

Title of POL: Disciplinary Policy

Custodian: Chief People Officer

Version Number: 07

Issue date: 25.07.25

Review date: 25.07.28

POLICY (POL)

Title of Policy	Disciplinary Policy		
What type of document is this?	Policy (POL)	Policy Reference Number	HHH-POL-013
Purpose of POL	<p>On the rare occasions when our people don't meet our standards of behaviour in line with company values, our disciplinary policy helps us treat everyone fairly and consistently. The procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.</p> <p>This policy aims to help an employee to improve their behaviour as well as making sure we treat anyone who doesn't meet our standards in the right way. Disciplinary action should always be fair, reasonable and transparent and our managers and leaders are responsible for making sure that happens.</p> <p>The disciplinary process is staged and can start at any appropriate point. Employees won't normally be dismissed for a first breach of the policy unless it's a case of gross misconduct, when the penalty can be dismissal without notice or pay in lieu of notice.</p> <p>This policy does not form part of any employee's contract of employment, and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.</p>		

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Helping Hands: Restricted

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ROLES AND RESPONSIBILITIES

Include in this section details of the key roles and associated responsibilities relevant to the document

Roles	Responsibility
Chief People Officer	Is responsible for reviewing and updating this policy and ensuring that the policy is communicated across the company through the Senior Management Team(s)
Helping Hands Managers	Is responsible for implementing and embedding this policy within all teams across the company
Helping Hands Employees	Is responsible for adhering to this policy as directed by line managers

1.0 Confidentiality

- 1.1 Each matter will be treated with respect and sensitivity, all disciplinary matters must remain confidential throughout the process.

It is prohibited for employees to electronically record (whether covertly or otherwise) any stage of this procedure. Any recordings made by employees will be inadmissible. If the Company discovers that an employee has done this covertly, the employee could be subject to further disciplinary action.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless the witness/s wish to remain anonymous or we believe that a witness's identity should remain confidential.

2.0 Informal Counselling

- 2.1 We aim to resolve most minor issues informally so managers should discuss things like timekeeping directly with the employee involved. This should happen as soon as possible after the event, in private and focus on the area of concern. Any

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explanations should be taken into account and a course of action agreed.

Sometimes an informal recorded conversion or file note may be given.

After informal counselling the employee should be monitored. Employees are required to co-operate with this. If things don't improve, or become more serious, the formal disciplinary procedure should be used.

3.0 Investigations

3.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts before deciding whether to proceed with a disciplinary hearing. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after an investigation has been held. We do not need to give you notice of any investigation meeting.

The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. An Investigating Chairperson will be appointed to carry out the investigation.

You do not have the right to bring a companion to an investigative interview. However, exceptions can be made on a case-by-case basis.

You must co-operate fully and promptly in any investigation.

4.0 Criminal Allegations

4.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

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We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter, if we consider that it is relevant to your employment.

5.0 Suspension

5.1 We may suspend individual(s) at any stage of this procedure. Where we have a reasonable belief of any of the following.

- 5.1.1 that an employee may be guilty of an act of gross misconduct, or
- 5.1.2 where relationships have broken down
- 5.1.3 where we have any grounds to consider that our property or responsibilities to other parties are at risk
- 5.1.4 or where we consider in our absolute discretion that an employee's continued presence on our premises would hinder an investigation
- 5.1.5 say authorised suspension will be actioned on full pay

Any such suspension will last only as long as required, to enable an investigation into the circumstances.

We reserve the right to temporarily remove company property and restrict access to company sites and/or systems from those placed on suspension. This includes but is not limited to, laptops, mobile phones, credit cards, access cards, keys, uniforms and files.

If a decision to suspend an employee is made, they will be informed of this verbally and this will be confirmed in writing. During the period of suspension, the employee will not be permitted to enter any company premises, customer homes, or contact work colleagues (unless they are the accompanying person).

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6.0 Notification of a Hearing

6.1 Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing.

We will give you at least 48 hours written notice of the date, time and place of any disciplinary hearing, to outlining our concerns.

Employees will be given an opportunity to present their case and raise any mitigating factors they wish the Disciplinary Chairperson to take into consideration.

We will also include the following where appropriate:

6.1.1 a copy of any relevant information gathered and documents which will be used at the disciplinary hearing.

7.0 Right to be Accompanied

7.1 You are entitled to bring a companion to any formal meeting under this procedure.

The companion may be either a trade union representative or a colleague. 24 hours before the hearing you must inform the chairperson who your chosen companion is. A union representative must provide valid identification before the hearing.

