

APPENDIX 2

Disciplinary Rules

INTRODUCTION

It is necessary to have a minimum number of rules in the interest of us all. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals.

It is the aim of the rules and procedures to emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and should not be seen merely as a means of punishment. These rules and procedures may be amended where appropriate.

Every effort will be made to ensure that any action taken under this procedure is fair, with staff being given the opportunity to state their case and appeal against any decision that they consider to be unjust.

The following rules and procedures should ensure that :-

- The correct procedure is used when requiring staff to attend a disciplinary hearing
- Staff are fully aware of the standards of performance, action and behaviour required of staff
- Disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner
- Staff will only be disciplined after careful investigation of the facts and the opportunity to present the staff side of the case.
- On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind
- Staff will not normally be dismissed for a first breach of discipline, except in the case of serious misconduct
- If staff are disciplined, they will receive an explanation of the penalty imposed and the right to appeal against the finding and the penalty will be offered.

DISCIPLINARY RULES

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action. Examples of unsatisfactory conduct, misconduct, and serious misconduct are shown in this document. A breach of other specific conditions, procedures, rules etc. that are contained within this document or that have otherwise been made known to staff, will also result in this procedure being used to deal with such matters.

RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and not an exhaustive list.)

Staff will be liable to disciplinary action if staff are found to have acted in any of the following ways :-

- Failure to abide by any general health and safety rules and procedures
- Smoking in designated non smoking areas
- consumption of alcohol whilst on duty
- persistent absenteeism and/or lateness
- unsatisfactory standards or output of work

- rudeness
- behaviour, harassment, bullying, or bad language.
- failure to devote the whole of staff time, attention and abilities to my needs during staff normal working hours
- unauthorised use of IT equipment including email and internet and mobile phone
- failure to carry out all reasonable instructions or follow our rules and procedures
- unauthorised use or negligent damage or loss of my property
- failure to report immediately any damage to my property or premises caused by staff
- failure to report immediately any type of driving conviction, or any summons which may lead to conviction ; and
- loss of driving licence where driving on public roads forms an essential part of the duties of the post.

SERIOUS MISCONDUCT

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to extreme carelessness or has a serious or substantial effect upon the employer or other staff members, staff may be issued with a final written warning in the first instance.

Staff may receive a final written warning as the first course of action, if, in an alleged serious misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal

RULES COVERING SERIOUS MISCONDUCT

Occurrences of serious misconduct are very rare because the penalty is dismissal without without any previous warning being issued.

It is not possible to provide an exhaustive list of examples of gross misconduct.

However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct.

Examples of offences that will normally be deemed as gross misconduct include serious instances of theft or fraud

- placing me or any other person in a vulnerable position
- physical violence or bullying
- deliberate damage to property
- deliberate acts of unlawful discrimination or harassment
- possession, or being under the influence, of illegal drugs at work.
- breach of health and safety rules that endangers the lives of, or may cause serious injury to, myself, employees

(The above examples are illustrative and not an exhaustive list)

DISCIPLINARY ACTION

1) Disciplinary action taken against staff will be based on the following procedure

Offence	First Occasion	Second Occasion	Third Occasion	Fourth
Unsatisfactory Conduct	Verbal Warning	Written Warning	Final Warning	Dismissal
Misconduct	Written Warning	Final Warning	Dismissal	
Serious Misconduct	Dismissal			

I retain discretion in respect of disciplinary action to take account of staff length of service and to vary the procedures accordingly. If staff have a short amount of service they may not be in receipt of any warnings before dismissal but staff will retain the right to a disciplinary hearing and the right of appeal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning or dismissal, and full details will be given to staff.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

G) DISCIPLINARY AUTHORITY

Unless otherwise stated, the employer or designated representative retains the authority for all levels of sanction including dismissal.

PERIOD OF WARNINGS

- Formal verbal warning: A formal verbal warning will normally be disregarded for disciplinary purposes after a three month period.
- Written warning: A formal written warning will normally be disregarded for disciplinary purposes after a six month period
- Final written warning: A final written warning will normally be disregarded for disciplinary purposes after a twelve month period

I) GENERAL NOTES

If staff are in a supervisory position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.

3) staff have the right to appeal against any disciplinary action.