



### Revised Disciplinary Policy

**Committee**            Personnel

**Date of meeting**    26 April 2024

**Date of report**     19 February 2024

**Report by Director of Finance & Corporate Support**

#### 1. Object of report

To request the Committee approve the revised Disciplinary Policy, which has been subject to consultation with the recognised Trade Unions.

#### 2. Background to report

- 2.1 SPT's Disciplinary Policy and Procedure mirrors the requirements of the ACAS Code of Practice on Disciplinary and Grievance Procedures which was last published in March 2015.
- 2.2 SPT's Disciplinary Policy and Procedure was last reviewed in February 2021 and as a result of internal review, external benchmarking and legal advice has now been updated.
- 2.3 SPT's recognised Trades Unions have been consulted on all changes to the Disciplinary Policy and Procedure prior to implementation.

#### 3. Outline of proposals

- 3.1 As part of SPT's review of the Disciplinary Policy, it has been updated to include new sections, clearly define stages in the process and reflect organisational changes.
- 3.2 The revised Disciplinary Policy and Procedure is designed to ensure that roles and responsibilities are clearly defined, the stages in the process are clear, ensure consistency of application, fairness and transparency and to ensure any member of staff involved in an investigation or disciplinary process is provided with the correct support to ensure their wellbeing.
- 3.3 A summary of the recommended changes is attached at Appendix 1 with the full revised Disciplinary Policy and Procedure attached at Appendix 2.

#### 4. Committee action

The committee is recommended to approve the revised Disciplinary Policy, which has been subject to consultation with the recognised Trade Unions.

#### 5. Consequences

Policy consequences	<i>Disciplinary Policy and Procedure updated to reflect the ACAS Code of Practice and good practice.</i>
Legal consequences	<i>Disciplinary Policy and Procedure complies with legislation.</i>
Financial consequences	<i>None.</i>
Personnel consequences	<i>HR to ensure the changes are communicated to all SPT employees.</i>
Equalities consequences	<i>None envisaged.</i>
Risk consequences	<i>Not updating the Disciplinary Policy and Procedure may result in non-compliance with the ACAS Code of Practice and good practice.</i>
Climate Change, Adaptation & Carbon Consequences	<i>None directly.</i>

<b>Name</b>	Lesley Aird	<b>Name</b>	Valerie Davidson
<b>Title</b>	<b>Director of Finance &amp; Corporate Support</b>	<b>Title</b>	<b>Chief Executive</b>

For further information, please contact *Lesley Aird, Director of Finance & Corporate Support*, on 0141-333 3380 or *Janice Morgan, Head of HR*, on 0141-333 3414.

## APPENDIX 1

### Summary of Changes to Disciplinary Policy and Procedure

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
<b>1.</b>	<b>1.</b>	<b>Statement of Policy</b>		
<b>1.1.</b>	<b>1.1</b>		Update/Review	Lin Line 5 - "promptly and" added.
<b>1.2.</b>	<b>1.2.</b>		No changes	
<b>1.3</b>	<b>1.3</b>		Update/Review	Line 2 – "capability" to read "performance". In order to be clear that capability is not managed under "SPT Disciplinary Policy.
<b>1.4</b>	<b>1.4</b>		To provide clarity on boundaries of policy.	This policy does not form part of any contract of employment or other contract to provide services, and SPT may amend it at any time following consultation with the recognised trade unions.
<b>2.</b>	<b>2.</b>	<b>Scope of Policy</b>		
<b>2.1.</b>	<b>2.1.</b>		To provide clarity on who is covered by the policy.	Line 3 –Additional sentence "It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
<b>2.2</b>	<b>2.2.</b>		To define "Senior Officer/Officer" in terms of management responsibility for this policy.	Any reference to "Senior Officer/Officer" in this policy includes all of those who have management responsibility for employees. The definition may include Head of, Manager, Supervisor or Team Leader.
<b>2.3.</b>	<b>2.3.</b>		To include reference to SPT's Capability Policy and Guidance Procedures.	Any reference to capability which has not improved following training and support, managers should refer to SPT's Capability Policy and Guidance Procedures.

