



Disciplinary Policy

Date Adopted: Feb 2023
Next Review: Feb 2026

1 Policy Statement

Rosehill aims to promote fairness and consistency in the treatment of all employees by following a recognised and consistent Disciplinary procedure.

Should the conduct, performance or attendance of employees fall below the standard expected, we will normally attempt to resolve such issues informally through discussion in the first instance. However, disciplinary action will be initiated after a reasonable effort to resolve matters informally fails to produce the improvement required.

In any event, Rosehill reserves the right to implement the procedure at any stage as set out below considering the seriousness of the alleged Misconduct / Gross Misconduct.

2 Scope

This policy applies to all Rosehill employees.

3 Informal Procedure

The following key principles are fundamental to the Disciplinary Procedure and underpin the process at each stage.

In the first instance and for minor issues with conduct, performance or attendance, your line manager will approach you informally. To make sure that you are clear about what is required, the meeting will be followed up with an informal action note. This will give details of the points discussed, action required, timescales for achievements (normally not more than 6 months), support required and any training which will be provided.

If it has not been possible to achieve ongoing standards of acceptable conduct through informal methods, or if Rosehill believes formal action is necessary, the formal procedure will be followed.

4 Formal Procedure

4.1 There are three areas in which Rosehill will investigate through the formal disciplinary procedure:

- Conduct
- Capability (Performance)
- Attendance

- 4.2 Employees will be notified, in writing, which of these apply at the beginning of the process. This letter will also contain information relating to the nature of the allegations in writing.
- 4.3 In cases of potential gross misconduct, where dismissal is a possible outcome of the disciplinary process, the decision may be taken to suspend you whilst an investigation takes place.

You will be notified of this decision in writing. Suspension should not normally exceed five working days without a review.

You will continue to receive updates throughout the course of your suspension by the Corporate Services and HR Manager.

Suspension does not represent disciplinary action.

Suspension may commence or end at any time during an investigation depending on the circumstances.

- 4.4 A full investigation will normally be carried out into any matter that could involve a contravention of any of the Organisational policies or procedures or which may otherwise be a disciplinary matter.
- 4.5 The employee will be given the opportunity to state their case at an investigation meeting before any decision is taken whether or not to proceed to a disciplinary hearing.

The employee has the right to be accompanied by a Trade Union Representative, or a work colleague.

- 4.6 The investigation may involve speaking to witnesses and taking statements from them, gathering relevant documents, and considering the employee's past employment record.
- 4.7 Witness statements should be formed from interviews, with the relevant individuals made aware that these statements will be made available to the employee being investigated, unless there are exceptional circumstances that require the statements to be anonymised.

There is no right to be accompanied at a witness meeting, unless in exceptional circumstances, and by prior agreement with the Corporate Services and HR Manager.

- 4.8 Minutes will be taken at each meeting, and the individual will be given the opportunity to review and sign the minutes to confirm accuracy. Recording devices are not permitted at any stage of the process, unless in exceptional circumstances, and by prior agreement with the Corporate Services and HR Manager.

- 4.9 The investigation should be completed as quickly as reasonably practicable. Where the case is complex and requires third party involvement or the interviewing of numerous witnesses the timescales may be extended.
- 4.10 If there is no case to answer, the employee will be informed in writing following completion of the investigation that no further action will be taken.
- 4.11 Where the outcome of the investigation concludes that there is a case to answer, the employee will be invited to a disciplinary hearing.

5 Disciplinary Procedure

- 5.1 The disciplinary invitation will be confirmed in writing, stating the time and venue for the hearing, stating who will attend the hearing and advising the employee of their right to be accompanied by a work colleague or Trade Union representative.
- 5.2 The invitation will clearly state the allegations against the employee and will include any investigation report, any witness statements and full details of any other relevant evidence which may be referred to at the hearing.
- 5.3 The employee will be given adequate time to review the materials before the meeting and will therefore be given no less than five working days' notice of the hearing. The notice period may be increased in particularly complex cases.
- 5.4 If the employee advises that they cannot attend on the given date, the hearing will normally be rescheduled within 5 working days of the original date.
- 5.5 Where a date has already been rescheduled at the employee's request and they request a further rescheduled date, they may be advised that the hearing will continue in their absence on the date given if they fail to attend.
- 5.6 If the employee's chosen work colleague or Trade Union representative cannot attend on the proposed date, the employee can offer an alternative date.
- 5.7 The person accompanying the employee has an important role to play in supporting the employee. Whilst they cannot answer questions on behalf of the employee they will be permitted to:
- Make a short opening statement, following consideration of the investigation report.
 - Take notes.
 - Ask questions to clarify issues.

