



WILLIAMSBURGH
HOUSING ASSOCIATION LTD

Disciplinary Policy – May 2023

Revision History

Creation Date	Reviewer(s)	Review Date
May 2023	HR	May 2026

Williamsburgh Housing Association (WHA) are committed to ensuring that our employees are treated fairly and consistently in disciplinary situations and our procedures have been developed in accordance with the Acas code of practice on Disciplinary and Grievance procedures and have a strong emphasis on informal resolution.

This policy applies to all employees and is designed to encourage staff to achieve and maintain standards of conduct and job performance. Please note that issues in relation to absence or attendance levels will be dealt with under the Absence policy unless there is a conduct issue it will revert back to this policy.

Managers will always, where possible, seek to resolve disciplinary matters informally, however in situations where that is not possible or informal resolution has resulted in no improvement the formal disciplinary procedures will be initiated.

All parties concerned will ensure that disciplinary matters are dealt with and brought to resolution as quickly as the circumstances will allow. All disciplinary matters will be treated in confidence by all parties involved.

A flowchart of the procedure is available in Appendix 1.

Aims of the policy

The aim of this policy is to ensure consistent and fair treatment for all and to clarify and reinforce rights and obligations.

What we expect from you

- To comply with WHA's rules, policies and procedures at all times.
- To carry out your job to the rules and standards expected.
- To behave appropriately and in line with WHA rules, policies and procedures with colleagues, tenants, owners, committee members and the wider stakeholders understanding the impact of your behaviour on others.
- To maintain effective and professional work relationships and treat everyone with dignity and respect.
- To clarify expectations, behaviours and rules with your line manager if you are unsure about them.
- To co-operate if you are asked to be involved with a disciplinary case.
- To co-operate with those dealing with a potential disciplinary case concerning you.
- To treat those dealing with a disciplinary case with courtesy and respect.

What you can expect from WHA

- Consistent, fair and reasonable treatment of disciplinary matters across the organisation
- To act promptly when potential disciplinary matters come to light.
- To deal with minor breaches of discipline informally.

- To investigate the facts before taking action under the formal parts of this procedure.
- To advise you in writing at all stages of the formal procedure of the nature of the complaint and give you the opportunity to state your case, present any evidence, witnesses and mitigating factors before a decision is reached.
- The right to be accompanied by a 'companion' – a colleague or trade union representative at each stage of the formal procedure.
- Not to be dismissed for a first breach of disciplinary rules except in the case of gross misconduct.
- To have the right of appeal against disciplinary sanctions issued.
- To be treated with courtesy and respect throughout your case.

Managers have a responsibility to:

- Set a good example to all staff through their own conduct and behaviour.
- Reinforce clear standards for the conduct of all staff that they manage and provide appropriate feedback to their staff in respect of conduct.
- Manage the conduct of their staff, always adhering to this policy and procedure.
- Seek advice from HR at the earliest opportunity and throughout the full process.

Conduct

Some of the conduct issues which may be dealt with under this policy are detailed below. This is not an exhaustive list:

Misconduct:

- Poor timekeeping
- Failure to notify reasons for absence in accordance with procedures.

Serious Misconduct

- Deliberate damage or misuse of WHA's property.
- Intentional unauthorised absence.
- Unsafe working practices.
- Wilful and persistent refusal to obey reasonable instructions.

Gross Misconduct

- Theft from WHA, its employees or clients.
- Fighting or threatening another employee.
- Being under the influence of drink or drugs whilst at work.
- Fraudulent wage claims or falsification of records.
- Serious wilful damage or misuse of organisation property.
- Harassment.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Serious insubordination.

- Bringing the organisation into serious disrepute.

Informal Action and resolution

It is WHA aim to encourage and maintain acceptable standards of conduct and performance and every effort will be made to deal with minor problems in the first instance through informal action avoid the need to implement the formal procedure.

Although informal, a meeting may result in an improvement note written to the employee from the line manager which will detail points discussed, actions required, and support/training needed along with a timescale for the improvement required. This is to ensure fairness and clarity as to the improvements, time scale and support required, for both the employee and the line manager.

The Line Manager will arrange for provision of support, practical assistance and/or training, as appropriate, to ensure that minor problems are resolved at an early stage and that acceptable standards of work performance and behaviour, and a level of attendance are met.

Where informal action fails, or the matter is more serious the following formal procedure will be used.

Disciplinary Procedure

Suspension

Following an incident, it may be necessary to remove an employee from their current duties which may involve suspending them on full pay. Suspension is not an assumption of guilt and is not considered a disciplinary action.

Suspension is a precautionary measure that will only be considered if all other alternatives have been explored.

