

Disciplinary Policy

Version 1.0 March 2024

Table of Content

	Introduction
1	Principles
2	The right to be accompanied
3	Informal Action
4	Suspension
5	Investigation
6	The Formal Process
6.1	The Hearing
6.2	Disciplinary Sanctions
6.2.1	• First Written Warning
6.2.2	• Second Written Warning
6.2.3	• Final Written Warning
6.2.4	• Dismissal/Demotion/Re-deployment
6.2.5	• Gross Misconduct/Summary Dismissal
6.3	Dismissal of a Chief Officer
7	Disciplinary Appeals
7.1	Officers
7.2	Chief or Deputy Chief Officer
8	Simplified Process & Agreed Outcomes
9	Summary Dismissal
10	Retention of Disciplinary Records
11	Further Information
	Appendix 1- Suspension Risk Assessment
	Appendix 2- Examples of Gross misconduct
	Appendix 3- Simplified Process and agreed outcome
	Appendix 4- Examples of Reasonable adjustments

Disciplinary Policy & Procedure

Introduction

This policy will be used in situations where employee conduct falls below what we would reasonably expect and addresses situations which could be deemed to constitute misconduct and/or gross misconduct whilst ensuring that employees are treated fairly and consistently.

The Council's [Code of Conduct](#) (available on the intranet) and this procedure apply to all employees, with the exception of teachers directly employed by the council and all staff appointed by schools operating under local management of schools, which have their own policy.

We recognise that a disciplinary process can be stressful for everyone involved and that different people might respond differently to stressful situations. We understand the prospect of disciplinary action might cause distress and affect your mental health.

We will support you throughout to help avoid this happening to you. Please talk to your manager or named point of contact about how we can support your wellbeing and access the Employee Assistance Programme and other wellbeing tools available on the [intranet](#).

1. Principles

- Except in cases of gross misconduct, this policy and procedure is primarily concerned with helping and encouraging employees to improve rather than just being a way of imposing disciplinary sanctions. It aims for an outcome that is fair, reasonable and constructive.
- We will consider informal action, where appropriate, to resolve problems.
- No formal disciplinary action will be taken without a prompt and appropriate investigation, this will be by a trained investigating officer or a manager supported by the Employee Relations (ER) Team, to establish the facts of the case.
- A decision whether or not to take disciplinary action must be made with the minimum delay and communicated to those involved.
- Where formal action is appropriate, we will advise you of the nature of the complaint against you and we will give you the opportunity to state your case before any decision is made at a disciplinary hearing.
- You will be provided, where appropriate, with written copies of evidence and relevant witness statements before a disciplinary meeting.
- Dismissal is only likely to be considered as an outcome in cases of gross misconduct or cumulative misconduct cases where other sanctions have already been exhausted or are no longer appropriate. In cases of gross misconduct, you will be dismissed without notice and without payment in lieu of notice.
- You have the right to appeal against any disciplinary sanction.

- The procedure allows for the issuing of warnings, the severity of which will depend on the seriousness of the misconduct. The hierarchy of warnings is not, therefore, intended to be sequential, but instead a judgement will be made about the level of sanction appropriate to the circumstances by the disciplinary Chair/ Panel.
- All hearings and investigation meetings will be recorded by the Council unless the employee gives a minimum of two days' notice that they do not wish to be recorded. It is the responsibility of the employees' service area to provide a suitable notetaker in the event permission is not given to record.
- Reasonable adjustments will be accommodated for colleagues throughout the process to ensure they are able to participate in the process fully and equally.

2. The right to be accompanied

2.1. You have a statutory right to be accompanied by a companion at a formal meeting;

2.1.1 A formal investigation meeting where the interviewee has been invited in writing giving sufficient notice.

2.1.2 A disciplinary meeting which could result in:

- a formal warning
- some other disciplinary action

2.1.3 A formal appeal hearing

2.2. The right is to be accompanied by:

- another employee of London Borough of Haringey Council
- a trade union representative who has been certified by their union as being competent to accompany a worker (identification may be required)
- an official employed by a trade union

2.3 There is no general right to be legally represented during a disciplinary. Legal representation will usually only be permitted where the employee is a member of a profession and there may be potentially serious ongoing consequences as a result of a disciplinary decision in respect of the future employment or career of the employee. Requests for legal representation must be requested in advance of the hearing at a minimum of five working days. These requests will be considered by the Head of Employee Relations, Business Partners & Reward.

