

Disciplinary Policy

About this policy

Purpose

An open, honest dialogue between managers and employees is a vital part of every employment relationship.

Occasionally expectations are not met and this can often be resolved through informal discussion and support. In most cases this should avoid the need to use formal procedures.

It may be appropriate to follow a formal disciplinary procedure in cases of serious or repeated misconduct. The purpose of this policy is to set out a fair disciplinary procedure which is used to manage conduct issues.

The aim is to bring about improvement: to remedy, rather than punish.

For cases of alleged gross misconduct a swifter process will be followed, as outlined in this policy. Sanctions up to and including summary (instant) dismissal may be imposed.

Scope

This policy applies to all employees who have successfully completed their probation period, regardless of whether their contract is permanent or fixed-term. It does not apply to agency workers and does not form part of an employee's contract of employment.

Any issues that relate to an individual's performance, as opposed to their conduct, will be managed in line with the Capability Policy. There is a separate procedure for redundancy dismissals.

This policy does not apply to alleged discrimination, harassment or bullying. These issues are handled through the Bullying and Harassment Policy.

However, if a complaint of harassment or bullying is upheld, or if the complaint is found to be malicious, the matter may be dealt with under this Disciplinary Policy.

Review

HR policies are usually reviewed every three years or following organisational or legislative changes. This means this policy expires on 31 July 2018.

Policies will be reviewed by the HR policy development team, in conjunction with a working group of colleagues. After appropriate consultation, the final draft of the policy will be approved by the Head of HR.

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1. Policy

1.1 Standards of behaviour

RNIB Group has a clear set of values and behaviours that support the successful delivery of the RNIB Group strategy. These can be found on the intranet.

Employees are expected to demonstrate these and meet the standards outlined in the code of conduct and written statement of main particulars of employment.

1.2 Principles of the disciplinary procedure

The disciplinary procedure is based on the following principles:

- Issues and concerns will be explained and the employee will have the opportunity to respond and agree how improvements or changes in behaviour can be achieved.
- Where appropriate and relevant, additional training or coaching will be provided to help the employee meet the required improvements.
- A work colleague or trade union representative may accompany anyone subject to a disciplinary meeting. Third party representation (for example, by a solicitor) is not permitted.
- All issues and allegations of misconduct will be investigated and discussed before any decisions are taken.
- HR will advise managers and employees throughout the formal process and ensure a fair procedure is followed.
- File notes of formal meetings will normally be taken and shared with the employee.

Where there is some debate as to which procedure should be used in a particular case, for example where disruptive behaviour is affecting a team and it is not entirely clear whether the disciplinary or capability procedure should be followed, the Head of HR will make a decision as to which procedure will apply.

1.3 Informal action

Every effort will be made to resolve the matter by informal discussions with the employee before taking formal disciplinary action. This will

involve the manager discussing the perceived shortfall in conduct with the employee concerned and advising on what standards are expected. The discussion will also outline what needs to be done to improve and when a follow-up meeting will be held. Support or coaching/training will be offered where relevant and written notes taken by the manager.

Informal action is not disciplinary action (although a repeat of the conduct or a failure to improve may lead to formal disciplinary action). There is no right to be accompanied or right of appeal at the informal stage.

Where the allegations of misconduct are very serious, it may be appropriate to move straight to the formal procedure.

1.4 Employee Assistance Programme

The Employee Assistance Programme is a useful source of support for employees facing difficulties. This is a free, confidential service, available 24 hours a day, 7 days a week to all RNIB Group employees and their immediate family members (living in the same household).

It provides unlimited access to support, information, professional guidance and, where appropriate, short term counselling on any work or personal issue which may be causing concern.

RNIB Group/ Charity employees can call any time of the day or night on 0800 030 5182 or +44 1506 700107 from outside the UK. More information is available on the intranet.

2. Formal action

If informal action does not bring about the required improvement, or the matter could amount to serious or gross misconduct, the formal procedure should be followed. The key stages in the formal disciplinary procedure are:

1. Investigation
2. Formal disciplinary meeting
3. Outcome:
 - Recorded Verbal Warning
 - Written Warning

- Final Written Warning
- Dismissal
- Summary Dismissal

4. Appeal

The formal stages of the procedure involve some key features which are outlined below. Read this section before starting to follow the procedure.

Note: There are guidance documents for managers on the Disciplinary Procedure available from HR.

