



SHA Disciplinary Policy

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1.0 INTRODUCTION

- 1.1 Southside Housing Association requires you to maintain the highest possible standards of attendance, conduct and performance. The purpose of this policy is to help you understand these and encourage you to maintain them.
- 1.2 This policy will inform you of our expected standards of conduct, performance and attendance. Please speak to your line manager if you are unsure of the standards expected of you. If you do not meet our standards, then we will manage this in accordance with this disciplinary procedure.
- 1.3 The policy should be read in conjunction with our EVH Terms and Conditions as well as the ACAS Guidance.

2.0 POLICY AIMS

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

You can expect Southside Housing Association to:

- Inform you of all the allegations against you and give you the opportunity to state your case.
- Not take any formal disciplinary action until we have fully investigated the allegations against you.
- 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 you full pay if we decide to suspend you pending any investigation outcome.
- Proceed with disciplinary action after an appropriate investigation has taken place.
- Not take any 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 regional officer.

- Give you the right to be accompanied by either a trade union representative of your choice, or a workplace colleague at any stage of the formal procedure.
- Make sure if any action is taken against you, (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 you if this is the first issue with your conduct, performance or attendance unless you have committed gross misconduct. In this case, the penalty will normally be summary dismissal without notice or pay in lieu of notice.
- Provide you with a right of appeal if we issue you with any formal action.
- Keep records on your personal file of any live disciplinary action, which will only be available to you and your line manager, HR and the senior officer if appropriate.
- Refuse the use of recording devices (in normal circumstances) during any investigation, disciplinary or appeal hearings.
- Apply the formal procedure at any stage depending on the seriousness of the allegations against you.
- For the purposes of the procedure to be followed we will add together warnings given for different reasons

We expect that you will:

- Be honest and transparent in all aspects of your work for us.
- Treat all colleagues, clients, partners and anyone in connection with us with respect and tolerance.
- Not abuse Southside Housing Association's facilities.
- Not disclose any confidential information obtained in connection with your employment with us.
- Be frank and upfront about any connections you may have in any business that we deal with.
- Not publish or profit from any work done within Southside Housing Association as this belongs to us until such time as 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 your ability to work for us.
- Meet the standards set out in all our policies and procedures and in particular, our code of conduct, equality and diversity and dignity at work, regardless of any personal or political beliefs you may hold.
- Maintain high standards of performance and carry out your role to the best of your ability.
- Maintain high levels of attendance as described in our attendance and absence policy.
- Follow instructions and requests from your line manager and any other senior member of staff.
- Participate as much as reasonably possible in all parts of the disciplinary procedure.

3.0 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 you. This will normally involve speaking to you 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 you are unable, or choose not to participate in the investigation, we will proceed without your 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. Where cases are clearly a performance issue the evidence will be available by the person carrying out the disciplinary i.e. line manager/supervisor. All information will be made available to both you and the disciplinary officer/panel.
- 3.4 On completion of the investigation, the investigator or supervisor will make one of the following three recommendations:
- No further action

- Informal action
- Formal disciplinary action

4.0 POLICE INVOLVEMENT AND CRIMINAL OFFENCES

- 4.1 We may treat any criminal investigation, charge or conviction connected to you as a disciplinary matter if we consider it relevant to your employment with us.
- 4.2 Should you 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 you are subject to any of the above and believe this may in any way affect your ability to do your job or our reputation, you must discuss this with your line manager as soon as you possibly can.

5.0 SUSPENSION

- 5.1 If the allegation(s) is/are of a serious nature, we may suspend you while we carry out any necessary investigations. Suspension does not constitute disciplinary action. We will suspend you on normal pay if the allegations against you are of a gross misconduct nature while we carry out any necessary investigations. We may also suspend you if we feel you are/could interfere with an investigation in any way even if the allegations are not considered at gross misconduct level.
- 5.2 We will aim for your suspension to last no longer than 5 working days. If the investigation has not finished within this time, we will write to you and update you on its progress and the impact this has on your suspension.
- 5.3 While on suspension, you should not have any contact with any other employees other than the person named on your suspension letter.

6.0 TIME LIMITS OF WARNINGS

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

7.0 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.