2.4 You should tell us as soon as possible and no less than 48 hours before the meeting, if you would like a companion and who they will be so we can make arrangements in good time.

2.5 If you need any reasonable adjustments, for example for a disability, speak to the person who has invited you to the meeting – this is likely to be either the investigating officer or the chair of the hearing panel. If for any reason they are not available and your meeting date is approaching, please contact the Employee Relations team, please do this at least 48 hours before the meeting.

3. Informal Action

In the event the misconduct is considered to be too serious to be dealt with informally, managers should seek advice from the Employee Relations team around instigating the formal process.

- 3.1. Wherever possible, managers should deal with minor shortcomings in conduct and/or behaviour informally in the first instance. Where appropriate this may be achieved by giving informal advice and coaching.
- 3.2. The purpose of the informal meeting is to allow the manager and the employee to discuss the issue or problem on a one-to-one basis and for the manager to advise as to where they are not attaining the expected standard of behaviour and/or conduct, what the expected standards are and how they will be supported to achieve them. This is known as a standard setting meeting.
- 3.3. This does not form part of the formal disciplinary process and any action taken does not constitute formal disciplinary action. As such, there is no right for the employee to be accompanied at these meetings. In exceptional circumstances, managers may allow an employee to be accompanied where they believe doing so may help to facilitate a positive outcome and where it would not cause undue delay to the process.
- 3.4. At the end of the informal meeting, the manager will check that the employee understands what needs to be done, how it will be reviewed and over what period of time. A review date or dates may be set to evaluate progress. The manager should advise the employee that if there is no improvement then the formal procedure may be initiated. Documentation confirming that the meeting took place and the outcome will be kept for reference purposes. When the actions are reviewed, if there has been improvement as agreed then this should be acknowledged by the manager and any temporary arrangements put in place to support the improvement should be reviewed to determine whether they are still required.
- 3.5. If the informal stage does not bring about an improvement, managers should seek advice from the Employee Relations team around instigating the formal process.

4. Suspension

Suspension must only be instigated in the event it is felt that the employee remaining in work could seriously impact on the investigation, the allegation is potentially gross misconduct and leaving the employee in the workplace could bring serious reputational damage and there is no alternative place of work or duties that could be carried out whilst the investigation is ongoing. Suspension is a neutral act.

- 4.1. An employee may ONLY be suspended on full pay if:
 - The employee's continued presence constitutes a risk to the Council, other staff or customers.
 - If it is felt the individual may attempt to influence an investigation either through the changing of data/ information or by attempting to influence potential witnesses.
 - To facilitate a full and proper investigation which their continued presence could prevent.

AND there is no option to change their work location or duties as a temporary measure as an alternative to suspension.

- 4.2. The line manager should complete the suspension risk assessment, a copy of which is included at Appendix 1 of this policy in conjunction with a member of the Employee Relations team before seeking a decision on suspension from their Head of Service or Assistant Director and in the absence of either of these, suspension may be approved by the Employee Relations Manager or Head of Employee Relations, Business Partners and Reward.
- 4.3. The decision to suspend can only be taken by a Head of Service or above, in agreement with the Employee Relations Manager or Head of Employee Relations, Business Partners & Reward or above. Alternatives to suspension such as a temporary change to duties or transfer of workplace should always be considered first.
- 4.4. Where it is considered appropriate, the line manager will usually conduct the suspension meeting once the decision has been made to proceed and will be supported by a member of the ER team. The employee can request to be accompanied at the meeting by a trade union representative or work colleague, but this is not a statutory right, and the meeting will go ahead if they are not available.
- 4.5. During the meeting, employees should be informed of the terms of suspension and that, whilst part of the formal process, it does not constitute disciplinary action. Whilst suspended, employees must not access any work premises or contact any work colleagues (excluding Trade Union Representatives), without the specific permission of a designated contact; the designated contact should take a pragmatic approach to ensure the employee is still able to access support.
- 4.6. Details, including the reasons for suspension, should be confirmed in writing to the employee.
- 4.7. Whilst suspended from duty, employees are able to apply for and take annual leave. In all cases, employees should inform the designated contact of any intention to take leave. Unless employees have been prevented from taking leave whilst suspended, employees will not usually be granted the carry-over of leave from one leave year to the next as a result of being suspended.
- 4.8. All employees who are suspended will receive their contractual full pay. Employees who receive regular additional payments as an addition to their pay will continue to receive the same amount as stated in their contract of employment or an average of the last 6 months' payments as applicable.
- 4.9. The continued need for suspension of the employee will be kept under constant review and will be monitored by the ER team. The period of suspension should be as brief as possible.
- 4.10. You should be aware that if you are required to be registered with a professional organisation as part of your employment e.g. as a Social Worker, Teacher, Youth Worker, the Council has a duty to advise the organisation of your suspension.
- 4.11. On any occasion when an employee is suspended under this procedure, they shall be signposted to the Employee Assistance Provider.