3. Features of the formal procedure

3.1 Right to be accompanied

An employee has the right to be accompanied by a trade union representative or work colleague at formal stages of this procedure.

A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee.

As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. For instance, they may choose someone who is suitable, willing and available rather than someone from a geographically remote location.

3.2 The role of the accompanying person

The accompanying person can (with the agreement of the employee):

- Put the case forward on behalf of the employee.
- Confer with the employee during the meeting.
- Ask questions.
- Sum up the case for the employee.

However, the role of the accompanying person does not include:

- Answering questions on behalf of the employee.
- Addressing the meeting if the employee does not want them to.
- Preventing the manager from explaining the case, or any other person at the meeting making a contribution to it.

A work colleague who has agreed to accompany a fellow employee is entitled to take a reasonable amount of paid time off to fulfil that responsibility.

3.3 Requesting to be accompanied

Employees should contact the disciplining manager if they would like to request that they are accompanied at the meeting. Advance notice should be given and the name of the person provided, together with details of whether they are a work colleague or union representative.

If the accompanying person is not available at the proposed time, the employee or trade union representative may request a reasonable alternative day and time within five working days.

The five day time limit may be extended in exceptional circumstances but the meeting will not usually be delayed by more than ten working days.

Reasonable adjustments will be made for an employee with a disability (and for the accompanying person if they have a disability).

3.4 Confidentiality

It's essential that confidentiality is maintained by all those involved in the disciplinary process, including the employee, by ensuring that only those people who need to know have access to details.

Neither the manager nor the employee should talk to colleagues about any formal procedure.

It is important that the employee is free to discuss issues with their trade union representative or work colleague who may be able to assist or support them through difficult circumstances.

Written records of issues will be treated as confidential and kept no longer than is necessary in accordance with the Data Protection Act 1998.

3.5 Sickness absence

It is important that employees attend disciplinary meetings so that issues can be resolved quickly.

Where an employee is unfit to attend a meeting, a medical certificate should be provided, stating that they are incapable of attending. Failure to attend may constitute a disciplinary offence if it is not supported by medical evidence.

The disciplinary manager will consider whether the meeting should go ahead in the absence of the individual. A considerate approach should be adopted but any justification for delay should be discussed with Occupational Health and HR.

If a meeting is to go ahead in the absence of the employee, the employee should be notified, giving at least three working days' notice of the meeting. A full account of the meeting should be provided to the employee in writing, confirming any decision taken.

If sickness absence occurs before the commencement of the formal stages of the procedure, the case should be referred immediately to Occupational Health to assess the person's health and fitness for continued employment.

Short absences should not delay any part of the formal procedure.

4. Deciding what action to take

This section describes how to decide what action to take before instigating formal disciplinary action:

- It may be necessary to suspend the employee.
- Consideration should be given to whether there are child protection issues.
- A thorough investigation should be carried out.

4.1 Suspension

Suspension of an employee is a neutral act to give time for a full and fair investigation to take place. It doesn't in itself constitute disciplinary action.

In cases of alleged serious or gross misconduct it may be necessary to suspend the employee (usually on full pay and conditions) before a decision about disciplinary action is taken. Suspension from work is not normally appropriate in cases of minor misconduct.

Circumstances where an employee may be suspended on full pay include where:

- a 'cooling off' period is appropriate
- the employer has grounds to believe that the employee might deliberately cause damage if allowed to remain at the workplace, for example damage to the computer network
- the employee's continuing presence at work might prejudice the investigation in some way
- the employee has acted in a violent way or threatened violence
- the continued presence of an employee is not in the best interests of the employee, the manager, other staff or the service generally
- the incident may be so serious that summary (instant) dismissal could be the outcome, for example if he or she is suspected of theft or bribery
- an incident/allegation which harmed or placed a child or vulnerable adult at risk (there is a legal requirement for 'harm' to be defined as covering a wide range of situations, from physical abuse to the accidental failure to administer medication).

4.1.1 Considering whether to suspend an employee

The manager, in conjunction with their HR representative, makes the decision whether to suspend.

