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## Disciplinary Policy and Procedure

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### Policy Statement

1. SFC expects all employees to conduct themselves in an appropriate manner in their day-to-day work, including in their dealings with colleagues and external organisations. Employees are expected to adhere to the SFC's Code of Conduct for Staff and other corporate policies.
2. SFC will deal with all disciplinary issues in a fair and consistent manner. SFC recognises that involvement in a disciplinary procedure can be difficult and can be stressful for all parties, to the procedure. SFC will ensure that disciplinary issues are dealt with as quickly as possible and all parties have access to this policy and appropriate support at all times.
3. All employees of the Council have a duty to ensure that their standards of behaviour are appropriate to the workplace and that they take account of the Council's published policies, procedures and guidance that relate to behaviour and conduct whilst working for the Council. These include:

[Code of Conduct](#)

[Equality and Diversity Policy](#)

[Dignity and Respect at Work](#)

[Political activity guidance](#)

[The Council's values](#)

4. Should an employee's conduct fall short of these standards, managers will attempt to resolve the matter through informal means in the first instance to allow the employee, where appropriate, to be given the opportunity to improve. Examples of minor misconduct can be found at paragraph 17.
5. This disciplinary procedure is shown schematically in Annex B and guidance for disciplinary hearing managers is given in Annex C.

### Scope

6. This policy and procedure applies to all staff.

### Purpose

7. This policy and procedure covers cases of allegations of misconduct and unacceptable behaviour, and any other disciplinary matter not addressed by other policies and

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procedures. A list of examples of misconduct is given in Annex A. The list is illustrative; it is not an exhaustive list. The examples given indicate how offences will normally be regarded, including those which might result in dismissal for a first offence on the grounds of misconduct. An offence will also be regarded as more serious if it is repeated.

8. Cases of misconduct will be considered on the merits of the individual e circumstances of the case: Each employee's record of employment; previous patterns of behaviour (including any current warnings on record the employee may have); and whether the actions were willful or malicious will be given consideration.
9. Poor performance on the grounds of capability will be dealt with under the Performance Improvement Procedure.
10. An employee will not be subject to disciplinary action if they raise a valid whistle-blowing case. Further information can be found in Section 15 of the SFC's Financial Procedures Manual.

## Principles of the Policy

11. SFC will observe the following principles in all disciplinary matters:
  - The primary focus of discipline is to help and encourage employees to improve rather than punishing them. It provides means of dealing with any apparent shortcomings in individual conduct or performance and can help an employee to achieve and maintain required standards.
  - Each disciplinary matter will be treated in confidence and in as fair and impartial a manner as is possible.
  - Managers should aim to resolve minor disciplinary issues through informal discussion and procedures before employing the formal disciplinary procedure.
  - SFC will make every effort to deal with disciplinary allegations as quickly as possible. This will be done at the appropriate management level, and within the time limits set in this procedure. Any delays will be communicated and agreement will be sought for a revised timetable.
  - An employee's non-attendance at a formal disciplinary meeting without providing a valid reason will be addressed by giving them one further opportunity to attend a re-convened meeting. Failure to attend a re-convened meeting without providing a valid reason will result in the meeting going ahead and a decision will be made based on the information available at that time.
  - No formal disciplinary action will be taken before a case has been fully investigated and until a disciplinary hearing has taken place.
  - No staff member will be subjected to victimisation because of an investigation or whilst a case is being processed. As far as possible normal working arrangements will apply whilst a case is being processed.

