



Disciplinary Policy

Approved: 15 May 2019

Review date: May 2022

If you have difficulty with sight or hearing, or if you require a translated copy of this policy, we would be pleased to provide the information in a form that suits your needs.

1. Introduction

- 1.1 Govanhill Housing Association and its subsidiary company Govanhill Community Development Trust require staff to maintain the highest possible standards of attendance, conduct and performance. The purpose of this policy is to help staff understand these and encourage them to maintain them.
- 1.2 This policy will inform staff of our expected standards of conduct, performance and attendance. If staff do not meet our standards, then we will manage this in accordance with this disciplinary procedure.
- 1.3 This policy and procedure applies to all staff members

2. Policy Aims:

- To make sure that staff know the standards expected in respect of conduct, performance and attendance.
- To manage staff in accordance with the procedures in this policy should they fall short of our expected standards.
- To manage any fall in standards in a fair and consistent manner.

2.1 Staff can expect the Association to:

- Inform them of all the allegations against them and give them the opportunity to state their case.
- Not take any formal disciplinary action until we have fully investigated the allegations against a staff member.
- Conduct our own investigation irrespective of any police proceedings and make decisions in accordance with this policy based on evidence and information available to us at the time.
- Pay an employee full pay should we decide to suspend them pending any investigation outcome.
- Proceed with disciplinary action after an appropriate investigation has taken place.
- Not take any disciplinary action or suspend a staff member if they are a trade union representative until we have had discussions with a full-time official of the union. If the full-time official is not available, we will contact a regional officer.
- Give staff the right to be accompanied by either a trade union representative of their choice, or a workplace colleague at any stage of the formal procedure.
- Make sure if any action is taken against them, (other than dismissal) that we make clear the standards of improvement required, the timescale within which we expect this to be achieved, the frequency of reviews, and the consequences

of inadequate or un-sustained improvement.

- Not dismiss a staff member if this is the first issue with their conduct, performance or attendance unless they have committed gross misconduct. In this case, the penalty will normally be summary dismissal without notice or pay in lieu of notice.
- Provide them with a right of appeal if we issue them with any formal action.
- Keep records on their personal file of any live disciplinary action, which will only be available to them, their line manager and appropriate CS staff.
- Refuse the use of recording devices (in normal circumstances) during any investigation, disciplinary or appeal hearings.
- Apply the procedure at any stage depending on the seriousness of the allegations against them.

2.2 We expect that staff will:

- Be honest and transparent in all aspects of their work for us.
- Treat all colleagues, clients, partners and anyone in connection with us with respect and tolerance.
- Not abuse Association facilities.
- Not disclose any confidential information obtained in connection with their employment with us.
- Be frank and upfront about any connections they may have in any business that we deal with.
- Not publish or profit from any work done within the Association as this belongs to us until we give permission for its use
- Not accept any gift, favour or inducement from businesses or individuals in connection with us.
- Be loyal and ask permission before taking up any other work (paid or unpaid) – particularly if this in any way affects their ability to work for us.
- Meet the standards set out in all our policies and procedures, in particular our code of conduct, equality and diversity and dignity at work, regardless of any personal or political beliefs they may hold.
- Maintain high standards of performance and carry out their role to the best of their ability.
- Maintain high levels of attendance as described in our attendance and absence policy.
- Follow instructions and requests from their line manager and any other senior member of staff.
- Participate as much as reasonably possible in all parts of the disciplinary procedure.

3. Investigation

- 3.1 Before any informal or formal action takes place, we will conduct an appropriate investigation. The purpose of this is to establish the facts surrounding the allegations against the staff member. This will normally involve speaking to the staff member and anyone else that may provide us with relevant information. We will also collect any other information we deem to be relevant. This meeting is not formal and does not form part of the formal disciplinary process.
- 3.2 The length and complexity of the investigation will be determined by the circumstances and the nature of the allegations. If staff are unable, or choose not to participate in the investigation, we will proceed without their input.
- 3.3 The nominated investigator will be neutral and impartial and present their findings in an unbiased, factual, coherent and relevant way. The investigation report will include all evidence referred to. All information will be made available to both the staff member and the disciplinary officer/panel.
- 3.4 On completion of the investigation, the investigator will make one of the following three recommendations:
- No further action
 - Informal action
 - Formal disciplinary action

4. Police Involvement and Criminal Offences

- 4.1 We may treat any criminal investigation, charge or conviction connected to staff as a disciplinary matter if we consider it relevant to their employment with us.
- 4.2 Should a staff member be subject to any police investigation, we will conduct our own independent investigation, and proceed regardless of the status of any police involvement.
- 4.3 If a staff member is subject to any of the above, and they believe this may in any way affect their ability to do their job or our reputation, they must discuss this with their line manager as soon as possible.

