CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy:	**Discipline Policy**
Date:	**26 November 2025**
Lead Officer:	**Chief Executive**
Review Date:	**26 November 2028**

Regulatory Standard 5:	**The RSL conducts its affairs with honesty and integrity.**
5.1	The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.
5.2	The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.

1. Introduction

1.1 Clydesdale Housing Association (CHA) requires employees to maintain the highest possible standards of attendance, conduct and performance. The purpose of this policy is to help you understand these and encourage you to maintain them.

1.2 This policy will inform you of our expected standards of conduct, performance and attendance. Please speak to your line manager if you are unsure of the standards expected of you. If you do not meet our standards, then we will manage this in accordance with this disciplinary procedure.

1.3 This policy and procedure apply to all employees.

2. Policy Aims

2.1 To make sure that you know the standards expected in respect of conduct, performance and attendance.

2.2 To manage you in accordance with the procedures in this policy should you fall short of our expected standards.

2.3 To manage any fall in standards in a fair and consistent manner.

3. Equal Opportunities

3.1 As an employer, CHA encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Equality Act 2010.

3.2 We do not discriminate against any member of staff in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4. You can expect CHA to:

4.1 Inform you of all the allegations against you and give you the opportunity to state your case.

4.2 Not take any formal disciplinary action until we have fully investigated the allegations against you.

4.3 Pay your normal pay if you are suspended pending investigation.

4.4 Not take any disciplinary action or suspend you if you are a trade union representative until we have had discussions with a full-time official of the union. If a full-time official is not available, we will contact a regional officer.

4.5 At all stages of the formal procedure, you will have the right to be accompanied by either a Trade Union representative or workplace colleague.

4.6 Make sure if any action is taken against you, (other than dismissal) that we make clear the standards of improvement required, the timescale within which we expect this to be achieved, the frequency of reviews, and the consequences of inadequate or un-sustained improvement.

4.7 We will not dismiss you if this is the first issue with your conduct, performance or attendance unless you have committed gross misconduct. In this case, the penalty will normally be summary dismissal without notice or pay in lieu of notice.

4.8 Any formal action will be confirmed to you in writing.

4.9 Provide you with a right of appeal if we issue you with any formal action.

4.10 Keep records on your personal file of any live disciplinary action, which will only be available to you, your line manager and the senior officer if appropriate.

4.11 We will not normally allow recording devices to be used during any investigatory, disciplinary or appeal meetings.

4.12 Apply the formal procedure at any stage (1 to 3) depending on the seriousness of the allegations against you.

4.13 For the purposes of the procedure to be followed we will add together warnings given for different reasons.

5. We expect that you will:

5.1 Be honest and transparent in all aspects of your work for us.

5.2 Treat all colleagues, clients, partners and anyone in connection with us with respect and dignity.

5.3 Not disclose any confidential information obtained in connection with your employment with us.

5.4 Declare any potential conflicts of interest that may arise throughout the course of your employment.

5.5 Not publish or profit from any work done within CHA as this belongs to us until such time as we give permission for its use

5.6 Not accept any gift, favour or inducement from businesses or individuals in connection with us.

5.7 In line with our Code of Conduct you should not take on any secondary employment before discussing it with your line manager.

5.8 Meet the standards set out in all our policies and procedures and in particular, our code of conduct, equal opportunities and dignity at work, regardless of any personal or political beliefs you may hold.

5.9 Maintain high standards of performance and carry out your role to the best of your ability.

5.10 Maintain high levels of attendance as described in our attendance and absence policy.

5.11 Follow instructions and requests from your line manager and any other senior member of staff.

6. Investigation

6.1 Before any informal or formal action takes place, we will conduct an appropriate investigation. The purpose of this is to establish the facts surrounding the allegations against you. This will normally involve speaking to you and anyone else that may provide us with relevant information. We will also collect any other information we deem to be relevant. An investigation meeting does not form part of the formal disciplinary process.

6.2 The length and complexity of the investigation will be determined by the circumstances and the nature of the allegations. If you are unable, or choose not to participate in the investigation, after considering all reasonable adjustments we may proceed without the benefit of your input.

6.3 The investigating officer will be neutral and impartial and present their findings in an unbiased, factual, coherent and relevant way. The investigation report will include all evidence referred to throughout the report.

6.4 All information will be made available to both you and the disciplinary officer/panel in advance of the scheduled disciplinary hearing.

