

Beyond Limits Dumfries & Galloway provides policies and procedures to promote safe and consistent practice across the Organisation. The framework laid down within our policies and procedures lets everyone know how we work and reflects our values and mission statement. Our policies and procedures are written to help us, employees of Beyond Limits Dumfries & Galloway, to make good, safe decisions.

Beyond Limits Dumfries & Galloway expects all employees to be familiar with the contents of all policies and procedures relevant to their role and to understand how to apply them within their daily work.

None of these documents stand alone, all fit within the larger framework of the way we work and any associated policies which are particularly relevant will be directly referenced.

Disciplinary Policy & Procedure

Disciplinary Policy & Procedure what this means to Beyond Limits Dumfries & Galloway

Beyond Limits Dumfries & Galloway has high expectations of its employees based on the values and beliefs of the organisation. Beyond Limits Dumfries & Galloway has a robust framework of policies, procedures and employers have a Code of Conduct that must be followed and adhered to promote safe and consistent practice across the organisation.

The primary objective of the disciplinary procedure is to ensure all cases of discipline are dealt with fairly and consistently, and where there has been a breach of discipline, to encourage an improvement in individual conduct or performance.

Minor faults will be dealt with informally through counselling, support and supervision and training. However, in cases where informal discussion with the employee does not lead to an improvement in conduct or performance or where the matter is considered too serious to be classed as minor, for example, unauthorised absences, persistent poor time-keeping, sub-standard work performance, etc. the following disciplinary procedure will be used.

Management are under a duty to establish standards of discipline; employees are entitled to expect fair, just and consistent treatment.

Your entitlements and responsibilities:

- Beyond Limits Dumfries & Galloway aims to deal with disciplinary matters promptly and fairly
- You have the right of appeal against a decision Beyond Limits Dumfries & Galloway makes at a disciplinary meeting. In these cases, Beyond Limits Dumfries & Galloway will make every effort for the appeal to be dealt with by a different person than the one who dealt with the matter initially.
- The decision made by Beyond Limits Dumfries & Galloway at the appeal stage is final and there is no further right of appeal
- You have a responsibility to assist Beyond Limits Dumfries & Galloway, if required, to investigate the matters raised at disciplinary meetings and comply with the disciplinary procedures.
- Employees are entitled to be accompanied by a fellow employee or a Trade Union official at any **formal** stage in the procedure and are encouraged to make use of this facility.

Disciplinary Procedure

Suspension from work

If Beyond Limits Dumfries & Galloway believes it is appropriate, it may decide to suspend you from your work pending further investigation or disciplinary action. Suspension itself is not a disciplinary sanction.

If a decision to suspend you is made, you will be informed verbally and this will usually be followed up in writing. While you are suspended, you should not attend work or make contact with anyone connected to Beyond Limits Dumfries & Galloway unless otherwise instructed by Beyond Limits Dumfries & Galloway. If you need to contact anyone connected to Beyond Limits Dumfries & Galloway while you are suspended, you must notify your line manager. Any reasonable request will not be refused.

Any breach of the terms of your suspension may result in additional disciplinary action up to and including dismissal without notice.

Beyond Limits Dumfries & Galloway will endeavor to keep any suspension as brief as possible. Any period of suspension will be on full pay. However, should you fail to co-operate at any time with the investigation process, for example by failing to attend any meeting, without good reason then Beyond Limits Dumfries & Galloway reserves the right to treat this as unauthorised absence and this may result in pay being withheld until such a time as you attend any rearranged meeting.

Invitation to a Disciplinary Meeting

If you are required to attend a Disciplinary Meeting, Beyond Limits Dumfries & Galloway will inform you of this in writing.

In the letter, Beyond Limits Dumfries & Galloway will set out the issues that are to be considered, how seriously these are being viewed and the potential consequences. The letter will also inform you of the date and time of the meeting to allow you sufficient time to prepare your case and remind you of the right to be accompanied. You will also be sent copies of any documents which are relevant to the matters to be discussed.