The manager will speak to the employee about the reasons for suspension and will confirm the decision in writing within three working days. The letter should state that the suspension is precautionary, pending the outcome of the investigation and advise the employee of:

- the reasons for suspension (the allegations against them) and possible disciplinary sanction if the allegations are proven
- the terms and expected duration of the suspension
- that the suspension is on full pay
- that the action of suspension does not imply guilt or that a decision about the outcome has been reached

- that the employee must be contactable, but not attend the workplace or contact work colleagues unless required to do so by their manager
- that the employee should ask permission from their manager to access work related files or personal material from RNIB Group premises whilst they are suspended
- that usual reporting procedures should still be followed, for example if they are sick whilst on suspension
- that the employee should not seek to influence anyone involved in the investigation.

4.1.2 During the suspension

Whilst an employee is suspended:

- the manager will communicate with them regularly, keeping them informed of the status of the suspension and progress of the investigation
- the employee will not take alternative paid employment and must be available to assist with or participate in the investigation
- the employee will speak to their manager to confirm any sickness and annual leave.

4.2 Safeguarding

Safeguarding is the term that describes the function of protecting adults and children from abuse or neglect.

Where an allegation involves a safeguarding issue, consideration should be given to the suspension of an employee under investigation in accordance with Department for Education guidance Keeping Children Safe in Education or guidance in the Care Act 2014 relating to protecting vulnerable adults in care.

Colleagues based in Scotland should refer to the Protection of Vulnerable Groups Scheme 2011 and those in Northern Ireland, the Safeguarding Vulnerable Groups Order 2007.

Suspension should be considered where there is cause to suspect a child or vulnerable adult is at risk of significant harm, or the action warrants investigation by the police or is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically or without careful thought and guidance from HR.

Where the decision is taken to suspend, support will be provided to the individual who is the subject of the allegations.

Where the alleged misconduct involves a safeguarding issue, an investigation should not be undertaken before advice is taken from the relevant CMT lead in RNIB Places and RNIB Group Safeguarding and Compliance Manager in all other instances. The relevant HR representative should also be informed.

A decision will be made whether the police and/or other relevant statutory authorities should be called in immediately, taking into account statutory guidance (as outlined above).

If an employee resigns, or ceases to provide their services, the allegation should still be followed up in accordance with safeguarding procedures. Likewise, if the incident involved an agency worker, safeguarding procedures should still be followed (even if the agency worker has since been disengaged).

In all cases it is essential that excellent communication is maintained between all relevant internal and external agencies, ensuring that the appropriate statutory authorities are informed.

It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decision reached, is kept on the employee's confidential personal file. The record should be retained for a period of 10 years from the date of the allegation.

4.2.1 Referrals to the Disclosure and Barring Service

RNIB Group has a duty to refer information to the Disclosure and Barring Service when an employee is dismissed, or an individual resigns, because they harmed, or may harm, a child or vulnerable adult. The DBS will consider whether to bar the person from working in regulated activity.

This applies even when information comes to light after an individual has left the organisation.

The relevant agency will be Disclosure Scotland or Access Northern Ireland, for employees who are not based in England.

Seek advice from HR in all cases where this may be applicable.

4.3 Investigation

The purpose of an investigation is to establish the facts surrounding the alleged misconduct. All allegations of misconduct will be thoroughly investigated before formal action is taken.

Investigations will be carried out by an investigating manager. This may be the employee's manager or another manager who has had no prior involvement in the case. They will usually be a minimum of one reporting level higher than the employee concerned. Support will be provided by a HR representative.

The investigation will be carried out as quickly and efficiently as possible, as this is in the best interests of all parties. Some investigations are more complex than others but in general they should be carried out within 10 to 20 working days of the investigating manager being appointed.

The investigating manager is responsible for ensuring that the investigation is documented and the findings, if any, are supported by reliable evidence. They will:

1. Write to the employee advising them of the investigation and inviting them to an investigatory meeting to provide relevant information.
2. Collect all relevant documentation.
3. Interview witnesses (if appropriate). Explain to each interviewee the proposed structure of the interview.
4. Consider any other written or physical evidence that supports the case. Create the witness statements electronically and get them signed by the witnesses.
5. Produce a final report covering the findings, any key issues that arose during the investigation, including any conflicting evidence. The report should also state whether they feel the matter warrants further consideration at a disciplinary meeting.

Please refer to guidance on Conducting a Disciplinary Investigation.

The investigation meeting is part of the information gathering exercise and does not constitute disciplinary action.

Although employees are not usually accompanied at investigation meetings, if there are specific support needs, requests to be accompanied will be considered.

5. Formal disciplinary meeting

A formal meeting will be arranged if the findings of the investigation suggest that formal disciplinary action may be required. The purpose of the formal meeting is for evidence to be presented and considered.

