

## Disciplinary Policy

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## Document Control

Version Number	Date	Description
0.1	July 2018	First draft
0.2	September 2018	Amendment following feedback after consultation period

## 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 PBNI, including 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 should not be viewed primarily as a means of imposing disciplinary penalties. They are also concerned with emphasising and encouraging improvements in an employee's conduct.

The Probation Board for Northern Ireland (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 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.

## **6.0 Policy Statement**

The 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.

The PBNi is committed to ensuring, in the event that the informal disciplinary procedure needs to be followed that:

- Line managers will seek to resolve minor misconduct matters 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 formal Disciplinary Procedure is required to be followed that where there are reasonable grounds to apply the procedure:

- The employee, referring manager and any witnesses are 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 manager is aware that an employee has specific needs then help and support throughout the disciplinary process may be

particularly important. The line manager will ensure the employee is made aware of the assistance that can be provided via Union representation, Human Resources, confidential contact, or Inspire Counselling.

- 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 could 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 5 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, length of service, and actions in previous similar cases. If the misconduct - or its continuance – is sufficiently serious, it may be appropriate to move directly to a final written warning. In the case of gross misconduct dismissal may be an option for a first offence.
- The responsibilities placed on the PBNI by employment legislation will be observed
- 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.

## **7.0 Linkages**

This policy also links with the following:

- Performance Capability Policy
- Sickness Absence Policy
- Grievance Policy
- Dignity at Work Policy
- Counter-Fraud Policy
- Internet and Email Usage Policy
- Social Media Policy
- Information Assurance Policy
- Information Security Policy

- Data Protection Policy
- Management of Information Policy
- Protective Marking Policy
- Substance Abuse Policy
- Domestic Violence and Abuse Policy (Staff)
- PBNI Practice Standards

## **8. Policy Review**

This policy will be reviewed four years from approval.

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