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- Employees will not normally be dismissed for a first disciplinary offence, except in cases of gross misconduct.
  - At each stage of the procedure, employees will be clearly advised in writing of the nature of the allegations against them and will have the opportunity to state their case (in writing and/or in person) before any decision regarding disciplinary action is made.
  - The employee will be provided with evidence gathered through the investigation before any disciplinary hearing. This will include any statements by third parties and records of interviews.
  - At each stage of the formal disciplinary procedure, employees have the right to be accompanied by a companion, who will be a work colleague, a Trade Union representative (a work colleague who is a Trade Union representative certified as being competent to accompany a worker), or a full-time Trade Union official.
  - The employee will always have the right of appeal against any disciplinary action taken as a result of a disciplinary hearing.
  - On the appointment of an Investigating Officer, the Disciplinary Hearing Manager, or a panel, will always be subject to avoiding current or potential conflicts of interest.
  - No disciplinary action under this policy and procedure will be instigated against Unite Committee elected representatives employed by SFC without first discussing the subject with either the Chair of the Unite Committee or a full-time official.
  - At no stage in the procedure can meetings or hearings be recorded using audio or video recording equipment without the prior written agreement of all present.
  - If there is any ambiguity about the procedure to follow in an individual case, then these principles and the current version of the ACAS Code of Practice (Disciplinary and Grievance) should be used to inform how to proceed.

## Responsibilities

12. Managers are responsible for ensuring that:

- All employees are aware of this policy.
- Disciplinary issues are dealt with as soon as they become apparent.
- Guidance is sought from HR where there is a possibility of formal action being taken.
- Confidentiality is respected and all aspects comply with data protection legislation.
- All documentation relating to a disciplinary matter must be passed to HR for confidential filing or disposal; nothing should be retained by the manager.

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13. Employees are responsible for:

- Conducting themselves in an appropriate manner in their day-to-day work.
- Familiarising themselves with the expected standards of behaviour of an employee of SFC.

14. HR are responsible for:

- Ensuring adherence to the policy and procedures by all parties involved, so as to ensure the process is fair and impartial.
- Providing procedural advice and guidance to the parties involved.
- To provide secretariat and an advisory role in formal disciplinary hearings and related activities.
- Briefing and training managers so they are competent in undertaking the roles of Investigating Officer and Disciplinary Hearing Manager.

## Initial fact-finding investigation

15. If a line manager becomes aware of an alleged breach of expected standards of conduct, they should carry out a brief initial fact-finding investigation. The information gathered will enable the line manager to decide whether there is a case to answer, and if so, whether to treat the case using the informal or formal procedure. To ensure consistency of approach, the manager would normally consult with HR before reaching a decision.

## The Informal Procedure

16. Where appropriate, minor cases of misconduct may be dealt with informally through the provision of advice, coaching or training. Guidance on this can be sought from Human Resources or from line management.

17. Examples of minor cases of misconduct include isolated instances of:

- Poor time keeping.
- Non-compliance with sickness notification rules.
- Inappropriate comments or behaviour at work i.e. that do not lead to potential discomfort for others.
- Not undertaking an assigned task.
- Minor breaches of Health and Safety regulations i.e. that would not lead to potential harm for the employee or others.

18. If minor cases of misconduct, as outlined above become evident, the line manager would be responsible for bringing the matter to the attention of the employee, discussing it with them, and specifically covering:

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- A description of the unacceptable behaviour.
  - Specific examples of when it has been observed.
  - A description of the negative impact of that behaviour and the consequences it has in the workplace, e.g. the impact that their behaviour has on them, their colleagues and the wider effectiveness of SFC.
  - The expected standard of behaviour required.
  - The consequences of not meeting the expected standard or behaviour, i.e. the employee may be subject to formal disciplinary action in the future.
19. The line manager should follow up any informal meeting in writing to the employee, confirming the points made in the meeting, making clear any objectives, expectations and timescales for action. Some actions, such as providing training or coaching may fall to the line manager, and these should be covered in the written communication.
20. In some instances, it may be appropriate to impose informal sanctions on the employee for a specified time period, to support the compliance by the employee of the expected standards of behaviour. Informal sanctions may include, for example:
- Removal from flexitime arrangements.
  - Revised sick leave reporting.

## The Formal Procedure

### Decision to proceed to Formal Procedure

21. The formal process will be followed if the line manager presents a case to HR that, as a result of their initial fact-finding investigation, demonstrates that:
- The informal process has been unsuccessful and there has been insufficient improvement in the behaviour of the employee; or
  - The allegation(s) of misconduct are serious and the informal process would be inappropriate.
22. Once a line manager has concluded their initial fact-finding investigation they should contact HR immediately. The final decision whether to proceed to the formal procedure rests with HR.

