

## Disciplinary Policy & Procedure

Whilst the AA does not intend to impose unreasonable rules of conduct on its employees, certain standards of behaviour are necessary to maintain an affirmative and safe working environment for all employees. This section aims to provide an overview of unacceptable performance and behaviour and the disciplinary procedure.

It should be noted that an employee's behaviour is not looked at in isolation but each incident of misconduct is regarded cumulatively with any previous occurrences.

Minor disciplinary issues may be dealt with informally. However, in cases where informal discussion with the employee does not lead to an improvement in conduct or performance, the formal disciplinary procedure outlined in this section will be followed.

### Records

It is critical that a clear and careful record of disciplinary procedures is produced and retained on staff HR files. A note of each informal procedure, or report on each stage of the formal process should be clear, succinct, and accompanied by a full and carefully assembled set **of dated minutes, notes of conversations, and relevant correspondence**.

All discussions held under the formal and informal disciplinary procedure shall be recorded including the following information:

- Date of discussion;
- Names of all those present;
- Important points covered;
- Any conclusions reached.

A Record of the stages of a formal procedure should be signed and approved by both the employee and a representative of the AA. This should be appended with a record of relevant documentation which should include carefully assembled and dated minutes of meetings, notes of conversations, and other relevant correspondence. The AA will retain copies of all documents relating to the disciplinary in the employee's personal file whilst the individual remains an employee and for 6 years thereafter... For gross misconduct cases, it will be necessary to retain the records for 20 years after employment has ceased unless there are safeguarding concerns which will require a decision by the DPO to extend or not. A copy of any warning will be provided to the employee and the employee's manager.

Records of Informal disciplinary procedures – a clear **written note of the date and nature** of the action or conduct, the area of policy or code of behavioural expectations that it refers to, the process used to address the problem, and the agreed outcome (and date thereof) should be provided to HR and copied to the employee. Well documented and dated supporting correspondence must also be provided to HR for their records.

A summary of all disciplinary procedures, outcomes and actions is maintained and general statistics reported for equality monitoring and management purposes.

## Informal Approach

Whenever possible, the AA will endeavour to follow an informal approach in an attempt to correct a situation and prevent it from getting worse.

HoDs are expected to raise any potential disciplinary matters with the relevant staff member and to seek advice from HR to enable an effective, prompt and informal resolution wherever possible.

It is the HoD responsibility to seek to resolve the disciplinary issue informally and notify the individual of the outcome. This should be in writing and include a clear summary note of the discussion, the area of policy, employment contract, or code of behavioural expectations that it refers to, the process used to address the disciplinary matter, and the agreed outcome (and date thereof). A copy of this summary and well documented and dated supporting correspondence must also be provided to HR for their records.

Where improvement is required, the employee will be given clear guidelines as to:

- What is expected in terms of improving shortcomings in conduct or performance;
- The timescale for improvement;
- The date when the improvements will be formally reviewed;
- What action the AA may initiate should the employee fail to improve; this may include formal disciplinary action.

If the employee is dissatisfied with the outcome of the informal approach or it is not appropriate to use the informal approach due to the seriousness of the situation, the matter should be raised formally through the formal Disciplinary Procedure within 10 working days of the receipt of the outcome.

## Formal Approach

If it is not possible to resolve the situation informally, HR will notify the employee in writing of the allegations against them. HR should set out clearly the nature of the disciplinary matter, and the area of policy, employment contract, or code of behavioural expectations that it refers to, with supporting evidence where appropriate, noting what actions they have taken to resolve the situation informally.

HR will undertake an investigation into the allegations and consider the disciplinary action. They will invite the employee to a disciplinary hearing to discuss the matter. The employee must make every effort to attend the hearing.

The meeting will normally take place within ten working days of the written invite.

At the investigation hearing, the employee will be given the chance to state their case, ask questions, present evidence and call witnesses.

As a result of this meeting, HR may determine that it is necessary to make further enquiries or conduct a thorough investigation into the background facts or into any allegations made by the employee. If this is the case, the employee will be advised of timescales and a further meeting will be convened if required.

Following the hearing, HR will decide whether or not disciplinary action is justified and, if so, the employee will be informed in writing of the final decision in accordance with the stages set out below.

### **Stage 1: Verbal warning**

A meeting will be held between the investigation manager, HR and the employee to discuss the issue. Upon conclusion of this meeting, should a decision be made that further action is required the employee will be

warned verbally regarding their misconduct or unsatisfactory work performance. In the case of unsatisfactory work performance, the employee will also be informed of the required standards, how and to what extent their performance has fallen short of such standards, and the period of time in which they are expected to improve.

The verbal warning will be recorded on the HR file but will be nullified after twelve months, subject to satisfactory conduct and performance.

