

Disciplinary Policy

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Author:	Human Resources, Staff Officer
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0.3	September 2025	

Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board (PBNi) using the following contact information:

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1.0 Application of Policy

An employee is any person under a current contract of employment with the Probation Board for Northern Ireland (PBNI), including those on temporary and fixed term contracts.

2.0 Rationale for the Policy

This policy and the supporting Disciplinary Procedure seek to ensure that the accepted standards of conduct for employees are observed by providing a clear course of action which will ensure the fair and consistent treatment of employees if disciplinary action is taken.

The procedures concerned with emphasising and encouraging improvements in an employee's conduct. They should not be viewed primarily as a means of imposing disciplinary penalties.

PBNI distinguishes between situations where the difficulties relate to conduct and an employee's wilful refusal to work or satisfy the standard of behaviour required, in which case the Disciplinary Procedure should be applied, and situations where the difficulties relate to capability (which is assessed with reference to skill, aptitude, behavioural competencies, knowledge and ability to do the job), in which case the Performance Capability Procedure should be applied.

3.0 Overarching Aim

To promote fairness in the treatment of employees and to ensure disciplinary action is consistently applied.

4.0 Policy Objective

To provide a framework of guidance which will allow PBNI to deal with disciplinary matters and consider the rights and obligations of those involved.

To also provide examples of the types of misconduct which would result in disciplinary action being taken, what that action will be and what further action would result if there is no improvement or a recurrence takes place.

To give employees an opportunity to improve their conduct however in the case of gross misconduct dismissal may be the first and only option.

5.0 Commitment to Equality of Opportunity in a Trauma Informed Organisation

PBNI are committed to meeting their legal obligations to promote equality of opportunity and further to recognising diversity and the need for inclusivity.

As an organisation, we are committed to being a trauma informed approach in our staff relations and the management of our Disciplinary Procedure. In doing so, we will ensure our communications are clear, transparent and staff treated with dignity and respect whatever their role in the process.

The management of these procedures must take account also of challenges for our staff based on any protected characteristic referenced in our Equal Opportunities Policy. This includes ensuring that where necessary, there are reasonable adjustments are made for staff with a disability.

6.0 PBNI Core Values and links to our Disciplinary Policy and Procedure

PBNI is committed to being a trauma informed organisation which is compassionate, nurturing and relationship based.

We are individually and collectively responsible for ensuring that we show our commitment to working in a trauma informed organisation through demonstrating behaviours in line with our values and guiding principles, with colleagues throughout PBNI, with service users and other external partners and stakeholders.

This responsibility also applies to the use of the Disciplinary Policy and Procedure.

Our Values are supported by Guiding Principles.

Our **Values** act as the foundation for our principles:

Respect

We will treat everyone with respect and dignity at all times and value diversity and differing viewpoints.

Integrity

We will act in a way that engenders trust with all. We will be honest in what we say and do.

Openness

We will encourage people to speak up and make suggestions about practice and we will be open about our decision-making.

Accountability

We will be accountable for our decisions and actions.

Our Guiding Principles are:

Recognising and encouraging people's capacity to change

We believe all people, given the right circumstances, have the ability to transform their lives.

Partnership and Collaborative Working

We value partnership and collaboration across statutory, community and voluntary sectors and where appropriate the private sector.

Equality and Diversity

We recognise, understand and respond to people's unique needs.

Professionalism of Staff

We will carry out our role professionally adhering to professional standards and do our jobs effectively.

6.0 Roles and Responsibilities

Human Resources (HR)

The role of HR is to provide advice and guidance to the parties involved in a Disciplinary Procedure, committing to ensuring the procedure is followed in a trauma informed manner. Those involved will include for example, the Decision Officer, the Investigating Officer, the Appeal Officer, employees involved in the matters under investigation, witnesses and trade union representatives. They must ensure that the Disciplinary Policy and Procedure is followed appropriately.

The Head of HR or HR Manager will be responsible for the receipt and logging of all Disciplinary matters and for ensuring HR assist those involved in the process to promptly manage a process in a fair, consistent and transparent way.

HR will assist in coordinating all meetings and ensure documents and information associated with the case is securely filed. HR will read and proof the investigation report to ensure it complies with relevant policy and procedures.

The HR representatives must be independent of the issues noted. The HR representative involved in an Appeal process will normally be different to the one involved in the Investigation and hearing stage of the procedure.