6.5 On completion of the investigation, the investigator will make one of the following three recommendations:

6.5.1 No further action

6.5.2 Informal action

6.5.3 Progress to a formal disciplinary hearing for formal action to be considered

7. Police Involvement and Criminal Offences

7.1 We may treat any criminal investigation, charge or conviction connected to you as a disciplinary matter if we consider it relevant to your employment with us.

7.2 Should you be subject to any police investigation, we will conduct our own independent investigation and proceed regardless of the status of any police involvement.

7.3 If you are subject to any of the above and we believe this may in any way affect your ability to do your job or our reputation, you must discuss this with your line manager as soon as you possibly can.

8. Suspension

8.1 If the allegation(s) is/are of a serious nature, we may suspend you while we carry out any necessary investigations. Suspension does not constitute disciplinary action. We will suspend you on normal pay if the allegations against you are of a gross misconduct nature while we carry out any necessary investigations. We may also suspend you if we feel you are/could interfering with an investigation in any way even if the allegations are not considered at gross misconduct level.

8.2 We will aim for your suspension to last no longer than 5 working days. If the investigation has not finished within this time, we will write to you and update you on its progress and the impact this has on your suspension.

8.3 While on suspension you should not have any contact with any other employees other than the person named on your suspension letter.

9. Time Limits of Warnings

9.1 We may extend the time limits referred to throughout this procedure, depending on the circumstances of individual cases.

10. Alternatives to Disciplinary Action

10.1 In addition to issuing warnings, the disciplinary panel/officer may consider other actions instead of dismissal including, redeployment, demotion, or an extension to the time limit of a warning.

11. Examples when the Disciplinary Procedure may be used:

11.1 Please note the list below is not exhaustive:

- 11.1.1 Any issues relating to your conduct/performance/attendance.
- 11.1.2 Poor timekeeping (repeated lateness or leaving early).
- 11.1.3 Abuse of flexi time, remote working and/or TOIL.
- 11.1.4 Failure to meet and/or maintain the improvements required in an informal action.
- 11.1.5 Breaches of our policies.
- 11.1.6 Performance and/or conduct is below our expected standards.
- 11.1.7 Deliberate misuse or damage of our property (including corporate clothing, electronic devices, email and internet).
- 11.1.8 Breach of Health and Safety Procedures.
- 11.1.9 Willful and persistent refusal to obey reasonable instructions.
- 11.1.10 Professional incompetence.
- 11.1.11 Theft from us
- 11.1.12 Bringing the organisation into serious disrepute

11.2 We can begin the procedure at any stage of the disciplinary process depending on the seriousness of the allegations against you.

12. Informal Procedure

12.1 We will normally use the informal procedure in the first instance. If your performance, conduct or attendance does not meet our required standards then your line manager will meet with you informally if appropriate. Your line manager will discuss the issues with you, and tell you what improvements are required, the support and training available, timescales for achievements (not normally more than 6 months) and explain any further consequences if you do not meet or maintain the standards required.

12.2 Following the meeting this information will be followed up in writing in an informal action note. If you do not meet the expected standards set out in your informal action within the specified timescale or the matter is more serious, we may proceed with the formal disciplinary process.

13. Formal Procedure

13.1 We will follow our formal process when attempts to improve any conduct, performance and/or attendance have not improved through the informal process or the matters are of a more serious nature. If you are invited to a formal hearing, this will be done as soon as reasonably practical on conclusion of the investigation. You will also be given a minimum of 2 working days' notice of the hearing and 5 days' notice in gross misconduct cases. If we issue you a formal warning, you will have the right to appeal, and we will give you the details of how to do this in the letter confirming the outcome of your hearing. We will not progress to any formal stages of this procedure unless an appropriate investigation has taken place.

13.2 We have three stages in our formal procedure:

13.2.1 **Stage 1:** If you do not meet our standards detailed at the informal stage, or the matter is of a more serious nature a manager will invite you, in writing, to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence, including your response, we believe this to be unsatisfactory, and/or it is still appropriate, we will issue you with a first written warning or performance note. This will remain on your file for six months.

13.2.2 <u>Authority to take disciplinary action at Stage 1: line manager/ supervisor</u>

13.2.3 **Stage 2:** If you have a live written warning and remain below our standards or, if we consider the matter serious misconduct a manager will invite you, in writing, to attend a formal disciplinary

hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence, including your response and we believe this to be unsatisfactory, and/or it is still appropriate, we will issue you with a final written warning. This will remain on your file for 12 months.

