

Catch22 policy

Disciplinary Policy

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Catch22 reserves the right to amend this policy, following consultation, where appropriate.

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Date of last review:	<i>January 2023</i>
Date of next review:	<i>January 2026</i>
Catch22 group, entity, hub:	<i>Catch22</i>
4Policies level (all staff or managers only)	<i>All Employees</i>

1. Summary

This policy sets out the process which Catch22 will follow if it considers that an employee may have committed an act of misconduct and the actions that it may take as a result. It includes an indication of the types of misconduct that this policy is designed to deal with.

2. What is the policy about?

This policy covers the procedures that Catch22 will follow if we suspect that an employee has committed an act or acts of misconduct that breach/es our disciplinary standards, rules and policies and/or professional standards set by professional bodies.

3. Who is the policy for?

This policy covers all Catch 22 employees except those in their probationary period whose conduct in employment we manage in line with our Probation Policy.

If a recognised trade union representative is suspected of having committed a disciplinary offence, we will take no action under this procedure (except for suspension, if gross misconduct is suspected) until a People Partner has discussed the matter with the relevant full-time union official.

4. Policy statement

Catch22 believes that effective disciplinary processes, promptly and correctly applied, promote high standards of conduct, and helps to maintain trust between our employees and other stakeholders.

Catch22 will:

- Be supportive and sensitive to the concerns of our employees
- Ensure everyone involved in the process is treated fairly and with respect;
- Not tolerate abusive or insulting behaviour from anyone taking part in a disciplinary procedure and treat any such behaviour as further potential misconduct.

Managers are responsible for implementing the disciplinary policy and procedures and for ensuring that their responsibilities under the Equality Act 2010 are carried out. This responsibility includes consideration of reasonable adjustments for disabled employees. Catch22 People team will provide support and guidance to managers in complex cases.

5. Key principles

This policy has been developed in line with the ACAS Guide and the Code of Practice on Disciplinary and Grievance Procedures.

Informal action will be considered where appropriate to resolve problems.

Managers and individuals should deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.

Employees should be advised of the nature of the complaint against them and will be given an opportunity to state their case before any decision is made.

No disciplinary action will be taken against an employee until the case has been appropriately investigated

Employees will be provided with written copies of relevant evidence and relevant witness statements in advance of a disciplinary hearing in a format accessible to them.

The employee has a right to be accompanied at formal meetings, by a workplace colleague, trade union representative, or Link Up Partner.

An employee will have the right to appeal against disciplinary action taken.

6. Expected standards of behaviour

Catch22 has clear policies and procedures and a code of conduct that employees must follow.

All employees are responsible for familiarising themselves with these policies and procedures, code of conduct, standards of work and any other rules that may be relevant.

Line managers should ensure that employees receive adequate induction, training, support, supervision and advice in connection with their work and are made aware of the relevant standards of work and conduct expected in a way that promotes a positive working environment.

It is not possible to define all forms of misconduct and gross misconduct. Examples are provided Appendix A and B. This list is not exhaustive.

7. Informal procedure

Managers should seek to resolve minor misconduct informally and as soon as it occurs. Where minor misconduct has occurred, management advice may be given to the employee. The management advice should set out the misconduct, the improvement that is required and, if appropriate, how this will be reviewed and during what timeframe. A copy of the management advice should be placed on the employee's personnel file.

8. Formal procedure

Where the minor misconduct cannot be resolved informally, or the misconduct is more serious, the formal procedure should be applied.

9. Suspension

In certain circumstances, suspension may be appropriate whilst a case is investigated. Suspension is not a disciplinary penalty and does not imply that any decision has been made regarding the allegations.

Prior to making a decision to suspend, a suspension risk assessment should be carried out.

Suspension of employees is on normal pay and contractual benefits may only be actioned on the authorisation of the Hub Director, in consultation with the People Partner. Where an employee calls in sick during a period of suspension, they will default to sick leave and receive SSP only. They will revert to normal pay once fit for work.

Suspension will only be considered when:

- Gross misconduct is suspected
- The employee's continued attendance at work may hamper the conduct of a fair, speedy and objective investigation
- The well-being and interests of our service users, representatives of other bodies, other members of staff or the employee concerned could be put at risk, in any way whether by reputation or otherwise, by their continued presence at work
- A temporary transfer to other work is not appropriate.

Terms of the suspension will be set out in the letter sent to the employee.

