

DISCIPLINARY POLICY

Version: 21st August 2025

DISCIPLINARY POLICY	
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Division	SMT
For use by	All employees and volunteers of Age UK Norfolk
Purpose	To ensure employees and volunteers are aware of the standards expected of them during the course of their work and the process to be followed when disciplinary action is contemplated
Key related Documents	Absence Policy Grievance Policy Harassment & Bullying policy
Version	21 st August 2025
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DOCUMENT CONTROL			
DATE	EDITS	EDITOR / REVIEWER	CHANGE CONTROLLER / DOCUMENT OWNER
Oct 2017	Rebrand and change Human Resources to People and Development	Kirsty Eyre HR Officer	Kirsty Eyre HR Officer
Oct 2018	Review update re staff changes to HR	Hilary MacDonald CEO	Hilary MacDonald CEO
Oct 2021	Minor amendments, see GoSC paper	Vicky Aitken Head of Operations	Vicky Aitken Head of Operations
March 2025	Reformatted	Jasmine Toombs Head of Corporate Services	Jasmine Toombs Head of Corporate Services
August 2025	Full review Inclusion of links to websites	Jasmine Toombs Head of Corporate Services & David Evans Trustee	Jasmine Toombs Head of Corporate Services
21 st August 2025	Final review in readiness for SMT approval	Ann Donkin Chief Executive	Jasmine Toombs Head of Corporate Services

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1. Definition

- 1.1. Workers and employers can often raise and deal with problems at work early and informally. When that is not possible, employers can use formal disciplinary and grievance procedures.
- 1.2. Employers must follow the Acas Code of Practice which says how they should follow fair procedures.
- 1.3. A disciplinary procedure is a formal way for an employer to deal with an employee's:
 - 'misconduct' – this is unacceptable or inappropriate behaviour
 - 'capability' – this is the ability to perform the job properly
- 1.4. A disciplinary meeting, also known as a disciplinary hearing, is a formal meeting between an employer and employee to discuss allegations of misconduct or performance issues. It is a crucial step in the disciplinary process, allowing the employee to respond to the allegations and present their case. The outcome of the meeting can range from no action to warnings or even dismissal.

2. Scope

- 2.1. This policy and procedures are to help and encourage all employees and volunteers to achieve and maintain satisfactory standards of conduct, attendance and job performance. It will ensure that all employees and volunteers know what standards are expected of them in their work. The aim is to ensure consistent and fair treatment for all.
- 2.2. This policy is not contractual but is a statement of current policy and Age UK Norfolk's commitment to operate a fair disciplinary procedure in relation to all employees and volunteers considering the recommendations of *acas*.
- 2.3. All employees and volunteers have the right to state their case at any hearing, they also have the right to have a representative present at the hearing, and the right to appeal the decision made.

3. Disciplinary Procedure

3.1 Procedure Statement

- 3.1.1. The organisation reserves the right to use or omit any step in the procedure should it be considered appropriate, depending on the circumstances of the case and the seriousness of the conduct.

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- 3.1.2. Minor misdemeanours may be dealt with informally but where the matter is more serious the following procedure will be used.

3.2. Informal Procedure

- 3.2.1. Where a manager identifies poor performance or minor misconduct, this will be discussed with the employee at the earliest opportunity.
- 3.2.2. A **one-to-one meeting** between the employee or volunteer and line manager may be used as an initial step to resolve issues of minor unacceptable conduct i.e., where an employee or volunteer is failing to meet the required standards by the organisation.
- 3.2.3. There is no automatic right to be represented at this stage, but employees and volunteers may request this.
- 3.2.4. The purpose of this meeting is to explore and establish:
- areas of concern
 - standards required
 - contributory factors or additional problems facing the employee
 - support and training to achieve required standards
 - a time bound process for review and resolution.
- 3.2.5. An agreed written account of the meeting, including an indication of the above and the final outcomes should be provided to the employee or volunteer, and a copy should be retained on *People HR / Charity Log*.
- 3.2.6. The employee or volunteer should be informed that continued failure to meet the standards may result in formal action being taken under the disciplinary procedure.
- 3.2.7. Any documentation at this stage may form part of the disciplinary investigation at a later stage.

3.3. Formal Procedure

- 3.3.1. Before any formal action is taken against an employee, the organisation will conduct an investigation to establish the relevant facts.
- 3.3.2. The investigation may be undertaken by the immediate line manager, or where this is not appropriate, a manager who has not previously been involved in the case, to conduct the investigation.

