

# Group Disciplinary, Capability and Dismissal Policy

## 2019 -22

Group Remuneration & Nominations Committee Approval: Nov 2019	Person Responsible: Maureen Gimby	Reviewed: Oct 2019 Next Review: Oct 2022
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## 1. Purpose and Scope

- 1.1 The purpose of the RCH Group Disciplinary, Capability and Dismissal Policy is to ensure that the Group organisations, River Clyde Homes (RCH) and its subsidiary, Home Fix Scotland (HFS) provide a working environment that ensures all its employees are aware of performance and conduct standards whilst at work. It is committed to ensuring a fair and consistent approach is applied when dealing with employment related issues through the application of the Group Disciplinary and Dismissal Procedures and the Group Capability Procedures as agreed with its union partners in the Joint Consultative Forum.
- 1.2 The Group Disciplinary and Dismissal Procedures and Capability Procedures have been drawn up to comply with the ACAS Code of Practice 2015: Disciplinary and Grievance Procedures, the guiding legislative framework for managing employee relations.
- 1.3 The RCH Group organisations are committed to being fair and reasonable employers and recognise that situations can arise where a member of staff underperforms in their work duties due to a genuine lack of capability that is not related to indiscipline or lack of compliance with reasonable management directions. In these circumstances, both RCH and HFS seek to encourage and support staff achieve an acceptable standard of performance.
  - The RCH Group Disciplinary and Dismissal Procedures will be applied when dealing with any concerns or complaints about performance and/or conduct standards whilst at work, and will also be used to reinforce these standards and to encourage improvement from employees who are not meeting them. The Procedures specify the key stages and framework for dealing with issues of unacceptable performance or issues of misconduct.
  - The RCH Group Capability Procedures will be used to ensure that a fair and consistent approach is taken where there are management concerns about a member of staff's performance. This is to ensure the member of staff who is experiencing performance difficulties is supported and managed appropriately and has access to support; training and supervision to assist them achieve an acceptable standard of performance within a reasonable timeframe.
- 1.4 All managers have a duty to bring this Group Policy to the attention of their staff and ensure that it is implemented. Managers must be clear that it is their responsibility to implement this policy and to take immediate corrective action to meet the standards required through effective use of the Group Disciplinary and Dismissal Procedures and/or the Group Capability Procedures.
- 1.5 Each and every employee in the RCH Group has the responsibility to ensure that his/her own behaviour, conduct and performance complies with the standards expected or undertakes a programme for improvement to meet the standards.
- 1.5 This Policy applies to all RCH Group employees and Board Members.

## 2. Policy Principles

- 2.1 To ensure that RCH and HFS carry out a systematic approach as agreed with the Joint

Consultative Forum and as laid out in both the Group Procedures outlined above for dealing with any performance concerns, including attendance and any allegations of misconduct in a fair and consistent manner.

- 2.2 To commit to resolving unsatisfactory performance, attendance concerns or minor misconduct issues on an informal basis in the first instance, if possible. However, if informal action does not bring about a resolution to unsatisfactory performance or attendance or the misconduct is considered to be too serious to be classed as minor, formal action will be instigated.
- 2.3 To ensure all disciplinary procedures and processes are carried out in line with current employment law and best practice, including compliance with the requirements of the ACAS Code of Practice 2015: Disciplinary and Grievance Procedures.
- 2.4 To ensure that RCH Group Managers, other Group supervisory staff and members of the Group Remuneration & Nominations Committee involved in disciplinary handling or appeals hearings resulting from the application of either or both of these Procedures are competent to do so through regular training to ensure that best practice is maintained at all times.

### 3. Disciplinary Stages and Authority Levels

#### 3.1 Informal Action (Improvement Note)

Informal action, which is action short of taking formal disciplinary action, can be taken by a first line Group Supervisor or Group Manager to set out the required improvement in work performance, attendance and/or conduct. An Improvement Notice will be given, detailing the timescale and support plan to aid this improvement. It will also detail any subsequent sanctions that may be taken where the desired improvement is not achieved and maintained.

- **An Improvement Note** with timescale for improvement but not more than 6 months can be given by a first line Group Supervisor or above.

