

DISCIPLINARY PROCEDURES IN NATIONAL SAVINGS AND INVESTMENTS

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DISCIPLINARY PROCEDURES IN NATIONAL SAVINGS (June 2001)

PURPOSE

1. The purpose of this document is to describe what happens when an individual breaches the required standards of behaviour and action needs to be taken. The standards of behaviour are set out separately in the National Savings and Investments (NS&I) Code of Conduct
2. The nature of the appropriate action is determined by establishing clear procedures, which comply with current legislation, the ACAS code of practice and the guidance in the Civil Service Management Code. The purpose of the procedures is to ensure fair and consistent treatment of individuals when disciplinary action, which is reasonable in all the circumstances, becomes necessary.

SCOPE

3. All established and temporary employees working under a contract of service.

POLICY STATEMENT

4. NS&I recognises that most individuals are motivated to work co-operatively and responsibly by good communications, clarity of what is expected, and involvement rather than by the possibility of any disciplinary action. However, from time to time, some individuals will fail to achieve the required standards of behaviour. In these cases disciplinary action will be taken in a fair, consistent and reasonable manner.
5. The maintenance of discipline is the responsibility of managers and staff at all levels. If minor disciplinary offences are overlooked, an opportunity to redirect an individual's attitude or behaviour may be lost. Additionally, overlooking such an opportunity at this early stage may lead to the need for more serious disciplinary action later.

INFORMAL DISCIPLINARY PROCEDURE AND COUNSELLING

6. The maintenance of good standards of discipline and working practice by individuals does not necessarily require the use of formal procedures.
7. Coaching, counselling or informal warnings may be more appropriate than formal disciplinary action. The objective of any such action is to help and encourage the individual to improve. Therefore, coaching, counselling or informal warnings should normally be given unless the offence is one that has been repeated or is serious enough to warrant immediate use of the formal procedure. Managers should retain their own notes of informal warnings as they may be relevant if formal disciplinary action is taken later.
8. **It is of paramount importance that these notes are kept securely and confidentially. Reliance upon computer records is insufficient - 'hard copy' notes are essential. Please be aware that under the Data Protection legislation the individual has the right to see them if they so request.**
9. If the informal procedure has not achieved the desired effect, or if the offence warrants more serious action, formal disciplinary procedures should be used immediately.

FORMAL DISCIPLINARY PROCEDURE

10. The basic rule in pursuing disciplinary action is that the individual must be given the opportunity to explain any behaviour which falls short of the standards required before any action is taken against their interests. This normally takes the form of a disciplinary interview or hearing. However, in cases of serious gross misconduct it may be necessary to suspend an individual while all the facts are established (see paragraph 36 below).

11. Prior to holding a disciplinary interview or hearing at any of the following stages, an investigation into the circumstances of the incident and/or allegation(s) must be conducted by the individual's manager. Those charged will be given reasonable time to prepare and submit a written response to the charge (normally 10 working days, but a different period can be agreed by both parties). **At this point the individual must be advised that they have the right to be accompanied at any formal disciplinary interview or hearing by a trade union representative or a colleague.** If a trade union representative or colleague is not available at short notice, the interview or hearing can be delayed to a mutually acceptable date.

Stage One – First Formal Warning

12. Where an informal warning has not produced the required change, or where the offence warrants moving directly to the formal procedure, a formal verbal warning may be necessary. In this event the individual will be asked to attend a disciplinary interview where they will have the right to be accompanied by a colleague or a trade union representative who may act as his/her representative or witness. Whenever practicable at least 24 hours notice of the interview will be given. The individual may request a postponement of the interview to a mutually acceptable date, to enable his/her representative to attend.

13. This invitation will be confirmed in writing. (Appendix I given as an example may be used for this purpose).

14. At the interview the procedure will be as follows:

- the individual's manager will open the interview by explaining the reasons for the interview, setting out the details of the incident or allegation(s);
- full details of any witness statements being relied upon will be made available to the individual before the interview;
- the individual or their representative will then be given the opportunity to respond to the allegation(s) and, where appropriate, may ask for witnesses to attend;
- the detail of the individual's response will then be discussed until the full content of their response has been clarified;
- at any time the representative or witness may add their input to the interview;
- the interview will then be adjourned whilst the chairperson decides what action is appropriate;

- the individual will then be informed as to what action, if any, is being taken and the appeals procedure will be explained.

15. If a verbal warning is necessary the individual will be informed that their conduct is expected to improve to an acceptable standard within a specified timescale. As far as possible, specific objectives will be set out to establish the accepted standard.

16. When a first formal verbal warning has been issued it will specify that if the individual's conduct has not sufficiently improved, or further acts of misconduct which are of a similar nature occur within the specified timescale, then Stage Two of the procedure will be invoked. In cases of serious lapses within the specified timescale, action may be taken immediately to implement Stage Two or Stage Three.

17. The outcome of the interview will be confirmed to the individual in writing (see Appendix III) and notes of the discussion will be retained on the individual's personal file. Normally this letter will be removed from the file 9 months after the hearing.

