

The SUN Network Cambridgeshire and Peterborough Disciplinary Policy and Procedure

1. Statement of Policy

1.1 Robust disciplinary policies are an essential part of effective employment relations. When properly implemented, they ensure that employer and employee alike are treated fairly.

1.2 The SUN Network will apply this policy in a way that is proportionate, transparent and in accordance with relevant legal requirements.

1.3 Initially, The SUN Network will seek to address any shortfall in staff performance using informal methods and may follow capability procedures, the intention always being to provide help and support to prevent a further fall in standards of work or performance.

1.4 An employee's performance will be closely monitored via the routine supervision and appraisal process.

1.5 Any act of misconduct may be subject to disciplinary action. Only in extreme cases will the ultimate sanction of dismissal be considered and only then after referral to the Directors with whom the final responsibility to maintain discipline rests.

2. Misconduct

The following is a non-exclusive and non-exhaustive list of offences, which generally amount to misconduct falling short of gross misconduct and may be dealt with under this procedure:

- Unauthorised absence from work
- Lateness
- Unsatisfactory and unacceptable performance of duties
- Time wasting
- Contravention of minor safety offences
- Unauthorised use of the organisational property (e.g. telephone, laptop, tablet etc)
- Inappropriate standard of dress
- Disruptive behaviour
- Smoking on company premises
- Serious or repeated examples of any of the above can amount to gross misconduct

3. Gross misconduct

The following list provides a non-exclusive and non-exhaustive list of examples of offences, which are normally regarded as amounting to gross misconduct and may be dealt with as such under this procedure:

- Fighting
- Physically assaulting any person whilst at work. Violent, abusive, or intimidating conduct
- Serious acts of discrimination in breach of the organisations equal opportunities policy, including acts of incitement or actual acts of discrimination on the grounds of disability, sex, sexual orientation, race, religion, belief, colour, age or ethnic origin

- Serious or repeated bullying or harassment
- Serious breach of the company rules relating to electronic communication systems and computers
- Serious or repeated acts of insubordination
- Failure to comply with relevant statutory or regulatory requirements
- Sexual misconduct
- Incapability through alcohol or being under the influence of illegal drugs
- Serious infringement of health and safety rules
- Serious negligence which causes unacceptable loss, damage, or injury
- Rude or offensive behaviour or language to visitors or members
- Deliberate damage to property
- Falsification of qualifications which are a stated requirement of employment, or which result in financial gain
- Theft, fraud, deliberate falsification of records
- Accepting a gift which could be construed as a bribe
- Bringing the employer into serious disrepute
- Misuse of an organisation's property, time, or name
- Serious breach of confidence of the Data Protection Act 1998 (subject to the Public Interest Disclosure Act 1998)
- Conviction for any serious criminal offence while an employee of the company i.e. theft, fraud etc
- Other acts of misconduct may, if sufficiently serious, come within the definition of gross misconduct

4. Stages of the Procedure

The stages of the disciplinary procedure are as follows:

4.1. Informal Process –

4.1.1. For minor breaches of conduct, the Executive Director will meet with the employee and discuss with them why the expected standards have not been met. The aim of the meeting should be to agree improvements and timescales.

4.1.2. These informal discussions do not attract the right to be accompanied. During an informal discussion, it could become clear that formal disciplinary action may be necessary. At this point, the meeting should be ended, and a decision taken regarding the need for an investigation.

4.2. Formal Process –

The formal disciplinary process will be applied where the employee has not responded to informal action and/or the Executive Director believes that a breach of conduct has occurred which is too serious to be dealt with informally.

4.3. Investigation –

It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases, this will require the



holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by The SUN Network for use at any disciplinary hearing.

If there is an investigatory meeting this should not by itself result in any disciplinary action. Although there is no statutory right for an employee to be accompanied at a formal investigatory meeting, such a right may be allowed under The SUN Network's own procedure.

The investigation will be carried out promptly and by the chair or a Non-Executive Director.

4.4 Suspension

Suspension is not a disciplinary sanction and is a precautionary measure. In cases where a period of suspension with pay is considered necessary, this period will be as brief as possible, be kept under review and in itself is not considered a disciplinary action.

If it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification will contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. The SUN Network will provide copies of any written evidence, which may include any witness statements, with the notification.

The notification will also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.

4.5 Disciplinary meeting with the employee

The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.

The SUN Network and employees (and their companions) should make every effort to attend the meeting. At the meeting The SUN Network will explain the complaint against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses. Where The SUN Network or the employee intends to call relevant witnesses, they should give advance notice that they intend to do this.

4.6 The employee will be allowed to be accompanied at the meeting.

Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in a formal warning being issued or the taking of some other disciplinary action or the confirmation of a warning or some other disciplinary action).

The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. To exercise the statutory right to be accompanied, employees must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for employees to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for the employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was

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available on site. The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

4.7 Decide on appropriate action

After the meeting a decision will be made as to whether disciplinary or any other action is justified. The employee will be notified accordingly in writing.

Where misconduct is confirmed, or the employee is found to be performing unsatisfactorily The SUN Network will give the employee a written warning. A further act of misconduct or failure to improve performance within a set period will result in a final written warning.

If an employee's first misconduct or unsatisfactory performance is sufficiently serious, The SUN Network may move directly to a final written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation or an individual.

A first or final written warning will set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). The employee will be told how long the warning will remain current. The employee will be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final warning. For instance, that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority.

A decision to dismiss will only be made by the board of directors, who have the authority to do this. The directors will take independent Human Resources advice if necessary. The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. A fair disciplinary process will however always be followed, before dismissing for gross misconduct.

Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause The SUN Network will make a decision on the evidence available.

4.8 Provide employees with an opportunity to appeal

Where an employee feels that disciplinary action taken against them is wrong or unjust, they should appeal against the decision. Appeals should be heard without unreasonable delay and at an agreed time and place. Employees should let The SUN Network know the grounds for their appeal in writing. The appeal should be dealt with impartially and wherever possible, by a director who has not previously been involved in the case.

Employees have a statutory right to be accompanied at appeal hearings.

Employees will be informed in writing of the results of the appeal hearing as soon as possible.

4.9 Special cases



Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.

If an employee is charged with or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration will be given as to what effect the charge or conviction has on the employee's suitability to do their job and their relationship with The SUN Network, work colleagues and service users.

In the case of dismissal, the employee also has a right of appeal to an Employment Tribunal when they believe that they have been unfairly dismissed. Furthermore, the employee may be offered the opportunity to resign rather than be dismissed.

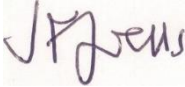
5. Records of Proceedings

A record of the proceedings will be made and kept in the employee's confidential personnel file. Copies will be given to the employee. Where an employee is exonerated, or allegations of misconduct are withdrawn, all records relating to the disciplinary proceedings in that specific instance will be destroyed immediately.

Approved by The SUN Network Board of Directors Date: 29th April 2024

Next Review Date: April 2027

Responsible Officer: Executive Director of The SUN Network.

Signed: 

Name: Jonathan Wells

Chair of Directors

Date 29th April 2024

Signed: 

Name: Lois Sidney

Executive Director

Date: 29th April 2024

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