right of appeal.

Appendix 1

Employee conduct

This is not an exhaustive list – make sure that you include Rules that are relevant to your organisation, your beneficiaries and the nature of your work.

[NAME OF ORGANISATION] has set out the following disciplinary rules, which establish standards of conduct at work. These rules apply to all employees. These rules are not exhaustive but help to set the general tone of acceptable and unacceptable conduct. Employees will be introduced to these rules during Induction.

Contact with beneficiaries and members of the public

All employees are expected to be courteous, considerate and professional to our beneficiaries and the public, and to respect confidentiality.

Professional practice

Employees must always act in the best interests of our clients and the organisation.

Attendance

No employee should be absent from work without reporting in the prescribed manner.

Obeying instructions

Employees should always carry out lawful and reasonable management instructions.

Care of property

All employees have a duty to take good care of the organisation's property, and to report any loss or damage immediately.

Health and safety

All employees have obligations under the Health and Safety at Work Act, and associated legislation, to ensure safe working practices. Further information on specific responsibilities is contained within the Health and Safety Policy. Staff must not break health and safety regulations, including the failure to report an accident.

Smoking, alcohol and non-prescription drugs

Smoking is not permitted on site. Employees should ensure that they never attend work in an unfit state due to alcohol or non-prescription drug consumption.

Discrimination

Employees always treat people with respect and dignity. Employees must not discriminate. Employees have responsibility for promoting equality and further information is contained in the Equality and Diversity

Policy.

Harassment and bullying

Employees must not harass or bully other employees or volunteers. Further information is contained in the Equality and Diversity Policy.

Financial propriety

Employees are expected to behave appropriately when dealing with all financial matters. Gifts must be recorded in the probity book kept by the Treasurer.

Relationships in the workplace

Staff will observe clear boundaries with clients and volunteers and will behave in ways that are appropriate to their professional position.

Safeguarding

All staff have a responsibility to ensure the safety of the children and adults at risk that they work with. Staff should never act in ways that harm beneficiaries or put them at risk of harm. It is the responsibility of staff to minimise risk of harm by the promotion of good practice and by identifying potential risks. Further information can be found in the Safeguarding Policy.

Corporate email and social media

Staff must follow our guidelines when posting on social media (Facebook, Twitter) on behalf of the organisation. Staff must not post anything, or share posts, that will damage the reputation of the organisation, staff, volunteers or clients.

Cyber security

Staff have a responsibility for maintaining the security of our IT systems and must follow all guidelines in our IT procedures. Staff must not share passwords or give access to our systems to anyone outside of the organisation.

Unsatisfactory conduct

Examples of unsatisfactory conduct are listed below for information. This list is not intended to be exhaustive:

- Unacceptable, unsubstantiated, excessive or unauthorised absence from work
- Excessive use of email and work mobile phone for personal use
- Lateness or failure to comply with working times
- Improper use of equipment or facilities
- Unsatisfactory condition or appearance relating to personal hygiene
- Repeated breaches of [NAME OF ORGANISATION]'s policies and procedures.

Conduct outside work

An employee could face disciplinary action for misconduct outside work, e.g. where an employee's behaviour in front of beneficiaries or at an outside event reflects badly on the organisation.

Gross misconduct

The penalty for gross misconduct is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct.

Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- Extreme verbal abuse or insolence
- Serious acts of insubordination, wilful refusal or failure to carry out a reasonable instruction
- Fighting or assault (actual or threatened)
- Serious breaches of the Equality and Diversity policy.
- Serious harassment or bullying
- Serious breaches of safety regulations, endangering oneself or others including breaches of safeguarding, health and safety and IT security
- Posting or sharing derogatory or offensive comments on the internet about the company or a work colleague.
- Deliberate damage to property
- Serious negligence, causing unacceptable loss, damage or injury
- Serious breaches of confidentiality
- Theft, fraud or falsification of records
- Falsification of remuneration claims (eg time sheets, expense claims etc)
- Unauthorised or improper use, or damage or neglect of vehicles, equipment, safety equipment or computers

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Disclaimer



Third Sector Support Wales is a network of support organisations for the whole of the third sector in Wales.

It consists of the 19 local and regional support bodies across Wales, the County Voluntary Councils (CVCs) and the national support body, Wales Council for Voluntary Action (WCVA).

For further information contact

<https://thirdsectorsupport.wales/contact/>

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.