13.2.4 Authority to take disciplinary action at Stage 2: line manager/supervisor

13.2.5 **Stage 3:** If you have a live final written warning on file and remain below our standards, or if we feel you may have committed an act of gross misconduct, you will be invited in writing to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence, including your response and we deem it appropriate, we may dismiss you. We will make a payment in lieu of notice if the reason for dismissal is anything other than gross misconduct.

13.2.6 Authority to take disciplinary action at Stage 3: Panel appointed from the Governing Body

14. Gross Misconduct

14.1 Gross misconduct equates to a serious breach of contract and includes actions that will have a serious effect on our business, reputation or damage the relationship of trust and confidence between us. We will normally regard the following as gross misconduct: *(this list is not exhaustive)*

14.1.2 Theft and/or serious willful damage or misuse of our property from us, our staff, clients, customers or anyone connected with us.

14.1.3 Bullying, threatened/actual violence, or provoking violence.

14.1.4 Under the influence due to alcohol or any other substance.

14.1.5 Possession, use, supply or attempted supply of illegal and/or legal substances.

14.1.6 Fraud, forgery or other dishonesty including, fraudulent wage claims or falsification of records/expenses including time sheets and overtime.

14.1.7 Harassment, discrimination or victimisation.

14.1.8 Serious infringement of health and safety legislation policies and procedures, or any other policies, operating procedures or workplace rules put in place by us.

14.1.9 Acts of gross professional incompetence.

14.1.10 Bringing CHA into serious disrepute.

14.1.11 Serious breaches of security or confidentiality, including misuse or disclosure of confidential information.

14.1.12 Acceptance of bribes or other concealed payments.

14.1.13 Deliberately accessing internet sites containing illegal, pornographic, offensive, obscene, and/or information to incite or carry out any acts of violence.

14.1.14 Being charged or convicted of a criminal offence that in our opinion may affect our reputation, or relationships with staff, clients, customers or anyone connected with us, and/or affects your suitability to work for us.

14.1.15 If we become aware of any official information from outside agencies that may compromise your suitability for your role, e.g. PVG scheme, Credit Check.

14.1.16 Malicious or untrue allegations against others.

15. Notice of Decision

15.1 We will issue you with the outcome of our decision, including the reasons for this in writing within 5 working days of the formal disciplinary hearing. This letter will detail the reasons for the formal warning and what we expect of you. If we dismiss you, we will provide you with details of your last date of employment and inform you of any outstanding payments that we will make to you with your final salary payment.

16. Appeals

16.1 If you wish, you have the right to raise an appeal against any formal action taken within 5 working days of receiving your outcome letter. Details on how to appeal will be included in your outcome letter confirming the action taken against you.

16.2 No person involved in the original disciplinary decision should take part in the appeals process unless it is not possible to avoid this.

16.3 At all levels of the appeal process, the officer/panel hearing the appeal is entitled to:

16.3.1 Confirm previous action

16.3.2 Dismiss previous action or

16.3.3 Substitute a lesser penalty

17. Appeals Procedure

17.1 First Written Warning

17.1.1 You have a right to one internal appeal against the first written warning or performance note.

17.1.2 You should make your appeal within 5 working days of our notice of decision. We will hold appeal hearings within 10 working days of receiving your request.

17.2 Final Written Warning

17.2.1 There is one appeal against a final written warning and after this, it will be made to the JNC Appeal Chair.

17.2.2 Your appeal should be made within 5 working days of our notice of decision. We will hold appeal hearings within 10 working days of receiving your request.

17.2.3 Appeal Hearings to the JNC Appeal Chair should be made within 5 working days and will be held within 20 working days where possible.

17.3 Dismissal

17.3.1 If you are appealing against dismissal, you must do so to the JNC Appeal Chair. The JNC Appeals Chairs are independent people appointed by the Joint Negotiating Committee.

17.3.2 You should notify the secretary to the JNC appeal of your intention to make an appeal in writing within 5 working days of receiving notice of the decision.

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

17.3.4 The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedures available. The Secretary to the JNC Appeal will send you a copy of the guidance notes following your appeal request. The Chair's decision is followed by a written report and sent to you and us.

17.3.5 Once a JNC appeal has taken place and report issued, the matter will be closed.

18. Records

18.1 We will keep records on your personal file of any disciplinary action, which will only be seen by you, your line manager and the senior officer if appropriate. Your manager will remove disciplinary warnings from your file when they expire.

19. General Data Protection Regulations

19.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in CHA's employee privacy notice.