The employee will have the opportunity to prepare a response to the evidence presented and answer any allegations that have been made. They will also be allowed to ask questions, present evidence, call witnesses and be given an opportunity to raise points about any information provided by witnesses.

Please refer to Conducting a Disciplinary Meeting, which provides additional guidance.

5.1 Preparing for the meeting

A disciplining manager will be appointed to chair the disciplinary meeting. This will be an appropriate manager who is at least one level higher than the employee concerned. They will usually be supported by an HR representative and, in most cases, a minute taker.

The disciplining manager will be given a copy of the investigation report. When you have received the report, it is important to review the content to ensure you are fully aware of all of the findings relating to the case.

It is important that you remain impartial throughout the case however, if there is anything in the report that you have queries on or have concerns about; discuss this with the HR representative who will be able to support you.

The disciplining manager, assisted by the HR representative, is responsible for arranging the meeting. These steps will usually be followed:

1. Arrange a location for the meeting and someone to take the minutes.
2. Write to the employee, usually within five working days of receiving the investigation report, to advise the employee of:
 - The grounds that have led to disciplinary action against them (the allegations), the reasons why the alleged conduct is unacceptable and possible disciplinary sanctions if the allegations are proven.
 - That they are being invited to a formal disciplinary meeting.
 - The date, time and place of the meeting (usually within 10 working days of the date of the letter).
 - The right to be accompanied by a trade union representative or a work colleague.
 - Details and copies of any documents intended to be used as evidence.
 - Details of any other persons who will be attending the meeting.
 - The right to submit documentation and call witnesses as appropriate.
 - That the deadline for submission of documents is within three working days of the meeting.
3. Employee submits evidence and details of witnesses to be called (at least three working days before meeting).
4. Disciplining manager circulates the investigation report and notification of any witnesses to be called to all parties.
5. Disciplining manager invites witnesses, if appropriate, giving at least three working days notice of the meeting.
6. Disciplining manager invites the investigating officer to present their findings at the meeting.

Where late evidence is submitted, the disciplining manager will decide whether it can be admitted (taking into account whether there are exceptional or mitigating circumstances).

5.2 Non-attendance

If the employee cannot attend a disciplinary meeting, they should inform the manager in advance. If it is due to circumstances outside their control, another meeting should be arranged.

However, a decision may be taken in their absence if the employee fails to attend the re-arranged meeting within five working days without good reason. The meeting will only be rearranged once.

Where the accompanying person cannot attend on the date proposed, the employee can put forward an alternative time and date, so long as it is reasonable and falls within five working days of the original date proposed (this may be extended by agreement).

5.3 The disciplinary meeting

The disciplinary meeting will usually follow this structure:

- The disciplining manager will open the meeting, explain the allegations against the employee and ask the investigating manager to go through the evidence gathered.
- The investigating manager will present the findings of their investigation.
- The employee will then be invited to set out his/her case and answer any allegations that have been made.
- Both parties and the disciplining manager will be given an opportunity to ask questions, present evidence, call and question witnesses if relevant, and raise points about any information provided by witnesses.
- Notes will be taken during the meeting, the record will be treated as confidential and a copy will be given to the employee and investigating manager.
- Throughout the meeting, both parties may request an adjournment at any time (it may be appropriate to collate further information or to consider the alleged misconduct in light of the response provided by the employee).
- Having fairly and thoroughly considered the matter and questioned all concerned, the disciplining manager will then adjourn before deciding whether or not disciplinary action should be taken.
- The disciplining manager will reconvene the meeting to give his/her decision (if this is not possible, they should contact the employee by phone to confirm the outcome verbally).

5.4 Confirming the outcome of the disciplinary meeting

The outcome of the meeting will be confirmed in writing within five working days by the disciplining manager. The letter will include:

- when the meeting took place
- who was present
- the decision reached
- refer to key points of the discussion at the meeting
- the reason for the action, i.e. nature of misconduct
- mention any mitigating points raised by the employee and the response to them
- the improvement in the behaviour/conduct required
- an agreed date for the review of the situation
- the duration of the warning
- in the case of a warning, that a repetition of unsatisfactory conduct, whether similar to the original occurrence or not, may lead to further disciplinary action
- the employee's right of appeal, which must be lodged in writing within seven calendar days of the receipt of the decision.