5. Suspension

- 5.1 We will suspend staff on full pay if the allegations against them are gross misconduct. We will aim for that suspension to last no longer than one week. If

the investigation has not finished within this time, we will write to them and update them on its progress. While on suspension staff should not have any contact with any other employees other than the person named on their suspension letter.

- 5.2 We may also suspend staff if we feel they are interfering with an investigation in any way, even if the allegations are not at gross misconduct level.

6. Time Limits of Warnings

- 6.1 We may extend the time limits referred to throughout this procedure, depending on the circumstances of individual cases.

7. Alternatives to Disciplinary Action

- 7.1 In addition to issuing warnings, the disciplinary panel/officer may consider other actions instead of dismissal including, redeployment, demotion, or an extension to the time limit of a warning.

8. Examples when the Disciplinary Procedure may be used:

- Any issues relating to conduct/performance/attendance.
- Poor timekeeping and/or attendance.
- Unauthorised absence.
- Failure to follow absence notification procedures.
- Abuse of flexi time and/or TOIL.
- Failure to meet and/or maintain the improvements required in an informal action.
- Breaches of our policies.
- Performance below our expected standards.
- Deliberate misuse or damage of our property (including corporate clothing, electronic devices, email and internet).
- Not following our health and safety instructions.
- Unsafe working practices.
- Willful and persistent refusal to obey reasonable instructions.
- Professional incompetence.

The level and type of warning issued will depend on the circumstances and severity of individual cases.

9. Informal Procedure

- 9.1 We will normally use the informal procedure first. If performance, conduct or attendance does not meet our required standards then the line manager will

meet with the staff member informally if appropriate. They will discuss the issues with them, and tell them what improvements are required, the support available and explain any further consequences if they do not meet or maintain the standards we require. We will provide all this information in writing in an Informal Action Note.

10. Formal Procedure

10.1 We will follow our formal process when attempts to improve any conduct, performance and/or attendance have not improved through the informal process. We will also use the formal process at Appendix 1 immediately for more serious matters. If a staff member is invited to a formal hearing, this will be done as soon as reasonably practical on conclusion of the investigation. They will also be given a minimum of 2 working days' notice of the hearing. If we issue a staff member with a formal warning, they will have the right to appeal and we will give them the details of how to do this in the letter confirming the outcome of their hearing. We will not apply any formal stages of this procedure unless an appropriate investigation has taken place.

11. Notice of Decision

11.1 We will issue the staff member with the outcome of our decision, including the reasons for this in writing within 5 working days of the formal disciplinary hearing. This letter will detail the reasons for the formal warning and what we expect of the staff member. If we dismiss the staff member, we will provide them with details of their last date of employment and inform them of any outstanding payments that we will make to them in their final salary.

12. Appeals

12.1 If a staff member wishes, they have the right to raise an appeal within 5 working days of receiving their letter which details any formal action against them. Details on how to appeal will be included in their decision letter confirming the action taken against them. We will arrange an appeal hearing within 10 working days of receiving their request. We will write to them after the hearing confirming our decision regarding their appeal.

12.2 Any appeal will be heard, where possible, by someone who was not involved in the original disciplinary hearing.

12.3 Appeals Procedure

- Appeals against any formal warnings will be made to one level above at which

13. Records

We will keep records on staff personal files of any disciplinary action, which will only be seen by the staff member and their line manager. CS staff will have access to any information stored on People HR. They will remove disciplinary warnings from files when no longer live.

14. General Data Protection Regulations

The Association will treat personal data in line with our obligations under the current data protection regulations and our own relevant policies. Information regarding how data will be used and the basis for processing personal data is provided in our employee privacy notice.

