

Loreburn Group  
**Discipline Policy**



**Creating Great Places to Live**

<b>Policy</b>	Discipline Policy									
<b>Version Reference</b>	D.2									
<b>Approved by</b>	MC	X		LET	X		MT			
<b>Date of Approval</b>	March 2021									
<b>Review Period</b>	Every 3 Years <b>or</b> as legislation or substantive changes occur									
<b>Review Date</b>	January 2024									
<b>Review Due</b>	March 2024									
<b>Policy Champion</b>	Head of People & Culture									
<b>Who this policy affects</b>	Staff	X	Customers		Contractors		Members of the Public			
<b>Where this policy affects</b>	General needs		Sheltered		Supported		Offices/staff base	X		

# DISCIPLINE POLICY

## 1. Purpose of this Policy

The Disciplinary Policy exists to help and encourage all employees to achieve and maintain standards of conduct, performance and capability. Loreburn appreciates the efforts of its employees and recognises the desire for effective and early intervention when employees fail to maintain these standards. Legislative Background

## 2. Aims of this Policy

The Policy ensures that all employees are always treated fairly and consistently whilst these standards are maintained. Every effort will be made to deal with minor problems informally through counselling, training and practical support in order to avoid the need to implement this Policy. Records and notes taken in this regard may be retained in the employee's personnel file.

## 3. Disciplinary Procedures

Matters that the organisation views as amounting to disciplinary offences include (but are not limited to):

- persistent bad timekeeping;
- unauthorised absence;
- minor damage to the organisation's property;
- failure to observe the organisation's procedures;
- abusive or other inappropriate behaviour;
- unreasonable refusal to follow an instruction issued by a manager or supervisor;
- smoking or use of an e-cigarette on Loreburn property or grounds;
- bribery offences under the Bribery Act 2010;
- minor breaches of policies and procedures including Health & Safety;
- breaches of code of conduct

In some cases the above issues may be sufficiently serious to warrant summary dismissal – see the gross misconduct section for further details.

### **3.1 Investigation**

It should be made clear to employees that they are subject to an investigation as soon as is practicable.

### **3.2 Suspension**

Dependant on the nature and level of the disciplinary issue, the employee may be suspended on full pay whilst an investigation takes place. Suspension will be for as short a time as possible.

During a period of suspension, the employee must:

- Remain available for work during their normal working hours.
- Not perform work for any other employer or undertake self-employment during normal working hours without the express consent of Loreburn.
- Comply with any reasonable conditions Loreburn specifies regarding attending or staying away from Loreburn premises during the period of suspension.
- Comply with any reasonable conditions Loreburn specifies regarding not contacting members of staff, customers, contractors etc.
- Attend any meetings during the period of suspension that Loreburn may arrange. If the employee fails to attend or to provide a satisfactory reason for non-attendance, this will be treated as a disciplinary matter.
- Inform Loreburn if they fall ill or are incapacitated during a period of suspension and provide evidence of incapacity in accordance with the sickness absence provisions in their employment contract.
- Apply for annual leave in accordance with the holiday provisions in their employment contract.

### **3.3 Informal Warning**

Informal Warnings will be issued for any isolated act of minor misconduct or an initial failure to meet standards of performance or capability. A management note of the discussion will be given to the employee to allow opportunity to improve and maintain such improvement. Such a warning will normally remain active for a period of 6 months.

In cases of capability, a time limit will be set to review the matter (normally between 1 and 3 months). If no significant improvement is made during this time the matter will be progressed to the next stage of the disciplinary procedure.

Where informal resolution is not appropriate a formal approach will be taken to resolve matters and all matters must be investigated prior to arranging a formal hearing to discuss the matter.

### **3.4 Formal Warnings**

The relevant manager will inform the employee of the date, time, venue and reason for the hearing and their right to be accompanied by a work colleague or trade union representative, in writing. For authority levels please see section below.

Documentary evidence to be used at any disciplinary hearing should be made available to the employee beforehand and equally, evidence being produced by the employee should be given to the organisation as far in advance as possible.

After listening to the employee's version of events, if the manager decides that disciplinary action is required, then a warning will be issued making clear the level of warning, the reasons for it, the improvements required, the consequences of failing to improve and the right and route of appeal.

A copy of the warning will be placed on the employee's personnel file.

### **3.5 Written Warning**

Where insufficient improvement has been made or a further offence committed since informal action has been taken or the offence is a more serious one, a written warning may be issued, following the process outlined above.

The warning will normally remain on the employee's file for 9 months before being removed subject to satisfactory performance and conduct during that period.

In cases of capability, a time limit will be set to review the matter (normally between 1 and 3 months). If no significant improvement is made during this time the matter will be progressed to the next stage of the disciplinary procedure.

### **3.6 Final written warning**

Where insufficient improvement has been made or a further offence committed since the issue of a written warning, or if the offence is a serious one, a final written warning may be issued, following the process outlined above.

The warning will remain on the employee's file for normally 12 months before being removed subject to satisfactory performance and conduct during that period.

In some cases the offence may be of such a nature that, while not dismissing the employee, the organisation will never accept recurrence from the individual. In such cases the employee will be warned that if they ever commit that offence again they will be dismissed. This will be set out clearly in the warning.

In cases of capability, a time limit will be set to review the matter (normally between 1 and 3 months). If no significant improvement is made during this time the matter will be progressed to the next stage of the disciplinary procedure.

### **Punitive Sanctions**

These can be considered at the formal stage and certainly may be necessary where actions fall short of dismissal. Such sanctions may include and are not limited to – withholding of salary increase, adding in additional work reporting processes, deduction of salary in case of unauthorised absence, removal of discretionary benefits such as Early Finish Friday etc.