### Stages in the Formal Process

23. There are three stages to the Formal Disciplinary Procedure:
- Investigation Stage – This involves an investigation into the alleged misconduct to establish whether there is a case to answer.

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- Hearing Stage – This involves a Disciplinary Hearing with the employee. A decision will be taken following the hearing as to whether any disciplinary action is necessary, and if so, what is appropriate.
  - Appeal Stage – An employee may decide to appeal a formal disciplinary decision.

## Investigating Officer and Disciplinary Hearing Manager Roles

24. HR will assign the role of Investigating Officer. This should take account of circumstances such as the nature of the relationship with the employee, conflict of interest, specialist skills required to investigate competently, availability etc. In exceptional circumstances such as an allegation of fraud, it may be necessary for an individual external to SFC to undertake the role of Investigating Officer.
25. HR will appoint a Disciplinary Hearing Manager who has not been directly involved in the case to date and has no potential conflict. The employee will have the right to express any concerns regarding the selection of the Disciplinary Hearing Manager where there are potential risks, bias, or other conflicts.
26. The Disciplinary Hearing Manager will write to the employee to inform them that the formal procedure is being followed, setting out the alleged misconduct and why it is deemed to be inappropriate behaviour, the name of the Investigating Officer, and the expected time frame for the investigation. The letter will also include any temporary restrictions whilst the formal process is being undertaken; this may include suspension from work. A copy of this policy and procedure will be sent to the employee with the letter.

## Suspension

27. As a precaution an employee may be suspended from work to allow for an investigation to be properly carried out. Suspension may be appropriate in circumstances where:
  - The presence of the employee may inhibit or compromise the investigation.
  - There are grounds to believe the employee may intentionally disrupt the day-to-day work in their Directorate or not work to agreed standards during the investigation.
  - The presence of the employee presents a risk to the welfare of other employees or may increase the likelihood of further misconduct.
  - There is a serious risk to SFC's reputation or business in allowing the employee to remain in work during the investigation.
28. Suspension will be on full pay and without prejudice. HR will write to the employee, as soon as possible, confirming the terms and likely duration of the suspension and they will keep the employee updated on the progress of the procedure.
29. Suspension will be regularly reviewed throughout the investigation. It may be brought to an end if the Investigating Officer, in consultation with HR and the employee's line

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manager, believes there are no longer sufficient reasons for it to continue.

## Investigation

30. An appropriate manager will be assigned to the role of Investigating Officer (see paragraph 26 above). HR will decide who would be the most suitable person for the role.
31. The employee will be informed who the Investigating Officer is, and should the employee believe there is a potential conflict of interest they should advise HR immediately, detailing the issue. HR will make a decision, normally in consultation with a senior manager (e.g. a Director), and where appropriate arrange for a different manager to be assigned to the role of Investigating Officer.
32. The purpose of the investigation is to seek to determine the facts of the case. In order to complete this, individuals will be interviewed, and statements taken.
33. Investigations will be undertaken as quickly as is practicable whilst being thorough and proportionate to the allegations made. The Investigating Officer will submit a written report with their findings to the Disciplinary Hearing Manager. This report should normally be submitted within two weeks of commencing the investigation.
34. The Disciplinary Hearing Manager, in conjunction with HR, will determine whether there are sufficient grounds to justify convening a disciplinary hearing. The employee will be informed of this decision in writing.
35. If the decision is to proceed to convene a Disciplinary Hearing the letter will provide at least one week's notice of the hearing, which will normally take place within two weeks of notification (ten working days). The letter will inform the employee of:
  - The date, time, location and expected duration of the hearing.
  - The exact nature of the alleged misconduct, including a copy of the Investigating Officer's report and any other documents to be referred to in the hearing.
  - The names of those attending the hearing.
  - Their right to be accompanied by a Trade Union representative or work colleague.
  - The requirement that if they have any additional evidence that did not come to light during the investigation, they should send it in advance to HR and no later than three days before the hearing.
  - The potential range of outcomes of the hearing.
36. If the decision is that there is no case to answer, this will be confirmed in the letter to the employee and their line manager (if the Investigating Officer is a different manager) will also be informed. All associated documentation will normally be destroyed and disposed of. In these circumstances the employee's line manager should consider if any informal guidance for the employee is appropriate.