5. Investigation

- 5.1. No formal disciplinary action will be taken without a timely and reasonable investigation to establish the facts.
- 5.2. Investigations can be carried out by the line manager when this is the most efficient approach to take and is appropriate. Investigators will have undertaken the investigation training or been provided with detailed guidance from the Employee Relations Team.
- 5.3. In the case of a suspected financial irregularity, the Employee Relations Specialist will notify the S151 Officer and Head of Audit of all allegations or suspicions at the earliest opportunity. This may lead to audit undertaking a review to provide evidence for the management investigation or, in serious cases a concurrent audit investigation may take place.
- 5.4. The investigation may require employees and witnesses to be interviewed to establish the facts. As far as possible, all witness statements should be in the form of Q&A by the investigating officer and should be signed and dated. In some circumstances, this meeting may be recorded and then transcribed. A copy of the transcription will be provided to the person who was interviewed, it may also be used as part of the documents in the event a formal hearing is convened.
- 5.5. Employees should be given reasonable notice of any investigation meetings / interviews and be made aware of the nature of the allegations or concerns being expressed in writing in advance of the meeting.
- 5.6. All investigations will be concluded in a timely manner as far as is reasonably practicable, usually within 28 working days unless a revised timeline has been agreed by all parties. The investigating officer will seek advice from the ER team before determining whether formal disciplinary action is to be recommended, based on the findings of their report.
- 5.7. In cases where formal disciplinary action is recommended, the ER team will seek to arrange a disciplinary panel chaired by an appropriate manager.
- 5.8. In the event that an investigation concludes there is a case to be considered and the accused colleague has admitted the action/ behaviour, it is possible to consider using the simplified process to reach an agreed outcome. This option can only be considered if the level of sanction is to be short of dismissal.
- 5.9. In cases where it is decided that either informal action or no further action at all is recommended, the investigating officer should inform the individual in writing as soon as possible, they may also inform their line manager.

6. The formal procedure

6.1. The Hearing

- 6.1.1. Before any formal disciplinary outcome is issued, the employee will be given the opportunity to hear the allegations and to explain their actions to a hearing panel in the form of a disciplinary hearing.

- 6.1.2. The panel may be chaired by the employee's manager (unless they have carried out the investigation), one of their managers, peers or a more senior manager, depending on the circumstances of the case. A member of the ER team will be present at the meeting to provide advice and guidance on policy and process. They will also advise on the appropriateness of the panel members.
- 6.1.3. The employee will be given reasonable written notice of no less than five working days of the disciplinary hearing, detailing the nature of the allegation, any witnesses to be called and the employee's right to be accompanied as set out in section 2.2 of this policy. A copy of the investigation report and details of any witnesses to be called by the investigating officer will also be supplied. In cases where dismissal could be an outcome, the employee should be informed that the hearing may result in dismissal.
- 6.1.4. Any documentary evidence to be used and details of any witnesses to be called at the time of the disciplinary hearing by the employee in their defence should be submitted to the panel at least two calendar days prior to the hearing.
- 6.1.5. If the employee or their representative cannot attend at the time specified for a hearing, the employee must inform the Employee Relations team immediately and an alternative time will be arranged. The employee must make every effort to attend a hearing. If the employee fails to attend without good reason, or is unable to attend the re-arranged hearing, the hearing may be heard in their absence on the available evidence.
- 6.1.6. In the event a person is unable to attend due to illness or disability, reasonable adjustments can be considered and offered. It may still be necessary to hold the meeting in the absence of the employee as long as all reasonable adjustments have been considered and further delay is not appropriate.
- 6.1.7. The Hearing Chair will review all documents prior to the hearing, the purpose of the hearing is for the chair to consider the evidence presented by the investigating officer, hear the employee's point of view and any mitigating evidence before making a decision on whether a formal sanction should be applied. The hearing chair may request witnesses if needed.
- 6.1.8. New allegations are not normally introduced at the hearing which have not been part of the investigation. If any new matters that come to light in the course of the hearing and are completely unrelated to the existing allegations, it may be necessary to adjourn the hearing for further investigation to take place.
- 6.1.9. The employee will be able to set out their case, have an opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses.
- 6.1.10. Once all evidence has been considered, the hearing should be adjourned to allow the Chair to consider the information put before them. Once a decision has been reached, the hearing should be reconvened or a letter written to the employee to inform them of the outcome (see below).
- 6.1.11. The potential outcome of the hearing could be no formal action (there could still be recommendations and standards setting required as well as any action deemed reasonable and appropriate outside of the disciplinary procedure (e.g. training)), first written warning, final written warning, or dismissal.

