

RUTLAND FIRST CIC

STAFF DISCIPLINARY POLICY

Purpose and Scope

This policy is designed to help and encourage all employees to achieve and maintain the appropriate standards of conduct, behaviour, attendance and performance required for the effective operation of Rutland First and for the well-being of all employees.

Rutland First recognises that management has a positive role to play in encouraging professionalism and ensuring that employees meet expected standards.

This policy does not apply to redundancy dismissals or the non-renewal of fixed term contracts. Rutland First's staff policies and procedures are available on the website and apply to all employees. The aim is to ensure consistent and fair treatment for all.

Principles

Rutland First is committed to ensuring that all disciplinary matters are dealt with fairly, consistently, and in accordance with current employment legislation and best practice as outlined in the ACAS Code of Practice on Disciplinary and Grievance Procedures (2020).

This procedure outlines the principles that will govern the handling of disciplinary issues within the organisation.

1. Informal Resolution

1.1. Where appropriate, issues of conduct or performance will be addressed through informal action in the first instance.

1.2. No formal disciplinary action will be taken until a matter has been fully and fairly investigated.

2. Investigation and Notification

2.1. Employees will be advised of the nature of any complaint or allegation made against them.

2.2. Formal disciplinary action may be considered where:

- the matter is of a serious nature; or
- repeated minor breaches or complaints have occurred.

2.3. Advice from a Human Resources (HR) advisor will be sought prior to the commencement of any formal disciplinary proceedings.

3. Evidence and Disciplinary Hearing

3.1. Where appropriate, employees will be provided in advance with written copies of relevant evidence and witness statements.

3.2. At the disciplinary hearing:

- the complaint and supporting evidence will be presented by the investigating officer; and
- the employee will be given the opportunity to respond.

3.3. The disciplinary panel will comprise:

- a Board Member not previously involved in the case, who will act as Chair;
- the Project Manager or a delegated representative of the Board; and
- a member providing advice on human resources and process.

4. Employee Rights

4.1. Employees will be afforded a reasonable opportunity to:

- ask questions,
- present evidence, and
- call relevant witnesses

4.2. At all stages of the procedure, employees have the right to be accompanied by either:

- a recognised Trade Union representative, or
- a workplace colleague or friend not acting in a professional capacity.

4.3. No employee will be dismissed for a first breach of discipline except in cases of **gross misconduct**, in which dismissal without notice or pay in lieu of notice may be imposed.

4.4. Employees have the right to appeal against any disciplinary action taken.

5. Additional Provisions

5.1. Rutland First acknowledges and respects the right of staff to test, question, and challenge received wisdom and current opinion in the course of their professional duties.

5.2. The disciplinary procedure may be invoked at any stage if the seriousness of the alleged misconduct warrants such action.

5.3. This policy and procedure may be amended from time to time to reflect changes in legislation or the outcome of negotiations with recognised Trade Unions.

5.4. Rutland First will make reasonable adjustments for disabled employees in line with Equality Act 2010,

6. Informal Process and Investigations

6.1 Initial Informal Resolution

Where concerns are raised regarding an employee's conduct, the matter will ordinarily be addressed in the first instance through normal management processes. This may include one-to-one meetings, regular catch-ups, or, where deemed appropriate by Rutland First, mediation.

6.2. Escalation to Formal Investigation

If the line manager is unable to resolve the matter informally, Rutland First may initiate a formal investigation to establish the facts of the case. The decision to proceed to investigation will be based on the seriousness of the allegations and the circumstances involved.

6.3. Right to Representation – Informal Stage

Employees do not normally have the right to be accompanied by a Trade Union representative or work colleague during informal discussions with their line manager. However, to accommodate a disability or language difficulty, Rutland First may, at its discretion, permit such accompaniment.

6.4. Investigation Process

The scope and nature of the investigation will be determined by the circumstances of the case. It may include, but is not limited to, fact-finding interviews and examination of relevant documentation.

6.5. Conflict of Interest

If a line manager has been directly involved in the incident under investigation, the case will be investigated by an alternative manager who has had no prior involvement, or by an individual delegated by the Board.

7. Formal Process and Investigations

7.1. Notification of Hearing At each stage of the formal procedure, the Chair will write to the employee to invite them to a disciplinary hearing.

The written invitation will:

- Set out the reason(s) for the hearing.
- Provide a minimum of **five (5) working days' notice**.
- Confirm the employee's right to be accompanied by a Trade Union representative or a work colleague.

- Request that any evidence the employee wishes to submit be provided at least **three (3) working days** before the hearing.

The management representative must also submit any evidence they wish to rely on no later than three (3) working days before the hearing

7.2 Consideration of Previous Warnings

- Disciplinary warnings will normally remain live for the periods specified in this policy.
- In **exceptional circumstances**, the panel may extend the duration of a warning beyond the normal period.
- Expired warnings may, within a reasonable timeframe, be considered **only if they are directly relevant** to the current allegation and assist in determining the reasonableness of any sanction.

7.3 Outcome and Notification

- Following the hearing, the Chair—advised by Human Resources where appropriate—will communicate the panel’s decision in writing, normally within **ten (10) working days** of the hearing.
- The notification will
 - Outline the decision reached and the reasons for it.
 - Confirm any disciplinary sanction applied, including its duration and any associated review period.
 - Inform the employee of their **right of appeal**, including how to appeal and the timeframe (normally within **ten (10) working days** from the date of the outcome letter).