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## Disciplinary Hearing

37. The formal disciplinary hearing will normally take place within ten working days from the date of the notification from HR (as outlined in paragraph 35).
38. If an employee refuses to attend a disciplinary meeting or fails to attend without providing a valid reason, the meeting will be re-convened. If the employee fails to attend the re-convened meeting without providing a valid reason, the meeting will go-ahead and a decision will be made based on the information available at that time.
39. The Investigating Officer will normally present the evidence gathered during the investigation, and any other subsequent evidence received. In some instances it will be appropriate for the Investigating Officer to ask witnesses to give oral evidence at the hearing.
40. The employee and/or their representative will then have the opportunity to reply to the case. The employee or their representative may question any witnesses called.
41. The Disciplinary Hearing Manager may question the Investigating Officer, the employee, and any witnesses, in order to seek clarification of their statements and responses made to questions in the hearing.
42. The hearing may be adjourned at any point by the Disciplinary Hearing Manager if there is a valid reason, such as to obtain relevant information or HR advice, or to deal with any interruption to the proceedings. The manager will state the reason for the adjournment and the anticipated length of recess. The hearing manager will not refuse any reasonable request for an adjournment. Where an adjournment requires the meeting to be held over to another day, the meeting will normally recommence within a week of the original hearing date.
43. A written record of the hearing will be produced and a copy provided to the employee, normally within one week of the hearing. The employee should provide HR with any significant factual inaccuracies within 48 hours of receipt of the written record.

## Outcome of the Hearing

44. Once all the evidence in the case has been considered, the hearing will be adjourned to enable the Disciplinary Hearing Manager to make a decision. Normally the decision will be made on the day of the hearing, whether to accept or dismiss any or all the allegations and what (if any) disciplinary action to take.
45. If the Disciplinary Hearing Manager decides to dismiss all of the allegations, all associated documentation will be destroyed and disposed of. HR will confirm this in writing to the employee. In these circumstances the employee's line manager should consider if any informal guidance for the employee is appropriate.
46. If the allegation of misconduct is upheld there are a range of sanctions that may be imposed depending upon seriousness of the misconduct and/or any current sanctions on the employee's record. The sanctions are listed in Annex D.

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47. Before deciding on any disciplinary sanction the Disciplinary Hearing Manager should take account of:
- The employee's disciplinary and general record (performance/conduct at work) during this time.
  - Actions taken within the Council in previous similar cases (by conferring with HR to ensure consistency and procedural observance).
  - The evidence and explanations given by the employee.
  - Any other relevant circumstances and the wider context.
48. The Disciplinary Hearing Manager will either reconvene the hearing and inform the employee of their decision and any sanction to be imposed, or will ask HR to write to the employee, as set out in paragraph 50.
49. HR will confirm the Disciplinary Hearing Manager's decision in writing within five working days of the conclusion of the hearing. The letter will include:
- The nature of the misconduct.
  - The reasons for the decision and factors taken into account.
  - The nature of the disciplinary action to be taken.
  - The length of time a disciplinary warning will be active.
  - The likely consequences of further misconduct, where appropriate.
  - The improvement expected, including specific guidance where appropriate.
  - The timescale in which such improvement will be monitored and by whom.
  - The employee's right of appeal and the timescale for lodging an appeal (which must be in writing) to HR.
50. Where the Disciplinary Hearing Manager recommends that the disciplinary outcome should be to dismiss the employee, the case must be reviewed by the most senior member of the HR team and a Director or other senior manager who has not been directly involved in the case. If all senior managers have been involved, HR will nominate a replacement which may include an external validator, should that be necessary. Employees will not normally be dismissed for a first offence unless their actions amount to gross misconduct.