6.1.12. Following the hearing, the employee should be sent written confirmation within five working days, detailing the outcome of the hearing (including any sanction imposed), the consequence of any further misconduct and their right to appeal. The manager will also be notified of the outcome.

6.2. Disciplinary Sanctions

The level of sanction applied will take account of all relevant factors; in particular the seriousness of the employee's alleged misconduct.

6.2.1. First Written Warning

A first written warning will be appropriate when issues previously addressed have not been resolved or in more serious breaches of rules or standards of conduct whether or not they have been addressed previously.

It will be live on file for a period of between six and 12 months but disregarded for disciplinary purposes after this time.

This warning will be taken into account if any further acts of misconduct or failure to satisfactorily improve during the period that it is live. In the event of repeated misconduct of a similar nature, previous expired sanctions may be taken into account.

6.2.2. Second Written Warning

A second written warning may be issued if the misconduct is considered more serious than to warrant a first written warning and in the event of repeat misconduct. Sanctions do not have to be applied sequentially in the event the misconduct is considered serious enough to warrant a second written warning without a first written warning being present, this is available to the hearing chair as a sanction.

6.2.3. Final Written Warning

A final written warning will be appropriate where misconduct of a more serious nature arises but on the merits of the case it is decided that dismissal is not appropriate or where issues that have previously been addressed have not been resolved.

Sanctions do not have to be applied sequentially in the event the misconduct is considered serious enough to warrant a final written warning without any previous written warning being present, this is available to the hearing chair as a sanction.

It will be live on file for a period of 12 to 24 months but disregarded for disciplinary purposes after this period of time.

In exceptional circumstances, it may remain on file as a point of information in cases where it is necessary for such information to be shared (for example in the case of safeguarding), retention of records will be in line with our policy, outlined at section 10.

In the event of more than one allegation being substantiated, it is possible to issue a final written warning as an outcome.

6.2.4. Dismissal/Demotion/Re-deployment

Dismissal will be appropriate where there has been an instance of misconduct of any kind in situations where a Final Written Warning is still live.

An employee dismissed in this way is entitled to be paid in lieu of the appropriate period of notice as set out in their contract of employment.

Other options such as demotion or redeployment (where possible) will be explored prior to a decision to dismiss being made if this is deemed appropriate.

Where a colleague is deemed to have acted in a way that constitutes misconduct which results in it not being appropriate to remain at the same level of seniority, they could be moved to a role at a lower grade as an alternative to dismissal. This would be subject to available vacancies.

It is also possible to temporarily change or remove duties to enable a colleague to receive training and development prior to returning to their substantive post.

Redeployment could be considered appropriate in the event conduct means they can no longer work within a particular team or service area but could be retained to take alternative work in another service; this would be subject to available vacancies.

6.2.5. Gross Misconduct/Summary Dismissal

Summary dismissal is a potential outcome of a disciplinary process, it will usually be appropriate in cases which constitute gross misconduct, examples of which are detailed in Appendix 2, although this list is not exhaustive.