10. Investigation

Prior to progressing to a disciplinary hearing, an investigation may need to be carried out.

The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations, before deciding whether to proceed with a disciplinary hearing. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary actions will be taken until after a disciplinary hearing has been held.

All disciplinary issues will be investigated and dealt with as quickly as possible. The Investigating Officer will aim to complete the investigation within a reasonable time period and without undue delay, recognising that Investigating Officers have other duties within the organisation which also need to be accommodated. The employee will be regularly updated by the Investigating Officer, should the investigation become delayed or protracted.

Having gathered all the facts, the Investigating Officer should decide whether to:

- **Recommend no further action** – e.g. where there is no case to answer.
- **Recommend informal action** – e.g. where the misconduct is minor and can be addressed informally.
- **Recommend the matter should be referred to a disciplinary hearing** – e.g. where the matter is more serious and there is a case to answer.

The report should be submitted to the Commission Manager who will consider the recommendations of the Investigating Officer and decide whether to convene a disciplinary hearing.

11. Disciplinary hearing

If, when the investigation is complete, there are reasonable grounds to believe, on the balance of probabilities that an employee has committed misconduct, and the matter is sufficiently serious to warrant a disciplinary hearing, the employee will be required to attend a disciplinary hearing.

The hearing will be chaired by a line manager from the employee's Hub plus one other line manager. Both managers should be more senior to the affected employee. The Panel must be impartial, and so must not include any manager implicated in the allegation(s) or involved in any way after the investigation was commissioned.

The employee should be given at least 5 working days notice of the hearing. The letter should set out:

- The date, time and place of the disciplinary hearing.
- The allegation/s and their possible consequences.
- The employee's right to be accompanied by a workplace colleague, Link Up Partner or trade union representative. It's the employee's responsibility to organise their companion's attendance at the hearing and share copies of any relevant paperwork.
- The names of any witnesses to be called by management.
- The employee's right to call witnesses.

A copy of any documents that will be considered as evidence including the investigation report, witness statements etc should be enclosed with the letter.

The employee should advise the Chair of the Panel at least 3 working days in advance of the hearing:

- The name and designation of their companion.
- Provide any written documentation to be considered.
- The names of any witnesses they wish to call.
- Any special requirements (e.g. disability, language requirements).

If the employee is unable to attend the disciplinary hearing because of circumstances beyond their control, they should inform the Chair of the Panel as soon as possible. The Chair of the Panel may agree to adjourn the hearing to another day.

If the employee's chosen companion is not available to attend, the employee should specify another date for the meeting up to 5 working days later.

If the employee fails to attend the meeting without explanation, or if it appears they have not made sufficient attempts to attend, the disciplinary hearing may take place in the employee's absence, and a decision made based on the evidence available.

At the disciplinary hearing, the employee will be given a reasonable opportunity to state their case, to question the Investigating Officer and any witnesses and, to call any witnesses and raise points about any information provided by witnesses.

Following the hearing, the Chair of the Panel will consider the matter and confirm their decision in writing to the employee as soon as possible and usually within 5 working days of the hearing. The letter should include:

- The sanction (if any) and the period this will remain current.

- Their reasons for the decision.
- The change in behaviour required (if relevant) and the likely consequences of further misconduct.
- The right of appeal.

12. Potential outcomes

The potential outcomes could include:

- **No further action** – This may be appropriate where the case against the employee has not been proven on the balance of probabilities. However, it may still be considered appropriate to recommend some form of training or other management action.
- **First written warning** – This may be appropriate in cases of misconduct, or where there is continuing minor misconduct which has not been resolved through the informal process. A first written warning is recorded and kept on the employee's personal file for 12 months.
- **Final written warning** – This may be appropriate in cases of serious misconduct, or where there is continuing misconduct and / or there is a live first written warning on the employee's personnel file. A final written warning is recorded on the employee's personal file for 24 months.
- **Dismissal** – This may be appropriate where there is continuing serious misconduct and / or there is a live final written warning on the employee's personnel file.
- **Summary dismissal without notice** – This may be appropriate in cases of gross misconduct.

The penalty will take effect from the date of the hearing. In the case of dismissal, the employee should be given a date on which their employment will end. If the dismissal date is before any appeal hearing, the dismissal will go ahead. If the employee's appeal is successful, they will then be re-instated with no loss of pay, keeping their contractual and statutory continuity of service.