#### 3.2 Formal Disciplinary Action

Formal disciplinary may be taken if there is no improvement as detailed in 3.1 above or the allegation of misconduct/poor performance is of a more serious nature. Examples of misconduct and gross misconduct are contained within the Group Disciplinary and Dismissal Procedures and it should be noted that these examples are not exhaustive. A right to representation at all stages of the formal process will be given to the employee.

Should formal action be invoked, the formal process will consist of the following:

***Investigation Stage:***

May be carried out by a first line Group Supervisor level or above.

***Precautionary Suspension (if required)***

May be carried out by a Group Manager level or above.

***Formal Hearing:***

May be carried out by a Group Manager level or above.

***Appeal:***

May be carried out by a member of the Group Senior Management Team (SMT), Group Executive Management Team (EMT) or the Group Remuneration & Nominations Committee Appeals Panel, whichever is relevant. In the case of dismissals, the Group Remuneration & Nominations Committee Appeals Panel will hear the appeal. If an HFS employee is dismissed, the Chair of the HFS Board will be part of the Group Remuneration & Nominations Committee Appeals Panel.

Full details of the formal disciplinary process and when this will apply are contained within the Group Disciplinary and Dismissal Procedures and the Group Capability Procedures.

#### 4. Formal Disciplinary Sanctions and Authority Levels

4.1 Formal disciplinary sanctions for any Group employee may be given as follows:

- **First Written Warning** – remains live on file for 6 months and can be given by a Manager. For those employees seconded from RCH to HFS, a warning can be issued by a Manager employed by HFS. HFS employees may be issued with a warning by a Manager employed by RCH.
- **Final Written Warning** – remains live on file for 12 months and can be given by a Manager. For those employees seconded from RCH to HFS, a warning can be issued by a Manager employed by HFS. HFS employees may be issued with a warning by a Manager employed by RCH.
- **Dismissal or Action Short of Dismissal** (demotion or disciplinary suspension or transfer (as allowed in the contract of employment) can be given by a member of the Group SMT. For those employees seconded from RCH to HFS, dismissal or action short of dismissal will be issued by an RCH SMT member. For HFS employees, dismissal or action short of dismissal will be issued by an HFS SMT member.

#### 5. Role of the Group Remuneration & Nominations Committee

5.1 The involvement of the Group Board and/or Group Remuneration & Nominations Committee in disciplinary matters is in line with the Group Standing Orders, Delegations & Governance Code. This will include any disciplinary matters that may concern a member of the Group EMT's conduct or performance. It may also involve hearing any appeals from staff arising from any disciplinary sanctions applied, including dismissals, whenever this is relevant.

#### 6. Supporting Procedures

- Group Disciplinary and Dismissal Procedures
- Group Capability Procedures

#### 7. Responsibility for implementation

- Group Senior Management Team (SMT)
- Group Joint Consultative Forum
- All Group Managers and Group Supervisory Staff

- All Group Employees

## 8. Policy Reviews / Consultation

- 8.1 The Policy will be reviewed in October 2022 or an earlier date if required to respond to new legislation, regulations or best practice. Any review will take account of the views of the Unions and staff that use this Policy and its Procedures on a regular basis.

## 9. Related Legislative and Statutory Framework

- 9.1 In formulating and implementing this policy, statutory requirements including the Employment Act 2008; the Employment Tribunals (Constitution and Rules of Procedure)(Amendment) Regulations 2008 and the Employment Act 2002 (Dispute Resolution) Regulations have been incorporated in addition to the ACAS Code of Practice 2015: Disciplinary and Grievance Procedures.

## 10. Key Stakeholders

- RCH Group Joint Consultative Forum
- RCH Group Employees
- RCH Group Board/Group Remuneration & Nominations Committee

## 11. Related Documents

- RCH Group Organisational Development Strategy
- RCH Group Code of Conduct
- RCH Group Equalities and Diversity Policy & Procedures
- RCH Group Grievance & Dignity at Work Policy & Procedures
- RCH Group Attendance Management Policy & Procedures
- RCH Group Bribery and Corruption Policies & Procedures

## 12. Policy Owner

The Executive Director, Resources & Transformation is accountable for the implementation of this policy. The Executive Director will be supported in this by the following officers:

- Head of Corporate Services
- Human Resources Team