

September 2024



## DISCIPLINARY POLICY

Issue date: September 2024

Signed: 

Review period: Annually

## DISCIPLINARY POLICY ISSUES AND UPDATES

PAGES	ISSUE	DATE
Full review and write of document	1	16/09/2020
Annual review - no change	1	06/09/21
	2 Update whole policy	25/07/24

The following policy has been approved by the Senior Leadership Team and the Board of Trustees.

The policy will be reviewed on an annual basis unless circumstances arise requiring the policy to be reviewed earlier.

Approved by Board of Trustees: 27/07/2024

Board signatory: Jon Drown

Planned review: July 2025

## CONTENTS

# DISCIPLINARY POLICY

## 1. Introduction

### 1.1 About this Policy

This policy does not form part of any employee's contract of employment. The Foundation reserves the right to vary it at any time and we will notify you in writing of any changes.

This policy is applicable to those who are employed by Northampton Saints Foundation although we reserve the right to dispense with the official warnings provided during the initial or any extended probationary period and those who have not completed two years' service.

### 1.2 Purpose

The aim of the Disciplinary Policy is to help and encourage employees to improve, achieve and maintain standards of conduct, attendance and job performance. It also enables management to deal effectively with those employees who do not comply with Northampton Saints Foundation's standards of conduct, attendance and performance in the workplace. Equally, the policy and procedure are designed in a manner which is non-discriminatory and which is fair, consistent and effective. It must also be applied in a timely manner and without undue delay.

The aims of the policy are to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

Please ensure that you discuss each case with your HR representative before progressing.

### 1.3 Principles

The principles of this procedure are based upon:

- fair and consistent application.
- an understanding of the standards of conduct expected and what actions may be taken for breaches and shortcomings.
- a thorough investigation and hearing.
- the right to representation and of appeal.
- the chance to improve.

### 1.4 Key Points

At each formal stage, the employee has the right:

- To be notified in writing of the areas of concern.
- Fair and consistent application of the process.
- For a full investigation to be carried out to establish the facts before any action is taken.
- To be invited to attend a hearing to state their case before any decision is made.
- To have a minimum of 48 hours to prepare for the hearing.
- To be accompanied to any hearing by a work employee or trade union representative.
- To suggest an alternative date for any hearing, within 5 working days of the original date if the employee or representative has a specific reason for unavailability on the proposed date.
- To be given written reasons for any action taken and details of the improvements needed, where possible, within 5 days of the hearing.

- To appeal any decision taken and, where possible, to have the appeal heard by a more senior person who has not been involved in the procedure to date.
- To be informed in writing after any appeal of the decision, where possible, within 5 days.

### **1.5 Confidentiality**

Northampton Saints Foundation aim to deal with all disciplinary matters sensitively and with due respect for the privacy of any employee involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

Employees and their companions are not permitted to make electronic recordings of any meetings or hearings conducted under this procedure without prior consent.

Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the Foundation believes that a witnesses' identity should remain confidential.

### **1.6 Disability**

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with a member of the HR Team as soon as possible.

## **2. The Process**

Disciplinary action taken is progressive and as a deterrent to further breaches, this is also for the opportunity to improve, however any of the stages, detailed below, can be applied depending on the severity of the seriousness of the allegation.

This procedure has four stages as outlined below. However, if it is deemed to be appropriate, the Foundation may begin the procedure at any level and can skip one or more of the stages.

### **2.1 Informal Action / Improvement notice**

Cases of minor misconduct may be resolved informally between the employee and their Line Manager. Where appropriate, an informal verbal warning may be given. This will not form part of an employee's disciplinary record.

Formal steps will be taken under this procedure if it is not possible to resolve the matter informally or if informal discussion is not appropriate.

### **2.2 Stage 1 – First Written Warning**

It will usually be appropriate for a formal written warning to be issued for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record and the informal process is not appropriate. It may also be appropriate when misconduct continues after informal warnings.

### **2.3 Stage 2 – Final Written Warning**

It will usually be appropriate for a final written warning to be issued for misconduct where there is already an active written warning on the employee's record.

A final written warning could also be given if an employee commits an offence that we consider sufficiently serious to warrant a final written warning (even if there are no other active warnings on record) or where the offence would normally warrant dismissal but there are clear and exceptional mitigating circumstances. It is not necessary for further misconduct to be the same as that set out in a previous warning in order to progress to either a final written warning or dismissal. It is sufficient that further misconduct has occurred.

### **2.4 Stage 3 – Dismissal**

Dismissal will usually be appropriate when there is further misconduct where there is an active final written warning on the employee's record or any gross misconduct (regardless of whether there are

any active warnings on the employee's record). Gross misconduct will usually result in immediate dismissal without notice or pay in lieu of notice (summary dismissal).

### **Alternatives to dismissal**

In some cases, the Foundation may at its own discretion consider an alternative to dismissal. It will usually be accompanied by a final written warning. Examples include:

- a) Demotion.
- b) Transfer to another role/department.
- c) Loss of seniority.
- d) Reduction in pay.
- e) Loss of overtime.

### **3. Effect of Warnings**

A formal written warning will usually remain active for twelve months from the date of issue of the warning.

The warning will set out the nature of the misconduct, the change in behaviour required, the period for which it will remain active, and the likely consequences of further misconduct in that active period. After the active period, the warning will remain permanently on your record but will be disregarded in deciding the outcome of future disciplinary hearings.

### **4. Appeals**

If the employee feels that a disciplinary decision taken against them is wrong or unjust, they can appeal against that decision.