Stage Two – Second Warning (Written)

18. In the case of more serious offences, or a repetition of the misconduct for which the first formal verbal warning was given, or an accumulation of minor offences, or a failure to respond to the previous warning, the individual may be given a Second Warning which must be in writing. The individual will be asked to attend a disciplinary hearing arranged by their immediate manager. He or she continues to have the right to be accompanied by a colleague or a trade union representative who may act as their representative. Whenever practicable at least 24 hours notice will be given for a hearing. The individual may request a postponement of the hearing to a mutually acceptable date, to enable their representative to attend the hearing.

19. This invitation will be confirmed in writing. The hearing procedure will be similar to that of Stage One.

20. If a warning is necessary, the individual will be informed that if their conduct does not improve, Stage Three will be invoked. As in Stage One, conduct will be expected to improve to an acceptable standard within a specified period.

21. The outcome of the hearing will be confirmed to the individual in writing and notes of the disciplinary action will be retained on the individual's personal file. Appendix II gives an example which may be used for this purpose. Normally this letter will be removed from the file 12 months after the hearing.

As with Stage One, any serious or repeated lapses will be dealt with immediately.

Stage Three - Final Warning (Written)

22. In the case of a very serious offence or offences, or if the required improvement has not been made following Stage Two of this procedure, a Final Warning, which must be in writing, may be required. As with stage two, the individual will be asked to attend a disciplinary hearing, accompanied by a colleague or trade union representative. This invitation will be confirmed in writing. Wherever practicable at least 24 hours notice of a hearing will be given. The hearing process will be similar to that of Stage One except that the meeting will be chaired by the appropriate Senior Manager, with a Human Resources (HR) representative present.

23. If a Final Warning is necessary, the individual will be informed that if conduct does not improve, or further acts of misconduct occur, they will be dismissed. As in the other stages, conduct will be expected to improve to an acceptable standard within the specified period.

24. The outcome of the hearing will be confirmed to the individual in writing and notes of the disciplinary hearing will be retained on the individual's file. Normally, this letter will be removed from the file 12 months after the hearing.

Stage Four - Dismissal

25. In cases of alleged gross misconduct or if the required improvement has not been made following Stage Three, a Stage Four hearing, which may result in dismissal, with or without notice may be required. If gross misconduct is suspected the individual must be suspended without delay. Suspension should be on full pay unless good reasons exist for withholding pay. Any decision to withhold pay must be discussed with HR first. This is in order to facilitate a full investigation of the circumstances and to enable the individual to prepare for the hearing. A suspension will be subjected to regular review by HR in consultation with the manager to ensure it lasts only as long as is necessary. Gross Misconduct is defined in paragraphs 38 and 39.

26. As with the previous stages, the individual will be asked to attend a disciplinary hearing with a colleague or trade union representative who may act as his/her representative. This invitation will be confirmed in writing (see Appendix II). **The individual must be informed that their future employment is at risk and that they may be dismissed as a result of the hearing.** The hearing process will be identical to Stage One except that the meeting will be chaired by the appropriate Senior Manager, with a HR representative present.

27. After consideration of the facts, if the decision is taken to dismiss the individual, the reasons for the dismissal will be confirmed in writing within fourteen days of the effective date of dismissal. Dismissal for gross misconduct will always be summary (ie without notice).

28. When disciplinary action other than dismissal is taken the individual will be warned that if further acts of misconduct occur whilst the warning is still 'active' this procedure will be re-invoked. As with all other stages, in actions short of dismissal the individual will receive a letter confirming the outcome of the hearing and the consequences of any further action. If dismissal is not called for, then any warning at this stage will remain 'active' on the individual's personal file for 12 months following the disciplinary hearing.

APPEAL

29. Any individual who is dissatisfied with the outcome at any stage of the disciplinary procedure may appeal to a senior manager at the level immediately above the manager who has taken the decision. This will normally be a manager at Director or Senior Civil Service (SCS) level. The appeal must be submitted within ten working days of the disciplinary decision being communicated to the individual following the disciplinary hearing. It must be made in writing and should clearly state the basis on which the appeal is to be made.

30. One appeal will be allowed at each stage of the formal disciplinary procedure. It does not apply to informal or counselling meetings.

31. The individual will be asked to attend a hearing where (s)he has the right to be accompanied by a colleague or recognised trade union representative. This invitation will be confirmed in writing.

32. The meeting will be chaired by a Senior Manager at SCS or Director level with a HR representative present. The chairperson will not normally have been previously involved, directly or indirectly with the case.

33. At any stage within the disciplinary procedure an individual may confidentially seek advice from HR.

34. **Appeals against dismissal** will be heard by the appropriate Senior Manager at SCS or Director level with the support of HR. The decision will be final. Individuals who are advised that a decision to dismiss them on disciplinary grounds has been upheld following appeal, and have at least 1 year's service, will be informed of their right to appeal to the Civil Service Appeal Board (CSAB) and/or Employment Tribunal. In cases of appeal against summary dismissal the individual will not be permitted to resume working until the matter has been decided. The dismissal date will be as determined at the Stage Four Hearing. In the event that the Stage Four decision is revoked at the Appeal Hearing reinstatement or re-engagement with continuous service will apply.