If an incident occurs that may require suspension, the Line Manager must seek advice from HR/EVH before any decision to suspend an individual is taken. If there are grounds for suspension the Line manager will confirm this with the individual with the employee being notified in writing within 2 working days. Suspension will not exceed a period of 5 working days without a review, containing a meaningful explanation about the progress in the investigatory process. During such a suspension the employee will be paid at a rate equivalent to their contractual earnings.

The individual has no right of appeal against the suspension.

Decision maker

The decision maker at each stage will be determined in accordance with the delegated authority noted below. The Investigating officer will always be at least one grade above the employee who is being investigated. All officers involved in the process will be trained and ensure that they are impartial throughout the process.

Table 1.1 – Level of Delegated Authority for Disciplinary procedures

Level of employee	Investigation	Disciplinary	Appeal
Below SMT level	Minimum of one grade above	SMT of another department	CEO
One grade below SMT	SMT of another department	SMT of 2 nd different department	CEO
SMT	CEO	Management Committee / Independent Adviser	Management Committee / Independent Adviser
CEO	Management Committee	Independent Adviser	Independent Adviser

Right to be accompanied

If it is determined that formal action may be required the employee will have the right to be accompanied by either their Trade Union representative or an employee of their choice at every stage of the process including the Investigation stage.

The role of the employee's accompaniment is to provide support to the employee and as participate where appropriate during the process. They can:

- Address the hearing by explaining and summarising the case against the employee.
- Maintain confidentiality of the proceedings by not discussing the case with anyone other than the employee involved and, with the employee's permission, a Trade Union representative if appropriate.
- Confer with the employee during the hearing, but may not:-
 - Answer on their behalf
 - Address the hearing if the employee does not wish them to
 - Disturb the hearing in any way.

Investigation

The first stage of the process is to carry out a thorough investigation which is fact finding to establish all the facts and information to make a decision on the next steps. An Investigating Officer will be appointed to carry out the investigation and will prepare a report. This investigation should be completed within a reasonable period and should take no longer than 28 days where possible. In cases where the 28 days is not achievable, all parties concerned will be notified of the new timescale for investigation.

On completion, the Investigating Officer will provide a report and any supporting documentation to the appointed Disciplinary Manager who is responsible for reviewing the report and will recommend next steps:

1. No further action
2. Informal action
3. Formal Disciplinary Hearing

Formal Disciplinary Hearing

Should the recommendations of the Investigation be that the case proceeds to a formal disciplinary hearing the employee will receive a written invitation to the disciplinary hearing with no less than 5 calendar days' notice. The employee will be informed of the nature of the complaint against them and all information and documentation forming a part of the investigation will be made available to the employee and/or their TU representative before the hearing.

The following order will apply to disciplinary hearings:

1. The Association will open the proceedings, stating the case against the employee. They may call witnesses.
2. The employee and their representative may ask questions of the Associations representative and witnesses.
3. The employee may state their case and call witnesses if they wish.
4. Both parties can have the opportunity to sum up their cases. In the summing up neither party may introduce any new matter.

Prior to making a decision, the disciplinary meeting will be adjourned to consider all the relevant information. The meeting may also be adjourned if necessary for the purpose of clarifying or gathering additional information. The employee will be advised of any new information and given a reasonable time to consider it prior to the meeting being reconvened.

WHA will take into account any active warnings which may apply at the time of the Disciplinary hearing.

The decision and any further action will be confirmed to you in writing within 5 working days.

Sanctions

WHA will, in general, follow a standard outcome for Disciplinary Hearings of:

1. No further action
2. Informal Improvement note.
3. First Written warning
4. Final Written warning
5. Dismissal

The record of any disciplinary action will only be accessible by the employee, HR and corporate services, the line manager and the appropriate SMT member. It is the responsibility of HR/CEO to ensure that spent disciplinary warnings are removed from employee's files timeously and as identified within the table below:

Sanction	Live on employees personnel file
First Written warning	6 months
Final written warning	12 months

On occasion the outcome may include different informal action which will always be considered and relate to the specific reason which has caused disciplinary action in the first instance.

Right of Appeal

Every employee has the right of appeal following a disciplinary outcome. The reason for appeal must be in relation to:

1. There is new evidence the employee would like the appeal chair to consider.
2. There has been a failing in the process by WHA.

All appeals must be lodged within 5 working days of the notification of the decision.

All appeal hearings should be convened within 10 working days of the appeal being lodged.

Appendix 1: Disciplinary Procedure



Where informal action has not resulted in the required outcome, or is not deemed appropriate the formal process is shown below:

