

# Disciplinary Policy

*We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non-written format.*

We can produce information on request in large print, Braille, tape and on disk. It is also available in other languages. If you need information in any of these formats please contact us on Freephone 0800 479 7979.

如果你向我們提出要求，我們可以為你提供本資訊的其他語言的版本，或者是盲文或磁帶。如果你需要本資訊的任何一種這些版式的版本，請聯繫我們，電話號碼是 0800 479 7979。

Si vous nous le demandez, nous pouvons vous remettre ces informations en d'autres langues, en braille ou sur cassette. Si vous souhaitez que ces informations vous soient fournies sous l'un de ces formats, contactez-nous en composant le 0800 479 7979.

چنانچه مایل باشید می‌توانید این مطالب را به فارسی یا زبان‌های دیگر و همچنین بریل و یا بر روی نوار کاست دریافت دارید. در صورت نیاز خواهشمندیم با شماره تلفن 0800 479 7979 با ما تماس بگیرید.

ਜੇ ਤੁਸੀਂ ਸਾਨੂੰ ਬੇਨਤੀ ਕਰੋ ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਹੋਰ ਭਾਸ਼ਾਵਾਂ, ਬ੍ਰੇਲ (ਨੋਤਰੀਟਾ ਲਈ ਭਾਸ਼ਾ) ਵਿੱਚ, ਜਾਂ ਟੇਪ ਉੱਪਰ ਦੇ ਸਕਦੇ ਹਾਂ। ਜੇ ਤੁਹਾਨੂੰ ਇਨ੍ਹਾਂ ਵਿੱਚੋਂ ਕਿਸੇ ਰੂਪ ਵਿੱਚ ਚਾਹੀਦੀ ਹੋਵੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ 0800 479 7979 ਨੰਬਰ 'ਤੇ ਸੰਪਰਕ ਕਰੋ।

Na Pana/Pani życzenie możemy zapewnić te informacje w innych językach, alfabetem Braille'a lub na kasecie. Jeśli chciał(a)by Pan(i) uzyskać te informacje w którejś z tych form, prosimy skontaktować się z nami pod numerem telefonu 0800 479 7979.

Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan laguugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

По вашей просьбе данная информация может быть предоставлена на других языках, шрифтом Брайля или в аудиозаписи. Если вам требуется информация в одном из этих форматов, позвоните нам по номеру 0800 479 7979.

Approval body	Group Executive
Date of approval	July 2022
Review Year	2025
Customer engagement required	No
Trade union engagement required	Yes – For Consultation
Equality Impact Assessment	No

## 1. POLICY PURPOSE

This policy and outlined procedure aims to encourage all employees of Wheatley Homes Glasgow ('WHG') to achieve and maintain expected standards of conduct and attendance and provide a framework with which managers can work with employees to maintain satisfactory standards of conduct and attendance and encourage improvement where necessary.

It is WHG's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish facts and to give employees the opportunity to respond before taking any formal action

---

## 2. POLICY SCOPE

This policy applies to all WHG employees. It does not apply to agency workers or self-employed contractors.

Where any disciplinary matter concerns standards of attendance this will normally be dealt with under WHG's policy on Sickness and Absence Management but may be addressed under this policy where appropriate.

This policy does not form part of any employee's contract of employment, and it may be amended at any time in consultation with our recognised Trade Unions.

This policy will cover the following:

• Section 3	Right to be Accompanied	Page 3-4
• Section 4	Local Housing Organisation Framework	Page 4
• Section 5	Record of Discussion	Page 4
• Section 6	Formal Counselling	Page 4
• Section 7	Alcohol//Drugs Counselling	Page 4-5
• Section 8	Criminal Offences	Page 5
• Section 9	Performance Issues	Page 5-6
• Section 10	Confidentiality	Pages 6
• Section 11	Formal Procedure	Pages 6-9
• Section 12	Appeals	Pages 9-10
• Section 13	Records	Page 10
• Section 14	Examples of Types of Misconduct	Page 10-11

---

## 3. RIGHT TO BE ACCOMPANIED

At all stages of this procedure, employees have the right to be accompanied by a certified trade union representative or an existing WHG employee of their choice. Employees are required to inform WHG of their chosen companion in good time before any meeting or hearing, where possible. All information/documentation, where relevant and appropriate to the issue, will be made available to an employee's

representative on the request of the employee. WHG will facilitate the release of any representative chosen who is an employee of WHG. This will include time off with pay to represent the employee. If an employee's companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask them to choose someone else.

---

#### **4. LOCAL HOUSING ORGANISATION FRAMEWORK**

The Local Housing Organisations will follow WHG's policies and procedures with regard to disciplinary matters with support and advice from Employee Relations.