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3.4. Suspension

- 3.4.1. The organisation reserves the right to suspend an employee on full basic pay while an investigation into any alleged offence is carried out. Suspension is a neutral act and does not in any sense imply guilt on the part of the employee suspended. During the period of suspension employees and volunteers may be refused access to any of the organisation's premises or IT systems but should remain available to attend work on request.

3.5. Disciplinary Investigation

- 3.5.1. Managers must ensure that the investigation is conducted in a way that does not discriminate.
- 3.5.2. The aim of the investigation will be to:
- ascertain the facts
 - gather evidence and statements where appropriate
 - assess the evidence and facts
 - identify whether the allegation is supported by the evidence and facts
 - determine whether there is a case to answer
 - determine whether a disciplinary meeting will be convened
 - make any other recommendations.
- 3.5.3. Misconduct – it is preferable that the manager conducting the *Investigation* is different to the manager conducting the *Disciplinary Hearing*.
- 3.5.4. Gross Misconduct – the manager conducting the *Investigation* must be different to the manager conducting the *Disciplinary Hearing*.
- 3.5.5. It is accepted that in some cases the most appropriate course of action is for the employee's line manager to fulfil both roles.
- 3.5.6. HR Advice may be sought at this stage from an external HR Advisor.
- 3.5.7. Where a formal Disciplinary Meeting is to be held, a letter will be sent to the employee or volunteer advising the date, time and location of the meeting, asking the employee / volunteer to confirm their attendance, whether they will be bringing a *Representative* and if so, the name of the representative and their relationship to them.
- 3.5.8. A *Representative* is either a colleague or a Trade Union representative, of which the employee is already part of.

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3.6. Conducting the Disciplinary Meeting

- 3.6.1. The disciplinary meeting will be chaired by an appropriately authorised Senior Manager. The Senior Manager will introduce all those present along with an explanation as to why they are in attendance. Written notes will be made of the meeting.
- 3.6.2. The purpose of the meeting is to provide an opportunity to discuss the facts with the employee / volunteer and to allow fair consideration BEFORE a decision is reached.
- 3.6.3. The Senior Manager will advise all those present:
 - of the nature of the allegation/s as stated in the meeting invite letter
 - of any supporting evidence being presented
 - whether Witnesses will be called.
- 3.6.4. All the facts should be thoroughly examined, including any contested allegations. Sufficient evidence to support the allegations must be produced; otherwise, the allegations should be quashed.
- 3.6.5. Any statements or evidence should be seen by both parties prior to the meeting. If any new facts emerge, a decision should be made on whether a further investigation is required; if so, the meeting will be adjourned and reconvened when the investigation is completed. The employee or their representative may similarly request an adjournment, for example to consult on a particular point arising.
- 3.6.6. Both parties should be given the opportunity to state their case and examine all relevant information, ask questions and call relevant witnesses if desired.
- 3.6.7. All notes of the disciplinary meeting will be retained on *People HR / Charity Log*.
- 3.6.8. All decisions made will be based on the facts and mitigating evidence as available at the time of the disciplinary meeting. Decisions will be made by the chair of the hearing on the balance of probabilities – in other words what they consider to be more likely on the basis of the evidence before them.
- 3.6.9. An adjournment will be called before reaching a decision. This may also allow for consultation with an external HR Advisor.
- 3.6.10. In consideration of the appropriate outcome, if any, the following non-exclusive factors should be considered:
 - The gravity of the offence

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- The employee's disciplinary record, general record, position, and length of service.
- Any mitigating circumstances
- The reasonableness of the sanction in the circumstances of the case
- Where dismissal is being considered whether there are any lesser sanctions that would be appropriate. Lesser sanctions could include suspension without pay, demotion or transfer to a different role.

3.6.11. The employee or volunteer may be verbally informed of the decision; any action taken, the rationale for the decision and the right of appeal. The outcome will be confirmed in writing to the employee without unreasonable delay.

3.7. Failure to attend a meeting

3.7.1. Should the employee / volunteer fail to attend a review hearing or meeting and/or fail to contact the organisation to make alternative arrangements, the employee will be given one final opportunity to attend a further re-scheduled meeting. Failure to attend this rescheduled meeting may result in the organisation making decisions relating to your employment in their absence.

3.7.2. Should the employee contact the organisation to re-arrange an alternative date and subsequently fail to attend the meeting a decision will be taken in their absence.

3.7.3. Failure to attend the meetings may also be regarded as a failure to comply with a reasonable management instruction. This may amount to gross misconduct to which the penalty includes summary dismissal.