SHORT SERVICE

35. Employees with less than 12 months' service will be subject to regular reviews of progress. Should disciplinary action become necessary they will be dealt with at Stages 2 & 4 of the procedure. Stages 1 & 3 will therefore not apply. Their right of appeal against the application of a disciplinary penalty up to and including dismissal is the same as that outlined in paragraphs 29-34 above.

SUSPENSION

36. An individual may be suspended on full pay whilst further investigation takes place to establish whether disciplinary action is to be taken. Suspension for at least 24 hours is essential where Gross Misconduct is alleged - in order to provide the individual with the time to prepare their explanation for their actions. Suspension may only be authorised by an individual's manager after discussion with HR. Suspension should be for the shortest practicable time to allow the investigation to be completed and for the individual to prepare their response.

OTHER PENALTIES

37. As an alternative to a warning (written or oral) or a dismissal, there may be circumstances which warrant other penalties. These can include, but are not limited to, sanctions such as suspension from work without pay and/or disciplinary transfer to other duties, demotion which may be for a stated minimum period, or monetary payments by way of restitution (in whole or in part) either for culpable loss or damage caused by the offender or for unauthorised absence from duty. Such payments may be recovered by deduction from pay.

GROSS MISCONDUCT

38. Gross misconduct includes any serious break of a rule contained within the Code of Conduct, any break of rule 11 to 30 inclusive or a breach of the Agency's Business Rules for Propriety and Confidentiality.

39. Where gross misconduct is alleged the individual will be suspended immediately their manager, following discussion with HR, has sufficient grounds for suspicion. The procedure in paragraph 36 above must be used. Where the facts established before or at a hearing make dismissal a possibility the individual must be informed immediately that their future

employment is at risk. It is particularly important to do this before a hearing if the investigation prima face reveals evidence of gross misconduct .

RESPONSIBILITY

40. All those persons referred to within the scope of this procedure are required to adhere to its terms and conditions. They should note that this procedure is also incorporated into their contract of employment.

41. Individual managers are responsible for ensuring that this procedure is applied within their own area of responsibility. Any queries on the application or interpretation of this procedure must be discussed with HR prior to any action being taken.

42. HR has the responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the Head of HR.

Human Resources Directorate

June 2001

Appendix I

INVITATION TO A DISCIPLINARY INTERVIEW OR HEARING

NOTE: *This invitation must be sent/given to the individual so that they receive it at least 24 hours ahead of the interview or hearing. A copy of the Disciplinary Procedure (without the Appendices) must accompany the letter.*

Dear < > ,

Disciplinary Interview/Hearing

Further to our conversation I confirm that you are required to attend a disciplinary interview/hearing, regarding < >. This has been arranged to take place in < Room > at < > hours on < >.

You may ask a colleague or, if you are a member of a trade union, you may ask your union representative to accompany you to the interview/hearing. I will chair the interview/hearing with < > in attendance.

If you have any queries regarding these arrangements please contact me immediately. For you and your representative's information I attach a copy of the Agency's Disciplinary Procedures.

Yours sincerely,

Appendix II

INVITATION TO A GROSS MISCONDUCT/ STAGE 4 HEARING

NOTE: *This invitation must be sent/given to the individual so that they receive it at least 24 hours ahead of the hearing. A copy of the Disciplinary Procedure (without the Appendices) must accompany the letter.*

Dear < > ,

Disciplinary Hearing

Further to our conversation I confirm that you are required to attend a disciplinary hearing, regarding < >. This has been arranged to take place in < Room > at < > hours on < >. I must inform you that any future employment with National Savings and Investments will be subject to the outcome of this hearing.

You may ask a colleague or, if you are a member of a trade union, you may ask your trade union representative to accompany you to the hearing. I will chair the hearing with < > in attendance.

If you have any queries regarding these arrangements please contact me immediately. For you and your representative's information I attach a copy of the Agency's Disciplinary Procedures.

Yours sincerely,

Appendix III

WARNING LETTER

NOTE: *The layout of this letter may be utilised to confirm a First or Second Warning.*

Dear < > ,

Disciplinary Hearing

I am writing to confirm the outcome of the interview/hearing you attended in < Room > at < > hours on < > . You were accompanied by < > and < > also attended.

I opened the interview/hearing by informing you that the reason for the interview/hearing was

You responded by stating that

After discussing your response the interview/hearing was adjourned in order that we could consider our decision. When the interview/hearing reconvened I formally issued you with a [First Formal Warning (stage I of a procedure)/Second Written Warning (stage II of a procedure)] that the following improvement(s) would be necessary if you are to avoid this matter being taken to the next stage of a disciplinary procedure [(Second Written Warning)/(Final Written Warning)]

During the next <period of time> I will be monitoring your conduct _____

In order to avoid a further warning [I will expect/We agreed] that you would _____
conduct requirement.

This warning will remain on your record in Human Resources for <9/12> months.

Finally, I informed you that if you wished to appeal against this decision you must appeal in writing to <Job Title> within <10>working days of the date of the disciplinary hearing.

Yours sincerely,