## Appeal Process

51. If a formal disciplinary sanction is imposed, an employee has the right to appeal against the decision, the level of sanction imposed or incorrect use of the procedure.
52. An employee must appeal in writing to the Head of HR, to be received within ten working days of the written confirmation of the hearing outcome. The appeal letter should include the reason(s) for the appeal and include any new supporting material.

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53. The written request for an appeal will be acknowledged by the Head of HR within two working days of receipt. HR will convene an appeal hearing which will normally be held within ten working days of receipt.
  54. The appeal will be heard by a panel of two members, who should be of higher seniority than the hearing manager. No member of the appeal panel will have had any direct involvement in the case.
  55. In the case of appeal against dismissal the panel will be chaired by a Council member and consist of two other members, one of whom should be a Director and the other, at least, an Assistant Director. In exceptional circumstances such as organisation wide allegations or alleged fraud it may be necessary to bring in external representatives onto the panel to ensure objectivity – where this is necessary HR will highlight this before the appeal hearing is convened.
  56. The panel will hear the employee's grounds for appeal, including any claims in mitigation. The panel may question any party involved in the case, review any evidence and documentation, and may recall any material to the appeal.
  57. The appeal is not normally a rehearing of the case unless significant additional evidence has come to light that was not available at the original hearing.
  58. The panel will adjourn and decide whether:
    - To uphold the original decision; or
    - To adjust the sanction and any conditions; or
    - To find there was no misconduct and revoke the sanction.
  59. The panel Chair will notify the employee in writing of their decision within five working days of the conclusion of the appeal hearing.
  60. If the appeal is successful, all reference to the disciplinary action will be removed and destroyed.
  61. In any case where the sanction is to dismiss with notice, the period of notice will be begin on the date of the letter of dismissal not from the decision of the appeal. In cases of dismissal without notice, SFC has no liability to pay an employee for the period between the date the dismissal took effect and the end of the appeal process.
  62. In the case where an appeal against dismissal is successful and the employee is reinstated (with or without conditions), SFC will ensure that there is no break in the employee's service and will be paid as if working normally during that period.

## Failure to improve

63. If an employee's line manager feels that their performance or conduct has not improved within the specified time period, a further hearing will be convened by HR. If the hearing decides that there has not been satisfactory improvement, then the appropriate level of sanction will be applied.

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## Further misconduct

64. If whilst a warning is 'live' on an employee's record, another disciplinary hearing upholds further misconduct against the employee, the appropriate level of sanction will be applied.
65. If a previous warning has expired, it should not normally be used by the hearing manager in considering any sanction in a case of further misconduct against the employee. However, there may be occasions where an employee's conduct is satisfactory throughout the period of the warning, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of recurring misconduct, the employee's disciplinary record will be borne in mind in deciding on the duration of a subsequent warning.

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## Annex A: Misconduct examples

