



Disciplinary Policy

Implementation Date: March 2018
Review Date: March 2021

This policy applies to

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|------------------------------------------------|--------------------------------------------------|-------------------------------------------------|---------------------------------------------------|
| <input checked="" type="checkbox"/> Link Group | <input checked="" type="checkbox"/> Link Housing | <input checked="" type="checkbox"/> Link Living | <input checked="" type="checkbox"/> Link Property |
| <input type="checkbox"/> Horizon | <input type="checkbox"/> Larkfield | <input type="checkbox"/> West Highland | <input type="checkbox"/> Lintel Trust |

Policy Summary

The aim of this policy and associated procedure is to help ensure the professional standards of all Link employees, by providing a framework that enables the investigation of potential employee misconduct, and the options available to the organisation to manage this.

Equalities

The operation of this policy will always be in accordance with Link Group's Policy on Equality, Diversity and Inclusion. An Equality Impact Assessment was undertaken to review this updated policy, and no adverse impacts to individuals with protected characteristics were identified. Were upon implementation of the policy an adverse impact to be established this would be adjusted for, and the policy reviewed accordingly.

Privacy

This policy fully complies with the Data Protection Act 1998 and Link's Data Protection Policy.

Policy Owner

Director of Human Resources and Business Support

Approved by

Senior Management Group

1. INTRODUCTION

Link Group Limited encourages the achievement of the highest possible professional standards from employees throughout their employment with the group. This Policy and the Disciplinary Procedures are necessary to enable Link to maintain these standards and also to protect individual employees. Our Disciplinary Policy and Disciplinary Procedures [appended to this Policy] are intended to reflect best practice and statutory requirements, and comply with the ACAS Code of Practice.

The disciplinary policy will be referred to when there has been potential misconduct on the part of the employee. For a performance or capability issue the Performance Improvement Policy should be referred to, for a sickness absence issue the Sickness Absence Management Policy should be referred to.

2. PRINCIPLES

The following principles govern the operation of this policy:

- Be clear and understood by all employees
- Be fair and consistently applied
- Include the right of appeal against disciplinary action
- Maintain the highest professional standards
- Provide for the employee to be kept informed at all stages
- Provide for confidentiality amongst the parties concerned

3. OBJECTIVES

The objectives of this policy are:

- To resolve problems, where appropriate, informally between the line manager and the employee.
- To deal with disciplinary matters without undue delay.
- To ensure thorough investigations are carried out.
- To give employees the opportunity to respond before any decision is reached.
- To provide a consistent approach to discipline throughout Link.
- To protect our employees, customers and service users.
- To train line managers in disciplinary proceedings.
- To effect a sustained improvement in professional standards.

4. APPROACH AND METHOD

The Senior Management Group [SMG] in its formal approval of the policy acknowledges that it accepts full responsibility for its implementation. Day-to-day responsibility for the operation of this policy lies with the appropriate directors and managers of the relevant Link subsidiaries. All relevant employees have a responsibility to ensure that this policy is applied as instructed.

The policy will be implemented using the following approaches:

4.1 Categories of Offence

The below lists illustrates issues that may be considered disciplinary matters, and the severity of these. These lists are not exhaustive.

Minor Offences:

- repeated poor time-keeping
- failure to follow process or procedures

Minor offences will potentially result in the issuing of a first written warning.

Serious Offences

- repetition of minor offences
- negligent behavior
- breaches of policy

Acts of serious offences will potentially result in the issuing of a final written warning.

Repeated acts of a serious offence will potentially result in the dismissal of the employee.

Gross Misconduct

- Theft, fraud, deliberate falsification of records, embezzlement and dishonesty
- Physical or mental violence; causing or attempting to cause bodily injury to another, sexual, racial or other harassment and conduct violating common decency
- Conduct resulting in danger to customers, service users or employees
- Bullying or harassment
- Deliberate damage to property
- Serious insubordination
- Willful disregard of specific duties or gross negligence thereof
- Willful disregard of, or action contrary to, the organisation's Code of Conduct for employees, where this represents a serious breach of trust
- Serious misuse of the organisation's property or name
- Bringing the organisation into serious disrepute, including posting of information on blogs, social networking sites and chatrooms
- Serious incapability whilst on duty brought on by alcohol or illegal drugs
- Serious negligence that causes or might cause unacceptable loss, damage or injury
- Serious misuse of information systems and social networking sites, including unlawful access to pornographic or defamatory material through the Internet or by e-mail and willful disregard of Information Systems Policies
- Serious infringement of Equality, Diversity and Inclusion Policy and Health and Safety Policy and rules
- Serious breach of confidence [subject to legal protection under the Public Interest (Disclosure) Act 1998]

Acts of gross misconduct will potentially result in summary dismissal without notice.