<b>Current Section No.</b>	<b>New Section No.</b>	<b>Contents</b>	<b>Reason for Changes</b>	<b>Revised/Key features</b>
<b>3.</b>	<b>3.</b>	<b>Legislation</b>		
			To Reflect current ACAS Code of Practice on Disciplinary and Grievance Procedures and highlighting reasonable adjustments made for employees throughout the disciplinary process.	Changed to read “This policy and associated procedures are designed to be consistent with the principles set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures.”  Added - “If an employee has difficulty at any stage of the Disciplinary Procedure because of a disability or because English is not their first language, the employee should discuss the situation with their line manager, or the HR Department, as soon as possible.”
<b>4.</b>	<b>4.</b>	<b>Principles</b>		
<b>4.1.</b>	<b>4.1.</b>		No To include additional clarity on audio/visual recording conduct in the disciplinary procedure and unreasonable delays.	Bullet point 1: Added – and there should be no unreasonable delay with meetings, decisions or confirmation of those decisions. Bullet Point 9: Added “Employees, they/their companion or management are not permitted to conduct audio/visual recordings of the proceedings at any stage of the disciplinary procedure.”
<b>4.2.</b>	<b>4.2.</b>		Update/Review	Line 2 - Replaced Manager or Senior with “disciplining or appeals Officer” for accuracy.
<b>5.</b>	<b>5.</b>	<b>Roles and Responsibilities</b>		
<b>5.</b>	<b>5.</b>		Update/Review	Section Header changed to include roles as well as responsibilities

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
5.1.	5.1.	<b>Management</b>	Update/Review Text added to include clear definition of management roles and responsibilities	<p>Management will:</p> <ul style="list-style-type: none"> <li>• Apply this policy fairly and consistently in a timely manner and ensure standards are upheld.</li> <li>• Should seek advice from the Human Resources Department if they are considering taking action against an employee under the formal stage of this procedure.</li> <li>• Provide support for any employee subject to a disciplinary investigation and/or process, including signposting to SPT's Employee Assistance Programme PAM Assist and maintaining contact with the employee if they are placed on alternative duties, suspended or absent from work during the process.</li> <li>• Keep employees fully informed on progress relating to the Disciplinary process.</li> <li>• Text removed – Senior Staff/Heads of Department/Managers/Supervisors/will be responsible for ensuring standards are upheld</li> </ul>

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
5.2.	5.2.	<b>Employee</b>	Update/Review. Text added to clearly define the employee's role and responsibilities.	<p>The employee will:</p> <ul style="list-style-type: none"> <li>• Actively participate in meetings and investigation interviews.</li> <li>• Arrange the attendance of their staff representative or companion at meetings.</li> <li>• Maintain confidentiality and not discuss the details of any investigation and/or disciplinary proceedings they are aware or part of.</li> <li>• Maintain any keeping in touch arrangements in place during a period of suspension, alternative duties or absence from work.</li> <li>• Be open and honest throughout the process.</li> </ul>
5.3.	5.3.	<b>Human Resources</b>	Highlights HR's attendance specifically at formal disciplinaries.	Text Added – "A member of the HR Department will attend all disciplinary hearings to provide guidance on the process. While at the hearing the HR representative will keep a written note of what occurs. A copy of this will be made available to the employee who formal action is against".
6.	6.	<b>Precautionary Suspension from Work</b>		
6.	6.	<b>Definitions</b>	Update/Review	Section Title removed and replaced with "Precautionary Suspension from Work".