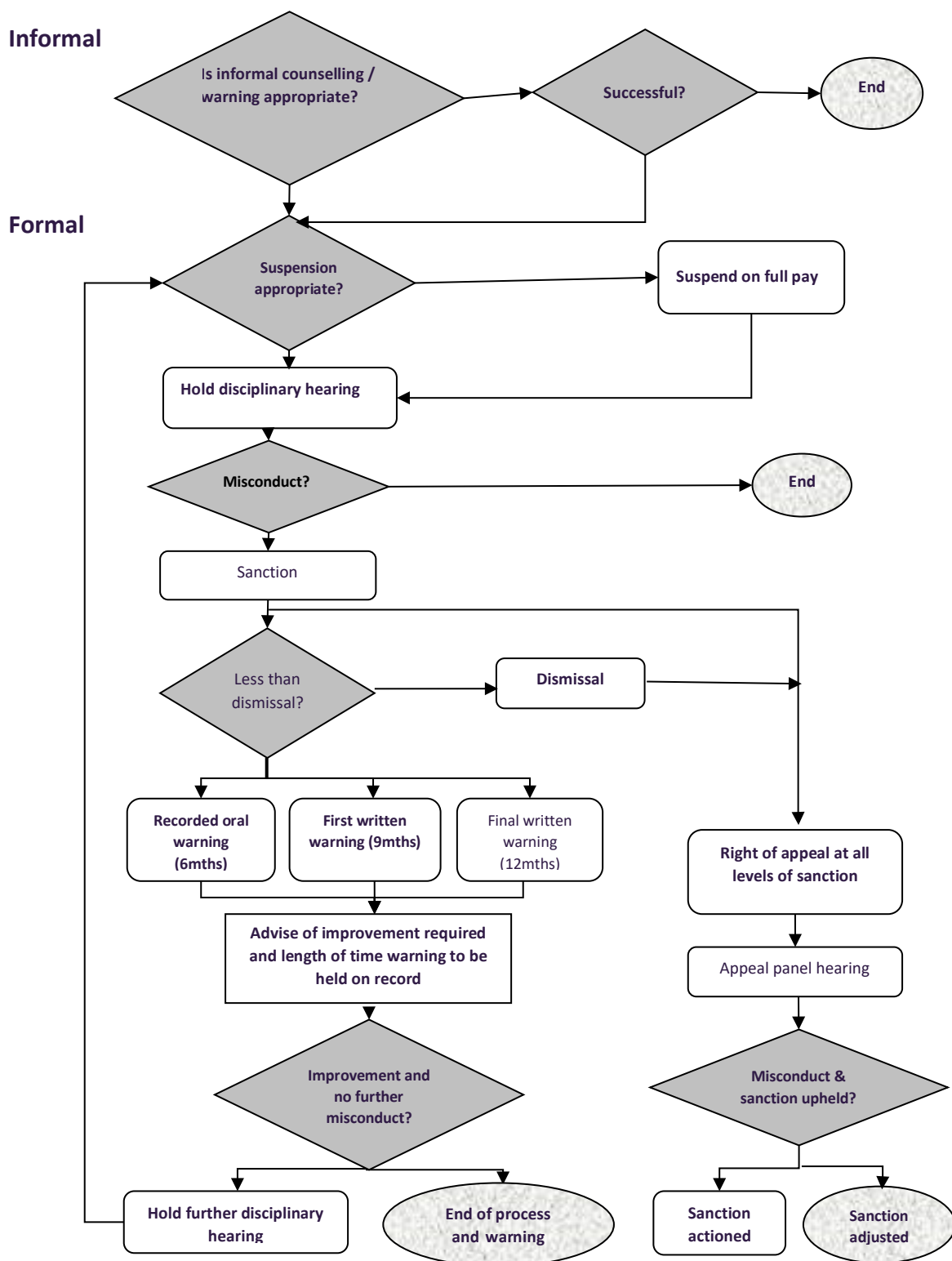
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### Misconduct

1. The following lists are for illustrative purposes only and are not exhaustive. The gravity of the misconduct will determine whether it is dealt with as a minor or serious offence.
2. Examples of potential misconduct:
  - Persistent lateness for work.
  - Persistent failure to report absences to line manager and/or HR.
  - Misuse of flexible working hours scheme.
  - Absence without cause.
  - Wilful neglect of duties.
  - Giving false information (e.g. on a job application form).
  - Breaches of security.
  - Failure to comply with the Council's policies and procedures (for example, the Code of Conduct, Dignity at Work, Health and Safety).
  - Minor offences against Health and Safety regulations.
  - Anti-social behaviour whilst at work or representing the Council (for example, being rude to a member of the public).
  - Malicious accusations against a colleague.
  - Incapability through alcohol or drugs whilst at work or representing the Council (This is a serious offence which will normally result in counselling to avoid its recurrence – please see SFC's Substance abuse policy).
  - Possession of illegal drugs whilst at work or representing the Council.
  - Misuse of Council property, equipment.
  - Misuse of ICT services.
  - Improper use of social media.
  - Negligence which causes financial loss, damage to property or injury to people.
3. Examples of potential gross misconduct:
  - Theft.
  - Fraud.
  - Deliberate falsification of any records.