7.4 Linked Grievance and Disciplinary Procedures

- Where a grievance is raised that is directly linked to an ongoing disciplinary process, Rutland First Board may, at its absolute discretion, determine that the two procedures are best managed together.
- In such cases, the matter will be heard by a disciplinary panel.
- The employee’s rights under either procedure will not be affected, and this will be confirmed in writing to all relevant parties prior to any hearing.
- A full record of the hearing, including minutes and the outcome, will be retained on the employee’s file in line with data protection requirements.
- Normally, disciplinary proceedings may be paused while a grievance is investigated, unless clearly unfounded or tactical

8. Suspension and Gross Misconduct

8.1 Suspension Pending Investigation

- Where an employee is suspected of an act of **gross misconduct**, Rutland First may suspend the employee from duty on **full pay** pending the outcome of a disciplinary investigation and hearing.
- Suspension is a **neutral, precautionary measure** and does not imply guilt or constitute disciplinary action in itself.
- Suspension will be confirmed in writing, setting out:
 - The reasons for suspension.
 - The expected duration of the suspension (normally up to **three (3) weeks**).
 - Any conditions attached to the suspension.

8.2 Duration and Review of Suspension

- Investigations will normally be completed within **three (3) weeks**.
- Where additional time is required, the employee will be informed in writing of the reasons for the delay and provided with a revised timescale.
- During suspension, the employee must not access Rutland First's premises, systems, or resources without prior written authorisation.
- If suspension exceeds **three (3) weeks**, the employee may appeal in writing to the Board or the Project Manager (as appropriate). Suspension will remain in effect during the appeal process.

8.3 Gross Misconduct

- Acts of gross misconduct are those which are so serious that they fundamentally breach the employment relationship. Some examples are theft, fraud, violence, bullying/harassment, serious health & safety breach, discrimination
- Where, following full investigation and disciplinary procedure, Rutland First concludes that gross misconduct has occurred, the normal outcome will be **summary dismissal without notice or payment in lieu of notice**.

9. Disciplinary Sanctions

9.1 Written Warning (First Stage)

- Where, following a disciplinary hearing, conduct is found not to meet the required standards, a **First Written Warning** may be issued.
- The written warning will:
 - State the nature of the misconduct.
 - Set out the standard of behaviour required and the improvements expected.
 - Specify the consequences of any recurrence of the same or similar misconduct.

- Confirm the employee's **right of appeal**.
- A copy will be placed on the employee's personnel file and retained for a specified period, normally **six (6) months**, after which it will be disregarded for disciplinary purposes, subject to satisfactory conduct.

9.2 Final Written Warning (Second Stage)

- A **Final Written Warning** may be issued where:
 - The misconduct is sufficiently serious to warrant a stronger sanction than a first warning; or
 - Further misconduct occurs during the currency of an existing warning.
- The final written warning will:
 - Detail the nature of the misconduct.
 - Specify the improvement required and the timescale for achieving it.
 - Warn that failure to improve may result in **dismissal or another sanction short of dismissal**.
 - Confirm the employee's **right of appeal**.
- A copy will be placed on the employee's personnel file and retained for a specified period, normally **twelve (12) months**, after which it will be disregarded for disciplinary purposes, subject to satisfactory conduct.

9.3 Dismissal (Third Stage)

- Dismissal may occur where:
 - There is further misconduct during the life of a final written warning; or
 - The offence is considered sufficiently serious to warrant dismissal in its own right.
- Dismissal decisions may only be taken by the **Chair of Rutland First** or their formally delegated representative.
- The employee will be notified in writing of:
 - The decision and the reasons for dismissal.
 - The date on which employment will terminate.
 - The employee's **right of appeal**.
- Dismissal will normally be with notice or payment in lieu of notice, except in cases of **gross misconduct**, where summary dismissal (without notice or pay in lieu) will apply.

9.4. Alternative Sanctions Short of Dismissal

- In appropriate circumstances, Rutland First may apply sanctions short of dismissal. These may include, but are not limited to:
 - Demotion.
 - Transfer to another role or department.
 - Loss of seniority.
 - Reduction in pay.
- Such sanctions may be applied in conjunction with a written warning, where proportionate.

These sanctions may only be authorised by the **Chair of Rutland First** or their formally delegated representative. Expired warnings will be disregarded for future sanctions, except in exceptional circumstances.

10. Appeals

10.1 Right of Appeal

- Employees have the right to appeal against any disciplinary decision.
- An appeal must be submitted **in writing** to the **Project Manager** within **ten (10) working days** of receiving the outcome letter.
- The appeal should clearly set out the grounds for appeal, which may include (but are not limited to):
 - The emergence of new evidence.
 - A procedural error or failure that had a material impact on the outcome.
 - The severity or appropriateness of the sanction.

10.2. Appeal Process

- Appeals will normally be heard within a **reasonable timeframe** following receipt of the appeal.
- Disciplinary penalties remain in effect while the appeal is pending, unless otherwise determined by Rutland First.
- Employees retain the **right to be accompanied** at an appeal hearing by a Trade Union representative or work colleague.

10.3. Appeal Hearings

- **Appeals against dismissal** will be heard by a **sub-committee of the Board of Rutland First**.
- **Appeals against all other disciplinary sanctions** will be heard by an **Appeal Panel**, normally consisting of **two appropriate Board members** not previously involved in the case.
- The Appeal Panel/Sub-Committee will review the disciplinary penalty and may:
 - Uphold the original decision.
 - Substitute a lesser sanction.
 - Overturn the decision and remove the sanction.
- The decision of the Appeal Panel/Sub-Committee is **final** and there is no further right of internal appeal.

10.4. Notification of Outcome

- The outcome of the appeal will be confirmed in writing, normally within **ten (10) working days** of the hearing.
- The notification will set out the decision reached and the reasons for it.
- Disciplinary records will be stored and processed in line with GDPR and data protection law and retained only as long as necessary.