6.1.	6.1.		To include clarity on suspension from work prior to or during a disciplinary investigation.	Line 1 & 2 removed and replaced with– “Employees may be precautionary suspended from work prior to or during a disciplinary investigation. This would occur in circumstances where trust or relationships have broken down”. Line 4 – text removed “to be creating a situation”
6.2.	6.2.		Added to provide further understanding on alternative arrangements agreed.	Text Added – “Alternative arrangements may also be considered if operationally feasible such as change of duties, workplace, or line manager and, if appropriate, discussed with the employee. This should only be done where it does not compromise the investigation”.
6.3.	6.3.		Provides clarity on pay entitlement during a period of suspension.	Line 1 – text added. “will remain on full pay and” Line 2 – “the” removed.
	7.	<b>Arrangements</b>		
7.1.	7.1.	<b>Investigation</b>		
7.1.1.	7.1.1.		Added to provide more clarity in impartiality.	Text added – “If there are any concerns regarding impartiality these should be raised with the HR department in the first instance. In the event that concerns are raised in respect of impartiality of the investigation process these will be reviewed by the officer who initially requested the investigation and the outcome of that review formally recorded”.
7.1.2.	7.1.2.		Included to provide clarity that the employee should be provided with the clear nature of the allegations/concerns in writing.	Text Added – 7.1.2 No investigatory meeting can result itself in disciplinary action. However, as far as possible, without compromising the investigation, the clear nature of the allegations/concerns should be confirmed in writing to the employee, thus ensuring that they are aware of the nature of their attendance i.e. (could formal action result for employee /witness) and extent of the investigation.
7.1.1.	7.1.3.		Update/Review	Removal of first two sentences as now defined in 7.1.2 Line 4 – “see section 7.3” removed and updated to “see section 9”.
7.1.3.	7.1.4.		No Changes	

7.1.4.	7.1.5.		No Changes	
7.1.5.	7.1.6.		Punctuation Update Reference update.	Line 1 – punctuation update “cases,” comma added. Line 3 – Added text “See section 6 above”
7.1.6.	7.1.7.		Reference Update	Line 2 – Text added “see section 6 above”.
7.2 – 7.6.			Section removed. Incorporated into Section 8, 9, 10, 11 and 12.	
7.2.	8.	<b>Disciplinary Hearing</b>		
7.2.1.	8.1.		Renumbered 8.1. Updated to include set timescale of notice which allows the employee time to prepare and arrange a representative/companion.	Line 2 - Added - “and given 5 days’ notice”  Line 3 - Added “to allow them to prepare and arrange a representative/companion”.
7.2.2.	8.2.		Renumbered 8.2. Changes	Line 1 - Removal of “calling” and added the word “inviting”.
	8.3.		Update/Review	Removal of “meeting” and added the word “hearing.”
	8.4.		Added for details on illness or extenuating circumstances when an employee is unable to attend the hearing.	Text Added – “If an employee is unable to attend the hearing due to illness or extenuating circumstances then consideration will be given to rearranging the hearing to a mutually agreed date by both parties. However, where an employee has failed to attend a disciplinary hearing, on at least two occasions, without good cause the line manager will make a decision on the evidence available”.
	8.5.		Added to provide detail on employee rights	Text Added – “At the meeting the employee will have the right to set out their case and answer any allegations made against them”.
	8.6.		Added for details on the information provision process as part of a disciplinary hearing.	Text Added - The employee will have the right to have copies of any written evidence including witness statements prior to the hearing. Any additional information gathered by the employee that they wish to present must be made available at least 1 working day prior to the hearing”.



	<b>8.7.</b>		Added for context on the witness procedure in a disciplinary process.	Text Added – If either SPT or the employee wishes to call any witnesses they should notify the other party of whom they wish to call at least one working day prior to the hearing”.
	<b>8.8.</b>		Added to provide clarity on the relevant next steps within a disciplinary if the hearing has been adjourned to obtain further evidence.	Added – “On occasion, where a disciplining officer decides to adjourn the hearing to obtain further evidence the meeting will reconvene without undue delay and the employee will be given the opportunity to comment on any new evidence presented”.
<b>7.3.</b>	<b>9.</b>	<b>Right to be Accompanied</b>		
<b>7.3.1.</b>	<b>9.1.</b>		Renumbered 9.1. Updated to provide clarity on who can accompany an employee at a Disciplinary Hearing.	Line 2 – Text added – “Any non-employees or non-Trade Union Officials such as family members or friends are not permitted at the hearing”.
	<b>9.2.</b>		Update/Review	Line 2 - Text added – “prior to the date of the hearing”.
	<b>9.3.</b>		Added to provide understanding on scheduling of a hearing if a Trade Union Official or work colleague is unavailable to attend the hearing.	Text added – “Where a Trade Union Official or work colleague is unavailable on the day of the scheduled hearing, the hearing will be rescheduled, provided that the employee can propose an alternative time and date within 5 working days of the original scheduled date. If the employee’s chosen companion will not be available for more than 5 working days, the employee may be asked to choose someone else”.
	<b>9.4.</b>		Added to highlight the role of the employee’s companion and the role they play in responding to questions posed to the employee.	Text added – “At the hearing, the employee’s companion may make representations and ask questions, but should not answer questions on the employee’s behalf. The employee may talk privately to their companion during the course of the hearing”.
	<b>9.5.</b>		Added to clearly define the role of companion and reasonable adjustment including time off from duties without loss of pay to attend the hearing.	Text added – “Acting as a companion is voluntary and colleagues of the employee are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion”.