15. Monitoring and review

This policy will be reviewed every 3 years unless good practice or legal requirements necessitate an earlier review.

Appendix 1: Disciplinary procedure

1. The formal process

We have three stages in our formal procedure:

First Stage

If you do not meet our standards detailed at the informal stage, or the matter is serious, a manager will invite you, in writing, to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence, including your response and we believe this to be unsatisfactory, and/or it is still appropriate, we will issue you with a first written warning or performance note. This will remain on your file for six months.

Second Stage

If you have a live written warning and remain below our standards or if we consider the matter very serious, a manager will invite you, in writing, to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence, including your response and we believe this to be unsatisfactory and/or still appropriate, we will issue you with a final written warning. This will remain on your file for 12 months.

Third Stage

If you have a live final written warning and remain below our standards, or if we feel you may have committed an act of gross misconduct, a senior manager will invite you, in writing, to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence and we deem it appropriate, we may dismiss you. We will make a payment in lieu of notice if the reason for dismissal is anything other than gross misconduct. If we dismiss you for gross misconduct, we will not give you notice or make a payment in lieu of notice. The JNC Appeal Chair will hear appeals against dismissal.

2. Gross Misconduct

Gross misconduct equates to a serious breach of contract and includes actions that will have a serious effect on our business, reputation or damage the relationship of trust and confidence between us. We will normally regard the following as gross misconduct: (this list is not exhaustive)

- Theft and/or serious willful damage or misuse of our property from us, our staff, clients, customers or anyone connected with us.
- Bullying, threatened/actual violence, or provoking violence.
- Being under the influence during working hours due to alcohol or any other substance.
- Possession, use, supply or attempted supply of illegal and/or legal substances.
- Fraud, forgery or other dishonesty including, fraudulent wage claims or falsification of records/expenses including time sheets and overtime.
- Harassment, discrimination or victimisation.
- Serious infringement of health and safety rules and procedures, or any other policies, operating procedures or workplace rules put in place by us.
- Acts of gross professional incompetence.
- Bringing the Association into serious disrepute.
- Serious breaches of security or confidentiality, including misuse or disclosure of confidential information.
- Acceptance of bribes or other concealed payments.
- Deliberately accessing internet sites containing illegal, pornographic, offensive, obscene, and/or information to incite or carry out any acts of violence.
- Being charged with or convicted of a criminal offence that in our opinion may affect our reputation or relationships with staff, clients, customers or anyone connected with us and/or affects your suitability to work for us.
- If we become aware of any official information from outside agencies that may compromise your suitability for your role, e.g. PVG scheme, Credit Check.
- Malicious or untrue allegations against others.

3. Notice of Decision

We will issue you with the outcome of our decision, including the reasons for this in writing to you within 5 working days of the formal disciplinary hearing. This letter will detail the reasons for the formal warning and what we expect of you. If we dismiss you, we will provide you with details of your last date of employment and inform you of any outstanding payments that we will make to you in your final salary.

4. Appeals

If you wish, you have the right to raise an appeal within 5 working days of receiving your letter, which details any formal action against you. Details on how to appeal will be included in your decision letter confirming the action taken against you. We will arrange an appeal hearing within 10 working days of receiving your request. We will write to you after the hearing confirming our decision regarding your appeal.

Any appeal will be taken, where possible, by someone who was not involved in the original disciplinary hearing.

Appeals Procedure

- You have a right to one internal appeal against the first written warning or performance note.
- We will hold appeal hearings within 10 working days of receiving your request, (except for a JNC Appeal).
- There is one appeal against a final written warning and after this, it will be made to the JNC Appeal Chair.
- If you are appealing against dismissal, you must do so to the JNC Appeal Chair.
- The JNC Appeal Chairs are independent people appointed by the Joint Negotiating Committee.

Appeal hearings to the JNC Appeal Chair will be held within 20 working days (where possible).

JNC appeals

The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedure. The Secretary to the JNC Appeal will send you a copy of the guidance notes if you make a valid request for an appeal. The Chair's decision will be followed by a written report, which will be sent to both parties.

Once a JNC appeal has taken place and report issued, the matter will be closed.