



Disciplinary Policy (Staff)

Last approved: October 2024
Approved by: Quality Committee
Next review due: October 2026

Introduction

Our aim in this policy is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken when BN1 Arts rules are breached and it is designed to encourage employees to conform to acceptable standards and not just as a dismissal procedure.

BN1 Arts reserves the right to implement the procedure at any stage as set out below, taking into account the alleged misconduct of an employee.

This procedure is entirely non-contractual and does not form part of your contract of employment. BN1 Arts reserves the right not to follow this procedure during the first two years of employment.

Principles

The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. It has been created to work alongside the BN1 Arts Staff Code of Conduct policy, which is a procedure to support performance as opposed to disciplinary issues. However, it will be the line manager's discretion to decide whether they feel your actions fall under the BN1 Arts Staff Code of Conduct policy or BN1 Arts's Disciplinary policy, and outline to you the reasons why.

If you are subject to any disciplinary action:

- At all stages of the process you will be advised of the nature of the complaint, and be given the opportunity to state your case
- Within the formal stages of the process, you will be able to have a fellow employee of your choice accompany you, or trade union representation. They will be present in a supportive capacity only and will not be able to represent you
- You will not be dismissed at the informal discussion stage except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice
- No written disciplinary action will be taken until the matter has been fully investigated. You may be asked to work from home on full pay whilst the investigation takes place. A written warning will be disregarded after 12 months of satisfactory service but may be included in a reference request.
- Where you are unable to attend a meeting due to sickness or absence, a follow on meeting within

a reasonable timescale (usually 5 days) will be suggested and you will be expected to make every effort to attend. Long term sickness as covered by a fit note will be taken into consideration when rescheduling meetings. Should you not be able to attend the second meeting, BN1 Arts will write to you and offer a final date to be able to attend the meeting. If you are not able to attend, BN1 Arts will hold the meeting in your absence.

- BN1 Arts reserves the right to investigate the nature of the complaint and take action in your absence should they feel the complaint warrants immediate attention i.e. in the case of gross or potential gross misconduct or in the case that we suspect the meeting is being purposefully delayed without reasonable explanation.

You have the right to appeal against any disciplinary action taken against you.

Informal discussion and warning

Before taking written disciplinary action, your line manager will make every effort to resolve the matter and find a solution by informal discussion with you. This is a two way discussion where BN1 Arts will be able to inform you of your shortcomings and at the same time provide you with the opportunity to provide an explanation.

During the informal discussion, your line manager will also advise you of the serious consequences of your performance if conduct does not improve.

Any discussions will be backed by an email to you and disregarded after 6 months of satisfactory service.

However, where the offence is sufficiently serious, for example, because it is having or is likely to have a serious effect on the organisation (but not considered gross misconduct in itself), it may be justifiable to move straight to the formal process.

Written warning

If the offence is serious enough, or there is no improvement after your informal discussion, or another disciplinary offence is raised, you will be given a first written warning.

This will give details of the complaint and nature of the misconduct, the improvement required, the timescale for such improvement and details of any help available.

It will also warn that failure to improve may lead to further disciplinary action.

Final Written Warning

If the offence is serious, or there is no improvement after your written warning, or if a further offence occurs, a final written warning will be given. This will give details of the complaint and nature of the misconduct, the improvement required, the time-scale for such improvement and details of any help available.

It will also warn that failure to improve may lead to dismissal or some other action shown below.

This written warning will be placed on your record for 12 months from the day it is issued and will remain a part of your employment history with BN1 Arts. If any further offence occurs during that 12 months, action as set out below will be taken.

Dismissal or action short of dismissal

If the conduct has failed to improve, actions we may take include demotion, disciplinary transfer, loss of seniority or dismissal. You may exercise a right of appeal following any stage.

You will at all times have a right to be accompanied during any formal meetings relating to the procedure (this does not include any interviews as part of investigations). You may exercise a right of appeal following any written warning, dismissal, or action short of dismissal.

Gross misconduct

If after investigation it is confirmed that you have committed gross misconduct, the normal consequence will be dismissal without notice or payment in lieu of notice. While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal pay rate. Any decision for dismissal will be taken by BN1 Arts only after full investigation.

Examples of such behaviour that will constitute an act of gross misconduct include (but are not limited to):

- Serious breach of Company Rules, Procedures or Policies, including safeguarding processes

- Theft including of intellectual property
- Damage to property
- Fraud
- Incapacity to work due to being under the influence of alcohol or illegal drugs
- Physical violence
- Harassment or Bullying
- Gross insubordination
- Disclosure of the BN1 Arts's confidential information (confidential information includes but is not limited to: trade secrets; business plans and market research; customer or prospect lists; contractual terms of any nature; financial information; business processes; technical information about BN1 Arts or its suppliers' systems; and any other information that is deemed to be or may be conferred from the circumstances to be commercially sensitive.)
- Persistent unsatisfactory performance can, following investigations in accordance with internal disciplinary procedures, amount to gross misconduct.

Appeals

If you wish to appeal against any disciplinary decision, you must appeal by email within five working days of the decision being communicated to you. Your appeal should be made to BN1 Arts's CEO Mia Bird, at miabird@bn1arts.co.uk

Where possible, a member of the Senior Leadership Team (SLT) or CEO, who has not been involved in the original disciplinary action, will hear the appeal and decide the case. Their decision will be final.