<b>7.4.</b>	<b>10.</b>	<b>Appropriate Action</b>		
<b>7.4.1.</b>	<b>10.1.</b>		Renumbered 10.1. Changes added to aid the establishment of disciplinary officer title.	Line 2 - Removal of "Supervisor/Manager" replaced with "disciplining officer"
<b>7.4.2.</b>	<b>10.2.</b>		Formatting change – Renumbered 10.2.	Line 4 – reference number updated to 10.6
<b>7.4.3.</b>	<b>10.3.</b>		Formatting change – Renumbered 10.3.	
<b>7.4.4.</b>	<b>10.4.</b>		Formatting change – Renumbered 10.4. Updated for flexibility on extension of final written warning.	Line 3 - Text Added – "or in some circumstances an extension to a final written warning"
<b>7.4.5.</b>	<b>10.5.</b>		Formatting change – Renumbered 10.5.	Line 1 - Reference point 7.4 changed to 10.4
<b>7.4.6.</b>	<b>10.6.</b>		Formatting change – Renumbered 10.6.	
<b>7.4.7.</b>	<b>10.7.</b>		Formatting change – Renumbered 10.7.	
<b>7.5.</b>	<b>11.</b>	<b>Right to Appeal</b>		
<b>7.5.1 &amp; 7.5.2.</b>	<b>11.1.</b>		Consolidation of 7.5.1 & 7.5.2 for formatting purposes. Changes added to define period of appeal and support the essential need to send the letter of appeal to the HR department.	Line 2 – Text added "Calendar" to define period of days. Line 4 – Sentence added – "The letter of appeal should be sent to the HR Department who will arrange for the appeal to be heard".
	<b>11.2.</b>		New section added to provide clarity on who can chair a disciplinary hearing.	Text added – "The appeal will normally be heard by a manager who will be more senior than the manager who heard the disciplinary hearing and who has not been previously involved in the case. Where this is not possible the appeal will be heard by a manager at the same level as the one who heard the disciplinary hearing".
	<b>11.3.</b>		New section details what a manager should review related to an appeal process.	Text added – "The manager hearing the appeal will review all information from the disciplinary hearing".

	<b>11.4.</b>		TP Added to provide clarity on the employees right to be accompanied at the appeal hearing.	Ad Text added – “Employees will have the right to be accompanied at the appeal hearing”.
			Paragraph removed in relation to who can chair an appeal hearing and replaced with 11.2	Text removed – “The appeal will normally be heard by an impartial officer, senior than the one who took the original hearing. Where this is not possible the appeal will be heard by an officer at the same level as the one who took the original hearing. Any appeal against dismissal will be heard by the Personnel Appeals Sub Committee of the Partnership”.
	<b>11.5.</b>		Section was added to allow for clarity on the expected turnaround of the appeal hearing.	Text added – “The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible and usually within 10 working days after its conclusion, together with any further action that requires to be taken. If the appeal is not upheld, the reason(s) for that decision should be given”. Line 4 – Text removed “The appeal will be held as promptly as possible, but normally called within 28 days of receipt of the appeal notification”.
	<b>11.6.</b>		Section added to highlight the implications of at least two failed attendances at an appeal hearing.	Text added – “Where an employee has failed to attend an appeal hearing, on at least two occasions, without good cause the appeals manager will make a decision on the evidence available”.
	<b>11.7.</b>		Finalises that the appeal hearing concludes the matter.	Text added – “confirmation of the decision of the appeal hearing is final and will conclude the appeals process, with the exception of dismissal appeals which will be heard by the Personnel Appeals Committee”.
<b>7.6.</b>	<b>12.</b>	<b>Special Cases</b>		
<b>7.6.1.</b>	<b>12.1.</b>		Renumbered 12.1.	
<b>7.6.2.</b>	<b>12.2.</b>		Renumbered 12.2.	
	<b>13.</b>	<b>Support and Wellbeing</b>		