At the hearing, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.

It is your responsibility to arrange for your companion to attend. Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

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If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than seven calendar days afterwards, we may ask you to choose someone else.

We reserve the right to refuse or request an alternate companion where we feel that their presence may impede the procedure.

8.0 Procedure at Disciplinary Hearings

8.1 Employees will be given an opportunity to present their case and raise any mitigating factors they wish us to take into consideration.

Employees must take all reasonable steps to attend any disciplinary hearing. Failure to do so without good reason may be treated as further misconduct. If you or your companion are unable to attend at the time specified, you should immediately inform the relevant chairperson.

Where an employee cannot or fails to attend a disciplinary hearing in person, they may provide a written submission to the disciplinary chair for consideration in their decision. Where an employee fails to attend on more than one occasion, without providing a reason in advance, the hearing will take place in their absence and a decision made based on evidence available to the disciplinary chairperson.

The hearing will be chaired by a manager who has not previously been involved in the investigation. The chairperson will be accompanied by a company representative to take minutes of the meeting. You may bring a companion with you to the disciplinary hearing.

At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask

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questions but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us enough advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the adjournment, the chairperson may issue their decision, however, if they are unable to reach an immediate decision, they are entitled to deliberate prior to issuing their decision.

Any decision will be confirmed in writing to you within seven calendar days of the hearing which will also include your right to appeal.

9.0 Disciplinary Sanctions

9.1 The usual sanctions for misconduct are set out below. No sanction should be imposed without a hearing. We aim to treat all employees fairly and consistently; Each case will be assessed on its own merits.

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct.

First Written Warning Where it is considered that an employee's conduct has fallen below the acceptable standard or has committed a minor offence, a first written warning may be given and will be held on your personnel file for a period of 6 months.

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Final Written Warning Where it is considered that an employee's conduct has fallen below the acceptable standard or has committed a minor offence a final written warning may be given. and will be held on your personnel file for a period of 12 months.

Dismissal The decision to dismiss will only be taken by a manager who has the authority to do so, this can include:

- 9.1.1 failure to improve
- 9.1.2 or an additional act of misconduct during an active sanction (prior warning)
- 9.1.3 or if the employee is guilty of an act of gross misconduct

Summary Dismissal The decision to summarily dismiss will only be taken by a manager who has the authority to do so, this can include:

- 9.1.4 if an employee is found to be guilty of an act of gross misconduct
- 9.1.5 or some other fundamental breach of the company policies or contract of employment,

This means that there will be no obligation on the Company:

- 9.1.6 to allow an employee to work their notice period
- 9.1.7 or make a payment in lieu of notice. In the case of dismissal (including summary dismissal) the employee will, be provided with written confirmation

If an employee is dismissed, they must

- 9.1.8 return all company property to Helping Hands, this includes, but is not limited to, laptops, mobile phones, credit cards, keys, uniforms, and files
- 9.1.9 return or provide evidence that their ID badge has been destroyed

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10.0 Alternative Sanctions to Dismissal

10.1 If a sanction other than dismissal is to be imposed, the employee will provide with written confirmation of the action to be taken, how it is to be implemented, the reason for the action and the date on which it will come into force. The employee will also be provided with details of their right to appeal. The following sanctions may be used in conjunction with a written warning:

- 10.1.1 withholding any salary increases or bonuses due
- 10.1.2 removal of title or duties
- 10.1.3 transferring the individual to an alternative role

11.0 Right to Appeal

11.1 If you feel that we have not fairly considered your submissions under our disciplinary policy and procedure, you can request an appeal of the original decision. You should appeal in writing, stating your full grounds of appeal, to the named manager in your outcome letter within seven calendar days of the date of your outcome letter.

In your appeal submission you should clearly set out your full grounds detailing any new evidence or inconsistency in our procedures. The right to appeal is not on the basis of an outcome being 'unfair' and employees must outline (and provide) evidence the original chairperson has not considered, or been aware of, which would have impacted on the original outcome.

We will give you at least 48 hours written notice of the date, time and place of the appeal hearing.

Where an employee cannot or fails to attend an appeal hearing in person, they may provide a written submission to the appeal chair for consideration in their decision. Where an employee fails to attend on more than one occasion without providing a reason in advance, the hearing will take place in their absence and a decision made based on evidence available to the disciplinary Chairperson.

