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GlasgowLife™

Employee Guide to Discipline Procedure



Discipline and Appeals Procedure

Employees' Guide

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2. Introduction

Aim of this guide

This guide will give you information on what you can expect to happen if you become involved in the discipline process. It includes what will happen and the potential outcomes at each stage at the process.

Our discipline policy ensures that we treat every employee in a fair and consistent way, when dealing with unsatisfactory standards of work performance and behaviour.

Whilst it's important to understand that the disciplinary policy is sometimes necessary, and how it works, the vast majority of our employees will never go through the process. Often it's a case of bringing an issue to an employee's attention in order to resolve the situation.

This guide will support our employee Discipline and Appeals Procedures and Code of Conduct

Our expectations of you

Whatever your role, you're representing Glasgow Life. You should understand what's expected of you including appropriate standards of work and behaviours. At induction we tell you about these. We also remind you of them at team briefings and meetings and informal chats. If you're uncertain about what's expected of you speak with your line manager for clarification.

Glasgow Life has a code of conduct which all employees must follow. You should have received a copy of this at induction. You can get a further copy from the intranet page or by speaking to your HR representative.

If you don't display the standards and behaviours expected of you then your manager will discuss this with you. They want to support and help you so that you can meet our expectations.

We understand there may be events in your life which could cause you to behave in a certain way resulting in you falling short of expectations or underperforming. If this does happen we will assist you through the difficulties to help you overcome them where possible.

If you become involved in the disciplinary process be honest and truthful. It could help your case if you can explain the reasons why you have behaved in a particular way.

When is the discipline process necessary?

There are a number of reasons why we may have to take disciplinary action – some more serious than others. Cases of gross misconduct are the most serious acts, and once we establish all the facts and circumstances may lead to dismissal. Cases of unsatisfactory conduct are normally less serious, and may lead to warnings however, in some cases, further action is necessary, depending on the circumstances this could be up to and including dismissal.

Examples of gross misconduct and unsatisfactory conduct.

Gross misconduct

Fraud
Misuse/falsification of documents
Fighting at work/injury to others
Incapacity due to alcohol/drugs
Theft
Abusive behaviour to others
Neglect of duty
Gross insubordination
Bribery and corruption

Unsatisfactory Conduct

Bad time-keeping
Abuse of flexi-time
Unacceptable levels of attendance
Unauthorised absence
Unacceptable standards of work
Negligence
Refusal to carry out a reasonable instruction or order

It's impossible to list everything that may lead to disciplinary action, or to say what action we will take in each case, as circumstances will vary. However, we'll consider every offence carefully, and fairly, and any action we take will reflect the seriousness of the offence, taking into account your record and any mitigating circumstances.

What happens if I'm charged with, or convicted of a criminal offence?

If this happens we will consider the effect it has on your:

- ☐ suitability to do the job; and
- ☐ relationship with colleagues and service users.

If we think that it has a negative impact then we will follow the discipline and appeals procedures.

Support and assistance.

We understand it's a stressful time for any employee involved in the discipline process. Whatever happens you can always talk to someone.

Glasgow Life's employee assistance provider is available 24-hours a day, every day. It's totally independent, with trained counsellors available to listen to, and help you. You can contact them on 0800 247 1100 or view details on connect at Employee Assistance Provider.

If you are a member of a trade union your representative will be able to support you through the discipline process. This can include accompanying you to any meetings.

You may also require other types of support. For example an interpreter if English isn't your first language or a sign language interpreter if you have a hearing impairment. In these circumstances contact your line manager. They will arrange for any support which you need.

Who do the procedures apply to?

The discipline and appeals procedure applies to all employees.

Disciplinary Levels of Authority.

All officers within the service on Grade 5 and above are authorised to take disciplinary action up to and including final written warning.

Officers on Grade 7 and above are authorised to take action up to and including Dismissal.

Appeals against Disciplinary Action

Appeals against verbal/ formal/final warnings and punitive action short of dismissal will be heard by a nominated officer at least of the same grade as the officer giving the warning and in all cases will be an officer uninvolved in the original disciplinary process.

Appeals against Dismissal will be heard by a panel of two members of the senior management team, supported by a member of the HR team.

3. What is a disciplinary investigation?

Purpose of an investigation.

An investigation identifies facts and establishes whether it's necessary to proceed to a disciplinary hearing.

An investigation's only required in cases where the facts aren't clear. For cases where the facts aren't in dispute, for example absence or timekeeping there's no need to carry out an investigation.