6.3. Dismissal of a Chief Officer

6.3.1. A Chief Officer (defined as a postholder who reports directly to the Head of Paid Service, ie. a Director) or a Deputy Chief Officer (defined as a postholder who reports direct to a Chief Officer, ie an Assistant Director or any other post that reports to a Chief Officer) may only be dismissed by a panel of Members.

6.3.2. When a hearing is due to take place where the realistic outcome may be dismissal, the case must be heard by a Member panel and not by an Officer panel. The Employee Relations Team will liaise with the Committee Services team to arrange the date, time and venue for the hearing and will confirm the names of the Members who will form the panel.

6.3.3. The process and timescales for Member hearings will normally be the same as for Officer panel hearings but will be subject to the diary commitments of Members.

6.3.4. The hearing will be recorded and a transcript provided to the employee.

6.3.5. The relevant Cabinet member may be invited to attend the hearing, but they may vote only as a substitute member for one of the substantive members of their Group on the Panel (not in addition).

6.3.6. To be quorate, there must be at least 3 members in attendance.

7. Disciplinary Appeals

7.1. Officers

- 7.1.1. If the employee wishes to appeal against the outcome of a disciplinary hearing, they should do so in writing to the Employee Relations Manager via HALO stating the reasons for their appeal no later than 10 working days from the date of the disciplinary outcome letter. In the event of dismissal or where the employee does not have access to HALO, this can be done in writing or by email to the Employee Relations team.
- 7.1.2. An appeal is not a re-hearing of the original case but instead should be based upon one or more of the following principles:
- Any part of/the whole process of the investigation was unreasonable
 - The level of disciplinary sanction imposed is disproportionate to the offence or inconsistent with sanctions imposed on other employees in similar circumstances
 - New evidence has come to light since the original hearing which needs to be considered
 - The Council has failed to follow its disciplinary policy and procedure
- 7.1.3. Appeals against a sanction less than dismissal will be chaired by a manager more senior than the chair of the disciplinary hearing, depending on the circumstances of the case. An HR representative will provide advice and guidance on policy and process, including on the appropriateness of panel members.
- 7.1.4. Appeals against dismissal will be considered by a panel of members.
- 7.1.5. The appeal hearing will be arranged in a timely and reasonable manner.
- 7.1.6. The employee will be given reasonable notice in writing of no less than five working days of the appeal hearing detailing who will be conducting the hearing, arrangements in relation to any documents to be forwarded prior to the hearing (if not already enclosed) and the employee's right to be accompanied by either a trade union representative or workplace colleague.
- 7.1.7. At the hearing the employee will be asked to give their reasons for appealing, referring to any relevant evidence and the chair of the disciplinary meeting may be asked to attend the hearing to explain the rationale for their decision.
- 7.1.8. Once all evidence has been considered, the hearing should be adjourned to allow the Chair to consider the information put before them. If the Chair requires further information or clarification prior to making the decision, this should be sought as a matter of urgency and the employee advised that there will be a delay in reaching an outcome.
- 7.1.9. The outcome of the appeal could be that the appeal is upheld (the disciplinary sanction is dismissed or decreased) or is not upheld (the disciplinary sanction remains the same). The appeal Chair cannot increase the disciplinary sanction as it is not a rehearing. This will be confirmed in writing within three working days of the hearing unless there has been a delay due to additional evidence or clarification being sought.

- 7.1.10. The decision of the appeal hearing is final and there is no further right of appeal.
- 7.1.11. If the employee is appealing against a decision to dismiss them, their dismissal date will be effective from the date in their dismissal letter, unless their appeal is upheld. The employee's employment will not continue while a decision regarding their appeal is reached. If the appeal is upheld, the employee will be reinstated with no break in their continuous service and their pay will be backdated to the date of dismissal.

7.2. Chief or Deputy Chief Officer

- 7.2.1. As with other employees, an appeal lodged against the decision to dismiss must be heard by a Member panel.
- 7.2.2. The dismissal appeal panel for Chief and Deputy Chief Officer hearings must be a different panel to the one involved in the original dismissal decision.
- 7.2.3. As with all other hearings, the Member appeal panel hearing will be recorded and a transcript provided to the appellant in line with the policy.
- 7.2.4. An appeal must be received by the Employee Relations Manager via HALO no later than ten working days after the letter confirming the outcome of the hearing has been received.