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The appointed appeal chair will be a more senior manager who has not dealt with the original matter. The chairperson will be accompanied by a company representative to take minutes of the hearing.

If you raise any new matters in your appeal, we may need to adjourn to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the appeal hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

Following the adjournment, the chairperson may issue their decision, however if they are unable to reach an immediate decision, they are entitled to deliberate prior to issuing their decision.

In any event, written notification of the outcome of the hearing will be sent to the employee within seven calendar days of the hearing, or as soon as a decision has been reached, together with an explanation of the appeal decision taken.

Following the appeal hearing we may:

- 11.1.1 confirm the original decision
- 11.1.2 revoke the original decision; or
- 11.1.3 substitute a different sanction

There will be no further right of appeal.

12.0 Grievance During Proceedings

12.1 Where a grievance is raised during ongoing disciplinary action, a decision will be made whether to:

- 12.1.1 continue with disciplinary proceedings
- 12.1.2 hear alongside the original allegation

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12.1.3 or proceedings are postponed pending the grievance outcome

If the grievance relates to an employee's dissatisfaction with a capability, performance review or dismissal decision, they should not invoke the grievance procedure but should instead appeal against that decision in accordance with the appeal procedure with which they will have been provided

TRAINING Is training required?	No
Details of training	N/A
COMPLIANCE How is compliance within this document going to be monitored?	Compliance with this policy will be monitored by line managers and the People Team.

EQUALITY IMPACT ASSESSMENT AND PROCEDURAL INFORMATION

	Positive/Negative/N/A	Comments
Does the document have a positive or negative impact on one group of people over another based on their:		
• Age?	N/A	
• Disability	N/A	
• Gender assignment?	N/A	
• Pregnancy and maternity (which	N/A	

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Changes since previous version	Added a new allegation for 'Misuse of power or status' and 'misuse of social media' under Gross misconduct.	
Who was involved in developing /reviewing/amending the document? (list titles)	Chief People Officer People Advisor Team Lead	
How confidential is this document	Restricted	Can be shared freely within Helping Hands but NOT outside
References		
Associated Documents		

Appendix 1

The following examples are not an exhaustive list but are indicative of conduct that the organisation considers serious enough to warrant disciplinary action up to and including summary dismissal.

Misconduct

The following are examples of matters that are normally regarded as misconduct (not an exhaustive list):

- Minor breaches of our internal policies and procedures or regulatory frameworks;
- Minor breaches of your contract;
- Damage to, or unauthorised use of, our property;
- Poor timekeeping;
- Time wasting;
- Unauthorised absence from work;
- Refusal to follow reasonable instructions;
- Excessive use of our telephones for personal calls;
- Excessive personal email or internet usage;
- Obscene language or other offensive behaviour;

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- Negligence in the performance of your duties; or
- Smoking in no-smoking areas.

Gross misconduct

The following are examples of matters that are normally regarded as gross misconduct (not an exhaustive list):

- Any actions which in any way put a customer / vulnerable adult at risk;
- Any wilful act or omission constituting a danger to the health and safety of any person;
- Theft or fraud;
- Physical violence or bullying;
- Deliberate and serious damage to property;
- Serious misuse of our property or name;
- Deliberately accessing internet sites containing pornographic, offensive, or obscene material on company systems;
- Serious insubordination;
- Unlawful discrimination or harassment;
- Bringing the organisation into serious disrepute;
- Serious incapability at work brought on by alcohol or illegal drugs;
- Causing loss, damage or injury through serious negligence;
- Serious breach of health and safety rules;
- Serious breach of confidence;
- Misuse of power or status;
- Inappropriate use of social media;
- Accepting or offering a bribe or other secret payment;
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our employees, customers or the public, or otherwise affects your suitability to continue to work for us;
- Possession, use, supply or attempted supply of illegal drugs;

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- Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
- Knowing breach of statutory rules affecting your work;
- Unauthorised use, processing, or disclosure of personal data contrary to our Data Protection Policy;
- Harassment of, or discrimination against, employees, contractors, customers, or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to our Equal Opportunities Policy or our Anti-harassment and Bullying Policy;
- Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- Making untrue allegations in bad faith against a colleague;
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing Policy, Anti-corruption and bribery policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise;
- Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet) contrary to our Information and Communications Systems Policy;
- Undertaking unauthorised paid or unpaid employment during your working hours;
- Unauthorised entry into an area of the premises to which access is prohibited.