6. Disciplinary outcomes

Disciplinary outcomes will vary depending on the individual circumstances surrounding each case.

Factors such as work location, type of role and local procedures may also have a bearing on the decision taken. The examples set out in Appendix 1 give an indication of how certain types of misconduct may be treated under this policy.

The outcome of a disciplinary meeting may be that the case is not proven and no further action is required, or one of the following actions:

6.1 Verbal Warning

In the case of minor misconduct, an employee may be given a verbal warning. The verbal warning will normally state:

- the nature of the offence
- that any further misconduct may result in further disciplinary action
- the period that the warning will remain 'live' (usually six months) and any timescales for improvement.

A letter confirming the fact that the warning has been given, the date on which it was given and, in broad terms, the reason for the warning, will

be sent to the employee within five working days of the meeting. The letter should also include the right to appeal against the decision.

Documentation regarding verbal warnings will normally be destroyed after six months.

6.2 Formal written warning

If the misconduct is regarded as more serious, the employee may be issued with a formal written warning. A letter confirming the decision will be issued and will set out:

- the nature of the misconduct
- that a written formal warning has been given
- the likely consequences of further misconduct under this disciplinary procedure
- the change in behaviour required and timescales for improvement
- that note has been taken of previous warnings (if appropriate)
- that the warning will be recorded on their personal file
- the period for which the warning will remain 'live' (usually 12 months)
- the right of appeal against the decision and how it should be made
- the letter will also advise the employee that failure to address their behaviour may result in further disciplinary action.

This letter will be sent to the employee within five working days of the disciplinary meeting. A copy of this letter should also be sent to the relevant trade union representative or work colleague, if appropriate.

Formal written warnings will normally be removed from personal files and destroyed after 12 months.

After 12 months, the employee's manager will determine whether or not the required improvements have been achieved. If so, the employee will be advised in writing of the outcome of the review, and that the record of the formal action will be destroyed.

6.3 Final written warning

Where there is failure to improve conduct, or further misconduct occurs, the employee may be given a final written warning. A letter confirming the decision will be issued and will set out:

- the nature of the offence

- that a final formal warning has been given
- that any further misconduct may result in dismissal
- the period the warning will remain 'live' (usually two years)
- the right to appeal and how it should be made.

Final written warnings will normally be removed from personal files and destroyed after two years.

After two years the employee's manager will review the case and determine whether or not the required improvements have been achieved.

If so, the employee will be advised in writing of the outcome of the review, and that the record of the formal action will be destroyed.

Warnings should be disregarded for future disciplinary purposes once the relevant timescale has elapsed.

6.4 Dismissal with notice

Where there is no improvement in conduct, despite the issuing of a final written warning, or further misconduct occurs, the employee may be dismissed with the relevant notice period. A letter confirming the decision will be issued and the employee will be advised of their right of appeal.

An employee may work their notice or be paid in lieu of notice, at the discretion of management.

The letter will advise the employee why this decision was taken. It will also state the termination date and whether the notice period will be worked or payment made in lieu of notice.

Payroll should be informed of the dismissal date on the same day as the employee is notified.

6.5 Dismissal without notice

Where a disciplining manager determines a charge of gross misconduct, the employee may be dismissed without notice.

The dismissal will be effective from the point at which the employee is informed of the decision (where a letter is sent by post, a phone call confirming the decision is advisable).

A letter confirming the decision will be issued and the employee will be advised of their right to appeal. The letter will also advise why this decision was taken.

Any outstanding annual leave will be paid up to the date of dismissal.

Payroll should be informed of the dismissal date on the same day as the employee is notified.

6.6 Action short of dismissal

In some cases where dismissal could be the outcome of the case, the disciplining manager may wish to consider alternative action which feels more appropriate in the circumstances. This could include a transfer, demotion or a final written warning that will remain live for a longer duration.

Any decision that leads to alternative action should always be agreed with the HR representative supporting the case and confirmed in writing.

7. Appeals

The purpose of an appeal is for the employee to request the overturning of a decision. This may be because they feel it is unfair or unreasonable, for example because they believe the penalty/action was unduly severe, new evidence has come to light, or the proper procedure was not followed in the original meeting. It is not a rehearing of the original disciplinary case.

If an employee wishes to appeal against the outcome of a disciplinary meeting, then they complete the Appeal Form and send it to the Head of HR within five working days of receiving written notification of the disciplinary decision.