### **Stage 2: Written warning**

The employee will be given a formal written warning by HR containing the following information:

An outline of the reason for the warning;

- The required improvements to the employees conduct or performance;
- The timescale over which the improvement is to be achieved;
- That the warning is the first stage of the formal disciplinary procedure;
- The likely consequences if the terms of the warning are not complied with.

The written warning will be recorded but nullified after twelve months, subject to satisfactory conduct and performance.

### **Stage 3: Final written warning**

Failure to improve performance in response to stages one and two outlined above, a repeat of misconduct for which a warning has previously been issued, or a first instance of serious misconduct or serious poor performance, will result in a final written warning being issued. This warning will contain the following information:

- An outline of the nature of the misconduct or poor performance;
- The required improvements to the employees conduct or performance;
- The timescale over which the improvement is to be achieved;
- A warning that dismissal will probably result if the terms of the warning are not complied with.

This final written warning will be recorded but nullified after twelve months, subject to satisfactory improvement in conduct and performance. For breaches of the Code of Behavioural Expectations, the final written warning will be held on file for three years in cases.

### **Stage 4: Dismissal**

Failure to meet the requirements set out in the final written warning will normally lead to dismissal with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. HR will meet with the employee to discuss the terms of dismissal. At this meeting the employee will be provided with a formal letter outlining the following:

- The reasons for dismissal;
- The date on which employment will be terminated, including the appropriate period of notice;
- How the employee can appeal against the dismissal decision.

## Gross Misconduct

Offences under this heading are so serious that an employee who is found to have committed them will normally be summarily dismissed. In such cases, the AA reserves the right to dismiss without notice of termination or payment in lieu of notice.

Examples of gross misconduct include:

- Any breach of the criminal law, such as theft and unauthorised possession of company property, fraud, deliberate falsification of records or any other form of dishonesty;
- Wilfully causing harm or injury to another employee, physical violence, bullying or grossly offensive behaviour;
- Deliberately causing damage to property owned by the AA;
- Causing loss, damage or injury through serious carelessness or gross negligence;
- Wilful refusal to obey a reasonable management instruction, or serious insubordination;
- A serious breach of health and safety rules;
- Harassing, bullying or victimising another employee on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, marital or civil partnership status, age and/or disability;
- Incapacity at work through an excess of alcohol or drugs.

The above is intended as a guide and is not an exhaustive list.

## Suspension

In the event of serious or gross misconduct, an employee may be suspended on full basic pay while a full investigation is carried out. Such suspension does not imply guilt or blame and will be for as short a period as possible. Suspension is not considered a disciplinary action.

Suspension is usually used when it is necessary to remove an employee from the workplace pending an investigation for example, to allow time for a 'cooling down period for both parties, for their own or the protection of others, or to prevent them influencing or being influenced by others or to prevent possible interference with evidence.

## Appeals

An employee may appeal against any disciplinary decision, including dismissal, within ten working days of the decision. A formal written appeal should be submitted to the Head of HR (or Company Secretary if the Head of HR has undertaken the investigation) stating the grounds of the appeal. The employee will be invited to attend an appeal hearing.

If the employee appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.

The appeal hearing will be heard by the Director or by a Senior Manager Team member designated by the Director and who has had no previous involvement in the case. The hearing will consider the grounds of appeal, the reasons for the original decision (with supporting documentation) and any new information that has come to light. At the appeal hearing, the employee will again be given the chance to state their case.

The Director or senior manager considering the appeal may be advised during their deliberations by a member of HR or may seek specialist independent advice in reaching a decision.

Following the appeal hearing we may:

- (a) confirm the original decision;
- (b) revoke the original decision;
- (c) or substitute a different penalty.

The decision of the appeal may be given verbally at the appeal hearing and will in any event be conveyed or confirmed in writing within ten working days of the appeal hearing or, if not practicable, within a reasonable time notified to the employee. This will be the final decision as concluded by the AA.

## Rights

The employee has a legal right to be accompanied to a formal disciplinary hearing or appeal hearing by a colleague or Trade Union Representative. The employee will be allowed to confer with his/her representative during the hearing. However, the representative may not answer questions on the employee's behalf.

Ideally HR should be notified in advance who the representative will be, to ensure the representative is released from work duties if they are an employee of the AA.

Accompanying an employee to a disciplinary or appeal hearing is not compulsory and therefore, when an individual does not wish to carry on this role, no pressure to do so should be put on the individual.

If the person chosen to accompany the employee is not available on the date proposed for the hearing, the employee may offer an alternative date for the hearing, so long as that date is reasonable and falls within 5 working days beginning with the day after the day proposed by the AA.

HR will usually be accompanied by the employee's HoD and a colleague who will take a written note of proceedings.

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