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- Misuse of official information or position.
  - Acts constituting discrimination or victimisation (including on the grounds of age, disability, gender reassignment, marital/civil partnership status, race, religion and belief, sex, or sexual orientation).
  - Harassment (conduct that has the purpose or effect of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person) particularly in relation to their age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation.
  - Bullying.
  - Stalking.
  - Threatening or abusive behaviour.
  - Acts of physical violence.
  - Assault.
  - Deliberate damage to Council property or that of other employees.
  - Deliberate damage to SFC's reputation.
  - Accepting or soliciting gifts or hospitality as an inducement to show favour.
  - Criminal activities outside of work, where such conduct is judged to be incompatible with the individual's employment, or where it could bring SFC in to disrepute.
  - Gross misuse of SFC's property, equipment, and resources, including computing facilities.
  - Reckless, wilful, or deliberate disregard of safety regulations.
  - Serious insubordination.
  - Refusing to obey a legitimate instruction.

## Annex B: Disciplinary process flowchart



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## Annex C: Guidance for disciplinary hearing managers

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### Introduction

1. The following notes have been prepared to assist in the fair and effective conduct of disciplinary hearings. Whilst not procedurally binding, Disciplinary Hearing managers (and Appeal hearing managers) would normally be expected to follow this guidance. Human Resources will be available to provide guidance and help where appropriate.

### Roles

2. The role of the Disciplinary Hearing Manager conducting the hearing or the Panel hearing the appeal is to:
  - Conduct the hearing in accordance with the procedures.
  - Ensure that the case is investigated fully.
  - Ensure that the relevant facts are discussed.
  - On the basis of evidence presented determine whether or not, on the balance of probabilities, the alleged misconduct is upheld and decide any sanctions to be imposed.
3. If a member of HR attends the hearing in an advisory capacity their role is to advise the Disciplinary Hearing Manager (or panel) on procedural matters and their identity should be made known to all parties, five working days prior to the hearing. In this case HR staff should not be involved in the decision-making process. Where appropriate staff from HR may act as a Disciplinary Hearing Manager or sit as a member of an appeal panel.
4. A member of staff may act as a note-taker for the hearing. Their role will be to assist the manager or panel in the preparation of the written report by taking notes during the hearing. Normally HR staff will be used for this role.

### The disciplinary hearing

5. If the employee is unable or does not attend the first meeting, a second meeting will be offered. If the employee does not attend the second meeting without a valid reason, the case will be heard without them (see paragraph 38 of main procedure).
6. The Disciplinary Hearing Manager or appeal panel chair will explain the purpose of the hearing, stating the exact nature of the alleged misconduct and outlining the format of the hearing.
7. The Disciplinary Hearing Manager (or appeal panel members) will go through all the evidence in detail, giving all parties an opportunity to reply to evidence provided, asking the employee to state their case, asking questions to be sure their position is fully understood and asking if there are any mitigating circumstances.

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8. The Disciplinary Hearing Manager (or appeal panel members) conducting the hearing may question any parties and witnesses and review any documentation and other sources of information they feel are necessary to allow a full investigation of the case.
  9. The hearing may be adjourned at any point by the hearing manager or panel chair if there are valid reasons for doing so. Valid reasons for the adjournment may include: to obtain specific information; to interview witnesses in the light of new evidence; for comfort breaks; or to deal with any interruption to the proceedings. The Disciplinary Hearing Manager or panel chair should state the reason for the adjournment and indicate the anticipated length of the recess. Any party may request an adjournment and this will not be unreasonably refused.

## Making a decision

10. The hearing manager or appeal panel members will:
  - Evaluate all the evidence, ensuring that a thorough investigation has been conducted.
  - Decide, on the balance of probability, whether they genuinely believe the misconduct has occurred and if the employee was aware of the rules/standards.
  - Establish the sanctions applied in previous cases of a similar nature and consider the employee's position, length of service, and general record.
  - Consider any mitigating circumstances put forward and then weigh up all of the information provided.
  - Come to a clear decision on whether the misconduct is upheld and any sanctions to be imposed.
  - Confer with HR (who are not actively involved in the case or the hearing but are there in an advisory capacity) about the action(s) to be taken.
  - Either: reconvene meeting, informing the employee of the decision and any sanction and conditions to be imposed (normally if the decision can be reached the same day and the employee is available); or ask HR to notify the employee of the decision in writing.

