



Disciplinary Policy

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1. Definition & Purpose:

Brídhaven expects a high standard of performance, conduct and attendance from all its employees as this is critical to its success and to creating a pleasant work environment for everyone.

However, there may be times when your performance, conduct or attendance may not meet the standards Brídhaven expects of you, and this policy sets out how Brídhaven will manage such a situation.

This policy applies to all employees employed by Brídhaven regardless of whether such employee is temporary, part-time or permanent.

It is Brídhaven's policy to follow a fair and reasonable procedure in managing performance, conduct and attendance that is unacceptable.

You must remember that you are an ambassador for Brídhaven and therefore this policy does not only apply whilst you are at the Brídhaven premises but also whilst you are representing Brídhaven at social events on your own time or even in some circumstances in a strictly social environment. For example, Brídhaven does not tolerate the use of illegal drugs, and your use even in your own social time, may result in disciplinary action being taken against you.

The disciplinary process set out in this policy is generally directed at a failure by you to perform in your role at Brídhaven or for unacceptable conduct/behaviour or attendance. Matters of a minor nature will normally be dealt with by your line manager or Human Resources informally.

The list below gives examples of the type of conduct which may prompt Brídhaven to have informal discussions with you or commence a formal warning procedure. Persistent Misconduct and/or Gross Misconduct may lead to a disciplinary investigation and could lead to dismissal.

How Brídhaven chooses to deal with a matter will depend on the circumstances of each individual case.

2. MISCONDUCT

Examples of acts viewed as misconduct could include but are not limited to:-

A. MINOR MISCONDUCT: Examples of Minor Misconduct include but are not limited to:

- Short term absenteeism and/or poor time keeping including repetitive periods of patterned absence;
- Failure to notify us of reasons for absence and/or failing to follow the absence procedure;
- Failure to supply a medical certificate for absences as per our policy;
- Time wasting/idling, extended breaks
- Not entering or leaving the building by official means;
- Minor breaches of Brídhaven's policies and procedures;
- Inappropriate dress or appearance;
- Undertaking private work without our permission where such work could affect your performance and ability to do your job during your contractual hours of work for Brídhaven or could conflict with your obligations owed to Brídhaven if done outside of working hours;
- Failure to carry out lawful, reasonable or safe instructions given by a supervisor;
- Careless work and poor effort at work
- Minor breach of safety/hygiene/security rules
- Failure to maintain a tidy and safe working environment
- Failure to complete time/stock or work sheets as instructed
- Minor Misuse of company property and/or vehicles;
- Failure to provide reasonable information to line managers;
- Unreasonable and/or unauthorised use of Brídhaven's telephones, e-mail and/or computer network for private purposes without obtaining prior consent; and/or
- Minor unacceptable behaviour at social events organised through work, even if the event takes place outside of your contractual working hours.

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B. MAJOR MISCONDUCT - Examples of Major Misconduct include but are not limited to:

- Serious breach of Brídhaven's policies and procedures
- Dangerous physical horseplay
- Neglect causing damage to or loss of employer's, residents, or other employee's property/ equipment/tools
- Serious neglect of safety/hygiene/security rules
- Smoking in the workplace
- Consuming intoxicants during working hours or bringing intoxicants into the premises without permission
- Entry into any unauthorised areas
- Willful or excessive wastage of material
- Unsatisfactory attitude to colleagues, supervisors, clients, resident family members
- Use of foul language
- Gambling on the premises
- Insubordination
- Unacceptable behaviour at social events organised through work, even if the event takes place outside of your contractual working hours.

