

Disciplinary Policy

This policy was agreed by the Trust Board on 19 December 2017 to be used as an interim policy by Sandwell Children's Trust.

The intention is to review this policy by 1 July 2018 to ensure that it is fit for purpose for the Trust.

Disciplinary Policy

1. Introduction

This policy is intended to provide a fair and consistent method of dealing with disciplinary matters and should be read alongside the disciplinary rules.

The process is not exhausted within the council until the appeal process has been completed.

2. General Principles

This policy does not form part of the terms of an employee's contract with Sandwell Council, which are provided separately.

This policy takes into account current employment legislation, good practice and the appropriate provisions of the ACAS code of practice.

This policy should be read in conjunction with the guidance document.

This policy is intended to be a fair and consistent method of dealing with employment matters.

The requirements of the council's equality policy have been fully incorporated into the policy.

At any stage in the process, following investigations, a manager may feel it is appropriate to invoke an alternative policy.

All parties will deal with issues promptly and not unreasonably delay meetings, decisions or confirmation of those decisions.

Where a meeting needs to be rescheduled, it can only be rescheduled once and a new date must be agreed within 5 working days of the original date. The actual meeting date need not be within those 5 days but should be as soon as possible.

All matters will remain confidential in accordance with the data protection principles, except in circumstances where there is a legal obligation to disclose such information.

Reasonable adjustments will be made to enable disabled employees to fully participate in the process.

All formal records and copies of correspondence will be retained on the employee's file.

The employee has a right to be represented at each formal stage by a trade union representative or a work colleague.

The employee has the right of appeal against a decision made during the formal process.

The final appeal hearing exhausts the internal process.

3. Key Principle

If an employee lodges a grievance relating to the disciplinary matter then the grievance will be dealt with through the Disciplinary appeals process.

4. Scope

This policy applies to all employees of the council, with the exception of:-

- teachers
- employees based in schools where delegated powers to governing bodies apply.
- workers (e.g. people engaged through Templink)
- employees in their probationary period

The minimum levels of supervisor/manager with the authority to action the stages of the process are set out in the council's schedule of designated officers.

5. Statement of process

At all formal stages the following will apply:

The employee will be informed of the complaint against them before being interviewed.

An officer will be appointed to investigate the allegations. The investigations will include (where necessary) investigatory meetings with the employee, colleagues and witnesses and consideration of relevant documents. A different person to the manager chairing the disciplinary hearing, will be responsible for the investigation.

Where it is alleged that an employee has committed an offence of gross misconduct the manager should suspend the employee on normal pay, to enable investigations to take place. Suspension is not a disciplinary penalty.

Where an employee is unfit to attend meetings as part of the disciplinary process, they will be referred to Occupational Health, to assess their fitness to participate in the disciplinary process.

It is the responsibility of the chair of the disciplinary hearing to write to the employee informing them of the outcome of the disciplinary hearing and of their right of appeal.

Formal Stage 1: First Written Warning

If the misconduct is serious or where an informal approach has not worked, the employee will be given a written warning for up to 8 months. Improvement targets will be set if appropriate.

A copy of the warning will be placed on the employee's personal file, but will be disregarded for disciplinary purposes at the expiry of the warning, subject to satisfactory conduct.

The employee will be informed that a Final Written Warning for up to 12 months will be considered if there is no sustained satisfactory improvement or there is a further act of misconduct.

Formal Stage 2: Final Written Warning

If the misconduct is more serious, or there is no improvement in standards, or if there is a further breach of conduct, a Final Written Warning for up to 12 months will be given.

The Final Written Warning will include the reason for the warning and a note that if there is no improvement during the period of the warning, or there is a further act of serious misconduct, action at Stage 3 (dismissal) will be taken.

A copy of the warning will be placed on the employee's personal file, but will be disregarded for disciplinary purposes after the expiry of the warning, subject to satisfactory conduct.

Formal Stage 3: Dismissal

Where an employee has not heeded a Final Written Warning, or where, following the outcome of a disciplinary hearing the finding is that the allegation of gross misconduct is substantiated, the employee will be dismissed by an appropriate manager.

In the case of gross misconduct the employee will be dismissed without notice (summary dismissal). In other cases the employee will be dismissed with notice in line with their written statement of particulars.

6. Appeals

An employee who wishes to appeal against any formal disciplinary decision must do so in line with the appeals process, stating the grounds for the appeal in writing.

The appeal will be dealt with impartially by a manager who has not previously been involved in the case. If the appeal is against the level of sanction, it may not require a rehearing, subject to mutual agreement.

The employee will be informed in writing, of the outcome of the appeal hearing.