The employee should clearly state in the appeal form the grounds for appeal. This would normally fall under one or more of the following headings:

- A point of fact
- A point of law
- A point of procedure
- New evidence
- Unfair decision
- Severity of the penalty

The appeal meeting need not take place before the dismissal or disciplinary action takes effect.

During an appeal meeting the employee may be accompanied by a trade union representative or a work colleague and shall be given a full opportunity to state the grounds for their appeal and present new evidence (if any).

In exceptional cases, there may be the need to call or recall witnesses (subject to the agreement of the appeal manager).

Please refer to guidance on Conducting a Disciplinary Appeal Meeting, which provides additional information to support the appeal process and the information contained in this section.

7.1 Preparing for an appeal meeting

An appeal manager will be appointed who has no connection to the case. They will usually be at least one level higher than the disciplining manager.

The appeal manager will chair the appeal meeting and will usually be supported by a HR representative (not previously connected to the case). These steps will usually be followed:

1. Appeal manager arranges a location for the appeal and someone to take minutes.
2. Appeal manager writes to the employee to arrange an appeal meeting within five working days of being given the appeal letter (the employee should be given written notification of at least five working

days before the appeal meeting is to take place and should be informed of the date, time and location of the meeting and the right to be accompanied by a trade union representative or work colleague).

3. Appeal manager invites the disciplining manager who was involved in the disciplinary meeting to attend the appeal meeting to present evidence and the outcome of the disciplinary panel's decision.
4. The employee and disciplining manager present documentation and provide details of witnesses, if relevant, at least three days prior to the appeal meeting.
5. The submission of late evidence will only be admitted at the discretion of the appeal manager and if there are mitigating circumstances.
6. Appeal manager invites witnesses, if appropriate, giving at least three working days notice.

7.2 The appeal meeting

At the appeal meeting, once the relevant issues have been thoroughly explored, the meeting will be adjourned in order for a decision to be made. The decision may not be taken immediately if the panel requires additional time to review all the information; however the employee will be notified of the outcome within five working days of the decision being made.

The appeal manager is responsible for writing the letter, with the support of the HR representative on the appeal panel. A copy of the letter of outcome should be stored on the employee's personal file in accordance with Data Protection principles.

Notes of the meeting will be circulated by the HR representative to be agreed by the employee and appeal manager.

The decision of the appeal panel will be final. No further appeals are allowed and there is no further recourse under this procedure.

It is the responsibility of the HR representative to retain the minutes and any supporting documents for a period to be determined by the panel.

8. Procedure: Grievance during a disciplinary case

During the disciplinary procedure an employee might raise a grievance.

When the grievance and disciplinary cases are related it may be appropriate to deal with both issues at the same time. For example, where a grievance is raised in direct response to the disciplinary procedure, the disciplinary procedure may be expanded to include the grievance issue, dealt with during the investigation and/or at the disciplinary meeting.

If it is appropriate that the grievance issue should “stand alone”, then the grievance procedure will be followed and it may be appropriate to suspend the disciplinary procedure for a short period. This may apply where there is possible discrimination or bias is alleged in the disciplinary proceedings.

Advice should be sought from the HR representative regarding the appropriate course of action in the specific circumstances.

9. Procedure: Criminal offences

Employees are expected to declare all convictions.

Staff employed in connection with early years provision or wrap-around care for children up to the age of 8 are also required to declare certain childcare orders and determinations relating to themselves or someone living in the same household. Staff will be informed where this applies. Failure to provide relevant information may lead to disciplinary action.

When an employee is charged with or convicted of a criminal offence, they should notify their manager immediately. Any information will be treated as confidential.

The manager will inform the HR representative and they will consider whether the offence has breached the mutual trust that exists between the organisation and the employee, or there is a clear breach of statutory rules or the contract of employment. Failure to notify a criminal conviction or charge may be deemed gross misconduct.

Where disciplinary action is appropriate, a disciplinary meeting will be arranged. If the employee is unable to attend because of imprisonment/detainment, the procedure may be applied in their absence.

An employee who is unable to report for work due to imprisonment as a result of a conviction or who is on remand, will be suspended without pay until the conclusion of the disciplinary procedure (unless they have been dismissed in accordance with this procedure).

Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, persons who work with children or vulnerable adults need to declare all convictions even though they may be deemed as 'spent' under the above Act.

