



Disciplinary Policy

East Birmingham Community Forum (EBCF)

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Introduction

It is accepted by the Company, that there may be occasions, where the normal informal employee/manager relationship is insufficient to deal with a particular set of circumstances, so a formal procedure that provides a structure and clear rules is necessary to assist in maintaining standards of behaviour or performance. It is also accepted that a formal procedure is essential in order to ensure fair and consistent application of disciplinary measures.

Scope

This policy applies to all employees of EBCF Ltd, including anyone who carries out work under the EBCF name.

Purpose

The company procedure is designed, where this is necessary, to encourage an improvement in an individual's conduct and/or capability (misconduct/poor performance); it is not merely a method for punishment. In this respect it is accepted that managers have a responsibility in the day-to-day supervision and counselling of their staff and should initially work to rectify problems through informal discussions and warnings without invoking the formal procedure. This policy also covers the formal process for dealing with non-conformance in corporate procedures including those related to IT security and data protection. This element of the policy is then progressed to HR and in conjunction with the appropriate line manager, they will decide on the severity of the breach and at what level the process begins.

Implementation

This policy has been designed to ensure that those managers trained and authorised to conduct disciplinary hearings, and individual employees are aware of their rights and obligations. It also takes account of the recommendations of the new (2015) ACAS Code of Practice.

The Policy and Procedure is to ensure that matters are dealt with promptly, that there is fairness and transparency at all stages; that where some form of formal action is needed, this is reasonable and justified, depending on the circumstances.

When dealing with matters of discipline, the following disciplinary procedure will apply to all employees. At all stages in the formal disciplinary procedure, employees will have the right to be represented by a fellow work colleague or a Trade Union official trained in representation at disciplinary hearings. However during any investigation meetings the employee does not have the

statutory right to representation, this is at the absolute discretion of the employer. Employees will also have the right of appeal of any formal decision taken.

Disciplinary Procedure Stages

STAGE 1- First Formal Action (Written Warning)

If the infringement is one of misconduct or poor performance justifying a formal warning, you will, before attending a hearing, be given written details of the complaint against you. Should you receive a written warning you will also be told the improvement or change in behaviour required and the timescale allowed for this. The circumstances of the warning will be confirmed to you in writing. The warning will be disregarded for disciplinary purposes after six months. If after receiving the warning there is no sustained satisfactory improvement in performance or change in behaviour then, a final written warning will be considered.

STAGE 2 - Final Formal Action (Final Written Warning)

Where there is a failure to improve or change behaviour during the period of a prior warning or where the infringement is sufficiently serious, you will be required to attend a hearing, having been given written details of the complaint against you. Should matters be found against you, you will normally be given a final written warning. The final warning letter will make it clear that, in the event of a further offence, or if there is no sustained satisfactory improvement or change, further disciplinary action will be taken, that could result in a dismissal. The warning will be disregarded for disciplinary purposes after twelve months satisfactory conduct or performance. If after receiving the warning there is no sustained satisfactory improvement in performance or change in behaviour, then dismissal will be considered.

STAGE 3 - Disciplinary Dismissal with Notice

If your conduct or performance still fails to improve or if a further offence is committed, further disciplinary action will be taken following a hearing. You will have had details of the complaint against you prior to the hearing. You will be informed of the reasons for the dismissal, the date on which your contract will terminate, the appropriate period of notice (or compensation in lieu of notice). You will have the right, on request, to receive a 'written statement of particulars of reasons for dismissal'.

Dismissal without Notice - Gross Misconduct

Offences deemed (by the appointed investigating officer/s) to be 'so serious that it falls outside the normal stages of the disciplinary procedures will be considered as Gross Misconduct. Where any offence is considered 'so serious that only a summary dismissal (i.e. dismissal without notice) can be considered, immediate action will be taken to suspend you pending an

investigation. You will be informed of the hearing date and the complaint against you and where applicable, provided with a copy of any evidence to be presented against you. The decision to dismiss will only be taken by senior management and you will be informed of the reasons. For acts of gross misconduct there is no right to notice pay or full payment of holiday pay. If you have been employed for longer than one year you will have the right on request, to receive a 'written statement of particulars of reasons for dismissal'.

Suspension

The company reserves the right to suspend any employee (with pay) pending an investigation. Any person who is suspended will be informed of the reason(s) for the suspension. Once suspended you may not enter the Company's premises during the period of suspension, without prior authorisation from your manager or from the Company Directors.

4.1 Representation

You have the right to be accompanied where you are required or invited to attend a formal disciplinary hearing that could result in disciplinary action being taken against you. Your chosen companion may be a fellow worker, or an official employed by a Trade Union who is competent and trained to accompany a worker. You will be informed of your right to be accompanied when you are told about the meeting, and you will be asked to inform the company of the name of your representative if you intend to be accompanied. If your chosen companion cannot attend on the proposed meeting date, you can suggest a reasonable alternative date and time, so long as it is not more than 5 (five) working days after the original date.

4.2 Demotion or Downgrading or Transfer

Where it is deemed appropriate, demotion, downgrading or transfer to another post may be used as a disciplinary penalty, particularly where action such as this is considered as appropriate and an alternative to dismissal.

4.3 Appeals Procedure

Once a disciplinary decision has been taken, you will have the right of appeal against any disciplinary action taken against you at all stages of the formal disciplinary procedure. If you wish to appeal against a decision, you should make your appeal in writing to your manager within ten working days, stating the grounds of your appeal (i.e. perceived unfairness of the judgement, the severity of the penalty, new evidence or procedural irregularities). Appeals will normally be heard by a manager not involved in the original hearing and will be held within five working days of receiving your letter of appeal.

You have the right to be accompanied by a fellow work colleague or Trade Union official at an appeal hearing. Decisions made at your appeal hearing are final.

Review Process

This policy will be reviewed on a regular basis, and as and when incidents or new legislation requires it. It will be reviewed on an annual basis as a minimum

Record of Policy Changes / Amendments

| Version | Description of Change | Author | Date | Approved by |
|---------|-----------------------|--------------------|--------------|-------------------------------|
| 1.0 | First version | S.Carragher | May 2022 | S.Johnson |
| 2.0 | Second Version | S.Khan / Z. Sharif | June 2023 | S.Khan (Managing Director) |
| 3.0 | Third Version | S.Khan / Z. Sharif | June 2024 | S.Khan (Managing Director) |
| 4.0 | Fourth Version | S.Khan | January 2025 | S.Khan (Managing Director) |
| 5.0 | Fifth Version | S.Khan | January 2026 | S.Etheridge (Head of Quality) |