

Staff Disciplinary Procedure

Adopted by Trustees 20/03/26

1. About this procedure

This document sets out the procedure we follow when we need to take formal disciplinary action against an employee. It's designed to help and encourage employees to achieve and maintain acceptable standards of conduct, attendance and job performance. A disciplinary procedure is a formal way for an employer to deal with an employee's:

- 'misconduct' – this is unacceptable or inappropriate behaviour
- 'capability' (performance) – this is the ability to perform the job properly. This procedure applies to all employees and aims to ensure consistent and fair treatment for everyone in the organisation.

2. Principles

- i. We'll consider informal action to resolve problems when appropriate.
- ii. We won't take formal disciplinary action against an employee until the case has been fully investigated.
- iii. When we take formal action, we'll invite the employee to a hearing in writing, and advise the employee of the complaint against them. We'll then give them the opportunity to state their case before making any decision.
- iv. Where appropriate, we'll give employees written copies of evidence and relevant witness statements before the disciplinary hearing.
- v. Employees have the right to be accompanied by a colleague or trade union representative at formal disciplinary hearings and appeal hearings.
- vi. We won't dismiss any employee for a first breach of discipline unless it's a case of gross misconduct. In this case, the penalty will be dismissal without notice or payment in lieu of notice.
- vii. All employees have the right to appeal against any disciplinary action.
- viii. We may implement this procedure at any stage if an employee's alleged misconduct warrants it.

3. Procedure

Stage 1: Informal stage - improvement note/letter of concern

Employees may receive an improvement note/letter of concern if their performance doesn't meet acceptable standards, but this doesn't warrant progression to the formal stage (stage 2).

An improvement note/letter of concern can relate to:

Performance

In this case, the improvement note/letter of concern will set out:

- the performance problem
- the improvement required
- the timescale
- any support the employee will receive
- If the employee doesn't improve their performance within the agreed timescale, we may progress matters to stage 2

Misconduct

The improvement note/letter of concern will set out:

- details of the misconduct
- the improvement required
- action we could take if there's a repeat of the same concern

If an employee receives an improvement note/letter of concern, we'll let them know this is informal. We'll keep a record of the improvement note on file.

If the employee repeats the same type of misconduct, we may progress matters to stage 2.

Stage 2: First warning for performance (capability) or misconduct

Performance

If an employee's performance doesn't improve and doesn't meet acceptable standards following an improvement notice/letter of concern, we'll arrange a formal performance hearing. This may result in us issuing a first warning for capability (performance).

Misconduct

If there's a further misconduct concern following an improvement notice/letter of concern, we'll arrange an investigation and may follow this up with a formal disciplinary hearing. This may result in us issuing a first warning for misconduct. If we issue a first warning for either a performance or misconduct concern, we'll confirm this in writing, setting out:

- the nature of the performance/misconduct concern
- the improvement in performance or change or improvement in behaviour required
- the duration of the sanction
- the right of appeal

The warning will also inform the employee that we may move to stage 3 of the policy if they don't improve. This would mean we would issue a final written warning if the employee doesn't sustain their performance or behaviour improvement within an agreed timeframe. [suggested timeframe: six months].

Once a warning has expired, we'll no longer consider it when determining the level of any further disciplinary action for performance or misconduct concerns, providing the employee has achieved and sustained satisfactory performance or improved their behaviour.

Disciplinary hearings

Before and during any disciplinary hearing, we commit to the following.

- At every stage in the formal procedure, we'll advise the employee, in writing, of the nature of the allegation(s), and provide them with the relevant evidence gathered.
- We'll advise the employee of their right to be accompanied at the hearing. (See our section on Principles above.)
- We'll provide reasonable notice of when a disciplinary hearing is scheduled.
- We'll give the employee the opportunity to state their case and respond to the allegation(s) at the hearing before we make any decision.

Stage 3: Final written warning

If the employee fails to improve their performance or an act of misconduct is sufficiently serious, or if the employee is accused of further misconduct, we'll arrange an investigation and may follow this up with a formal disciplinary hearing. This could result in us issuing a final written warning for either capability (performance) or misconduct.

If we issue a final written warning for either a performance or misconduct concern, we'll confirm this in writing, setting out:

- the nature of the performance/misconduct concern
- the improvement in performance or change or improvement in behaviour required
- the duration of the sanction
- a warning that a failure to improve in performance or a repeat of behaviour may lead to dismissal (or some other action short of dismissal)
- the right of appeal.

We'll keep a copy of this written warning on file for 12 months. Once a warning has expired, we'll no longer consider it when determining the level of any further disciplinary action, for performance or misconduct concerns, providing the employee has achieved and sustained satisfactory performance or improved their behaviour.

Stage 4: Redeployment or dismissal

If an employee doesn't improve their performance, or there are further misconduct concerns, we'll arrange an investigation. This may progress to the final step in the process. This may be dismissal or a sanction short of dismissal, such as redeployment to a more suitable role in cases of poor performance.

Only the appropriate senior manager can make dismissal decisions. If a senior manager takes this decision, the employee will receive the following in writing:

- the reasons for dismissal
- the date on which their employment ends
- the right of appeal.

6. Reviewing and monitoring

This procedure is based on NCVO's Sample Procedure 2025. It will be reviewed annually by Trustees.

End