

# **Statement of terms and conditions of employment – Hillhead Housing Association 2000**

## **Disciplinary & Grievance Procedures**

### **Disciplinary procedure**

#### Purpose

We have designed this procedure to help and encourage employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees.

#### Informal action

In the first instance and for minor issues with conduct, performance or attendance, your line manager will approach you informally. To make sure that you are clear about what is required, the meeting will be followed up with an informal action note. This will give details of the points discussed, actions required, timescales for achievements (normally not more than 6 months), support required and training which will be provided.

If personal issues affect your work performance, we would like you to feel free to speak to your line manager about it. However, we realise that you may not want to do this. In this instance, we encourage you to get independent confidential counselling out of work, if this applies.

You can get this through an Employee Counselling Service, which is one of benefits that we provide to our employees.

If informal action fails or the matter is more serious, we will use the following formal procedure.

## The formal procedure

- 1 At any stage in the procedure we will let you know the nature of the allegations against you and will give you the opportunity to state your case before any decision is made. We will also confirm the outcome to you in writing.
- 2 There are three areas that we can deal with in line with the disciplinary procedure – conduct, capability (performance) and attendance and we will tell you which of these applies at the beginning of the process.
- 3 We will not take any disciplinary action against you until we have fully investigated the case. If dismissal is one of the possible outcomes of the disciplinary procedure, we will suspend you until we have carried out our investigations. We will write to you about the suspension which should not normally last longer than five working days without a review. We will explain the progress of our investigation. During the suspension you will receive your normal pay.
- 4 We will not dismiss you if this is the first issue with your conduct, performance or attendance unless you have committed gross misconduct, when the penalty will normally be summary dismissal without notice or pay in lieu of notice.
- 5 At all stages of the formal procedure you will have the right to be accompanied by either your trade union representative or a fellow employee of your choice.
- 6 We will make all information and documents passed to the disciplinary officer/panel available to you before the hearing.
- 7 You will have the right to appeal against any formal disciplinary penalty imposed.
- 8 If we have told you to improve your performance (for example, poor performance or poor attendance) we will tell you in writing what is required, in what time scales, whether and how often reviews will take place and what action may be taken if there is no improvement.
- 9 We can begin the procedure at any of stages 1 to 3, depending on the seriousness of the allegations against you.
- 10 For the purpose of the procedure to be followed, we will add together warnings given for different reasons.
- 11 We will not take disciplinary action or suspend you if you 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 district officer instead.
- 12 We will not normally allow recording devices to be used during any investigatory, disciplinary or appeal meetings.
- 13 If there is police involvement or investigation, we will carry out our own investigation and make decisions based on evidence and information available to us at the time. The matter will not be put on hold until the police investigation or court proceedings are concluded.

## Formal procedure

### Stage 1 – First written warning / improvement note

If there is no improvement in the standard of conduct, performance or attendance after informal action, or the act of misconduct or underperformance is of a more serious nature, your line manager will interview you and you can explain your actions.

If the explanation is not satisfactory, you will receive a first written warning or an improvement note.

You will be told in writing about your right to appeal.

### Stage 2 – Final written warning

If there is still no improvement in the standard of conduct, performance or attendance or the act of misconduct or underperformance is of a more serious nature, your line manager will interview you and give you an opportunity to explain your actions.

If the explanation is not satisfactory, you will receive a final written warning.

We will give you written information about your right of appeal.

### Stage 3 – Dismissal

If you cannot provide an acceptable explanation, we will dismiss you, with or without notice (as appropriate) if:

- there is still no improvement in the standard of conduct, performance or attendance while you still have a final written warning on your file; or
- there is an allegation of gross misconduct.

The formal hearing will be carried out by representatives of the committee.

In cases of gross misconduct, we will dismiss you without notice or payment in lieu of notice.

We will give you written reasons for your dismissal within two working days and tell you the date on which your employment ends and give you details about your right of appeal.

## Types of offences

The following are examples of the various categories of misconduct or poor performance (the list is not exhaustive). However, we will investigate individual cases and take action at the appropriate stage depending on the circumstances.

### **Misconduct – action taken at stage 1 of the procedure**

- Poor timekeeping (repeated lateness or leaving early).
- Failure to let us know within a reasonable time the reasons for your absence in line with procedures.

### **Serious misconduct – action taken at stage 2 of the procedure**

- Deliberate damage or misuse of our property.
- Deliberate unauthorised absence.
- Unsafe working practices.
- Deliberate and persistent refusal to follow reasonable instructions.

### **Gross misconduct – action taken at stage 3 of the procedure**

- Theft from us, our employees or clients.
- Fighting or threatening anyone in connection with your employment with us.
- Being under the influence of drink or drugs while at work.
- Fraudulent wage claims or falsifying records.
- Serious deliberate damage or misuse of our property.
- Sexual and racial harassment.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Refusing to follow management instructions, which then has serious consequences.
- Bringing the organisation into serious disrepute.

### Authority to take disciplinary action

First written warning	-	line manager or supervisor
Final written warning	-	line manager or supervisor
Dismissal	-	representatives of the committee

### **How long the warnings stay on file**

Stage 1 – First written warning. This will stay on your personal record for six months.  
Stage 2 – Final written warning. This will stay on your personal record for 12 months.

## Records

We will keep records on your personal file of any disciplinary action, which will only be seen by you, your line manager and the senior officer if appropriate. It is the responsibility of your manager to make sure that disciplinary warnings are removed from your file when relevant.

## Appeals

You have the right of appeal against any formal disciplinary action. We will tell you in writing when and how you can use this right when the warning is issued.

No person involved in the original disciplinary decision should take part in the appeals hearing unless it is not possible to avoid this.

## Appeals procedure

Appeals against any formal warnings will be made to one level above that at which the disciplinary action was taken, if possible.

You have a right to one internal appeal against the first written warning or performance note.

There is one appeal against the 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 .

You should make your appeal within five working days of our notice of the decision.

All internal appeal hearings will be held within 10 working days of the appeal being lodged.

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

At all levels, appeal hearings will be entitled to:

- confirm previous action;
- dismiss previous action; or
- substitute a lesser penalty.

## **JNC appeals**

The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedure available. 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 is followed by a written report and sent to you and us.