Attending the Disciplinary Meeting

You must attend the meeting at the proposed time. Failure to participate in the process or attend arranged meetings without good reason may result in additional disciplinary action or a decision being made in your absence.

Prior to the meeting, you should ensure you are fully prepared to answer questions relating to the incident/circumstances in question. At the meeting, you will be given every opportunity to state your case and present any evidence before any decision is made.

After the Disciplinary Meeting

At the end of the meeting, there will normally be an adjournment to allow for consideration of the facts. In some circumstances, you may be notified of any sanction given after this meeting.

In some circumstances, there may be a need to adjourn and reconvene a meeting at a later date, to allow further investigation. In this case, you will be advised accordingly.

Any decisions made or sanctions given will be confirmed in writing to you as soon as possible. The letter will also explain your right to appeal against any decision taken and sanction applied.

Please note: Beyond Limits Dumfries & Galloway reserves the right to discipline or dismiss you without following the Disciplinary Procedure during your probationary period.

Authority to Take Action

Details of those most likely to conduct action as appropriate are detailed below:

- **Guidance/Informal meeting:** Team Leader/Service Leader
- **Suspension:** Person with delegated authority and Senior Service Leader
- **Investigation:** Service Leader or Senior Service Leader
- **Chairperson – Investigation Interview:** Service Leader or Senior Service Leader
- **Chairperson – Disciplinary Hearing:** Senior Service Leader/Director
- **Dismissal:** Senior Service Leader/Director
- **Appeal:** Director (not used at any other stage of the proceedings)

An alternative person may be nominated by the Director if the named category of person is not available.

As a small organisation, Beyond Limits Dumfries & Galloway may require or decide to use externally suitably experienced individuals to undertake any of the roles identified above.

Examples of Misconduct

Misconduct is a term used to define a contravention of the rules and standards of Beyond Limits Dumfries & Galloway. Misconduct would not normally lead to a dismissal if it were the first offence except in serious circumstances.

This list is not an exhaustive one and is provided as an indicator of the types of contraventions that may be considered as misconduct:

- Failure to meet obligations as defined in the contract of employment
- Failure to comply with the policies and procedures of Beyond Limits Dumfries & Galloway, general rules or external regulations that we work to
- Failure to carry out reasonable management instructions
- Not being willing/able to achieve required standards of performance or conduct

- Failure to adhere to the person's Working Policy
- Poor time-keeping
- Negligence which may result in minor loss, damage or injury to Beyond Limits Dumfries & Galloway, its employees or the people we support
- Misuse of Beyond Limits Dumfries & Galloway equipment or facilities
- Unauthorised absence or absence without explanation including absence from pre-arranged training sessions
- Smoking outside designated areas
- Failure to meet obligations in the health and safety policies for Beyond Limits Dumfries & Galloway and procedures, checks and audits
- Any conduct bringing Beyond Limits Dumfries & Galloway into disrepute
- Failure to represent Beyond Limits Dumfries & Galloway or the people we support in a proper manner while at work or organised social events
- Unsuitable standards of dress or personal hygiene

Examples of Gross Misconduct

Gross misconduct is a term used to define a serious contravention of the rules and standards of Beyond Limits Dumfries & Galloway. Gross misconduct can lead to dismissal.

This list is not an exhaustive one and is provided as an indicator of the types of contraventions that may be considered as gross misconduct:

- Theft, dishonesty or fraud.
- Deliberate recording of incorrect working hours
- Smoking outside designated areas
- Assault, acts of violence or aggression
- Unacceptable use of obscene or abusive language
- Inappropriate conduct towards the individual you support, their family, another person of their community or a fellow employee, which includes financial, sexual, physical, and emotional misconduct
- Possession, use or being under the influence of non-prescribed drugs on organisation premises including the home of the person you support, or during working hours, or where you are representing the organisation