## After the hearing

11. The Disciplinary Hearing Manager or Appeal panel chair will send a report to HR within three working days of the hearing. The report should indicate whether the alleged misconduct has been upheld or not and the reasons for that finding. If the misconduct has been upheld then the report should include the sanction and any other conditions, any expected improvements and monitoring and timescales for the improvement and the length the sanction will be held as "live" on record.
12. HR will write to the employee within five working days of the conclusion of the hearing outlining the outcome, any sanctions and other conditions imposed, expected

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improvement, timescales and right of appeal.

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## Annex D: Sanctions

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1. Where the alleged misconduct is upheld, SFC has a range of disciplinary sanctions available. The nature of the sanction should be commensurate with the offence, equitable and consistent with best employee relations practice.
2. In addition, SFC may require specific improvement(s) in the employee's performance and/or conduct which will be monitored over a specified time period. This is important, as the prime reason for disciplinary action is to help an employee learn and change, not to punish).
3. The formal disciplinary sanctions available and length of time they will remain "live" on an employee's record are:
  - Recorded oral warning (6 months).
  - First written warning (9 months).
  - Final written warning (12 months).
  - Dismissal (with or without notice).
4. The warning will be placed on an employee's personal record and remain 'live' on file for a specified period of time. Subject to the specified improvement(s) being achieved the warning will then expire. Where the employee meets the specified improvement within the relevant timescale a letter will be sent to the employee confirming this.
5. If a previous warning has expired, it should not normally be used by the hearing manager in considering any sanction in a case of further misconduct against the employee. However, there may be occasions where an employee's conduct is satisfactory throughout the period of the warning, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of recurring misconduct, the employee's disciplinary record will be borne in mind in deciding on the duration of a subsequent warning.
6. An employee will not be dismissed for a first breach of discipline except for a case of gross misconduct when the sanction may be dismissal without notice or payment in lieu of notice.

### Recorded oral warning

7. This level is appropriate where conduct does not meet acceptable standards and is the first level of sanction.

### First written warning

8. This level is appropriate for more serious misconduct or where after receiving a recorded oral warning, a subsequent hearing has found that an employee has failed to

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improve their performance or conduct or upheld further misconduct.

## Final written warning

9. This level is appropriate for very serious or gross misconduct (sufficiently serious to warrant only one written warning but not sufficiently serious to justify dismissal) or where after receiving a first written warning, a subsequent hearing has found that an employee has failed to improve their performance or conduct or upheld further misconduct.

## Dismissal

10. This level is appropriate for gross misconduct or where after receiving a final written warning, a subsequent hearing has found that an employee has failed to improve their performance or conduct or upheld further misconduct.
11. If an employee has already been issued with a final written warning and they do not make satisfactory improvement or further misconduct is upheld against them, then they will be dismissed with their contractual notice. In the case of gross misconduct an employee may be dismissed without notice.
12. An employee will be provided, within three working days, with written reasons for dismissal, the date on which their employment will end and the details of their right of appeal.
13. Arrangements will also be made, if they have not already done, for an employee to have their personal effects returned and to return all Council property.

## Further information

14. Please contact Human Resources, email: [humanresources@sfc.ac.uk](mailto:humanresources@sfc.ac.uk)

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## Document history

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This Policy and Procedure is a contractual document. It is negotiated between Management and Unite collectively on behalf of staff.

Version number	Changes	Date approved
1.0	Major revision to layout, applying a new template. Changes to comply with ACAS Code of Practice. Additional examples of misconduct in Appendix 1. Amendment/clarification of stages of process.	18/01/2017 Ratified by JNCF
1.1	Subject to full review and updated to new version and SFC template.	01/02/2024 Ratified by JNCF