---

#### **5. RECORD OF DISCUSSION**

This action is typically taken to correct minor problems or to advise employees of required improvements to performance or behaviour. A record of discussion will involve the manager simply speaking to the employee and making them aware of what is required. The manager will make a note for reference that will be kept in the employee's local file for 6 months. Formal steps will be taken under this policy if the matter is not resolved, or if informal discussion is not appropriate (for example, due to the severity of the allegation).

As these discussions are informal it should not be necessary for a note taker to be present or for the employee to be accompanied. If, however the employee wishes to be accompanied at the discussion, they, may be accompanied by a certified trade union representative or an existing WHG employee of their choice.

---

#### **6. FORMAL COUNSELLING**

Formal counselling is appropriate when, following a formal investigation into more serious conduct/behaviour, the designated officer feels that disciplinary action is not appropriate but that the employee needs to be made aware of a requirement to improve. It may also be required when an employee has failed to modify their conduct/behaviour after receiving informal counselling. In these situations, the manager will arrange a meeting to talk matters over with the employee and, where appropriate, put supportive and/or corrective measures in place. Such meetings must take place in private, and the employee must be given the right to be accompanied. Following the meeting the manager will confirm what was discussed in a follow up letter. A copy of this letter will be kept in the employee's file for a period 6 months.

---

#### **7. ALCOHOL/DRUGS COUNSELLING**

In accordance with the terms of WHG's Policies on Alcohol and Drug Addiction and Gambling Addiction, an employee with such a problem may be given the opportunity of accepting referral to the counselling services arranged by WHG. If the counselling services provider and the employee agree that an alcohol, drug, or gambling problem exists and, providing the employee undertakes to co-operate and

successfully undertakes the recovery programme, disciplinary action may be suspended in respect of the offence, which led to the referral. Offences, which are either not related to the reason for referral or offences that are of a serious nature will be dealt with in the normal way. If an employee is not accepted by the counselling service as having an alcohol, drug or gambling problem and therefore cannot be considered for the recovery programme, the appropriate disciplinary action will be taken as normal. If an employee is accepted for counselling but does not complete the recovery programme, any suspension of disciplinary action which came into effect on referral will be removed and consideration of the original breach of discipline will be re-opened and any appropriate disciplinary action taken.

---

## **8. CRIMINAL OFFENCES**

Employees have a duty to report any criminal investigation, charge or conviction concerning them to WHG. Failure to do so may be considered as gross misconduct.

Where an employee's conduct is the subject of a criminal investigation, charge, or conviction, WHG will investigate the facts before deciding whether to take formal disciplinary action.

WHG will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee is unable or has 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.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if WHG considers that it is relevant to an employee's employment.

---

## **9. PERFORMANCE ISSUES**

It is our policy to ensure that concerns over performance are dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond at an informal meeting before any decision to take formal action is made.

The aim of this approach is to improve the performance of employees that have been identified as underperforming. The emphasis is on encouraging improvement and supporting the individual to enable them to achieve the required standard of performance.

In many cases early intervention by a line manager can prevent an issue escalating to a situation that has to be dealt with formally and the informal route is therefore strongly recommended. Managers should use My Contribution meetings to highlight areas causing concern and to identify training which address the areas in which the employee is under performing.

Formal disciplinary action (up to and including dismissal) is a potential outcome of an employee failing to achieve and maintain a satisfactory level of performance.

Disciplinary decisions should only be taken as a last resort and only when it is clear that all appropriate learning and development opportunities (whether training courses or on-the-job coaching) have been put in place and that the employee has been given reasonable time in which to improve.

Further information can be found in Management Guidelines – Performance Improvement Process.

---

## **10. CONFIDENTIALITY**

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of individuals involved. All employees must therefore treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

Unless agreed in advance by all parties and only in exceptional circumstances, employees, or anyone accompanying them, must not make electronic recordings of any meetings or hearings conducted under this policy. Doing so may result in further disciplinary action being taken against an employee or their representative.

Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless we believe a witness's identity should remain confidential. If a witness's identity is kept confidential, WHG will endeavour to give the employee as much information as possible whilst maintaining confidentiality.

---

## **11. FORMAL PROCEDURE**

When a disciplinary matter arises and it is considered that action beyond informal counselling may be called for, the following procedure will apply:

### **11.1 Investigations**

Where disciplinary allegations are raised in relation to an employee, an Investigating Officer will be appointed to carry out an investigation with support from Employee Relations. Employees must cooperate fully and promptly in any investigation.