10. Summary of roles and responsibilities

10.1 Employees

Employees are responsible for:

- familiarising themselves with this disciplinary policy and understanding their rights and obligations under it
- achieving reasonable and acceptable standards of personal conduct and behaviour at work
- co-operating with any disciplinary investigation including attending meetings when requested and complying with all lawful and reasonable directions relating to the disciplinary procedure
- demonstrating the level of commitment required to improve, if improvement is required
- attending all relevant counselling, support or formal disciplinary meetings as required.

10.2 Managers

Managers are responsible for:

- ensuring their team members are clear about RNIB Group Values and Behaviours and the standards of conduct expected
- ensuring they understand and are familiar with the disciplinary policy
- ensuring their team have access to and understand the disciplinary policy
- informing employees of their rights under the disciplinary policy
- applying the disciplinary policy fairly
- managing the disciplinary procedure when it is necessary to take disciplinary action

- determining whether it is necessary to suspend the employee in line with the suspension guidelines
- ensuring that any records are held in a confidential manner and in accordance with the principles contained within the Data Protection Act 1998
- if the employee is a trade union representative, informing the union's regional office if the formal stages of the procedure are invoked.

10.3 Human Resources

The HR representative supporting the case is responsible for:

- supporting and advising appointed managers responsible for conducting disciplinary investigations, meetings and appeals through the disciplinary process
- ensuring that the correct procedure is followed
- ensuring that allegations are thoroughly investigated by the Investigating Officer before any disciplinary action is considered
- attending disciplinary meetings which may result in disciplinary action being taken against an employee and appeal meetings
- ensuring that any disciplinary action is appropriate and proportionate to the conduct of the employee
- reporting any concerns about the disciplinary case to the Head of HR immediately
- keeping accurate records of the disciplinary process and supporting managers to keep to the timescales stated in the policy at each stage
- ensuring that any records are held in a confidential manner and in accordance with the principles contained within the Data Protection Act 1998.

11. Toolkit

There is a toolkit on the Intranet that supports the procedures in this document. The toolkit contains guidance for managers on:

- Conducting a Disciplinary Investigation
- Conducting a Disciplinary Meeting
- Conducting a Disciplinary Appeal Meeting

12. Further information

For further information, refer to:

See...	Provides...
ACAS website	Advice on dealing with disciplinary matters and the ACAS Code of Practice on Discipline and Grievance.
Department for Education website	Guidance on Keeping Children Safe in Education, including how to manage cases where allegations of abuse are made.

13. Version control

The table below shows the history of the document and the changes that were made at each version:

Version Number	Date	Author & Job Title	Status & Level of Approval	Changes made
V 1.0	July 2015	HR Business Partner Lisa Tams	Approved – by Corinne Mills	The disciplinary policy was revised and updated into a new format. The guidance on disciplinary outcomes in Appendix 1 replaces the Disciplinary Standards Policy.
V1.1	April 2017	Assistant HR Business Partner Sally Beckford	Approved by Hannah Lee Head of HR	The disciplinary policy personnel records timescales was updated and reference to Action within the policy was removed

Appendix 1

Guidance on disciplinary outcomes

The guidance in this section gives some examples of how certain types of misconduct may be treated under this policy. This helps employees to be aware of the likely outcomes if misconduct occurs and helps to provide some consistency across the organisation.

The examples given are by no means exhaustive.

All disciplinary cases will be thoroughly investigated and heard in a disciplinary meeting, prior to any outcomes being decided.

Examples of misconduct that may lead to a verbal warning

A verbal warning may be applicable when the examples listed below occur as a first incident:

- Poor time-keeping
- Poor attendance
- Minor misuse of RNIB Group facilities, including computers (for example e-mail and internet)
- Minor misconduct or unacceptable behaviour.

Examples of misconduct that may lead to a first or final written warning

In the case of a final written warning, further related or unrelated incidents could lead to dismissal. Some of the examples below may be deemed as gross misconduct, depending on the circumstances.

- Abuse of authority in relation to an employee, customer or member of the public.
- Conduct likely to cause offence to a customer, member of the public or fellow employee.
- Negligent or inadequate standards of work.
- Failure to inform the manager or appropriate senior manager of any prosecution for a criminal offence or relevant childcare order.
- Conduct which does not represent RNIB Group interests whether it occurs at work or outside working hours but relevant to the duties of the employee's post.