	<b>13.1.</b>		Update/Review	Text added – “SPT recognises that individuals involved in a grievance process may feel anxious. The employee assistance programme PAM Assist is available to all SPT employees if they feel they need additional support at this time”.
	<b>13.2.</b>		Update/Review	Text added – “We also recognise that working relationships can become strained during a grievance process. Please speak to you line manager or appropriate next level manager for advice and support”.
	<b>13.3.</b>		Update/Review	Text added – “Further information can be found in SPT’s Health and Wellbeing Policy which can be found in the policies section of the intranet at <a href="http://spt.intranet.uk/wp-content/uploads/2012/11/health-and-wellbeing-policy-issue-0.04-08.02.2021-1.pdf">http://spt.intranet.uk/wp-content/uploads/2012/11/health-and-wellbeing-policy-issue-0.04-08.02.2021-1.pdf</a> ”.
<b>8.</b>	<b>6.</b>	<b>Training</b>		
			Renumbered 6. Section content remains the same but reworded for conciseness.	Text reworded – “Given the importance and sensitivity of this policy it is the responsibility of the Strategy Group (and delegated as appropriate) to ensure that managers and supervisory staff are adequately trained”.
<b>9.</b>	<b>7.</b>	<b>Data Protection and UK GDPR</b>		
			Renumbered 7.	
<b>10.</b>	<b>8.</b>	<b>Review</b>		
			Change in Line Management	Change from “Assistant Chief Executive” to “Director of Finance & Corporate Support”
<b>11.</b>	<b>9.</b>	<b>Approval and Signature</b>		
			Change in Line Management	Change from “Valerie Davidson” to “Lesley Aird” Change from “Assistant Chief Executive” to “Director of Finance & Corporate Support”



## STRATHCLYDE PARTNERSHIP FOR TRANSPORT

### DISCIPLINARY POLICY & PROCEDURE

<b>Version Number</b>	<b>Purpose/Change</b>	<b>Author</b>	<b>Date</b>
0.05	Updated to reflect current legislation and organisational changes.	Janice Morgan, Head of HR	01/11/2020
0.06	Updated to reflect changes to Data Protect legislation	Janice Morgan, Head of HR	08/02/2021
0.07	Updated to include new sections, clearly define stages in the process and organisational changes.	Karen McGarrity, HR Advisor	12/02/2024



## **Policy**

### **1. Statement of Policy**

- 1.1 Strathclyde Partnership for Transport (SPT) expects all its employees to maintain high standards of behaviour and to conduct themselves in a manner that reflects well on the organisation. SPT aims to provide a fair and transparent approach to the enforcement of standards of conduct for all employees. SPT prefers, wherever possible, to resolve problems promptly and informally but recognises that circumstances may require formal steps to be taken.
- 1.2 This policy and the associated procedure are designed to be consistent with the principles set out in the ACAS Code of Practice which took effect from March 2015.
- 1.3 This policy and associated procedure is designed to deal with instances of misconduct, performance and sickness absence.
- 1.4 This policy does not form part of any contract of employment or other contract to provide services, and SPT may amend it at any time following consultation with the recognised trade unions.

### **2. Scope of Policy**

- 2.1 This policy and associated procedures apply to all staff, with the exception of those under Chief Officials' conditions who are subject to a separate disciplinary policy. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
- 2.2 Any reference to "Senior Officer/Officer" in this policy includes all of those who have management responsibility for employees. The definition may include Head of, Manager, Supervisor or Team Leader.
- 2.3 Certain matters are excluded from the remit of this policy. This includes matters of capability, which have not improved following training and support, managers should refer to SPT's Capability Policy and Guidance Procedures.

### **3. Legislation**

This policy and associated procedures are designed to be consistent with the principles set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures. If an employee has difficulty at any stage of the Disciplinary Procedure because of a disability or because English is not their first language, the employee should discuss the situation with their line manager, or the HR Department, as soon as possible.