Examples when the Disciplinary Procedure may be used:

Please note the list below is not exhaustive:

- Any issues relating to your conduct/performance/attendance
- Poor timekeeping (repeated lateness or leaving early)
- Abuse of flexi time, remote working and/or TOIL
- Failure to meet and/or maintain the improvements required in an informal action
- Breaches of our policies
- Performance and/or conduct is below our expected standards
- Deliberate misuse or damage of our property (including corporate clothing, electronic devices, e-mail and internet)
- Breach of Health & Safety procedures
- Wilful and persistent refusal to obey reasonable instructions
- Professional incompetence
- Theft from us
- Bringing the organisation into disrepute

We can begin the procedure at any stage of the disciplinary process depending on the seriousness of the allegations against you

8.0 INFORMAL PROCEDURE

- 8.1 In the first instance and for minor issues with your performance, conduct or attendance your line manager will meet with you informally. To ensure 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, what improvements are required, the support available, training offered, timescales for achievements (not normally more than 6 months) and explain any further consequences if you do not meet or maintain the standards we require.
- 8.2 If the expected standards set out in the informal action are not met within the specified timescale or the matter is more serious, the Association may proceed to the formal procedure.

9.0 FORMAL PROCEDURE

- 9.1 We will follow our formal process when attempts to improve any conduct, performance and/or attendance have not improved through the informal process or the matters are of a more serious nature. If you are invited to a formal hearing, this will be done as soon as reasonably practicable at the conclusion of the investigation. You will also be given a minimum of 2 working days' notice of the hearing and 5 days' notice in gross misconduct cases. If we issue you a formal warning, you will have the right to appeal, and we will give you the details of how to do this in the

letter confirming the outcome of your hearing. We will not progress to any formal stages of this procedure unless an appropriate investigation has taken place.

We have three stages in our formal procedure:

Stage 1 – First Written Warning

9.4 If you do not meet our standards detailed at the informal stage, or the matter is of a more serious nature, 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.

9.5 Examples of various categories of misconduct or poor performance (the list is not exhaustive) are noted below:

- Poor timekeeping (repeated lateness or leaving early)
- Failure to let the Association know within a reasonable time the reasons for your absence in line with procedures.
- Poor performance
- Non compliance with agreed improvement actions
- Poor conduct

9.6 Your line manager or supervisor has the authority to issue a first written warning. You will also be informed in writing about your right of appeal.

Stage 2 – Final Written Warning

9.7 If you have a live written warning and your performance or conduct remains below our standards or, if we consider the matter serious misconduct, 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 final written warning. This will remain on your file for 12 months.

9.8 Examples of misconduct or poor performance (the list is not exhaustive) are noted below.

- Deliberate damage or misuse of the Associations' property
- Deliberate unauthorised absence
- Unsafe working practices
- Deliberate and persistent refusal to follow reasonable instructions.
- Continuation of conduct or performance as outlined in First Written

Warning with little or no improvement

- .9 Your line manager or supervisor has the authority to issue a final written warning. You will also be given written information about your right of appeal.

Stage 3

- 9.10 If you have a live final warning written on file and there is still no improvement in the standard of conduct, performance or attendance you will be invited, 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 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. Authority to take disciplinary action at Stage 3 is a panel appointed from the Governing Body.

Gross Misconduct

- 9.11 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.
- Under the influence 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 Southside Housing 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 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.

Notice of Decision

- 9.12 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.

10.0 APPEALS

- 10.1 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.
- 10.2 Any appeal will be taken, where possible, by someone who was not involved in the original disciplinary hearing.

Appeals Procedure

- First Written Warning – You have the right to one internal appeal against the first written warning or performance note to one level above at which the disciplinary action was taken, if possible. This will be detailed in your decision letter.
- Final Written Warning - There is one appeal against a final written warning and after this, it will be made to the JNC Appeal Chair. Appeals to the JNC Appeal chair should be made within 5 working days and will be held within 20 working days where possible.

Dismissal – JNC Appeals

- 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 notify the secretary to the JNC appeal of your intention to make an appeal in writing within 5 working days of receiving

notice of the decision.

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

JNC Appeals

- 10.3 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.

11.0 RECORDS

- 11.1 We will keep records in your personnel file of any disciplinary action, which will only be seen by you, your line manager, HR and the senior officer if appropriate. The Corporate Services Manager will remove disciplinary warnings from your file when no longer live.

12.0 GENERAL DATA PROTECTION REGULATIONS

- 12.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in Southside Housing Association's employee privacy notice.



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