- Possession, use or being under the influence of alcohol on organisation premises including the home of the person you support, or during working hours, except where explicitly stated in Working Policy
- Bringing the organisation's reputation into disrepute
- Failure to implement any reasonable standard of care, support, or any standard as detailed in Beyond Limits Dumfries & Galloway policies, procedures a person's Individual Service Design and/or Working Policy
- Wilful damage to the Organisation's, other employee's, or person being supported property
- Serious insubordination
- Serious or gross negligence
- Falsification of records or other Organisation documents, including those relating to obtaining employment
- Discrimination on the grounds of sex, race, sexual orientation, age, disability, maternity or pregnancy, marriage or civil partnership, gender re-assignment or religion.
- Unreasonable refusal to carry out reasonable Management instructions
- Gambling, bribery or corruption
- Acts of indecency or sexual harassment
- Serious breach of the Health and Safety policies and procedures
- Disclosing Organisational business or that of an individual to the media or any other person
- Unauthorised access to or use of computer data/material.
- Copying of computer software, other than when authorised in the employee's normal course of employment
- Unauthorised sleep during working hours, to the detriment of the individual

Sanctions

Verbal Warning

If the lead manager considers the contravention of the policy or procedure to be minor, generally a verbal warning will be issued. The warning will be confirmed in writing and advice given that should there be any further misconduct of a similar nature, additional disciplinary action may be taken. The warning will be held live for **six months** on the person's file.

Written Warning

If the lead manager considers:

1. A contravention of a policy and/or procedure to be of a more serious nature.
2. There is further deterioration or misconduct, or

If there is no improvement in relation to concerns of a similar nature during the currency of a verbal warning then generally, a written warning will be issued. Again, the written warning will be confirmed in writing. The warning will be held live for **twelve months** on the person's file.

Final Written Warning

A final written warning is appropriate when an employee's conduct is of a serious nature falling just short of one justifying a dismissal or an employee persists in the misconduct which previously warranted a lesser warning. Again, the written warning will be confirmed in writing. The warning will be held live for **eighteen months** on the person's file.

Dismissal

If conduct with regard to a live warning is still unsatisfactory and the employee fails to achieve the prescribed standard then procedural dismissal will normally result. If there is a finding of gross misconduct, then summary dismissal may be the outcome. The decision will be confirmed in writing stating the reason for dismissal.

Warning Letters

All warning letters should be issued within **seven working days** of the date of a disciplinary hearing or as soon as practicable thereafter and include the following:

- The nature of offence, and where appropriate that if further misconduct occurs, more severe disciplinary action will take place
- The period of time given to the employee for improvement and where appropriate how this will be achieved
- In the case of a final written warning, reference must be made to the fact that any further misconduct may lead to dismissal
- In the case of dismissal the letter must confirm the reason for dismissal, how any mitigating evidence was taken into consideration and any administrative matters arising from the termination of their employment
- The employee's right to appeal and to whom they should make this appeal

A copy of the warning letter and any supporting documentation must be attached to the employee's personnel file. The employee will receive the letter by recorded delivery to their home address if not handed to them.

Beyond Limits Dumfries & Galloway are required in certain circumstances to report employees to regulatory bodies, if suspected of having harmed or put at risk a vulnerable person or who have conducted themselves in a manner considered grossly inappropriate. This might be the Care Inspectorate, Police or the Independent Safeguarding Authority. These authorities may initiate their own procedures

Right of Appeal

Employees have the right to appeal against any disciplinary action taken against them.

All appeals must be made in writing no later than the end of the **seventh working day** after the disciplinary decision was notified in writing to the employee.

The written appeal should be submitted to the Director of Beyond Limits Dumfries & Galloway, Doreen Kelly who will arrange for an appeal hearing to take place, if necessary, there may be a further investigation of the facts depending on the grounds of appeal.

An appeal hearing will be conducted by the Director or a nominated representative and will be held as quickly as possible. The employee will be entitled to attend the appeal hearing and will be given an opportunity to state his or her case. The right to be accompanied by a work colleague or a trade union representative applies.

The findings of the appeal hearing will be notified to the employee in writing within **5 working days** of the hearing or as soon as practicable thereafter.

The decision at this stage will be final.