- Ask for reasonable adjournments.
- Make a closing statement.

5.8 At the hearing, an employee will be given reasonable opportunity to ask questions, respond and present a full explanation of the case against them.

5.9 Any paperwork or other supporting evidence that the employee wishes to be considered by the Chair must be provided in advance of the hearing.

5.10 The Chair will introduce those present and explain their roles.

They will also explain that the meeting is a formal hearing, the meeting will be a two-way process and that the employee will be given every opportunity to put forward their case.

The Chair will check that all parties have received the same documents and check that the employee understands their right to representation and will explain the role of the representative.

They will also advise that both parties can call adjournments at any time and will explain the format of the hearing.

5.11 The allegation(s) will be read by the Chair; the employee will be given the opportunity to reply to the allegation(s).

5.12 The Chair will refer to the investigation report, including the summary of findings, details of witness statements, evidence, and conclusions.

5.13 The Chair will invite the employee to respond.

5.14 The Panel may ask questions of the employee to establish the facts of the case.

5.15 The Chair will ask the employee to provide a closing statement and provide any additional pertinent information.

5.16 Once the Chair has satisfied themselves that they have gained a full understanding of the evidence they will adjourn to consider the facts.

5.17 The employee will be notified of the outcome within 10 working days of the Hearing.

5.18 If misconduct has been found, the outcome letter will confirm the level of warning being issued, what improvement in behaviour or performance is expected and any timescales for improvement. The employee will also be made aware of their right to appeal.

6. Disciplinary Sanctions

Any level of disciplinary action will only be taken following investigation and a disciplinary hearing.

Disciplinary action, other than in cases of gross misconduct, may vary from a formal written warning to dismissal. Levels of disciplinary action are as follows:

- Written Warning.
- Final Written Warning.
- Dismissal.

6.1 First Written Warning

If conduct does not meet acceptable standards, the employee will normally be given a first written warning.

A copy of the Written Warning will be kept in the employee's personal file for a period of 6 months but will be disregarded after the specified timescale provided satisfactory conduct has been achieved and maintained.

The letter will state:

- The allegations that were made against the employee.
- The findings and decision of the disciplinary hearing.
- The level of warning that was issued.
- Any expected improvements in conduct, performance, or attendance that the employee needs to achieve. It will also detail the timescale for achievement of these improvements.
- The duration for which the warning will remain live on the employee's record.
- The employee's right to appeal against the decision of the disciplinary hearing and the process for lodging the appeal.

Members of the Management Team have the authority to conduct Disciplinary Hearings where a first written warning is a potential outcome.

6.2 Final Written Warning

Where previous disciplinary action has failed to produce an improvement or where the misconduct is sufficiently serious to merit by-passing a first written warning, disciplinary action at Stage 2 will be taken.

A copy of the Final Written Warning will be kept in the employee's personal file but will be disregarded for disciplinary purposes after 12 months, provided satisfactory conduct has been achieved and maintained.

The final written warning will contain the level of information outlined in 6.1.

Members of the Management Team have the authority to conduct Disciplinary Hearings where a first written warning is a potential outcome.

6.3 Dismissal

If previous disciplinary action fails to produce satisfactory conduct on an ongoing basis, an employee will normally be dismissed.

Where an employee is summarily dismissed on the grounds of Gross Misconduct, dismissal will take immediate effect and they will not receive monies in lieu of notice.

The dismissal notice will state:

- The allegations that were made against the employee.
- The findings and decision of the disciplinary hearing.
- The date of dismissal.
- The right to appeal against the decision of the disciplinary hearing and the process of lodging an appeal.

Members of the Management Committee have the authority to conduct Disciplinary Hearings where dismissal is a potential outcome.

7 Appeals

The employee can appeal against perceived unfairness of the judgement in a disciplinary action, or against the severity of the decision.

Details of how to appeal will be included in the written confirmation of the outcome of the disciplinary process.

The grounds for appeal must be clearly stated. If the grounds for appeal are unclear the organisation will write to the employee asking for clarification.

Following receipt of an appeal, the employee will be invited to an appeal hearing.

7.1 First Written Warning

Employees have the right to one internal appeal against the first written warning.

The appeal will be made to one level above that at which the disciplinary action was taken, if possible.

The appeal should be submitted within 5 working days of the decision notice.

All internal appeal hearings will be held within 10 working days of the appeal being lodged.

