



# **Disciplinary (Misconduct) Policy and Procedure**

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## Policy Overview

It is Courage Consultants UK Limited's intention to provide a fair and consistent method of resolving disciplinary situations and to follow best possible practice. The guidelines in the ACAS Code of Practice on Disciplinary practice and procedures in employment have been taken into account in drawing up these procedures which apply to all members of the Courage Consultants UK Limited staff other than the Head of Divisions/Faculties.

In most instances, it is expected that problems of a disciplinary nature can be discussed by the individual concerned and his/her line manager, resulting in an immediate solution and avoiding the use of the formal disciplinary procedures. An informal warning is probably the most important step in the whole disciplinary process because this is where the best chances exist to help the employee to conform to the required standards.

However, if such initial attempts fail to resolve the situation, the matter should be discussed, in the first instance, with the Office Manager who will offer advice and assistance in these matters prior to any formal action being taken under these procedures.

- A. Depending on the nature of the misconduct, Courage Consultants UK Limited reserves the right to suspend a member of staff on full pay pending the outcome of investigations.
- B. Anyone who is suspended from duty will be entitled to written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.
- C. Any person who has been under suspension for three weeks or more may appeal in writing to the Head of Divisions/Faculties.

## Preliminary Investigation

Prior to any action being taken under this procedure, a prompt and thorough investigation should be conducted to assess whether the disciplinary procedure should be embarked upon. The procedure is designed to help and encourage all staff to achieve and maintain standards of conduct and to provide a fair method of dealing with alleged failures to observe them. These Courage Consultants UK Limited procedures apply to all staff and the aim is to ensure consistent and fair treatment for all. At all times the aim is for specific cases to be conducted as expeditiously as possible.

## Procedures

In appropriate cases, the individual concerned will be informally advised of the time allowed for improvement by his/her immediate Line Manager/Office Manager/Chief Executive Officer prior to any formal action being taken. Where the matter is more serious, the following procedure will be implemented:

## **Stage 1 - Verbal Warning**

If the individual's conduct does not meet acceptable standards, he/she will normally be given a formal VERBAL WARNING.

He/she will be advised of the reason for the warning under the first stage of the procedure, the action necessary to rectify the situation and of his/her right to appeal. A detailed note of the warning will be kept on his/her personal file for a period of six months and will be expunged in the event that further disciplinary action has not been taken.

## **Stage 2 - Written Warning**

If the offence is a serious one, or the individual has failed to heed the verbal warning, he/she will be required to attend a disciplinary hearing, and if considered appropriate, a formal WRITTEN WARNING may be issued.

This will be given to him / her within two working days of the hearing and will include details of the complaint and the improvement(s) required. It will also warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal.

A copy of this written warning will be retained on the individual's personal file for a period of twelve months and will be expunged in the event that further disciplinary action has not been taken.

## **Stage 3 - Final Written Warning**

If the severity of this offence is such, or the individual has failed to heed a written warning, he/she will be required to attend a disciplinary hearing and, if considered appropriate, a formal FINAL WRITTEN WARNING may be issued.

This will give details of the complaint, will warn of the consequences if there is no satisfactory improvement and will advise of the right of appeal.

The final written warning will be given within two working days and a copy will be retained on the individual's personal file for a period of twelve months and will be expunged in the event that further disciplinary action has not been taken.

## **Unsatisfactory Conduct**

There may be circumstances in which unsatisfactory conduct will justify the issue of a first written warning without there having been an informal warning.

## **Serious Misconduct**

In instances of serious misconduct there could be justification for the issue of a final warning in the absence of any prior formal or informal warnings.

## **Gross Misconduct**

The Courage Consultants UK Limited reserves the right to dismiss, without Notice and without previous warnings, in cases of gross misconduct.

## **Disciplinary Hearing**

The individual will be informed that he/she is to attend a disciplinary hearing at a given time and place. The purpose of a disciplinary hearing is to consider whether disciplinary action should be taken. The nature of the complaint will be outlined to the individual and reasonable time will be given for him/her to consider the position. At every stage, the individual will be notified of the right to Appeal following any disciplinary penalty involved.

At the hearing, the Line Manager/Office Manager/Chief Executive Officer will have witnesses present and the individual will have the right to consult and be represented by a trade union representative or colleague of his/her choice at any stage of the formal procedure. The results of the investigation will be fully discussed with the individual who will have the opportunity to state his/her case and to explain any mitigating circumstances.

Normally, there will be an adjournment of the hearing to allow proper consideration of all the matters raised. The hearing will then be reconvened, and the individual will be informed orally of the disciplinary decision. This decision will be put in writing to the individual, specifying the nature of the misconduct, the penalty and duration imposed, and the arrangements for appeal.