4. **Disciplinary Hearing Outcomes**

4.1. The organisation's Policy and Procedure allows for the following hearing outcomes.

4.1.1. **No Further Action**

- where it is considered there is no case to answer.

4.1.2. **Verbal Warning**

- where the alleged offence is proven but a verbal reprimand considered an appropriate outcome due to mitigating circumstances or the nature of the misconduct, e.g., a relatively minor issue.

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4.1.3. First Written Warning

- where the employee's / volunteer's conduct has fallen below acceptable standards, **or**
- where the offence is sufficiently serious to justify an immediate formal sanction.
- The warning will give details of the misconduct and, in appropriate circumstances, the improvement requirement and the timescale.
- It will warn that if there is no satisfactory improvement, or any repetition of misconduct that further Disciplinary action may be taken.
- Details of the Appeals process will be given.
- A copy of this written warning will be retained on file, but it will be spent for disciplinary purposes after twelve months.

4.1.4. Final Written Warning

- Where the employee's / volunteer's conduct continues to be significantly below acceptable standards and previous written warning(s) have not resulted in sufficient improvement, **or**
- where the offence is so serious that a final warning is appropriate as a first *formal warning*, **or**
- where dismissal would normally be appropriate but significant mitigation is accepted.
- The warning will give details of the misconduct, will warn that Dismissal will result if there is no satisfactory improvement, or any repetition of misconduct and will advise of the right of appeal.
- A copy of this final written warning will be retained on file, but it will be spent for disciplinary purposes after 12 months.

4.1.5. Dismissal

- Dismissal will occur where there has been gross misconduct or where the employee / volunteer has a final written warning and further misconduct, or unsatisfactory conduct has taken place.
- Dismissal with contractual notice - Unless an employee is dismissed for gross misconduct, they will receive the appropriate period of notice.
- Summary dismissal - Actions of gross misconduct will, except in the most exceptional circumstances, justify dismissal without notice.
- The employee will be provided, without unreasonable delay, with written reasons for dismissal, the date on which employment will terminate and confirming the right of appeal.

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5. Appeal process

- 5.1. All employees and volunteers have the right to appeal against any disciplinary decision. If they wish to avail themselves of that right they should do so in writing, detailing the grounds of the appeal, within 5 working days of receipt of written confirmation of that disciplinary decision. The grounds for appeal should be directed to the member of management who carried out the Disciplinary Meeting.
- 5.2. Appeal panel members
Appeal hearings are where possible carried out by the next level of authority above the disciplining manager and will be arranged without unreasonable delay. You will be notified in writing of the date of the appeal hearing.
- 5.3. Note taking
An independent manager or HR representative will be note-taker at the appeal hearing.
- 5.4. Appeal procedure
 - 5.4.1. The Chairperson will confirm with the employee the grounds on which the appeal is being made.
 - 5.4.2. The Chairperson may ask questions as may be appropriate after the employee has stated their case for appeal.
 - 5.4.3. The Chairperson will re-outline the management case and may call witnesses.
 - 5.4.4. The employee / volunteer may ask questions of the management case.
 - 5.4.5. The Chairperson will clarify any issues raised.
 - 5.4.6. The Chairperson will summarise the management case.
 - 5.4.7. The employee or their representative may summarise the employee's case.
 - 5.4.8. The Chairperson will bring the meeting to a close and will then consider the facts, before reaching their decision.
- 5.5. Decision
 - 5.5.1. A decision will be made and supplied to the employee in writing within five working days of the appeal.

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5.5.2. There is only one stage of internal appeal, and that decision will be final.

6. Criminal charges and convictions

- 6.1. The organisation reserves the right to dismiss an employee / volunteer because they have been charged with, or convicted of, a criminal offence that occurred inside or outside the workplace. This decision will be based upon the fact that the conduct complained of is thought likely to affect the continued employment relationship.
- 6.2. Consideration will be given to what effect the charge or conviction has on the employee's / volunteer's suitability to do the job and the employee's / volunteer's relationship with his or her employer, work colleagues and clients. The offences most likely to impact on the employment relationship are those involving dishonesty, violence or inappropriate sexual behaviour.
- 6.3. In each case, having considered the facts, the organisation will decide whether or not the conduct is sufficiently serious to warrant invoking its disciplinary procedure.

7. Further information

www.gov.uk/disciplinary-procedures-and-action-at-work
www.acas.org.uk/disciplinary-procedure-step-by-step
www.acas.org.uk/discipline-and-grievance