



Employee Disciplinary Procedure

Stronsay Development Trust (hereafter referred to as SDT)

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1. Purpose

Stronsay Development Trust (SDT) is committed to ensuring that all employees are treated fairly and consistently in matters relating to conduct and performance.

This procedure outlines how disciplinary issues will be managed and aims to ensure that concerns are addressed promptly, fairly, and in line with recognised employment practices.

The procedure follows the principles set out in the **ACAS Code of Practice on Disciplinary and Grievance Procedures**.

2. Scope

This policy applies to all employees of Stronsay Development Trust.

Disciplinary action may be taken where there are concerns relating to:

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- **Misconduct** – unacceptable or inappropriate behaviour.
- **Capability or performance** – failure to meet required standards of work.

Minor concerns will normally be addressed informally in the first instance.

3. Informal Resolution

Where appropriate, issues will initially be addressed through an informal discussion between the employee and their line manager.

This may include:

- Identifying the issue
- Agreeing improvements or expectations
- Setting a reasonable timeframe for improvement

A brief note of the discussion may be kept for reference.

If the issue is not resolved or is of a more serious nature, the formal disciplinary procedure may be initiated.

4. Formal Disciplinary Procedure

4.1 Investigation

Before any disciplinary action is taken, an investigation will normally be carried out to establish the facts.

This may include:

- Interviews with the employee and any relevant witnesses
- Reviewing documents or other evidence
- Gathering any relevant information

The investigation will be conducted by an impartial person who has not previously been involved in the matter where possible.

In cases involving serious allegations, an employee may be **suspended on full pay while the investigation is carried out**. Suspension is not a disciplinary sanction.

4.2 Notification of Disciplinary Hearing

If the investigation indicates that there is a case to answer, the employee will be invited to attend a disciplinary hearing.

The employee will receive written notification which will include:

- Details of the allegations
- The date, time, and location of the hearing
- Copies of relevant evidence
- The right to be accompanied

Employees will normally be given **at least five working days' notice** of the hearing.

4.3 Right to be Accompanied

Employees have the right to be accompanied at disciplinary hearings by:

- A workplace colleague, or

- A trade union representative.

The companion may address the meeting and support the employee but may not answer questions on their behalf.

4.4 Disciplinary Hearing

The hearing will normally be chaired by a manager or Board representative who has not been involved in the investigation.

An external HR advisor or Board member may also be present where appropriate.

During the hearing:

- The allegations will be explained
- Evidence will be presented
- The employee will have the opportunity to respond
- Mitigating circumstances may be considered

The hearing may be adjourned if further investigation is required.

5. Possible Outcomes

Following the disciplinary hearing, one of the following outcomes may apply:

- No further action
- Verbal warning
- Written warning

- Final written warning
- Dismissal or other disciplinary action (such as demotion or suspension)

The decision will be confirmed to the employee in writing.

6. Duration of Warnings

Warnings will normally remain active for the following periods:

Warning Type	Duration
Verbal warning	6 months
Written warning	12 months
Final written warning	12–24 months

After this time, warnings will normally be disregarded for disciplinary purposes, although records may be retained in line with data protection requirements.

7. Appeal Process

Employees have the right to appeal against disciplinary decisions.

Appeals must:

- Be submitted **in writing within 7 working days**
- Clearly state the grounds for appeal

Grounds may include:

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- Procedural errors
- New evidence
- Disproportionate disciplinary action

An appeal hearing will normally be chaired by a Board member who was not involved in the original decision, or by an independent HR advisor.

The outcome of the appeal will be confirmed in writing and will normally be final.

8. Records and Confidentiality

Records relating to disciplinary matters will be:

- Treated confidentially
- Stored securely
- Retained in accordance with data protection legislation

Only individuals involved in managing the process will have access to these records.

Schedule 1 – Gross Misconduct

Certain behaviours are considered **gross misconduct** and may result in summary dismissal (dismissal without notice) following investigation and disciplinary hearing.

Examples of gross misconduct include, but are not limited to:

- Theft, fraud, or deliberate falsification of records
- Physical violence or threatening behaviour

- Bullying, harassment, or discrimination
- Serious breach of health and safety rules
- Serious insubordination or refusal to follow reasonable instructions
- Misuse of Trust property, equipment, or funds
- Serious breach of confidentiality
- Being under the influence of alcohol or illegal drugs while at work
- Serious negligence causing significant risk or loss
- Deliberate damage to Trust property
- Unauthorised disclosure of sensitive information
- Any act that seriously damages the reputation of Stronsay Development Trust

Each case will be considered individually, and the Trust reserves the right to treat other serious actions as gross misconduct where appropriate.