

The Creative Lives disciplinary procedure is based upon the ACAS advisory booklet, 'Code of practice on disciplinary and grievance procedures' which can be found on the ACAS website. <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

### **Informal Procedure**

Informal action will be considered, where appropriate, to resolve problems. The line manager should first discuss their concerns with the staff member using their agreed annual targets as a starting point for the discussion. All parties should consider the benefit of keeping a written record at this stage. If this does not resolve the matter the matter will progress to the formal stage.

### **Formal Procedure**

#### **1. Purpose and scope**

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

#### **2. Establish the facts.**

It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases, this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

#### **3. Inform the employee of the problem.**

For formal action the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.

#### **4. Hold a meeting with the employee to discuss the problem.**

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

#### **5. Allow the employee to be accompanied at the meeting.**

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.

#### **6. Decide on appropriate action.**

The first formal stage will normally be either:

- a. The appropriate manager in liaison with the Chief Executive delivers an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept but it will be considered spent and disregarded for disciplinary purposes after 12 months – subject to achieving and sustaining satisfactory performance.

or

- b. The appropriate manager in liaison with the Chief Executive delivers a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a period of 12 months.

An employee will have the right to appeal against any disciplinary action.

All parties involved in a disciplinary procedure should keep the details confidential to avoid prejudicing the outcome.

### **7. Final written warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee by the appropriate manager in liaison with the Chief Executive. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the line manager but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

### **8. Dismissal or other sanction**

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer.

Dismissal decisions can only be taken by the Chief Executive and Chair (in discussion with the HR Committee) and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the line manager but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

### **Gross misconduct**

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying

- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material (see the Creative Lives Communications Policy)
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drug use
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

***This list is not exhaustive.***

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

**11. Provide employees with an opportunity to appeal.**

An employee who wishes to appeal against a disciplinary decision must do so within six weeks. The Chair will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed. Dismissal is dismissal and any further appeals are external.

Approved by the Creative Lives Network Board of Directors.  
Review July 2026