## Procedures

### 4. Principles

4.1 In order to ensure fairness and transparency the following basic standards will apply:

- Disciplinary issues will be raised and dealt with promptly and there should be no unreasonable delay with meetings, decisions or confirmation of those decisions.
- Disciplinary issues will be raised and dealt with consistently.
- Disciplinary issues will be investigated to establish the facts.
- Employees will be informed of the basis of the problem giving rise to any disciplinary hearing.
- Employees will have the right to a hearing and to put their case at that hearing.
- Employees will have the right to be accompanied at the hearing.
- Employees will have the right to appeal against any decision made at that hearing.
- Employees must make all reasonable steps to attend the disciplinary and appeal hearings.
- Employees, they/their companion or management are not permitted to conduct audio/visual recordings of the proceedings at any stage of the disciplinary procedure.
- All reasonable steps will be taken to ensure that confidentiality is maintained throughout the process.

4.2 Where an employee has failed to attend a disciplinary or appeal hearing, on at least two occasions, without good cause the disciplining or appeals Officer will make a decision on the evidence available.

### 5. Roles and Responsibilities

#### 5.1 Management

Management will:

- apply this policy fairly and consistently in a timely manner and ensure standards are upheld.
- maintain confidentiality and not discuss the details of any investigation and/or disciplinary proceedings they are aware or part of.
- seek advice from the Human Resources Department if they are considering taking action against an employee under the formal stage of this procedure.
- provide support for any employee subject to a disciplinary investigation and/or process, including signposting to SPT's Employee Assistance Programme PAM Assist and maintaining contact with the employee if they are placed on alternative duties, suspended or absent from work during the process.
- keep employees fully informed on progress relating to the Disciplinary process.



## 5.2 Employee

The employee will:

- actively participate in meetings and investigation interviews.
- arrange the attendance of their staff representative or companion at meetings.
- maintain confidentiality and not discuss the details of any investigation and/or disciplinary proceedings they are aware or part of.
- maintain any keeping in touch arrangements in place during a period of suspension, alternative duties or absence from work.
- be open and honest throughout the process.

## 5.3 Human Resources

A member of the HR Department will attend all disciplinary hearings to provide guidance on the process. While at the hearing the HR representative will keep a written note of what occurs. A copy of this will be made available to the employee who formal action is against.

## 6. Precautionary Suspension from Work

- 6.1 Employees may be precautionary suspended from work prior to or during a disciplinary investigation. This would occur in circumstances where trust or relationships have broken down, whereby they are a danger to themselves, other employees or customers, where it is considered relevant, or where it is necessary to facilitate an investigation. A precautionary suspension is not a disciplinary sanction.
- 6.2 Alternative arrangements may also be considered if operationally feasible such as change of duties, workplace, or line manager and, if appropriate, discussed with the employee. This should only be done where it does not compromise the investigation.
- 6.3 During a period of suspension, an employee will remain on full pay and should remain available for work with SPT and can reasonably be expected to attend meetings in normal working hours, unless a period of annual leave has been booked in advance of being notified of the meeting. If an employee states that they are unable to attend meetings held under this procedure as a result of illness, they may be referred to Occupational Health for advice on when they are likely to be fit to participate in the process.

## 7. Arrangements

### 7.1 Investigation

- 7.1.1 There will be an impartial investigation to clearly determine the facts of the situation before a decision is made as to whether a disciplinary charge is to be brought. If there are any concerns regarding impartiality these should be raised with the HR department in the first instance. In the event that concerns are raised in respect of impartiality of the investigation process these will be reviewed by the officer who initially requested the investigation and the outcome of that review formally recorded.





- 7.1.2 No investigatory meeting can result itself in disciplinary action. However, as far as possible, without compromising the investigation, the clear nature of the allegations/concerns should be confirmed in writing to the employee, thus ensuring that they are aware of the nature of their attendance i.e. could formal action result for employee /witness and extent of the investigation.
- 7.1.3 If an employee wishes to be accompanied at an investigatory hearing then they can, see section 9.
- 7.1.4 When one officer conducts an investigation (or was directly involved in the matter giving rise to the investigation) then they will not conduct any disciplinary hearing which may result.
- 7.1.5 An officer must undertake the investigation promptly and without any undue delay unless there is particular complexity or non-availability of key interviewees.
- 7.1.6 In some cases, it may be necessary to suspend an employee on a precautionary basis. Any decision to suspend an employee will be confirmed in writing stating the reason for this action (see section 6 above).
- 7.1.7 Any suspension will be as brief as possible. The employee will be paid while they are on precautionary suspension (see section 6 above).