C. GROSS MISCONDUCT - Examples of Gross Misconduct include but are not limited to:

- Elder Abuse
- refusal to work agreed contractual hours (including bank holidays);
- sleeping while on duty;
- serious punctuality or attendance offences;
- wilful dishonesty, or theft from Brídhaven, its employees, Residents and/or its customers;
- falsification of documentation and/or fraud;
- clocking in or out on someone else's behalf and/or requesting someone else to clock in or out on your behalf;
- acts of dishonesty such as deliberately falsifying Brídhaven records, including clock/time cards, phoning in sick for non-genuine illness, theft of money or property or any dishonest conduct in connection with the performance of your duties;
- deliberate mishandling of Brídhaven's products and equipment;
- disorderly conduct, violence, intimidation, or abusive behaviour or language directed towards any other person, even in a social context where it comes to the attention of Brídhaven and may bring Brídhaven into disrepute or Brídhaven feel that such behaviour could impact residents or other personnel;
- abusive and/or insulting behaviour or interference with residents or their relatives which causes difficult working relationships or damages Brídhaven's reputation;
- damage to Brídhaven's property or equipment, its employees' property or its resident's property, including destruction of confidential information;
- unauthorised removal of property or equipment from Brídhaven's premises.
- being in possession of drugs or any controlled substance, or manufacturing, selling or using illegal drugs inside or outside of work;
- gambling or money lending on the premises
- being under the influence of alcohol at work or bringing open bottles of alcohol to work or to execute actions on duty which may put the employee or others at risk;
- being under the influence of prescribed or un-prescribed drugs whereby it affects your performance at work or puts other employees or residents at risk;
- having possession of firearms or any other weapon on Brídhaven's premises.
- breach of confidentiality and/or the rules governing data protection;
- not notifying management of having received or accepted a gift or advantage from any Resident, family member, supplier or any person who has a business relationship with Brídhaven which could be construed as a bribe, inducement or corrupt reward;
- abusing paid Brídhaven time, materials or equipment i.e. Telephones, email, internet etc.
- serious misuse of Brídhaven's property, including use of Brídhaven's IT equipment to access, store, download, display or transmit any pornographic or sexually explicit or violent material;
- behaviour amounting to gross misconduct at social events organised through work, even if the event takes place outside of your contractual working hours;
- serious carelessness or negligence which causes unacceptable loss, damage or injury to Brídhaven, its residents, employees or its customers;
- any criminal conviction whether immediate or suspended other than summary Road Traffic Acts offences (except where this leads to the loss of driving licence which results in the employee being unable to perform

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his/her normal duties and which will be treated as gross misconduct for the purposes of this policy) or an offence which in the reasonable opinion of Brídhaven does not affect your position with us. Examples of other convictions which will be treated as gross misconduct include convictions in respect of violence, membership of an illegal organisation, or drug related offences;

- insubordinate conduct and/or refusal or failure to comply with reasonable requests made by management;
- serious or persistent misconduct;
- a serious breach of health and safety rules, working unsafely or behaving in a way that puts your own or another person's health and safety at serious risk;
- failure to adhere to Brídhaven's safety policy and practices including the smoking policy and fire safety and food hygiene regulations;
- failure to use any Personal Protective Equipment provided;
- a serious breach of confidence;
- a serious breach of Brídhaven's email, internet and Social Media Policy;
- engaging in private work during working hours or working or engaging in any activity inconsistent with unavailability to work while on sick leave;
- undertaking private work without Brídhaven's permission where such work could cause a potential conflict of interest with the business carried out by Brídhaven;
- making negative or derogatory comments about Brídhaven, its owners, residents or employees verbally, in writing or on social media networks or bringing Brídhaven into serious disrepute;
- misrepresentation to the public, e.g. claiming to speak for management in an unauthorised manner;
- a serious and/or material breach of Brídhaven's policies;
- racial vilification or any behaviour designed to incite hatred or violence toward others; and/or
- any act or acts of unlawful discrimination, harassment or bullying.

This list is not an exhaustive list and other actions may result in gross misconduct and may leave an employee liable to dismissal, following full investigation and review.

There are some circumstances in which your conduct is deemed by Brídhaven to be so serious that Brídhaven may have to dismiss you without notice or dismiss you immediately and pay you in lieu of notice.

In cases of gross misconduct, you should be aware that it is Brídhaven's usual practice to dismiss you without notice.

4. Investigation

As part of a fair and reasonable process to deal with your performance / conduct/absenteeism related issues, Brídhaven will first investigate a matter to decide whether disciplinary proceedings should be instigated against you. This may involve:

- speaking to relevant people (such as witnesses, colleagues, residents, managers or other third parties);
- considering any relevant documentation, including computer records; and/or
- inviting you to attend an investigatory meeting in order to hear your explanation of events.

