



KINGDOM
Group

MORE THAN A HOME

Disciplinary Policy

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Disciplinary Policy

1. Introduction

One of our strategic objectives is to be an employer of choice. We believe that it is our people who determine how well we perform as an organisation and we strive to attract, retain and develop quality employees.

Part of that is setting and maintaining standards of conduct, attendance and performance and ensuring that all employees are treated fairly and consistently.

This policy does not form part of an employee's contract of employment, and we reserve the right to amend this policy at any time.

In line with our commitment to diversity and inclusion, this policy can be made available in a variety of formats, including large print and translated into another language or media. Reasonable adjustments will also be made to assist individuals who have a disability.

2. General Principles

This policy applies to all employees; it is not intended to be prescriptive and will be flexible to meet the changing requirements of the business.

We will deal with disciplinary matters as quickly as possible and decisions will be taken by the appropriate management level.

All disciplinary matters will be dealt with sensitively and we expect all employees involved in a disciplinary process to maintain confidentiality. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

We will not permit the use of recording equipment at any stage of our disciplinary process.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that witness's identity should remain confidential.

We will not normally dismiss an employee for a first disciplinary offence except in cases of gross misconduct (Appendix 1) or where an employee is in their probationary period.



Employees have the right to be accompanied at a disciplinary hearing and any subsequent appeal hearing by a fellow employee, a trade union representative, or an official employed by a trade union.

Where an employee is unable to attend or fails to attend a disciplinary hearing or any subsequent appeal hearing without a good reason, a decision may be taken in their absence based on the evidence provided.

Where possible we will arrange for different managers to chair the disciplinary hearing and any appeal hearing.

Where an employee raises a grievance during a disciplinary process the process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

Where required we will report any allegations made against an employee to the appropriate professional or regulatory bodies. Criminal activity will be reported to the Police.

Where an employee is charged with, or convicted of, a criminal offence not related to work, we will investigate and consider whether this should be regarded as a disciplinary matter.

3. Informal

We will resolve minor disciplinary issues informally where appropriate.

Where informal action does not result in an improvement, formal disciplinary action may be taken.

4. Formal

In cases of misconduct and performance issues, an investigation will be carried out to establish the facts of the case. The purpose of an investigation is for us to establish a fair and balanced view of the facts to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary hearing.

When the outcome of a hearing results in no formal action being taken, it may be recommended that follow up reviews are undertaken by the chairperson of the hearing or a suitably appointed manager to ensure the expected improvements are made.



Possible outcomes of formal action include:

- No Action Taken
- Written Warning
- Final Written Warning
- Dismissal (with pay in lieu of notice) or Summarily Dismissed (without notice for gross misconduct)
- Another sanction alternative to dismissal – for example, demotion

Suspension

We may explore temporary working arrangements as an alternative to suspension, where this is considered appropriate. There may be occasions where an employee is suspended with pay while an investigation is carried out. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against an employee or so long as is otherwise reasonable while any disciplinary proceedings against an employee are outstanding.

Suspension is not an assumption of guilt and/or a disciplinary sanction and the reasons for suspension will be explained to the employee.

During suspension, an employee will not be permitted to enter any of our premises other than to attend disciplinary related meetings. Access to our Digital systems may be suspended.

Disciplinary Hearing

Where an investigation leads to a formal disciplinary hearing, an employee will be notified in writing and will receive a copy of the investigation report.

In some exceptional circumstances we may anonymise witness statements at the request of the witness.

We may adjourn a hearing or delay a decision where it is necessary to investigate any new facts which arise during the hearing.

The level of warning applied will be determined by the seriousness and/or frequency of the misconduct, performance or absence issue. The employee's current disciplinary record will also be taken into account. Mitigating factors should be considered when deciding on the level of warning.



When the outcome of a hearing results in no formal action being taken, follow up reviews will be undertaken by the chairperson of the hearing or a suitably appointed manager.

Appeal

An employee has the right to appeal against any formal sanction. The employee should submit their appeal, setting out the grounds of the appeal and providing any new evidence within 7 calendar days of the date of the disciplinary outcome letter.

The decision of the appeal manager is final.

5. Counselling

We recognise that it can be difficult to be part of a disciplinary process and the confidential employee counselling service is available to employees for additional support.

6. Monitoring and Review

We will maintain records as required and in accordance with data protection legislation.

This policy will be reviewed 5 years from the date of implementation or latest review, which will be the date the policy is approved by the governing bodies, or earlier if deemed appropriate. In the event that this policy is not reviewed within the above timescales, the latest approved policy will continue to apply.



Appendix 1: Definition of Gross Misconduct

Gross misconduct is a fundamental breach of contract which would warrant dismissal without notice. Below is a list of actions, which are considered as gross misconduct (the list is not exhaustive);

- physical violence, bullying or harassment, unlawful discrimination
- serious breach of health and safety rules
- causing loss, damage or injury through serious negligence
- acts of indecent or immoral behaviour
- theft, fraud and deliberate falsification of record
- a serious criminal conviction
- any deceit or dishonesty relating to employment attending work under the influence of alcohol or drugs
- deliberate or serious damage to our property or possessions
- deliberate or serious damage to the property or possessions of our employees or customers
- disclosure of any of our confidential information to any third parties without prior authority or consent, unless in accordance with our Whistleblowing Policy
- serious insubordination
- serious misuse of social media
- bringing our organisation into disrepute
- breach of our equality and diversity policy
- serious misuse of our property or name
- breach of trust and or confidence
- accessing pornographic, offensive or obscene material during work time



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Policy drawn up with reference to:

- The Employment Act 2008
- The Employment Tribunals (Constitution and Rules Procedure) (Amendment) Regulations 2008
- The Employment Rights Act 1996 as amended
- The Employment Rights Dispute Resolution Act 1998
- The Employment Relations Act 1999
- The Employment Rights Act 2004

Reference made to the following sources and other guidance:

- ACAS Code of Practice on Disciplinary and Grievance Procedures

HR Team reviewed on 24 April 2023

Circulated to Directors and Managers on 17 May 2023

Circulated to the Employee Forum and The Voice on 17 May 2023

Policy audited by Thornton's Law on 24 May 2023

Policy Committee reviewed on 13 June 2023

Presented to the Board of Management (KHA): 21 August 2023

Presented to the Board of Directors (KSC) on 3 August 2023

Policy Approved: August 2023

Next review date: August 2028