## **8. Disciplinary Hearing**

- 8.1 If the decision is taken to start disciplinary proceedings, then the employee will be notified in writing and given 5 days' notice they are to attend a disciplinary hearing to allow them to prepare and arrange a representative/companion. The letter will give details of the time and location of the hearing.
- 8.2 The letter inviting the employee to the hearing will also clearly state the allegation(s) why they have been asked to attend and the possible consequences if the complaint against them is upheld.
- 8.3 The hearing will be held without undue delay.
- 8.4 If an employee is unable to attend the hearing due to illness or extenuating circumstances, then consideration will be given to rearranging the hearing to a mutually agreed date by both parties. However, where an employee has failed to attend a disciplinary hearing, on at least two occasions, without good cause the line manager will make a decision on the evidence available.
- 8.5 At the meeting the employee will have the right to set out their case and answer any allegations made against them.
- 8.6 The employee will have the right to have copies of any written evidence including witness statements prior to the hearing. Any additional information gathered by the employee that they wish to present must be made available at least 1 working day prior to the hearing.
- 8.7 If either SPT or the employee wishes to call any witnesses, they should notify the other party of whom they wish to call at least one working day prior to the hearing.



- 8.8 On occasion, where a disciplining officer decides to adjourn the hearing to obtain further evidence the meeting will reconvene without undue delay and the employee will be given the opportunity to comment on any new evidence presented.

## **9. Right to be Accompanied**

- 9.1 An employee has the right to be accompanied at a Disciplinary Hearing or an Appeal Hearing by a work colleague or a Trade Union Official. Any non-employees or non-Trade Union Officials such as family members or friends are not permitted at the hearing.
- 9.2 The Trade Union Official must be certified by their Union that they are competent to accompany an employee. The Trade Union should inform the HR Department of the names of any eligible lay or full-time official who they wish to carry out this role.
- 9.3 To exercise the right to be accompanied an employee should first inform the HR Department who they wish to bring as a representative/companion prior to the date of the hearing.
- 9.4 Where a Trade Union Official or work colleague is unavailable on the day of the scheduled hearing, the hearing will be rescheduled, provided that the employee can propose an alternative time and date within 5 working days of the original scheduled date. If the employee's chosen companion will not be available for more than 5 working days, the employee may be asked to choose someone else.
- 9.5 At the hearing, the employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf. The employee may talk privately to their companion during the course of the hearing.
- 9.6 Acting as a companion is voluntary and colleagues of the employee are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

## **10. Appropriate Action**

- 10.1 When the disciplinary hearing is concluded the disciplining officer hearing the case will decide what the most appropriate course of action is.
- 10.2 Where an employee is found guilty of misconduct they will be issued with a written warning. This warning will remain in force for a period of 6 months. A further act of misconduct within this period will normally result in a final written warning. If this further act is deemed as gross misconduct refer to section 10.6.
- 10.3 If an employee's first misconduct is sufficiently serious it may be appropriate, as determined by management, to move to a final written warning immediately.
- 10.4 A final written warning will remain on the employee's record for 12 months. A further act of misconduct within this timescale will normally result in dismissal or in some circumstances an extension to a final written warning.



10.5 Where a final written warning is given to an employee under 10.4 above, the organisation may also impose on the employee:

- Demotion to a lower graded role
- Transfer to an alternative role

The above sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal. Managers should refer to SPT's Capability Policy where the issue being addressed is related to performance issues or the staff members' ability to fulfil their role.

10.6 Gross misconduct is generally seen as misconduct serious enough to invalidate the employment contract between the employer and the employee and make any further working relationship and trust impossible. Some behaviour is so serious that it would result in a charge of Gross Misconduct which if upheld would result in an employee being dismissed without notice. (Examples of such behaviour are listed in Appendix A at the end of this document. This list is not exhaustive).