If, on completion of the investigation and disciplinary hearing, the Courage Consultants UK Limited is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

If, on completion of the investigation and disciplinary hearing, the Courage Consultants UK Limited is satisfied that misconduct has not occurred, the records of such a hearing will not be linked with the individual's personal file and will be expunged.

## **Dismissal**

### **Dismissal with Notice**

In the event that the member of staff has failed to heed a final written warning, he/she will be called to another disciplinary hearing, the result of which may be dismissal. A decision to

dismiss will only be taken after full consideration with the Chief Executive Officer. If the dismissal is confirmed, the individual will be issued with a letter detailing the reasons for his/her dismissal.

## Summary Dismissal

If a member of staff commits an act of gross misconduct, he / she will be asked to attend a disciplinary hearing and, if the investigation supports the allegation, he/she will be summarily dismissed without notice and with immediate effect.

## Definition of Gross Misconduct

Gross misconduct is defined as misconduct serious enough to destroy the employment contract between the employer and the employee and make any further working relationship and trust impossible. It is normally restricted to very serious offences but may be determined by the nature of the business of Courage Consultants UK Limited and other associated circumstances.

The following list provides examples of offences which are normally regarded as gross misconduct and is not exclusive or exhaustive:

- Theft from Courage Consultants UK Limited or individual
- Gross or offensive racial or sexual harassment,
- Fighting, assault or any other act of violence in the course of employment
- Acts of fraud or deliberate falsification of documents with intent to defraud Courage Consultants UK Limited, including giving or taking a bribe or offering to do so
- Damage to Courage Consultants UK Limited's property, that of another employee or visitors to the Courage Consultants UK Limited's premises arising from wilful or negligent acts
- Gross or repeated negligence or disregard of Courage Consultants UK Limited's Health and Safety Rules and Procedures and associated policies in the course of employment which could endanger others
- Breach of confidentiality or disclosure of information which would be detrimental to Courage Consultants UK Limited.
- Serious incapability through alcohol or being under the influence of illegal drugs
- Prolonged unexplained absence (normally of more than 10 working days)
- Misuse of other employees' passwords to access computer records.

## Unacceptable Behaviour

The following list provides examples of unacceptable behaviour: it is neither exclusive nor exhaustive.

- Refusal to carry out reasonable instructions in accordance with one's duties
- Insulting behaviour

- Reduced capacity to carry out duties due to the influence of alcohol or non-prescribed drugs
- Abuse of Absence and Self-Certification Rules and Procedures
- Irregular attendance and persistent bad time keeping
- Abuse of day release/training facilities
- Abuse of working hours regulations in accordance with one's contractual obligations
- Frequent and persistent absence from proper place of work and absence or lateness which prevents fulfilment of one's contractual obligations
- Failure to observe Health and Safety Precautions and the Courage Consultants UK Limited's Fire Regulations
- Unauthorised use of the Courage Consultants UK Limited's time, material or equipment
- Persistent use of foul language which is offensive to others

## **The Right of Appeal**

During the disciplinary process you will be informed whether you have a right to of appeal or not. In most cases you will be given a right of appeal. Summary of the appeal procedure is as follows:

- The grounds for the appeal should be set out clearly along with details of any written material considered relevant and the names of witness in support of the appeal. The Line Manager shall ensure that a copy of the grounds of appeal is made available to the Designated Officer.
- An appeal process will not necessarily require a detailed rehearing or re-examination of all matters previously addressed and the focus should be on the matters raised in the grounds for appeal.

In reaching a decision on the nature or scope of the procedure to be followed, the Chief Executive Officer may seek such advice as he/she considers appropriate in the circumstances.

## **Meeting**

In all cases the Chief Executive Officer will invite the employee to attend a meeting (normally within 10 working days of receipt of the written notification of appeal) to put forward the case, for his/her decision to refer to documents and/or call witnesses.

The Designated Officer will attend the meeting referred to in 8.1 above and be given the opportunity to put forward the case, for his/her decision, refer to documents and/or call witnesses.

Questions may be put directly to either party or witnesses by the Chief Executive Officer  
 Questions may be put to either party or witnesses through the Chief Executive Officer. There will be no right of direct cross examination.

## **Outcome**

The Chief Executive Officer will give this decision in writing within 5 working days.

The options available to the Chief Executive Officer by way of decision are,

- A.** That disciplinary action is not appropriate
- B.** That the decision of the Designated Officer be upheld
- C.** That a different disciplinary measure, which may be of a higher or lower severity, be imposed.

In exceptional circumstances he/she may direct that the matter be further investigated before he/she reaches any decision.

*Note: Where Head of Divisions/Faculties is the concern employee, the Chief Executive shall assume roles inline with the policy in a fair and just manner.*

## **Documents Associated with this Procedure**

<b>Name</b>	<b>Stored</b>