A fair and thorough investigation will;

- ☐ Clarify the complaint or allegation.
- ☐ Obtain an initial explanation.
- ☐ Gather the facts.
- ☐ Collect statements and other relevant documents.
- ☐ Establish whether or not there is reasonable belief that the offence took place and if the complaint is justified.

Management will appoint an employee usually your line manager to carry out an investigation. Their role is to investigate the facts of the case and identify whether there's enough evidence to proceed to a disciplinary hearing.

Precautionary suspension.

In most cases you can continue in your role while the investigation is carried out and it's expected that you continue with your duties as normal. However, in some circumstances your line manager may need to consider precautionary suspension whilst an investigation is carried out. This happens in cases for example where:

- ☐ You're considered a danger to yourself, other employees or service users.
- ☐ The alleged misconduct has a significant bearing on your duties.
- ☐ The circumstances involve, or may involve, criminal proceedings against you.
- ☐ There's doubt about whether it's appropriate for you to continue at work pending criminal investigations.
- ☐ There's doubt about whether it's appropriate for you to continue with your employment if after the investigation we believe that the allegations are true.
- ☐ Your presence in your workplace could hinder the investigation.

Before a decision is made your line manager will discuss the matter with you. You will generally be asked your version of events and why you behaved or reacted in a particular manner.

If suspension is necessary you will have to leave your workplace. You will receive a letter confirming your suspension and what this means.

Your manager may also consider alternatives to suspension whilst they carry out the investigation. For example transferring you to another role or location, if this happens your manager will discuss this with you and confirm in writing what this means.

We will carry out an investigation as quickly as possible. In the circumstances that the period of suspension needs extending we will contact you at least every two weeks to explain why, and give you an indication of when we hope to complete the investigation.

During any period of precautionary suspension or transfer you will continue to receive your full contracted pay.

Preparing for an investigation.

You will receive a letter asking you to attend an investigatory meeting and confirming details of the date, time and location. It will also include details of your right to representation. Your trade union representative or a representative of your choice can represent/accompany you but it's your responsibility to arrange for them to attend.

You will receive details of the allegations made against you. This will allow you to start to prepare your case for the investigation. This includes identifying any witnesses who can support your case. We will give you reasonable time during working hours to do this.

Witnesses are usually employees who can verify your version of events. It's your responsibility to advise the investigating officer of the names of any potential witnesses who you would want them to interview. However, the investigating officer will confirm how many witnesses will be interviewed and the reasons why.

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What happens at an investigation?

It's normally your line manager who will carry out the investigation but there may be circumstances where your line manager is involved for example as a witness therefore it wouldn't be appropriate for them to carry out the investigation. Management will then appoint an investigatory officer.

The investigating officer will arrange to speak to you and any witnesses involved individually. They will ask each individual questions to try and establish exactly what happened. Someone may attend to take a management note of the meeting, a HR representative may also attend.

Each witness may be asked to sign and date a statement.

You must attend and answer any questions as best you can. The investigatory officer needs to have reasonable belief that the incident or failing happened before referring your case to a disciplinary hearing. If you refuse to answer questions they may have no alternative but to make assumptions about the case.

If you accept the allegations against you, make sure that you're open and honest about any mitigating circumstances. For example:

- ☐ If you were unaware that what you did breached a disciplinary rule.
- ☐ Other employees have done exactly the same and there wasn't any action taken.
- ☐ This is the first time that anything like this has happened.
- ☐ You feel you had insufficient training or were under extreme pressure at the time.
- ☐ Any personal circumstances which could have affected your standards or behaviour.

If the matter proceeds to a disciplinary hearing you will receive copies of any witness statements that management will refer to at the hearing.

When you're interviewed you can have your representative with you to support you.

Potential outcomes of an investigation

When the investigating officer has interviewed everyone they will prepare a report on their findings and any recommendations they have. They will recommend one of the two potential outcomes:

- ☐ There's no case to answer and disciplinary action isn't recommended.
- ☐ There's a case to answer and the matter should go to a disciplinary hearing.

If there's no case to answer the investigating officer will advise you of this and confirm it in writing to you. Whilst there may not be a disciplinary hearing your behaviour may still have given them cause for concern. They may decide to discuss the matter further with you. They will explain to you that the conversation is "informal" and not a verbal warning. You can have your representative attend however it's not compulsory.

The investigating officer will keep a diary note of the conversation. This is only for reference purposes and won't be noted in your employee record.

If the investigating officer isn't your line manager they will refer the matter to your line manager to speak with you informally.

