



Employee Disciplinary Procedure

Stronsay Development Trust (hereafter referred to as SDT)

Purpose:

This procedure aims to ensure that disciplinary matters are handled fairly, consistently, and in accordance with the guidelines provided by the Advisory, Conciliation and Arbitration Service (ACAS) in the UK.

This procedure applies to all employees within SDT.

Scope

A disciplinary procedure is a formal way for an employer to deal with an employee's:

- 'misconduct' (unacceptable or improper behaviour)
- 'capability' (performance)

Procedure

1. Informal Resolution

Minor misconduct or performance issues should be dealt with informally where possible. The line manager should have a private conversation with the employee to discuss the issue and agree on a plan for improvement.

The manager should keep a brief record of the discussion for reference.

2. Formal Disciplinary Procedure:

If the issue cannot be resolved informally or is of a more serious nature, the formal disciplinary procedure will be initiated.

3. Investigation

An investigation will be conducted to gather all relevant facts. This may involve interviewing the employee and any witnesses, reviewing documents, or examining other evidence.

The investigator will be impartial and may be a manager or HR representative not previously involved in the matter.

The employee will be informed of the investigation and its purpose.

4. Notification of Disciplinary Hearing

If the investigation finds that there is a case to answer, the employee will be notified in writing of the disciplinary hearing. The notification will include:

The details of the allegations.

- The date, time, and location of the hearing.
- The right to be accompanied by a colleague or a trade union representative.
- Copies of any evidence that will be discussed.

The employee will be given sufficient time to prepare for the hearing, typically at least five working days.

5. Disciplinary Hearing

The hearing will be conducted by a manager who has not been involved in the investigation. An HR representative may also be present.

The employee will be given the opportunity to respond to the allegations, present their case, and provide any mitigating factors.

After hearing the employee's response and reviewing the evidence, the hearing may be adjourned if further investigation is required.

6. Decision

After the hearing and any further investigation, the manager will decide on the appropriate course of action. Possible outcomes include:

- No further action.

- Verbal warning.
- Written warning.
- Final written warning.
- Dismissal or other disciplinary action, such as demotion or suspension.

The decision will be communicated to the employee in writing, including the reasons for the decision, the disciplinary action to be taken, and the right to appeal.

7. Appeal

The employee has the right to appeal the decision. The appeal must be submitted in writing to the Board within 7 working days of receiving the decision.

The appeal should specify the grounds for the appeal, such as procedural flaws, new evidence, or perceived unfairness of the decision.

An appeal hearing will be arranged, chaired by a Board member or third party HR representative. The employee has the right to be accompanied by a colleague or a trade union representative.

The appeal decision will be communicated to the employee in writing, usually within ten working days of the appeal hearing. The decision at this stage is final.

8. Records

All records of the disciplinary process, including notes of meetings, correspondence, and evidence, will be kept confidential and stored securely by the HR department.