

DISCIPLINARY PROCEDURE

PURPOSE

GPS expects all workers to behave reasonably at work and to respect and abide by the GPS's worker policies. The disciplinary procedure is aimed to provide clear work rules, encourage the resolution of disputes and put in place measures to prevent further issues.

The policy will provide a fair supportive consistent approach to the management of conduct issues in line with ACAS guidelines.

This procedure applies to all GPS workers both employed or otherwise, and is designed to reflect best practice in line with the ACAS guidelines, which are set out below:

STEP 1

GPS will set down in writing the nature of the workers conduct, capability or other circumstances that may result in dismissal or disciplinary action and send a copy of this statement to the worker. GPS will inform the worker of the basis for their complaint.

STEP 2

GPS will invite the worker to a hearing at a reasonable time and place where the issues can be discussed. The worker must take all reasonable steps to attend. After the meeting, GPS will inform the worker about any decision and offer the worker the right of appeal.

STEP 3

If the worker wishes to appeal, they must inform GPS. The worker will subsequently be invited to attend a further hearing to appeal against GPS's decision and the final decision will be communicated to the worker. Where possible, a more senior manager should conduct the appeal hearing.

The above procedure will apply to all workers, irrespective of length of service or type of affiliation with GPS.

Disciplinary rules and procedures are necessary to promote fairness.

FORMS OF DISCIPLINARY ACTION

Informal Warning:

Normally given for minor offences.

First Written Warning:

For more serious offences or accumulation of minor offences.

Final Written Warning:

For further misconduct or where misconduct falls short of dismissal.

Dismissal with Notice:

Where conduct or performance is still unsatisfactory, and the worker fails to reach prescribed standards.

Dismissal for Gross Misconduct without notice:

Other than cases of gross misconduct a prior warning or written warning is a prerequisite to dismissal.

GUIDING PRINCIPLES

No worker will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will generally be dismissal without notice. The procedure may be implemented at any stage if the workers alleged misconducts warrants such action. No disciplinary action will be taken against a worker until the case has been fully investigated.

The worker will be kept informed at all stages by the investigating manager, in writing, in advance of any hearing or meeting, of the specific nature of the allegation or complaint, and be given a full copy of the Disciplinary procedure and available documentation to make sense of the alleged facts.

If appropriate, GPS may, by written notice, suspend a worker for a specified period during which time such an investigation will be undertaken. If the worker is suspended their casual worker agreement / statement and main terms of employment, will be deemed to continue together with all rights under it. Suspension will only occur when it is necessary to prevent risk of further breaches of conduct, to protect workers or GPS property.

However, during the period of suspension, the worker will not be entitled access to the GPS or client provider premises except at the prior request or with the prior consent of the GPS at such time and subject to such conditions as GPS may impose. At every stage in the procedure the worker will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.

The worker may be represented/accompanied by their trade union/professional association representative or a work colleague. In exceptional circumstances, such as where a workers professional registration may be affected, they may wish to be accompanied by a solicitor.

All letters concerning the disciplinary hearing will be sent both recorded delivery and first class to the workers home address clearly marked private and confidential addressee only to open.

The worker will be given at least two working days' notice of any meeting/hearing to allow sufficient time for them to prepare the case. The worker is expected to make all reasonable steps to attend.

At the disciplinary hearing prior to the decision being made, the worker or their representative will have the opportunity to bring witnesses to offer evidence, to respond to the case to the panel that will make the disciplinary decision. Upon notification of the decision, the worker is to be informed of their rights and method of appeal.

All factors will be considered that may be relevant to the disciplinary, such as the extent to which standards have been breached, precedent, historical records, and general standards of work.

Cases will be handled as quickly as possible and where there is significant delay the worker will be notified of the reason and when a decision is likely to be made.

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WORKER OBLIGATIONS AND RIGHTS

All workers are required to take a responsible approach to their work, service users and fellow co-workers to maintain satisfactory standards of work and conduct. Any worker charged with a criminal offence must notify their manager immediately.

Workers have the right to be treated fairly and with respect. Workers have the right to have their previous record and conduct and any extenuating circumstances fully considered. If an offence or incident comes to light whilst a worker is absent from work due to sickness, then proceedings would usually wait until their return unless circumstances justify immediate attention.

If an employee commences sick leave following an offence and it is not practical for them to attend a disciplinary meeting, then an alternative meeting may be arranged possibly in line with their return-to-work date, unless the case is of a serious nature that requires immediate attention.

CRIMINAL ACTS/CHARGES

Criminal actions may sometimes occur outside work and will not automatically be treated as gross misconduct and reasons for dismissal. The circumstances relating to the act will be considered and assess as to whether the offence(s) is one that affects the workers suitability for their role or is unacceptable to other workers at GPS. In the event of an alleged criminal act against a worker, the matter will be addressed in line with the GPS disciplinary policy. If it is deemed necessary, the worker may be suspended until further information is obtained as and when further information is obtained, GPS will review the case and determine the appropriate action.

DISCIPLINARY RULES

The level of disciplinary action depends on the seriousness of the misconduct. Some acts of misconduct would lead to a formal warning being issued in accordance with the GPS procedure (outlined below). However, if an offence is of a more serious or persistent nature, and possibly gross misconduct, then action could ultimately lead to suspension or immediate dismissal (following a disciplinary hearing).