Where you are invited to attend an investigatory meeting, we will usually notify you in writing. The purpose of this investigatory meeting is to establish the relevant facts. It is not a disciplinary hearing.

After the matter has been fully investigated the results of the investigation will be made available to all the parties concerned but in certain circumstances some details may be withheld, for example, to protect a witness.

Brídhaven will not take any disciplinary action against you unless and until:

- Brídhaven has completed a fair and reasonable investigation; and
- you have had an opportunity to consider the results of the investigation and state your case.

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During the investigation and until a decision is reached, Brídhaven may suspend you from work on basic pay if Brídhaven believes it would be inappropriate for you to attend work.

Please note that suspension is not considered a disciplinary sanction and does not, in any way, mean that Brídhaven has already made a decision about your case. You will always have the right to state your case before any decision is made. The suspension procedure is a precautionary measure to allow Brídhaven to properly investigate the facts of the case and to protect the business and other employees.

5 Disciplinary Hearing

After the investigation, Brídhaven will decide whether or not to invite you to a formal disciplinary hearing.

If you are invited to attend a formal disciplinary hearing to discuss your conduct, Brídhaven will write to you and inform you of the following:

- the time, date and venue for the hearing;
- who will be conducting the hearing;
- that you have the right to be accompanied (see below);
- the disciplinary allegations you are required to answer; and
- what disciplinary action Brídhaven may contemplate taking against you, depending on the outcome of the hearing.

You will be given reasonable time to prepare for the hearing and will be provided with any documentary evidence that Brídhaven intends to rely upon at the hearing.

The hearing will usually be conducted by a line manager and a representative from Human Resources may also be present.

The manager conducting the hearing and/or the HR Representative will explain:

- how the hearing will be conducted;
- the nature of the allegations against you; and
- that you will be given full opportunity to state your case.

It is expected that all parties attending the hearing conduct themselves in a reasonable and co-operative manner. If anyone is behaving unreasonably, Brídhaven may adjourn the hearing or in the most serious of cases ask that person to leave the hearing and proceed with the hearing without him/her.

The disciplinary hearing may be adjourned, either temporarily or rescheduled, if the disciplining manager needs to carry out any further investigations. You will always be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

5. Decision

After the hearing, the disciplining manager will consider all the evidence before making a decision. Wherever practicable, he/she will inform you of the decision in writing within seven calendar days of the disciplinary hearing and explain:

- how he/she arrived at the decision;
- which, if any, of the allegations against you are substantiated;
- which, if any, disciplinary sanctions will apply; and
- that you have the right to appeal the decision.

Where it is not possible to arrive at an outcome within this timescale, you will be notified accordingly of the reasons why and given an approximate guide of when a decision will be reached.

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Which disciplinary action or sanction is most appropriate will depend on:

- the seriousness of the offence;
- your explanation for your actions; and/or
- whether there has been a repetition of the same or similar offence.

6. Informal Action

If it is the first time you are involved in a situation of misconduct and the circumstances are of a minor nature, your line manager is likely to deal with this on an informal basis which may involve counselling you. Notes of the discussions with your line manager, however, will be retained on your personnel file.

7. Verbal Warning (recorded in writing)

A verbal warning will usually be given for minor misconduct where it is inappropriate to deal with the matter informally or you have already been informally warned.

8. First Written Warning

A first written warning will usually be given for:

- first acts of misconduct where there are no other active warnings on your disciplinary record and your performance / conduct is more than minor; or
- a further act of minor misconduct where there is already an active Verbal Warning on your record.

9. Final Written Warning

A final written warning will usually be given for:

- another act of misconduct where there is already an active First Written Warning on your record; or
- cases where there is no active written warning on file but your misconduct is sufficiently serious to warrant a Final Written Warning.

All warnings will:

- give details of your misconduct and of the improvements required in your performance or behaviour within a specified time scale; and
- the consequences of failure to improve conduct to acceptable standards within the required timescales.