10.7 All warnings will be in writing and will state the reason why it is being issued, the duration of the warning and the employee's right of appeal.

## **11. Right of Appeal**

11.1 If an employee wishes to appeal against a disciplinary decision they have the right to appeal that decision. They should do so in writing within 14 calendar days of receipt of the written decision of the disciplinary hearing. The employee should clearly state the grounds of their appeal. The letter of appeal should be sent to the HR Department who will arrange for the appeal to be heard.

11.2 The appeal will normally be heard by a manager who will be more senior than the manager who heard the disciplinary hearing and who has not been previously involved in the case. Where this is not possible the appeal will be heard by a manager at the same level as the one who heard the disciplinary hearing.

11.3 The manager hearing the appeal will review all information from the disciplinary hearing.

11.4 Employees will have the right to be accompanied at the appeal hearing.

11.5 The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible and usually within 10 working days after its conclusion, together with any further action that requires to be taken. If the appeal is not upheld, the reason(s) for that decision should be given.

11.6 Where an employee has failed to attend an appeal hearing, on at least two occasions, without good cause the appeals manager will make a decision on the evidence available.

11.7 Confirmation of the decision of the appeal hearing is final and will conclude the appeals process, with the exception of dismissal appeals which will be heard by the Personnel Appeals Committee.



## 12. Special Cases

- 12.1 If an employee is charged with or convicted of a criminal offence they must inform the HR Department. Such an event will not necessarily result in disciplinary action being taken. Rather consideration will be given to the effect the charge or conviction may have on the employee's ability to do their job.
- 12.2 If it is necessary to discipline a Trade Union Shop Steward then the normal disciplinary procedure will apply. However, SPT will, unless the shop steward expressly states otherwise, inform the full time officer of the relevant trade union at an early stage.

## 13. Support and Wellbeing

- 13.1 SPT recognises that for individuals involved in a disciplinary process it can be upsetting and they may feel anxious. The employee assistance programme PAM Assist is available to all SPT employees if they feel they need additional support at this time.
- 13.2 We also recognise that working relationships can become strained during a disciplinary process. Please speak to you line manager or appropriate next level manager for advice and support.
- 13.3 Further information can be found in SPT's Health and Wellbeing Policy which can be found in the policies section of the intranet at <http://spt.intranet.uk/wp-content/uploads/2012/11/health-and-wellbeing-policy-issue-0.04-08.02.2021-1.pdf>

## 14. Training

Given the importance and sensitivity of this policy it is the responsibility of the Strategy Group (and delegated as appropriate) to ensure that managers and supervisory staff are adequately trained.

## 15. Data Protection and UK GDPR

SPT will comply with the principles for processing personal data in line with its Data Protection Policy and applicable Data Protection legislation. Any data collected will be held securely and accessed by, or disclosed to, individuals only for the purpose of managing them as part of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with SPT's Information Security Incident reporting process immediately.

## 16. Review

This policy will be reviewed and updated as appropriate by the Director of Finance & Corporate Support and HR after consultation with our recognised trade unions.



**17. Approval (signature and date)**

Sign:

Print: **Lesley Aird**

Date:

Designation: **Director of Finance  
& Corporate Support**



## APPENDIX A

### Examples of types of behaviour constituting gross misconduct:

- Fraudulent wage/salary claims.
- Falsification of work records and/or Working time records, including flexi records.
- Deliberate damage to Partnership, customer or private property.
- Fighting or assault (actual and/or threatened).
- Removal without authority of money, stores or property belonging to the Partnership, customers or employees.
- Discrimination, victimisation or harassment (on grounds of race, colour, nationality or ethnic or national origins, gender reassignment, pregnancy or maternity, religion, sex, sexual orientation, age, marital status or disability).
- Fraudulent or vexatious claims of harassment or victimisation.
- Serious breaches of safety rules/regulations or negligence actually or potentially involving loss of life or serious injury.
- Bullying.
- Breach of confidentiality.
- Relevant conduct in breach of SPT's rules as set out in its Policies on Alcohol and Drugs.
- Breach of SPT's Code of Conduct.
- Defamation of Partnership reputation or image through social media.
- Breach of SPT's Digital Assets – Acceptable Use Procedures.