13. Appeal

The employee can appeal against the outcome of a disciplinary hearing if it results in any type of formal written warning, or a dismissal. An employee may appeal on one or more of the following grounds:

- Severity of the penalty.
- Dismissal for an unfair reason.
- Failure to follow a fair process.
- New evidence has come to light.

The employee should submit their appeal in writing to People Services, setting out the grounds of their appeal, within 5 working days of receiving the outcome letter.

The appeal will not normally take the form of a complete re-hearing; its purpose is to decide whether the original disciplinary decision was reasonable.

The appeal will be considered by two managers who have had no previous involvement in the case. The employee or their line manager can only introduce new evidence at the appeal hearing but only if this has become available since the original hearing.

The appeal Panel can decide to remove or reduce the penalty, but not to increase it. If there is new evidence which the appeal Panel believes need to be taken into consideration, the outcome of the appeal Panel may be to refer the case back to the original Panel to take into consideration the new evidence and review the level of the sanction issued.

Following the appeal hearing, the Chair of the Panel will consider the matter and confirm the decision in writing to the employee as soon as possible and usually within 5 working days of the hearing.

The outcome of the appeal Panel is final and there is no further right of appeal.

14. Overlapping grievance and disciplinary processes

The submission of a grievance by an employee subject to disciplinary proceedings will not prevent or delay the application of that procedure.

In the event that a complaint relates to the application of such procedure, it should be raised as part of that process and not pursued through the grievance procedure.

If the complaint does not relate to the application of such procedures, the grievance will normally be addressed concurrently.

15. Related policies

- Code of Conduct
- Capability policy
- Equality and Diversity policy
- Grievance policy
- Managing sickness absence policy
- Probation policy

Appendix A: Misconduct

Examples of misconduct (this is not an exhaustive list):

- Being absent from work without prior permission and without reasonable cause.
- Persistently failing to be in attendance at the place of work at the required time.
- Failing to properly report absence from work on the day of such absence without a good reason in line with Catch22's Sickness Absence Policy.
- Failing to record arrival and departure from work by the means required by Catch22.
- Failing to conform to established working practices, policies and procedures whether professional or as laid down by Catch22.
- Refusing to carry out legal and reasonable management instructions.
- Acting in a way prejudicial to Catch22's interests in dealing with suppliers, contractors, the public, service users or other outside contacts.
- Failing to take reasonable care of Catch22's property; this includes failing to act to prevent loss or damage to it.
- Using threatening or abusive language or conduct.
- Acting in a way that could constitute a significant risk to the health or safety of the employee concerned or any other person on Catch22's premises or property, or contravening rules drawn up in a consequence of the Health and Safety at Work Act.
- Leaving the place of work during the hours of duty without permission or a satisfactory reason.
- Communicating any confidential information without authority to any person not entitled to receive it.
- Smoking (or using e-cigarettes, or "vaping") within a prohibited area.
- Unauthorised employment detrimental to the interests of Catch 22.
- Falsehood.
- Improper disclosure of information.
- Conduct at work likely to offend commonly considered levels of decency.
- Sleeping on duty, when expected to be awake.
- Unofficial strike action/Industrial Action.
- Failure to disclose Police enquiries, convictions, cautions, prosecutions or pending prosecutions that may be considered minor with no impact on your role.
- Persistent minor breaches of Catch22's policies, procedures and rules
- Repeated lateness or persistent time wasting

Appendix B: Gross Misconduct

Examples of Gross Misconduct (this is not an exhaustive list):