Appeals should be in writing, setting out the full reasons for the appeal, and should be delivered to the HR Department within five working days of the hearing decision. We will then invite you to an appeal meeting which will normally take place within five working days of receipt of your appeal. The appeal meeting may take place after the disciplinary decision has taken effect. If you are appealing against dismissal and your appeal is upheld, you will normally be reinstated with no loss of continuity or pay. However, if your appeal is not successful, the original date of your dismissal will stand.

Wherever possible, your appeal will be heard by a more senior manager who has not previously been involved in the case. If this is not practicable, the appeal will be heard by another manager who has not previously been involved in the matter. We will tell you promptly of the outcome of the appeal, wherever possible within 5 working days of the hearing and confirm it in writing. The decision is final.

### **5. Suspension**

On certain occasions it may be considered necessary to suspend an employee. Suspension will generally be on full basic pay and will be for no longer than is necessary to investigate the allegations against them or so long as is otherwise reasonable while any disciplinary procedure against them is outstanding.

Suspension is not in itself disciplinary action. It is a temporary measure whilst further investigation takes place, and it does not imply that any decision has already been made regarding the outcome of the disciplinary process. The authority to suspend is vested with a member of the Senior Leadership Team.

## **6. Investigation**

The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to proceed with a disciplinary hearing.

An employee's line manager (or another manager if appropriate) will promptly and thoroughly investigate any matter that is reasonably suspected or believed to be misconduct. The employee will be informed as soon as possible that an investigation is taking place and when it has been concluded.

Depending on the circumstances of the case, the employee might be invited to attend an investigatory interview although it may not always be necessary. If such an interview is to be held, the employee will be informed at the outset that the interview is an investigatory interview and that no decision on disciplinary action will be taken until after a disciplinary hearing has been held. Employees must co-operate fully and promptly in any investigation.

There is no legal requirement for an employee to be represented by a work employee or trade union representative to investigation meetings. However, we may allow an employee to bring a companion as a reasonable adjustment if required. The investigation process may involve interviewing and taking statements from other witnesses and/or reviewing documents.

Following the investigation process, a decision will be taken regarding whether the matter will proceed to formal disciplinary hearing.

## **7. Misconduct**

Below is a list of examples of matters that will normally be regarded as misconduct. It is not an exclusive or exhaustive list. Disciplinary action could be taken if an employee is found to have acted in any of the following ways:

- specified conduct which is incompatible with the ethos and precepts of the Foundation as set out in the Foundation's policies, website and terms and conditions of employment
- poor timekeeping and/or unauthorised absence
- refusal to carry out a reasonable instruction
- causing damage to property/equipment through negligence/not having due regard to Foundation property
- causing unintentional superficial injury to a member of staff/young person through not having due regard
- using inappropriate language
- petty theft, e.g. making unauthorised private telephone calls or sending personal mail at the Foundation's expense
- breach of dignity at work policies
- use of mobile phones/text messaging/social networking sites which is incompatible with the Foundation's IT & communications/social media policies
- failure to abide by general health and safety rules and procedure.
- Failure to report immediately any damage to Northampton Saints Foundation property or premises.
- Disruptive behaviour.
- Negligence in the performance of your duties.

## **8. Gross Misconduct**

Gross misconduct is a serious breach of contract and includes misconduct which, is likely to prejudice the business, its reputation or seriously damage the employer/employee relationship.

An act of gross misconduct will nearly always lead to dismissal without notice or payment in lieu of notice (summary dismissal). The following are examples of gross misconduct and are not an exclusive or exhaustive list.

- specified conduct that is incompatible with the ethos and precepts of the Foundation as set out in the Foundation's policies, website, and terms and conditions of employment
- knowingly providing false information on any matter relating to the member of staff's employment
- theft, fraud, and deliberate falsification of records (including timesheets, sickness certification, expenses).
- deliberate, serious, wilful, or persistent breaches of Health and Safety rules and other relevant Statutory or Regulatory requirements.
- physical violence/abusive or intimidating conduct.
- smoking in designated non-smoking areas.
- bullying, harassment, or victimisation, including on the grounds of sex, race, disability, religion or belief, age or sexual orientation, gender reassignment, pregnancy, or maternity.
- any discrimination on the grounds of sex, race, disability, religion or belief, age or sexual orientation, gender reassignment, pregnancy, or maternity.
- reporting for and/or being at work under the influence of alcohol, other dangerous substances, or illegal drugs.
- the intentional misuse of the Northampton Saints Foundation name.
- bringing Northampton Saints Foundation into disrepute.
- serious breach of confidence (subject to the Public Interest Disclosure Act 1998) to include disclosing confidential Northampton Saints Foundation information to a third party.
- serious negligence which causes, or might cause, unacceptable loss, damage, or injury.
- serious breaches of computer/software/e-mail/internet rules and procedure.
- carrying out private work on or off the premises and/or in or out of working hours using Northampton Saints Foundation equipment or material without express permission.
- reckless or serious misuse of a Northampton Saints Foundation vehicle
- conviction of any criminal offence, other than a minor driving offence, of relevance to the employee's duties or which has adversely affected Northampton Saints Foundation's standing or reputation.
- persistent failure to attend training courses and/or college, when on a recognised training scheme
- gross unprofessional conduct in relation to fellow employees or customers.
- refusal to accept and act on reasonable instructions from management with regards to misconduct or serious insubordination.
- failure to disclose correct information on an application form.

## **9. Data Protection**

The organisation processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its Data Protection Policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

## **10. Criminal Offences**

If an employee is charged or convicted of a criminal offence outside working hours, disciplinary proceedings may be appropriate depending on the nature of the offence.

Where your conduct is the subject of a criminal investigation, charge, or conviction we will investigate the facts before deciding whether to take formal disciplinary action.



We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.