



BBC Disciplinary Policy

This policy forms part of the contract of employment that applies to BBC employees in the UK on Grades 2-11, and is an agreed statement between the BBC and recognised joint unions which may only be varied by joint negotiation at the National Joint Council.

Definition

The standards of behaviour expected of employees are those necessary for the proper operation of the workplace, and to maintain mutual trust and confidence between the employer and employee. The *BBC Values* provide a framework for the standards of behaviour expected of employees.

Where standards of behaviour fall below what is expected, this could constitute misconduct. The BBC takes all allegations of misconduct seriously and where necessary the disciplinary policy will be followed.

Matters which may be viewed as amounting to disciplinary offences include, but are not limited to:-

- persistent bad timekeeping;
- unauthorised absence;
- poor attendance;
- failure to observe BBC policies and procedures;
- abusive behaviour;
- unreasonable refusal to follow an instruction issued by a manager.

The Formal Procedure will always be followed for allegations of gross misconduct which are acts so serious as to justify summary dismissal without notice. Examples of gross misconduct may include, but are not limited to:

- assault;
- theft or dishonesty;
- serious negligence;
- endangering life;
- gross dereliction of duty;
- discrimination or harassment;
- serious breach of confidence.

Where an employee fails to reach or maintain the required standards of job performance through a lack of knowledge, skill or ability, the *BBC Capability Policy* should be used.

The BBC reserves the right to implement the disciplinary procedure at any of the stages set out below taking into account the relevant circumstances including the alleged misconduct of an employee.

Principles

- Where appropriate, employees and managers should make every effort to resolve issues without recourse to the formal disciplinary procedure.
- Matters should be dealt with promptly, taking into account the need for appropriate investigations to be carried out.
- Employees should be informed of the allegation/s against them and given the opportunity to state their case before any decision is reached.
- There is no presumption that a disciplinary procedure will result in a disciplinary penalty.
- Disciplinary action should not be taken until the Formal Procedure has been followed.
- The outcome of the disciplinary is based on the hearing manager's reasonable beliefs with regard to the evidence, not what has been proved beyond reasonable doubt.
- All cases should be dealt with in a non discriminatory and consistent way.
- All those involved in a disciplinary procedure will respect the confidentiality and privacy of others. Whilst efforts will be made to protect the confidentiality of others, if further procedures are invoked, for example an appeal procedure, statements may be disclosable and parties will be advised of such disclosure. Where appropriate, information may be withheld in certain circumstances, for example to protect witnesses.
- At any formal meeting employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practising lawyer), and the employee will be advised of that right prior to the meeting. The companion should be allowed to address the meeting in order to present the employee's case,
- Employees must take all reasonable steps to attend formal disciplinary meetings. Failure to attend a meeting without good reason may be treated as misconduct.
- At the start or during the course of an investigation, if the manager reasonably believes the matter involves a serious breach of discipline the employee may be immediately suspended from work on full pay. Any decision to suspend will be confirmed in writing and such written confirmation will state that the nature of the suspension is precautionary, not disciplinary, pending the outcome of the disciplinary proceedings. In some circumstances, as an alternative to suspension, it may be appropriate to temporarily adjust the employee's duties pending the outcome of disciplinary procedures.
- HR will be available to provide advice and guidance to the manager, attend meetings under the Formal Procedure and take notes as appropriate.
- The application of this policy will be in accordance with the *Data Protection Act* and the *BBC's Data Protection Handbook*. Information on disciplinary action will be deleted or destroyed if it is no longer needed e.g. where an allegation is unfounded.

Informal Action

Managers should always discuss conduct issues with their employees at the earliest opportunity and where appropriate should first attempt to deal with any minor misconduct informally before resorting to the formal procedure. If employees commit a minor infringement of the established standards of conduct, their manager will usually advise that a further breach may result in the Formal Procedure being instigated. No record will be made on the employee file but a brief confidential note may be kept for reference purposes.

Formal Procedure

The formal procedure will be used when a manager believes that an employee may have committed a breach of conduct: either

- a further minor breach of conduct that has already been subject to informal action;
- a matter too serious to be dealt with by informal action; or
- in all cases of alleged gross misconduct.

Step 1: Fact Finding Investigation

Where there is uncertainty about whether a breach of discipline has occurred a manager may conduct a fact finding investigation. Where there is no need for such investigation, a meeting will be convened under *Step 2* of this procedure.

Where a fact finding investigation is needed, an employee's manager will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the BBC's policies or rules or which may otherwise be a disciplinary matter. The employee will usually be informed that a fact finding investigation is being carried out and when it has been concluded.

Meetings to investigate an issue are not formal meetings at which the employee has the right to be accompanied, however provided it does not cause undue delay, the employee may request that an accredited trade union representative or BBC colleague (other than a practising lawyer) be present at the meeting.

Step 2: The Meeting

Where there are reasonable grounds to believe that an employee may have committed an act of misconduct the meeting manager will write to the employee notifying them of the allegation/s against them and the basis of those allegation/s and invite them to a meeting to discuss the matter. In cases where the outcome may be dismissal the letter must warn the employee of this.

In advance of the meeting the employee will be given copies of documents relevant to the allegation/s except where such disclosure is inappropriate, for example, in cases where managers believe there could be a risk of intimidation.

There is no minimum period of notice for the meeting, but the employee will be permitted sufficient time to contact and brief an accredited representative or BBC colleague.

An employee has the right to state their case at the meeting before any decisions are reached.

Following the meeting, the hearing manager will review the evidence and decide on the outcome.

If the allegation/s are upheld the penalties that may be imposed, include, but are not limited to:

- written warning
- final written warning
- dismissal (with contractual notice)
- redeployment to another position, including demotion
- summary dismissal (without contractual notice).

A written or final written warning will be disregarded for disciplinary purposes after 12 months or such other period as specified at the time it is issued. In exceptional circumstances a warning may remain in force for more than 12 months or never be removed.

Following the meeting the hearing manager must inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved.

Before a disciplinary penalty is imposed on an accredited representative of a trade union recognised by the BBC, the disciplinary proceedings will be discussed with a full time officer of the union concerned.

Step 3: The right to Appeal

The employee has the right to appeal against the outcome of the disciplinary process. All appeals will be conducted in accordance with the *BBC Appeals Policy*.