- The theft or unauthorised possession of, or wilful damage to, Charity property or that of suppliers, contractors or any other employee.
- The fraudulent obtaining of money or other property from Catch22 or suppliers or contractors working on Charity premises.
- Recording the arrival or departure from work on behalf of any other employee without authority; falsifying official records, time sheets, clock cards etc.
- Committing any assault on Catch22's premises or whilst on Charity business, or actual physical violence against another member of staff or member of the public/service user.
- Multiple/repeated breaches of Catch22 policy
- Increasing the business risks faced by Catch22 through failure to apply Catch22 policies.
- Committing a legal offence which renders the employee unsuitable or unable to carry out the duties for which s/he was employed or otherwise makes her/his continuing employment undesirable.
- Being unable to carry out normal duties or constituting a serious safety risk as the result of the influence of alcohol or drugs.
- The persistent and wilful refusal to carry out instructions despite warnings of the consequence of continued refusal.
- Grossly offensive or indecent behaviour towards others.
- Altering, defacing or falsifying medical certificates.
- Committing a serious breach of duty prejudicial to Catch22's relations with other bodies or the general public or any wilful attempt to damage Catch22's standing or position.
- Giving false information when applying for a job.
- Gross breaches of proper standards of Health and Safety at Work.
- Non-disclosure of a medical condition which renders the person unfit to carry out their duties.
- Divulgence to outside parties of confidential information regarding the affairs of Catch 22 or its staff or its service users.
- Engaging in harassment contrary to any of the protected characteristics set out in the Equality Act 2010.
- Misuse of computer/internet facilities, which are the property of Catch 22.
- Failure to disclose Police enquiries, convictions, cautions, prosecutions or pending prosecutions relevant to your role including any matter which may damage Catch22's reputation or damage trust and confidence.
- Failure to supply on request an original DBS certificate where the DBS check status has changed or when the manager is informed that a new DBS check has the outcome of Criminal Information Disclosed.
- Theft or unauthorised personal use of Catch 22's assets or money.
- Deliberate falsification of expense claims, time sheets or payroll records - either on behalf of oneself or another.
- Abuse of the self- certification system for sick leave.
- Abuse of the flexitime and Time Off in Lieu system. Including falsification of timing when signing on and off work.
- Deliberately and knowingly approving invoices from suppliers of goods and services resulting or likely to result in Catch 22 paying out money that is not justified.
- Arranging for money due to Catch 22 to be paid to oneself or other inappropriate party.

- Unauthorised dissemination of Catch 22's confidential information and intellectual property to others for personal gain.
- Personal receipt of money or gifts from suppliers or other third parties involved with Catch 22 in return for favours, concessions and considerations relating to Catch 22's business.
- Offering financial inducements to employees of customers and funders for favourable consideration relating to Catch 22's business.
- Offering or receiving financial inducements from another Catch 22 employee for favourable consideration relating to Catch 22's business.
- Any member of Catch22 staff who becomes aware of an instance of fraud or corruption has a duty to inform his/her line manager or a more senior manager as soon as possible or may use Catch22's Whistleblowing Policy.

Annex 1: Equality Impact Assessment

This EIA is for:	Disciplinary Policy
EIA completed by:	People Director
Date of assessment:	January 2023
Assessment approved by:	Chief People Officer

Catch22 is committed to always: avoiding the potential for unlawful discrimination, harassment and victimisation; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, foster good relations between people who share a protected characteristic and those who do not.

An Equality Impact Assessment (EIA) is a tool for identifying whether or not strategies, projects, services, guidance, practices or policies have an adverse or positive impact on a particular group of people or equality group. Whilst currently only public bodies are legally required to complete EIA's under the Equality Act 2010, Catch22 has adopted the process in line with its commitment to continually improve our equality performance.

Policy owners are required to complete or review the assessment indicating whether the policy has a positive, neutral or negative impact for people who it applies to and who share one or more of the 9 protected characteristics under the Equality Act 2010. Definitions are based on the Equality & Human Rights (EHRC) guidance.

Objectives and intended outcomes
This EIA has been completed in order to ensure that the implications and potential impact, positive and negative, of this policy have been fully considered and addressed, whether or not people share a protected characteristic.

2. Potential Impacts, positive and negative

Equality Area	Positive	Neutral	Negative	Summary
Age	☐	☒	☐	The policy applies equally to all members of staff regardless of age. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their age.
Disability	☐	☒	☐	The policy applies equally to all members of staff regardless of health/disability. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their disability.
Pregnancy & Maternity/paternity	☐	☒	☐	It's not considered that the policy positive or negatively impacts on pregnant women or on staff on maternity or paternity leave.
Race (incl. origin, colour and nationality)	☐	☒	☐	The policy applies equally to all members of staff regardless of their race, origin, colour or nationality. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively in these respects.
Gender and Gender Re-assignment	☐	☒	☐	The policy applies equally to all members of staff regardless of their gender at any given time. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of gender.
Sexual Orientation	☐	☒	☐	The policy applies equally to all members of staff regardless of their sexual orientation. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because their sexual orientation.

3. Negative impacts and mitigations

Negative Impact	Mitigation	Owner