7.2 Final Written Warning

Employees have the right to one internal appeal against the final written warning.

The appeal will be made to one level above that at which the disciplinary action was taken, if possible.

Thereafter, a second appeal can be made to the JNC Appeal Chair.

The appeal should be made within 5 working days of the decision notice.

All internal appeal hearings will be held within 10 working days of the appeal being lodged.

Appeal hearings to the JNC Appeal Chair should be made within 5 working days of the appeal decision notice, and will be held within 20 working days, where possible.

7.3 Dismissal

Appeals against the decision to dismiss must be submitted to the JNC Appeal Chair. The JNC Appeal Chairs are independent people appointed by the Joint Negotiating Committee.

The appeal should be submitted within 5 working days receipt of the dismissal notice.

Appeal hearings to the JNC Appeal Chair should be held within 20 working days, where possible.

The JNC Appeal Chair is the final stage of the internal disciplinary procedure available.

The Secretary to the JNC Appeal will send individuals a copy of the guidance notes following an appeal request. The Chair's decision is followed by a written report.

Employees should be aware that the purpose of an appeal is to review the level of disciplinary warning imposed and the level of warning could be increased as well as decreased. If the appeal is upheld all reference to the original disciplinary warning will be removed from an employee's personal file and destroyed.

In the event of an appeal being upheld in a dismissal case, the individual will be reinstated with full continuity of service and benefits.

8. Data Protection

8.1 On the 25th of May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR).

Following the UK's exit from the EU, and the end of the transition period which followed, the GDPR formed part of the retained EU law and became the UK GDPR which together with the Data Protection Act 2018 constitute the UK's data protection legislation.

9. Equality and Diversity

9.1 We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, regardless of age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

- 9.2 Rosehill is committed to removing any barriers to communication. Therefore, if required this Policy can be produced in another format e.g. braille, large print, etc.

10. Risk Management

- 10.1 In all key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from these flows our Risk Register.

We have identified our material risks which are regularly monitored by our Management Team and Audit Sub-Committee.

- 10.2 To ensure we continue to manage the associated risks we will periodically review this policy to ensure compliance with all legislative requirements and regulatory and best practice guidance.

11. Review of Policy

The policy will be reviewed every 3 years or sooner if required in order to comply with legislative requirements.

Appendix 1

Examples of Misconduct

The examples below give general guidance on the type of misconduct that will normally lead to disciplinary action. The list is not exhaustive.

- Failure to abide by general health and safety rules and procedures.
- Smoking in designated non-smoking areas.
- Persistent absenteeism and/or lateness.
- Unsatisfactory standards or output of work.
- Rudeness towards tenants, members of the public or other employees.
- Failure to devote the whole of your time, attention and abilities to the organisation and its affairs during your normal working hours.
- Unauthorised use of e-mail and internet.
- Failure to carry out all reasonable instructions or follow our rules and procedures.
- Unauthorised use of our property.
- Failure to report immediately any damage to property or premises caused by you.
- If your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction.

Examples of Gross Misconduct

The examples below give general guidance of the type of misconduct that can lead to summary dismissal - that is dismissal without notice or pay in lieu of notice. The list is intended to give general guidance and is not exhaustive.

- Grossly indecent or immoral behaviour, deliberate acts of unlawful discrimination or serious acts of harassment.
- Dangerous behaviour, fighting or physical assault.
- Incapacity at work or poor performance caused by intoxicants or drugs.
- Possession, supply, or use of illicit drugs.
- Deliberate falsification of any records (including time sheets, absence records and so on, in respect of yourself or fellow employees).
- Undertaking private work on the premises and/or in working hours without express permission.
- Taking part in activities which calls the organisation into disrepute, or which cause us to lose faith in your integrity.

- Theft or unauthorised possession of money or property, whether belonging to us, another employee, or a third party.
- Destruction/sabotage of our property, or any property on the premises.
- Serious breaches of health and safety rules, that endanger the lives of or may cause serious injury to employees or any other person.
- Interference with or misuse of any equipment for use at work that may cause harm.
- Gross insubordination and/or continuing refusal to carry out legitimate instructions.
- Abuse of the bullying and harassment policy.
- Acceptance of gifts & hospitality in contravention Policy.
- Wilful misrepresentation at the time of appointment including:
 - Previous positions held.
 - Qualifications held.
 - Falsification of date of birth
 - Declaration of health
- Deliberate disclosure of privileged confidential information to unauthorised people.
- Any act or omission constituting serious or gross negligence/or dereliction of duty.