Typical examples of acts of misconduct are:

- Persistent bad timekeeping.
- Unauthorised absence.
- Minor damage to the GPS property.
- Failure to observe the GPS procedures.
- Abusive behaviour.
- Unreasonable refusal to follow an instruction issued by a manager or supervisor.
- Poor attendance.
- Data protection breaches and misuse of the GPS and/or client provider information.
- Smoking or use of an e-cigarette in non-designated areas of the GPS and/or client provider premises.
- Bribery offences under the Bribery Act 2010.

Typical examples of acts of gross misconduct are:

- Failure to comply with a reasonable, instruction or contractual requirement.
- Theft, fraud, or misappropriation of, or failure to account for, or falsely claiming entitlement to the GPS property, assets, or funds.
- Fighting or assaulting another worker.
- Indecent or immoral acts in the workplace.
- Serious breach of GPS rules.
- Deliberate damage to company property.
- Misuse of the company's property or name or disclosure of confidential materials.
- Breaking statutory regulations that would render the company or its workers liable to prosecution.
- Repeated infringement of health and safety procedures.
- Serious negligence which causes unacceptable loss, damage or injury.
- Sale and/or consumption of alcohol or drugs on GPS and/or client provider premises or being under the influence of alcohol or drugs at work.
- Actions which have or have the potential to damage the reputation and working relationship of the GPS to clients, service users, regulatory bodies, suppliers and other third parties.
- Sexual or racial harassment or bullying.
- Absence from work without proper cause or authorisation.
- Unauthorised use of computer systems including misuse of e-mail and internet facilities.

Please note that the above example list is not to be regarded as exhaustive: acts of misconduct not covered by one or more of these rules may also give rise to disciplinary action.

RECORDING OF MEETINGS

Workers, or any person acting on their behalf, are not normally permitted to record electronically any meeting held by the organisation as part of the disciplinary process. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action against the worker, up to and including dismissal.

In certain limited circumstances, the organisation may permit the meeting to be recorded electronically. For example, where the worker is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the organisation permits the meeting to be recorded electronically, it will take responsibility for making the recording.

DATA PROTECTION

GPS processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its Data Protection Policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of worker data constitutes a data breach and should be reported in accordance with GPS data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

STAGES OF THE PROCEDURE

Investigation Meeting

In all cases of misconduct, full investigations will be completed to establish all the necessary facts relating to the incident. Following the investigation, a hearing will be arranged at which management will decide whether disciplinary action is to be taken in accordance with the GPS procedure.

Stage 1 – Informal Warning

If conduct, performance, attitude, or attendance does not meet acceptable standards the worker may be given an informal warning setting the expectations going forward. It will be confirmed in writing and a copy will be retained in the employee's file.

Stage 2 – First Written Warning

If:

- the disciplinary offence is a serious one,
- or if a further offence occurs,
- or if there is insufficient improvement within the review period in question, a written warning will be given to the worker.

This will give details of the concerns, the improvement required and the timescale. It will warn that action under stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of the written warning will be retained on the workers file and will expire after 6 months. The precise date that the warning will expire should be clearly stated. Should a worker be absent through illness or some other reason during the period of the warning, the warning will be effective from the date of returning to work.

Stage 3 – Final Written Warning

If there is still a failure to improve and conduct, attitude, attendance or performance is still unsatisfactory, or if the initial misconduct is serious but not sufficient to justify dismissal, a final written warning will normally be given to the worker. This will give details of the concern, will warn that dismissal may result if there is no satisfactory improvement, and will advise of the right of appeal. A copy of this final written warning will be retained on the workers file and will expire after 12 months. The precise date that the warning will expire will be clearly communicated. Should a worker be absent through illness or some other reason during the period of the warning, the warning will be effective from the date of returning to work.

If the worker is absent from work (with the exception of annual leave) during the period that a warning is in force, the warning may be extended to take account of the absence.

Stage 4 – Dismissal

If conduct, attitude, attendance or performance is still unsatisfactory and the worker fails to reach the prescribed standards, or if the misconduct is sufficiently serious, dismissal will result (action short of dismissal should always be seriously considered). If, however, the worker is dismissed they will be provided, within seven calendar days of being informed of the decision, with written reasons for dismissal, the date on which GPS affiliation will terminate, and the right of appeal.

DISMISSAL WITH NOTICE

If, despite previous warnings and disciplinary action, the worker fails to reach the required standards of conduct, attitude, or performance, then dismissal with notice will normally occur. The worker will receive the appropriate payment in lieu of notice.

DISMISSAL WITHOUT NOTICE (SUMMARY DISMISSAL)

Gross misconduct is generally seen as serious enough to destroy the casual worker agreement / statement and main terms of employment between GPS and the worker and make any further working relationship and trust impossible.

Due to the very serious nature of gross misconduct the dismissal is instant, and no notice pay is given.

GPS reserves the right to inform the relevant professional body of the allegations and/or outcome of disciplinary proceedings.

RIGHT OF APPEAL

All workers have the right to appeal against any form of disciplinary action taken within 7 working days following receipt of the warning.

At the appeal hearing the worker will be given an opportunity to state their case and will be entitled to be accompanied by a certified trade union representative or a work colleague. The appeal panel's decision will be notified to the worker in writing and will be final and binding on the worker. The appeal should be heard by an appropriate manager, more senior to the person who made the decision in the disciplinary hearing. There is no further right of appeal.

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