Dependent upon the severity of incident or alleged misconduct, and the relevant circumstances relating to it, Link reserves the right to implement the disciplinary policy at any of the stages set out above.

4.2 Informal Procedure

When a line manager becomes aware of a potential disciplinary or conduct issue, they will consider whether this can be resolved without initiating the formal disciplinary process. If, following investigation of the facts, the manager considers an informal approach suitable they will meet and discuss the matter with the jobholder.

As an alternative [or in addition to formal action], measures may be put in place to assist in reaching a constructive outcome to the situation. Such measures may include for example; mediation or retraining.

4.3 Formal Disciplinary Process

4.3.1 Investigation

An investigation will be carried out when an employee is alleged to have committed an act of misconduct or is in breach of Link's policies, or procedures. The investigation will be done as timeously as possible, and will be done in accordance with the Disciplinary Procedure. An investigation is not considered to be formal action, and should be undertaken by a more senior colleague to the person(s) who are being investigated.

Upon conclusion of the investigation a report will be issued to an allocated convener, usually the investigators line manager, with a recommendation for next steps, which may include a potential formal hearing.

4.3.2 Disciplinary Hearing

Upon receipt of the investigation report, the convener will review the information and recommendation, and make a decision as to whether a formal review is required. If so the convener will decide the potential severity of offence, and this will determine who chairs the formal hearing.

A disciplinary hearing will be arranged and held in accordance with the Disciplinary Procedures. Upon conclusion of the hearing the employee will be notified in writing of the outcome, and any follow up actions.

4.4 Disciplinary Appeals

Employees have the right of appeal against any formal disciplinary action in accordance with the disciplinary procedure. Appeals will be heard by a manager or Director who has not previously been involved in the case and is more senior to the hearing convener. The decision reached within the appeal meeting will be considered final.

4.5 Precautionary Suspension from Work

The Line Manager has the authority to suspend an employee from work where there is a concern that an investigation will be impaired by the employee remaining at work.

Prior to suspension consideration must be given to alternative options to protecting the integrity of the investigation. For example an employee may be re-deployed to alternative duties pending the investigation. Suspension is not a form of disciplinary action and the decision to suspend with pay from work will be confirmed in writing to the employee.

4.6 Criminal Offence

Where an employee has been charged with, or convicted of a criminal offence, consideration will be given to what effect the charge or conviction would have on the employee's suitability to carry out their job including the relationships with Link, colleagues and customers, tenants and service users.

4.7 Overlapping Disciplinary and Grievance Cases

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary matter are related, both issues may be dealt with concurrently, however this may require a different investigator and/or convenor if the grievance is against the original investigator or convenor of the disciplinary matter.

4.8 Alternative to Dismissal

Where an employee is currently working under a final warning and a subsequent disciplinary hearing has resulted in further disciplinary action, the Convener, where appropriate, may set aside the sanction of dismissal and apply a different penalty. Such penalty could include a disciplinary transfer, demotion or loss of pay award.

4.9 Disciplinary Procedure

Line Managers and staff should refer to the group's Disciplinary Procedures appended to this Policy document. Separate procedures are in place for the Chief Executive and Directors and are also outlined in this document.

4.10 Link's Disciplinary Policy and Procedures are non-contractual.

5. MONITORING, PERFORMANCE MEASUREMENT AND REPORTING

The following areas will be subject to monitoring:

- Risk management
- Provision of training and/ or information to staff
- Compliance with policy requirements and procedures

These will be monitored by appropriate managers within each company and/ or function, and reported to the relevant director. If any significant issues of concern

arise, these will be dealt with by the director who will report such matters to his/ her Board.

Any matter which demonstrates a serious failure of internal controls should also be reported immediately to the Chief Executive.

6. COMPLAINTS AND APPEALS

Employees have the right to appeal any decisions made on matters covered by this Policy according to the Grievance Procedure found on Linkipedia.

7. POLICY AVAILABILITY

A summary of this policy can be made available in a number of other languages and other formats on request.

8. POLICY REVIEW

Link Group undertakes to review this policy regularly, at least every three years, with regard to:

- Applicable legislation, rules, regulations and guidance
- Changes in the organisation
- Continued best practice