8. Simplified Process & Agreed Outcomes

Progressing with this process must be agreed by ER team

Where the finding and recommendations from the formal investigation are agreed by all parties or there are mitigating circumstances, and where the likely sanction will be less than dismissal, all parties can agree that the simplified process should be used to reach an agreed outcome. The Simplified process can be found at appendix 3 to this document.

9. Summary Dismissal

This procedure is to be used for dismissals such as unauthorised absence from work without contact (absent without leave) or returning to work, unsatisfactory DBS disclosures, a failure to evidence a Right to Work in the UK or in the event of gross misconduct.

Where there are disciplinary or dismissal issues under consideration the following three-step procedure will be used.

- 9.1. The employee will be written to with details about the nature of employee's conduct, capability or other circumstances that may result in dismissal or disciplinary action.
- 9.2. The employee will be invited to a meeting with the manager at a reasonable time and place where the issue can be discussed, and any evidence considered. The employee must take all reasonable steps to attend. The employee has the right to be accompanied at the meeting by a trade union representative or work colleague. After

the meeting, the manager must inform the employee in writing, summarising the evidence heard, their decision, and offer the employee the right of appeal.

- 9.3. If the employee wishes to appeal, they must inform the manager and the Employee Relations Team with reasons/ grounds for the appeal within 10 working days of the original decision. The employee will be invited to attend a further meeting to appeal against the decision. The employee has the right to be accompanied at the meeting by a trade union representative or work colleague. Where possible, a more senior manager should chair the appeal meeting. The final decision will be communicated to the employee in writing. A member of the Employee Relations Team will be present to advise the chair.

10. Retention of Disciplinary Records

A full confidential record of all notes, evidence and letters relating to the formal disciplinary procedure must be kept.

Where the investigation shows that there is no case to answer, all documentation relating to the case should be destroyed with the exception of the following scenarios:

- Where documents are required to support the informal procedure, should this subsequently be followed or;
- If it is relevant to another process involving the same employee where it would be deemed reasonable to hold this information for an extended period of time.

Lapsed disciplinary warnings will not be taken into consideration in any subsequent related acts of misconduct. However, they may be referred to in order to:

- Refute evidence by the employee that they did not know that such conduct amounted to a disciplinary offence;
- Refute representations by the employee about their previous service which are inconsistent with their disciplinary record.

In line with the Children Act 2004 (and subsequent 2014 updates), any disciplinary investigation conducted with reference to an allegation of abuse against a child (whether a disciplinary sanction is imposed or not) will be kept indefinitely and will be available for consideration should further misconduct of a similar nature occur. The Council is obliged under the Act to share relevant information with future employers on request.

This also applies to the Protection of Vulnerable Adults scheme where records will be retained for 5 years and then reviewed as to whether further retention is required.

11. Further information

Code of Conduct
Dignity at Work Policy
ACAS Code of Practice on Disciplinary and Grievance Procedures
Grievance Policy

Appendix 1

Suspension Risk Assessment Form

Date:

Manager:

HR Lead:

Name of Employee:

Employee No:

Department:

Issue/Incident: see below

Reported by:

Evidence obtained prior to Risk Assessment:

- Breach of professional conduct and concerns regarding financial practice
- Bringing the LA into disrepute
- Breach of trust and confidence

Potential Risks	Is this a Risk? Yes/No	Explanation	Risks Likelihood 1=Rare 2=Unlikely 3=Possible 4=Likely 5=Almost Certain
Risk of harm to public/service users			
Risk of harm to employees			
Risk of harm to self			
Risk of harm to council property			
Risk of harm to council (e.g. reputational damage)			
Risk of Fraud			
Risk of Service Provision			
Risk of employee interfering with evidence during investigation			
Risk of employee influencing witnesses during investigation			

Potential Risks	Is this a Risk? Yes/No	Explanation	Risks Likelihood 1=Rare 2=Unlikely 3=Possible 4=Likely 5=Almost Certain
Does the employee hold a second job that could potentially interfere with the investigation? (<i>ensure Schools and agency roles are considered</i>)			

**This information should be verified by the Employee Relations Specialist on SAP.*

Actions to be considered to reduce risk without suspending employee:

1. Employee remains at work and duties are temporarily amended and/or
2. Employee remains at work and place of work/the team in which the employee works is temporarily changed; and/or
3. Employee remains at work under increased supervision.
4. Employee remains at work under suspension.
5. Employee is suspended.