If there is a case to answer you will be advised of this and the details of the disciplinary hearing will be confirmed in writing along with a copy of the investigation report.

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4. Preparing for a disciplinary hearing

Purpose of a disciplinary hearing

The chair of the disciplinary hearing will consider the findings of the investigation and your responses before deciding whether to take any disciplinary action. They will also decide on what level of action is required.

Preparing for a disciplinary hearing

We will contact you by letter and give you:

- ☐ Details of the date, time and location of your disciplinary hearing.
- ☐ Summary of allegations for consideration.
- ☐ Copies of any written statements or relevant documents which management intend to use as evidence during the hearing.
- ☐ Information on your right to representation such as your trade union representative or an employee of your choice.

If dismissal is a potential outcome of the hearing this will be confirmed in the letter.

Normally we don't allow employees to have legal representation; however we may consider allowing this if you need to be registered with a professional body in order to do your job.

We do this as we have a duty to advise the professional body of the outcome of any disciplinary action which we feel could affect your ability to continue in your profession, particularly in cases of gross misconduct. The professional body may then conduct a hearing into your ability to practice and could potentially withdraw your registration. This could therefore have life changing consequences for you and in these circumstances it may be appropriate to allow you legal representation. Your HR team will be able to advise you further in this situation.

If you want representation at the hearing it's your responsibility to arrange this.

If you have a witness and wish them to attend the hearing then you should identify them to the Discipline Chair who will make the necessary arrangements. If your witness is a Glasgow Life employee this time off is normally with pay.

Where you have several witnesses from the same work location it may not always be possible for them all to attend. You can arrange for written statements from them which are dated and signed in these circumstances.

You should use all of this information to prepare your case including any questions which you may want to ask management.

What happens at a disciplinary hearing?

The chair of the hearing's role includes listening to all the information represented from both the investigating officer and you or your representative before making a decision. During the hearing it's your responsibility to take your own notes.

The chair of the hearing will:

- ☐ Introduce everyone present and explain why they are there.
- ☐ Explain that the reason for the hearing is to consider whether disciplinary action should be taken.
- ☐ Explain what will happen during the hearing.

The format of the hearing involves:

- ☐ The investigating officer presenting details of the investigation carried out, supported with witnesses and statements, where appropriate.
- ☐ You or your representative having the opportunity to ask the investigating officer questions.
- ☐ The chair asking the investigating officer questions.
- ☐ You or your representative responding to the allegations and calling your witnesses or giving statements where appropriate.
- ☐ The investigating officer and the chair asking you questions about the information you presented.

If a HR representative is at the hearing they may also ask questions.

Sometimes during the disciplinary hearing issues are raised which the chair requires to clarify or investigate. If necessary they will adjourn the hearing and reconvene when the necessary investigation is complete.

If there's a delay in completing this investigation, the chair of the hearing will get in touch and give you an update of what's happening and the reasons for the delay.

At the end of the hearing the chair will ask both you and management if you've had a fair hearing. The chair will adjourn the hearing to consider their decision, and then reconvene to let you know of their decision.

Potential outcomes of the disciplinary hearing

At the end of the disciplinary hearing the chair may decide that there's no case to answer. This means that action will not be taken against you.

However, for cases where we require to take action the following outcomes may follow and will depend on the seriousness of the offence, as detailed below.

Action	Circumstances
Verbal Warning	This is normally issued for minor offences. This warning will expire after six months.
Formal written warning	For further minor offences usually following an initial verbal warning. Or, in the case of a more serious instance of unsatisfactory conduct. This warning will remain expire after six months.
Final Warning	For further minor offences, usually following a formal written warning. Or, in the case of a serious case of unsatisfactory conduct. This warning will expire after 12 months. It could be extended in exceptional circumstances.
Punitive action short of dismissal	Given in addition to a warning. This may include disciplinary transfer, suspension without pay, demotion, withholding occupational sickness allowance or loss of increment.
Dismissal with notice	For further, repeated minor offences of unsatisfactory conduct, following previous action. We will give you appropriate paid notice.
Dismissal without notice	In cases of gross misconduct you will be summarily dismissed. This means that you're dismissed with immediate effect and without paid notice.

Confirming the outcome of the disciplinary hearing

After the disciplinary hearing you will receive a letter confirming:

- ☐ Details of the misconduct.
- ☐ The level of disciplinary action taken and the reasons for this.
- ☐ How long the disciplinary action will last for.
- ☐ Details of any improvement required in your performance and conduct.
- ☐ What may happen if there's further misconduct.
- ☐ Details of how to appeal this decision, including who to send your appeal to and the timescales.