The purpose of an investigation is for WHG to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee before deciding whether to proceed with a disciplinary hearing. The amount of investigation involved will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses and/or reviewing any relevant documents. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

An employee will usually be made aware of disciplinary allegations against them within 5 days following the discovery of the alleged offence. They will be invited to an investigation meeting and given the opportunity to state their case.

Investigations will be completed as quickly as is reasonably practicable. WHG aims to complete investigations within 5 working days although this may not always be possible. Where the disciplinary allegations involve possible misappropriation, fraud, embezzlement, or any other criminal activity, there may be a requirement to notify the police.

Once the investigation is complete, the Investigating Officer will refer this to the nominated officer with delegated authority for disciplinary action. If the nominated officer considers that there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The employee will be given written notice of the date, time, and place of the disciplinary hearing. This will be held as soon as reasonably practicable, and the employee will be given a reasonable amount of time to prepare their case. WHG will inform the employee in writing of the allegation(s) against them and the basis for those, what the likely range of consequences will be if WHG decides after the hearing that the allegations are true and of the right to be accompanied at the hearing. Copies of any relevant reports, documentation, witness statements etc. relied on will also be enclosed. The employee will be asked to inform WHG of any witnesses they intend to call at the disciplinary hearing and WHG will inform the employee in advance of the hearing of any witnesses it may intend to call. Employees will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.

## **11.2 Precautionary Suspension**

It may be necessary to place an employee on suspension from work until the allegations are investigated. Suspension will be notified to the employee in writing and will be for no longer than is necessary to investigate any allegations of misconduct against an employee, or so long as is otherwise reasonable while any disciplinary procedure against an employee is outstanding. Suspension is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. During such a suspension the employee will be paid at a rate equivalent to their contractual earnings (including allowances). Suspension without pay will only take place where an employee is not available for work e.g., Due to being held in custody. This is at the discretion of the manager with advice from Employee Relations.

## **11.3 Disciplinary Hearing**

The appropriate designated officer shall convene and Chair the Disciplinary Hearing without unreasonable delay at which the allegations will be considered. The employee and their representative should make every effort to attend. Where an employee fails to attend without good cause, WHG may proceed in their absence and make a decision on the evidence available.

An Employee Relations representative will always be in attendance. A record of the meeting shall be made. The procedure to be adopted will normally be as follows:

- The investigating officer state the case and the allegation(s) against the employee, supporting this with witnesses/statements and policy/procedural guidelines where appropriate.

- The employee and their representative will respond to the allegations and call witnesses or give statements as appropriate.
- Both parties will have the opportunity to question each other's case and the Chair will have the opportunity to ask questions of either party.
- The Chair will usually inform the employee of their decision and the reasons for it at the end of the hearing. If more time is needed to consider the matter or further investigations are necessary, the hearing may be adjourned and reconvened. The employee will always be informed of the Chair's decision and their reasons for it in writing as soon as possible after the hearing.

#### **11.4 Disciplinary Action**

Where it is decided that disciplinary action is appropriate, the usual disciplinary penalties are set out below with the level of penalty being dependent on the severity of the offence. Each case will be assessed on its own merits. Consideration may be given to an employee's disciplinary record, their length of service and penalties imposed on other employees for similar misconduct in deciding what level of sanction to impose.

Written warnings will detail the nature of the misconduct, state the standard of conduct, which is expected, how long the warning will remain current, confirm the likely consequences of further misconduct, and inform of the right to appeal.

##### **11.4.1 Written Warning**

A written warning may be issued for a first act of misconduct where there are no active written warnings on an employee's disciplinary record. A written warning will remain active on an employee's record for 6 months. For further information on retention of documents, please refer to the relevant retention policy

##### **11.4.2 Final Written Warning**

In cases of further misconduct where an employee has an active warning or in cases of serious misconduct where there is no active warning, a final written warning may be issued. A final written warning will remain active on an employee's record for 12 months and may be extended beyond 12 months should a further breach of discipline occur. For further information on retention of documents, please refer to the relevant retention policy

##### **11.4.3 Dismissal**

Dismissal may be appropriate for further misconduct where there is an active final written warning on an employee's file or for gross misconduct regardless of whether there are active warnings on an employee's record. Examples of gross misconduct are detailed at the end of this policy. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice.



#### 11.4.4 Alternative Disciplinary Action (Punitive Action)

In addition to issuing warnings, the appropriate nominated officer may consider disciplinary action short of dismissal, including redeployment, downgrading or other appropriate measures and suspension without pay.

---

## 12. APPEALS

Employees have the right of appeal against any disciplinary action, including dismissal. The employee will be advised of the right of appeal and how and when to exercise this right of appeal at the time of confirmation of the relevant disciplinary action. All appeals should be lodged in writing, providing grounds for the appeal, with the Director of People Services within 2 weeks of notification of the disciplinary decision.