Decision Officer

The role of the Decision Officer is to review the available information and evidence in relation to alleged misconduct, confirm if a disciplinary investigation is required, and where it is, consider the outcome of the investigation, and where necessary initiate and chair a Disciplinary Hearing. At a Disciplinary Hearing, the Decision Officer will consider representations and make decisions on behalf of PBNi to reach a decision regarding a penalty appropriate to any misconduct found, and its seriousness, up to and including dismissal. The Decision Officer will be responsible for clearly communicating the reasons for decision making.

Investigating Officer

The role of the Investigating Officer is to investigate the matter (s) set out in Terms of Reference. They are responsible for the planning and timely

execution of an independent, fair and thorough investigation, and of detailing their findings clearly in an Investigation Report. When considering evidence they must use the 'balance of probabilities' as the burden of proof. They must draft an Investigation Report and submit it to the Decision Officer and HR, for issue. They are not responsible for setting out recommendations only findings and conclusions.

7.0 Policy Outcome

Disciplinary matters within the PBNI will be dealt with in a fair and consistent manner in accordance with this Policy and the supporting Disciplinary Procedure.

8.0 Policy Statement

PBNI expects all its employees to abide by the terms and conditions of their employment and accepted standards of conduct and recognises its obligation to deal with matters where the conduct of an employee falls below reasonably required standards as set out in terms and conditions of service and PBNI policies and procedures.

PBNI is committed to ensuring, in the event that the disciplinary procedure needs to be followed that:

- Line managers will seek to resolve minor misconduct matters as quickly as they arise and ensure the employee is advised that the matter is being dealt with under the informal disciplinary procedure.
- Employees are informed of concerns and the expectations for improvements in conduct in the future.
- Employees are advised that the potential consequences of not achieving improvements in conduct may result in formal disciplinary action.
- Any support for the employee is explored to assist with improvement of conduct.

In the event that there are reasonable grounds to follow the formal Disciplinary Procedure, the following must take place:

- The employee, referring manager and any witnesses are made aware of what help and support is available.
- The situation will be established quickly and disciplinary issues dealt with consistently.
- Each stage of the procedure will be actioned without unreasonable delay. Allegations will be investigated by an appropriate manager (Investigating Officer) unless they are undisputed.
- Where an investigation is carried out, an Investigating Officer will produce a written report on the findings.
- The employee and the referring manager will be provided with a copy of the Investigating Officer's report (unless there are valid reasons as

to why it would not be appropriate in the circumstances of the case to allow full disclosure).

- At a formal meeting, the employee may be accompanied by a work colleague or trade union representative.
- Where the line management is aware that an employee has specific needs then help and support throughout the disciplinary process may be particularly important. The line management will ensure the employee is made aware of the assistance that can be provided via Trade Union representation, HR, Lena by Inspire Counselling, or one of those listed in Section 4 of the Disciplinary Procedure.
- No disciplinary action will be taken until after an employee has had the opportunity to present their case.
- Employees may be suspended from work where this is necessary to facilitate a full investigation. The need for suspension will be reviewed on a weekly basis.
- Employees will be given adequate notice of a disciplinary / appeal hearing normally within 10 working days prior to the meeting.
- Following a formal hearing the employee will be advised in writing of the outcome normally within 10 working days.
- The decision will be made based on the balance of probabilities that the employee whose conduct is being called into question did or did not act or behave in the way cited and whether this constitutes a disciplinary offence.
- Employees will have the right of appeal under the Disciplinary Procedure.
- The severity of the intended disciplinary action should be proportionate and reasonable in all the circumstances. Before making a decision, the Decision Officer should take account of the extent to which standards have been breached, the employee's disciplinary record.
- In the case of gross misconduct, dismissal may be an option for a first offence.
- Management reserve the right to act in a proactive manner regarding instances of harassment and/or bullying, or grievance issues, for example management do not need to wait until an employee registers a formal complaint under either the Dignity at Work or Grievance Policy/Procedure to take action under the Disciplinary Policy and Procedure.

9.0 Linkages

This policy also links with the following which are available on PBNI's intranet:

- Code of Conduct
- Counter-Fraud Policy
- Data Protection Policy
- Dignity at Work Policy
- Domestic Violence and Abuse Policy (Staff)
- Freedom of Information Policy

- Grievance Policy
- Guidelines for Conducting Investigations
- Managing Attendance Policy and Procedure
- PBNI Practice Standards
- Performance Capability Policy
- Protective Marking Policy
- Social Media Policy
- Social Work Registration Procedure
- Substance Abuse Policy
- Whistleblowing Policy

10.0 Policy Review

This policy will be reviewed four years from approval.

Interim reviews may be prompted by feedback, and/or identified changes in practice.