We will ask you to confirm that you've received this letter by signing and returning a copy to your HR representative.

5. Preparing for an appeal hearing

How to appeal the decision

If you disagree with the outcome of the disciplinary hearing you have the right to appeal against it. You should do this in writing as explained on the letter you receive confirming the disciplinary action. You should include the reasons why you want to appeal. If you don't agree with the level of action taken you should include your reasons for this. You need to do this in writing within 14 days of receiving the letter confirming the disciplinary action.

Purpose of the appeal hearing

The appeal hearing reviews the decisions taken at the disciplinary hearing and whether the action taken is appropriate. This helps us ensure that we treat all our employees in a fair and consistent way.

Appeals short of dismissal

You should appeal to the HR Manager. They or a nominated manager will arrange an appeal hearing normally within a further 14 days.

The nominated manager will act as chair of the appeal hearing. The chair of the disciplinary hearing, yourself and your representative (if you have one) will attend the meeting. An HR representative may also attend and will give advice and guidance to the chair of the hearing and will clarify any points. Someone may also attend to take a management note.

The chair of the disciplinary hearing will present their case. They will give details of the information presented to them during the disciplinary hearing and why they reached the conclusion that they did. They will then give details of why they took the level of action based on these circumstances. You can ask the chair of the disciplinary hearing questions about the hearing and the outcome.

You or your representative will have the opportunity to present your case. You should tell the chair of the appeal hearing why you don't agree with the action taken and/or the level of action taken.

The chair of the appeal hearing can ask questions of both you and the chair of the disciplinary hearing. The HR representative may also ask you questions.

Both management and yourself will be asked to confirm whether you've had a fair hearing.

The chair of the appeal hearing may need clarification of some points which have been raised. If it's necessary they will adjourn the meeting. If there is a delay in getting information then the chair of the hearing will get in touch and give you an update on what has happened and the reasons for the delay.

When the necessary clarification is complete the chair will either:

- ☐ reconvene the meeting and advise you of the outcome; or
- ☐ put the decision in writing.

Potential Outcomes of an appeal hearing

At any appeal hearing there are three potential outcomes. They are:

- ☐ That the decision's unreasonable and therefore the appeal's upheld in full.
- ☐ That the decision's reasonable in the circumstances. However, in the light of the mitigation offered it's decided to uphold the appeal in part and substitute the decision with a level of warning and/or other action, as appropriate.
- ☐ That the decision's reasonable in the circumstances and therefore the appeal's rejected.

The appeal process is the end of Glasgow Life's internal disciplinary procedures.

Appeal against dismissal

If you're dismissed and you want to appeal this decision you should write to the HR Manager within 14 days of receiving the letter confirming your dismissal. In your letter include details of why you feel that the decision was unfair.

Preparing for your appeal against dismissal

The HR Manager or their representative will acknowledge that they've received your appeal against dismissal. They will give you the opportunity to include any additional paperwork which you feel supports your appeal.

While you're gathering your paperwork which supports your appeal, management will do the same to support their decision. It's your responsibility to provide any paperwork which you feel supports your case. Don't assume that management will include this paperwork in their submission.

You'll receive a letter confirming the date when the appeals committee will meet to consider your appeal. This date is usually within 4 weeks from when you sent your appeal request.

Between three and eight days before your appeal hearing HR will issue copies of the paperwork which the Appeal Panel will receive before the hearing. This paperwork will include all the information which you've sent together with a management report on why the decision was taken to dismiss you and any paperwork which management want to include.

Remember it's your responsibility to make sure that your representative and any witnesses attend the appeal hearing.

What happens at an appeal against dismissal?

The Appeals Panel will hear your appeal against dismissal. Representative(s) from HR will attend to give advice and guidance.

We understand that you may find the environment formal however the panel will try to ensure that you relax. They want to hear your side of the story and understand any circumstances, which may have had an impact on your attendance, behaviour or conduct.

When all the introductions have taken place the chair of the hearing will ask management to present their case.

The format of the appeal against dismissal is the same as the appeal against action short of dismissal. Further details are available on Pages 12 and 13.

Normally the chair of the panel will call a recess for the panel to consider the case. After the recess the chair of the panel will give you the decision on your appeal against dismissal if possible.

Page 13 of this guide will give you further details of the potential outcomes.

Where possible we will issue the outcome in writing to you within two working days. The appeal process is the end of Glasgow Life's internal disciplinary procedures.