Appeal hearings will be convened as soon as possible, normally within 2 weeks of lodging of the appeal (these timescales may be varied by mutual agreement).

No person involved in the original disciplinary decision should participate in a decision-making capacity in an appeal hearing. Appeal hearings against disciplinary warnings will be held by a Senior WHG manager (or an appropriate designated officer). Appeal hearings against dismissal will be held by a panel comprising of a designated senior officer of WHG and two members of the Management Board. The designated senior officer of WHG will act as Chair. A representative from Employee Relations will attend all Appeal Hearings.

Following an appeal hearing, WHG may reject the appeal, uphold the appeal, or uphold the appeal in part and substitute the decision with a level of warning and/or other action as appropriate. The decision at an appeal hearing will be final.

The Procedure at an appeal hearing will normally be as follows: -

- The employee (or their Trade Union representative) will open the proceedings by stating the grounds of appeal.
- The disciplining officer (or appropriate officer) will explain the circumstances leading to the decision.
- The appeal hearing panel may question both parties as appropriate. The employee and their representative will have the opportunity to ask questions of the management representative and vice versa.
- The panel may, at its discretion, adjourn the hearing, to allow for further evidence to be produced by either party or for any other reason.
- Following the hearing, both parties, including representatives, shall withdraw to allow the panel/senior officer to deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return even if only one party is concerned with the point giving rise to doubt.
- If practicable, the Chair/senior officer shall announce the decision to both parties at the conclusion of the hearing. In any event, the decision shall be confirmed in writing to the employee as soon as possible after the appeal

hearing. If a majority decision cannot be reached by the panel, then it will fall to the Chair/senior officer to decide the outcome of the appeal.

---

### **13. RECORDS**

WHG will keep a record of disciplinary hearings, including all notes and documents from the investigation, all letters sent to or by us in relation to the disciplinary process and written statements and notes of meetings and hearings. These records will be maintained in accordance with our obligations in terms of data protections requirements. For further information on retention of documents, please refer to the relevant retention policy.

---

### **14. EXAMPLES OF TYPES OF MISCONDUCT**

The following are examples of misconduct and gross misconduct offences. The lists are not exhaustive, are indicative only and do not prejudice the outcome of any disciplinary hearing or any subsequent grounds of appeal.

#### **14.1 Unsatisfactory Conduct**

- poor timekeeping (repeated lateness or early leaving)
- failure to notify timeously reasons for absences
- abuse of flexitime system
- failure to respond satisfactorily to informal action
- deliberate damage or misuse of WHG's property (including computer facilities e.g., e-mail and internet)
- unauthorised absence
- unsafe working practices
- wilful and persistent refusal to obey reasonable instruction
- an act of professional incompetence
- unacceptable attendance level

#### **14.2 Gross Misconduct**

Gross misconduct is a serious breach of contract and includes misconduct which, in WHG's opinion, is likely to prejudice WHG's business or reputation or irreparably damage the working relationship and trust between us. It will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following will normally be regarded as gross misconduct: -

- theft from WHG, its employees or clients, or members of the public
- bullying or actual or threatened violence, or behaviour which provokes violence
- incapacity, while on duty, due to the effects of alcohol or drugs
- possession, use, supply, or attempted supply of illegal drugs
- fraud, forgery, or other dishonesty including fraudulent wage claims or falsification of records/expenses

- serious wilful damage or misuse of WHG's property or the property of a colleague, contractor, client, or member of the public
  - serious misuse of WHG's name, serious insubordination, or serious neglect of duties
  - causing loss, damage, or injury through serious negligence
  - unlawful harassment, discrimination, or victimisation
  - serious infringement of health and safety rules or any other policies, operating procedures or workplace rules operated by WHG
  - acts of gross professional incompetence
  - bringing WHG into serious disrepute
  - serious breaches of security or confidentiality, including misuse or disclosure of confidential information
  - acceptance of bribes or other secret payments
  - deliberately accessing internet sites containing pornographic, offensive, or obscene material
  - being charged with or convicted of a criminal offence that in our opinion may affect our reputation or our relationships with our staff, clients, or the public, or otherwise affects an employee's suitability to continue to work for us
  - malicious or untruthful claims against others
  - making a disclosure of false or misleading information maliciously, for personal gain, or otherwise in bad faith
  - knowing breach of statutory rules affecting an employee's work
  - refusing to disclose any of the information required by an employee's employment or any other information that may have a bearing on the performance of their duties
  - giving false information as to qualifications or entitlement to work (including immigration status)
  - serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet)
  - undertaking unauthorised paid or unpaid employment during working hours.
-