### **3.7 Dismissal**

If the employee fails to make the necessary improvements or commits a further offence following a final written warning then the employee may be dismissed with notice.

In certain cases it may be considered more appropriate to demote the employee as an alternative to dismissal (if this is an acceptable alternative to the employee) and issue a final written warning which may stay on file for a period of 12 months or longer.

### **3.8 Gross Misconduct**

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the organisation. In the event that an

employee commits an act of gross misconduct, the organisation will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.

Matters that the organisation views as amounting to gross misconduct include (but are not limited to):

- stealing from the organisation, members of staff, customers or the public;
- other offences of dishonesty;
- falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
- falsification of records, reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- sexual misconduct at work;
- fighting with or physical assault on members of staff or the public;
- deliberate damage to the organisation's property and resources
- misuse of the organisation's property and resources - including unauthorised use of works vehicles, tools, equipment etc
- serious damage to the organisation's property;
- drunkenness or being under the influence of illegal drugs while at work;
- use, possession, custody or control of illegal drugs on the organisation's premises;
- Abuse of Employment for personal gain
- use of 'legal highs' on the organisation's premises;
- serious breach of the organisation's rules, policies and procedures;
- gross negligence;
- conviction of a criminal offence that is relevant to the employee's employment;
- conduct that brings the organisation's name into disrepute; and
- discrimination or harassment of a fellow worker on the grounds of sex, sexual orientation, race, disability, age or religion or belief.

Other acts of misconduct may come within the general definition of gross misconduct.

### **3.9 Appeal**

An employee may appeal against any disciplinary decision or warning within five working days of the decision being communicated to them. Any such appeal must be made in writing as outlined in the decision or warning letter, stating the grounds on which the appeal is made.

An appeal hearing will then be held within a reasonable timescale, at which the employee has the right to be accompanied by a trade union representative or fellow employee of their choice.

### **3.10 Authority to Take Disciplinary Action**

Unless a line manager has been informed otherwise (dependent on experience and training), authority levels during disciplinary and appeals processes are as follows:

Investigations	Team Leader and above
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Disciplinary hearing unlikely to result in dismissal	Departmental Manager and above
Disciplinary hearing that has the possibility of resulting in dismissal (for example where there is an allegation of gross misconduct or where the individual already has a final written warning)	Another Department Manager and above
Appeal against verbal warning, written warning or final written warning	Departmental Manager or EMT member
Appeal against dismissal	EMT member or Chief Executive If the Chief Executive was involved in the decision to dismiss, the appeal would be heard by 1 or 2 members of the Committee

### **3.11 Misconduct out of Working Hours**

The provisions of this procedure may also apply to any act of misconduct committed outside of the organisation if it involves other employees and/or is prejudicial to the interests of the organisation.

## **4. Complaints**

Loreburn has a commitment to valuing complaints and ensures the organisation benefits from feedback to identify areas for change or improvement.

Loreburn has a Complaints Policy which ensures there are robust and effective procedures in place for complaints to be properly managed and acted upon.

Anyone dissatisfied with the outcome of their complaint having exhausted Loreburn's complaints procedure has the right to refer the matter to the Scottish Public Services Ombudsman.

## **5. Equality, Diversity & Inclusion**

Loreburn aims to ensure that equality, fairness, dignity and respect are central to the way we work and how we treat our customers. We support diversity and uphold equal opportunities in all areas of our work as an employer and service provider.

Loreburn will not discriminate against tenants, staff, visitors, suppliers or others based on their age, sex, sexual orientation, race, disability, religion or belief, marital status, pregnancy and maternity or gender reassignment (collectively referred to as 'protected characteristics' in the Equality Act 2010).

## **6. Risk Management**

Loreburn has a Risk Management Strategy, Policy and Procedure. These documents set out how the organisation will manage risk as an integral part of its governance and management systems, ensuring risks are identified, evaluated and controlled effectively.

Identifiable risks arising from this policy will be monitored and managed by the internal processes set out herein and by regular review of this and all other associated policies and procedures, ensuring risks are mitigated and Loreburn complies with all legislative requirements and regulatory and best practice guidance.

## 7. Responsibilities Chart

The below chart illustrates the responsibilities of all staff pertaining to this policy:

Responsibilities	Man. Comm.	CEO	LET	Managers	Assistant Managers	All Employees
Approve Policy	X					
Lead by example in application of Policy	X	X	X	X	X	
Take proactive steps to resolve issues	X	X	X	X	X	X
take ownership of issues that are impacting on you and seek redress at an early stage						X
To co-operate in the application of the policy						X

### 1. Policy Review

The Policy Champion is the Head of People & Culture

This policy will be reviewed by the Policy Champion every 3 years or sooner as required due to legislative or regulatory change.

#### Policy Assessment Checklist

##### Health & Safety Assessment

**Does this policy have the potential to affect:**

Lone Working	No
Safety and/or wellbeing of customers	No
Safety and/or wellbeing of employees	No
<b>Have the above items been considered in the preparation of this policy?</b>	<b>Yes</b>

**Comments:**

##### Equality, Diversity & Inclusion Assessment

**Does this policy have the potential to affect:**

Staff's rights to equal opportunities	No
Tenants' / Customer's rights to equal opportunities	No
Tenants' / Customer's ability to access to homes and/or services	No
<b>Have the above items been considered in the preparation of this policy?</b>	<b>Yes</b>

**Comments:**

**Agile Working Assessment**

**Agile working requirements have been considered and addressed in the preparation of this policy:**

Yes