Decision following Risk Analysis

Please record the decision taken and the reasons for the decision.

The risks are assessed as high given there are significant concerns relating to social work practice, professional conduct, capacity around keeping Information safe and confidential. This has the potential to cause the council reputational damage and risk of not being able to fulfil the service provisions to CIC / care leavers due to lack of trust, confidence, and breach of professional boundaries.

Outcome of Assessment and Decision

Employee is suspended whilst arrangements are made to transfer her to another team and function within the council supporting administrative activity of a non-confidential nature

Date:

Signed:

Name:

Job Title:

Date:

Signed:

HR Lead:

Appendix 2

Examples of gross misconduct behaviour; this list is not exhaustive

- Theft or Fraud
- Physical violence, bullying, harassment
- Damage to property
- Serious misuse of an organisation's name or property
- Deliberately accessing internet sites on a work device that contain offensive material (pornographic or other offensive material)
- Publishing or engaging in social media activity which is considered inappropriate
- Setting up a competing business
- Serious insubordination
- Failing to comply with reasonable management requests
- Discrimination
- Bringing the Organisation into serious disrepute
- Offering or accepting bribes
- Serious breach of health & safety regulations
- Serious breach of trust/ confidence
- Causing loss, damage, injury or reputational damage through serious negligence
- Serious incapability at work due to alcohol or illegal drug use

Appendix 3

Simplified process and agreed outcomes

In the event it is recommended for a case to proceed, where the sanction is to be less than dismissal and the employee subject to the formal process admits to the alleged misconduct, it is possible to offer the simplified process to reach an agreed outcome.

The simplified process cannot be instigated before any period of appeal has lapsed; in the case that an investigation has taken place following a grievance complaint, the person raising the grievance has the right to appeal the outcome; the time must have passed or the appeal been heard before the simplified process can take place.

An independent manager or senior member of the HR Team will review any documents and consider an appropriate outcome. They will invite the employee to attend an agreed outcome meeting, with a minimum 5 working days' notice.

At the meeting, the reviewing manager will present the outcome they are proposing and the rationale, the employee will have the opportunity to share any further information they think is relevant and the reviewing manager will consider this and confirm the outcome, this will be confirmed in writing.

If the employee decides within 5 working days that they disagree with the process or do not feel the outcome is reasonable, the case will be referred back to the ER team to find a hearing chair for a formal disciplinary hearing.

Any disciplinary sanction issued, and accepted by the employee, will have the same status as those obtained at a hearing, except that there will be no appeal process.

There is no obligation to offer a simplified process/ agreed outcome and no obligation on an employee to accept.

If an employee receives an agreed outcome and repeats the misconduct during a warning period, they will not be offered a second simplified process/ agreed outcome and will be subject to the usual disciplinary process.

Copies of all relevant documentation will be retained in the usual manner and in line with our 'retention period for employment information guide'.

Appendix 4

Examples of Reasonable Adjustments

London Borough of Haringey Council ensures access to reasonable adjustments, we will take steps to enable employees to participate in the process as far as reasonably practicable, some examples of this are as follows, these are examples and not exhaustive.

- Arranging a suitable room for any meetings- consider accessibility, travel and environment
- Holding meetings on teams rather than in person, in the event this is beneficial for health reasons
- Ensuring sufficient time for frequent breaks to allow for physical movement and to support mental health
- Scheduling meetings at times which work best in the management of a long term condition

Document Control

Key Information			
Title		Disciplinary Policy	
Document Type		Draft	
Document Status		First draft	
Approving body		Staffing and Remuneration Committee approved	
Author		Strategic HR & OD BP	
Owner		Head of Employee Relations, Business Partners & Reward	
Contact (Managed by)		Employee Relations, Business Partners & Reward Team.	
Date of Publication			
Revision History			
Version	Date	Summary of Changes	Name
1.0	March 2024	Following approval to amend the way policies are reviewed & amended, it was agreed that all revised policies would be based on a base legally compliant template and local provisions added. This replaces the previous approach of reviewing and adding to existing policies. This policy replaces all previous versions.	Tanya Patchett