Both Verbal and Written Warnings will be kept on your file, for information purposes only. However, Verbal Warnings will be disregarded for disciplinary purposes after 6 months provided your conduct has been consistently satisfactory. First Written Warnings will be disregarded for disciplinary purposes after 9 months provided your conduct has been consistently satisfactory and Final Written Warnings will be disregarded for disciplinary purposes after 12 months provided your conduct has been consistently satisfactory.

10. Dismissal and Summary Dismissal

You will normally be dismissed if you:

- are guilty of gross misconduct; or

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- you commit another act of misconduct where there is already an active Final Written Warning for misconduct on your record.

If you are dismissed, you will be provided with written confirmation of:

- the dismissal;
- the date on which your employment will terminate;
- the date of expiry of your notice period (if relevant).

Brídhaven reserves the right to dismiss you summarily (i.e. without notice or payment in lieu of notice) if you are found guilty of gross misconduct.

11. Other Sanctions

In addition to the above warnings, Brídhaven may consider imposing any one or more of the following sanctions:

- demotion;
- transfer to another department or job;
- period of suspension without pay;
- loss of seniority;
- reduction in pay;
- ban on requesting a change of shift or shift swop for the period of 90 days following a warning;
- prohibition on being considered for a promotion whilst any warning is active;

12. Procedure

You may be accompanied at any stage of the disciplinary hearing, including investigations, by a work colleague or Employee Forum member for support purposes only.

It is your responsibility to arrange for a companion to accompany you. Brídhaven may refuse your choice of companion if their presence is likely to cause a conflict of interest or prejudice the case.

Before any hearing takes place, you must give the manager conducting the hearing at least 12 hours prior notice of who will be accompanying you.

The primary role of your companion is to confer with you, to take notes on your behalf and offer moral support if needed. Your companion will not be allowed to address the hearing to:

- put forward your case;
- sum up your case; and
- respond on your behalf to any view expressed at the hearing.

You are allowed to confer with your companion during the hearing.

Please note that although your companion can confer with you, he/she cannot actually answer questions on your behalf. You must answer the questions asked of you. In addition, your companion may not address the hearing if you do not wish them to or prevent you from explaining your case.

You must take all reasonable steps to attend any disciplinary hearing. However, if you or your companion are unable to attend the hearing on the proposed date for good reason, you must inform the manager who will be conducting the hearing as soon as possible and they will try to rearrange the hearing.

Please note that where you fail to attend a rearranged hearing, Brídhaven may decide to hold the hearing in your absence and come to a reasonable decision based on the evidence available.

If you want to appeal any disciplinary decision, you must do so in writing within seven calendar days from the date of the letter notifying you of the disciplinary decision, clearly setting out the reasons for your appeal.

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The letter advising you of the outcome of the disciplinary hearing will advise you of the person to whom your appeal should be addressed.

You will then be invited to attend an appeal hearing which will be heard (where possible) by a person:

- at the same level or more senior than the person who dealt with the original disciplinary hearing; and
- who was not involved in the earlier disciplinary proceedings.

Bridhaven will inform you of the date, time and venue for the appeal hearing. You may be accompanied by either a colleague or Employee Forum representative to this hearing if you wish (please see the section above dealing with companions).

If you raise any new matters in your appeal, Bridhaven may need to carry out further investigations prior to the appeal hearing.

After the appeal hearing, Bridhaven will aim to write to you within seven calendar days of the appeal hearing with its decision (namely whether your appeal has been upheld, dismissed or partly upheld) and the reasons for the decision.

Where it is not possible to arrive at an outcome within this timescale, you will be notified accordingly of the reasons why and given an approximate guide of when a decision will be reached.

The decision made on your appeal is final and there are no further stages of internal appeal.

Please note that if you are appealing against your dismissal, the date on which your dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, you will be reinstated without any loss of your continuity of employment or pay.

Bridhaven will always try to adhere to the procedures set out above. However, Bridhaven may vary and/or omit any stages in the above procedure at its absolute discretion or in accordance with the statutory standard and/or modified disciplinary procedure.

For further information about this policy, please contact Human Resources.

This policy may be subject to change

13. Document Revision Record:

Revision No.	Reviewed by:	Date:	Changes: Yes/No	Reason for Review