- Attempts to discourage, silence or victimise those who raise legitimate concerns which may be suitable for consideration under the whistleblowing procedure.
- Failure to maintain or carry out the accepted standards in accordance with RNIB Group policies and procedures and statutory requirements.
- Failure to comply with RNIB Group sickness reporting procedures.
- Unauthorised absence from work including non-attendance at an approved training course.
- Persistent lateness.
- Persistent poor attendance.
- Failure to comply with annual leave procedure.
- Failure to comply with acceptable standards of dress, appearance and personal hygiene.
- Failure to wear the appropriate protective clothing provided by RNIB Group for particular duties.
- Failure to comply with accident reporting procedures.
- Failure to follow safety instructions, policies or procedures.
- Engaging in activities, employment, or self-employment, during off-duty hours without prior line manager authorisation when such employment conflicts with, or is detrimental to, the interests of RNIB Group or in any way weakens public confidence in the conduct of RNIB Group.
- Failure to comply with RNIB Group pre-employment policies, procedures and checks.
- Failure to demonstrate RNIB Group values and behaviours.

Examples of misconduct that may lead to summary dismissal (gross misconduct)

- Discrimination against an employee of RNIB Group, a customer or member of the public on grounds of their sex, age, marital status, race, religion, ethnic origin, disability or sexual orientation (any of the protected characteristics).
- Serious or persistent harassment of an employee, customer or member of the public.
- Failure to comply with the Anti-Bribery Policy.
- Providing any false information, for example in support of an application for a post within RNIB Group.

- Failure to disclose a conviction for a criminal offence unless both the conviction is 'spent' under the Rehabilitation of Offenders Act 1984 and the post is not exempted from the provisions of that Act.
- For relevant staff working in early years or wrap-around care: failure to disclose a relevant offence, order or determination relating to themselves or someone in the same household.
- An employee involved with the care of children and vulnerable adults or a member of staff who has access to children and vulnerable adults in the course of their work is found to be included on the DBS Barred Lists.
- An employee involved with the care of children and vulnerable adults or a member of staff who has access to children and vulnerable adults in the course of their work is found to have acted in such a way (whether or not in the course of their employment) that harmed or placed a child or vulnerable adult in a position of risk and as a result has been placed on a DBS Barred List.
- Breach of central safeguarding/quality procedures, standards or local guidelines.
- Unauthorised disclosure of, or use of, confidential information relating to the business of RNIB Group, its members and employees or the public with whom it has dealings, including disclosing confidential information concerning customers.
- Dangerous or reckless behaviour involving risk or injury to other people or to oneself, including physical violence of any kind.
- Serious infringement of health and safety rules.
- Serious negligence or incompetence which causes or might cause unacceptable loss, damage or injury.
- Intimidating behaviour, bullying or offensive behaviour, fighting with or physical assault on clients, other employees or members of the public, including maltreatment or neglect of persons in the care of RNIB Group.
- Behaviour likely to offend decency, including sexual offences and/or sexual misconduct at work.
- Deliberate breach of financial regulations which may or may not include the falsification of documents such as time sheets or claim forms.
- Theft, fraud or misappropriation of, or malicious damage to, RNIB Group property or that of RNIB Group customers or service users.
- Serious incapability whilst on duty brought about by alcohol or illegal drugs.

- Other drug and alcohol related offences affecting work.
- Sleeping on duty.
- Serious insubordination.
- Undertaking private work during hours when contracted to work for RNIB Group.
- Unauthorised use of RNIB Group time, workforce, equipment, materials, name and/or facilities.
- Bringing RNIB Group into disrepute.
- Serious misuse of RNIB Group telephone network, including telephoning premium numbers, for example chat lines.
- Persistent failure to demonstrate RNIB Group values and behaviours.
- Serious traffic offences or inappropriate behaviour whilst driving RNIB Group vehicles.
- Serious misuse of IT such as accessing pornographic websites and using RNIB Group hardware/software for unauthorised purposes (see Internet Access Policy).
- Serious incidents that threaten IT security.
- Using social media inappropriately, either whilst at work or outside of work. This may involve:
 - bringing RNIB Group into disrepute, for example by criticising, arguing with or making defamatory or derogatory comments about a customer, colleague or RNIB Group or posting images/links that are inappropriate
 - breaching confidentiality, for example by giving away confidential information about an individual (such as a colleague or customer) or RNIB Group internal workings
 - breaching copyright
 - posting anything that could be considered discriminatory against, or bullying or harassment of, any individual.