

## **Creative Process Digital Disciplinary Procedure**

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

The organisation's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached.

### **2. Principles**

- a) The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated
- b) At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative or a work colleague.
- c) An employee has the right to appeal against any disciplinary penalty.

### **3. The Procedure**

#### Stage 1 – first warning

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

#### Stage 2 – final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 1 month, action at Stage 3 will be taken.

#### Stage 3 – dismissal or action short of dismissal

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

## **Gross misconduct**

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft
- damage to property
- fraud
- incapacity for work due to being under the influence of alcohol or illegal drugs
- physical violence
- bullying
- gross insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

## **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so to the named person in the organisation within five working days. The employer will hear the appeal and decide the case as impartially as possible.

<http://www.acas.org.uk/media/pdf/t/9/Discipline-and-grievances-Acas-guide.PDF>

## **Notice of disciplinary meeting**

Date

Dear

I am writing to tell you that you are required to attend a disciplinary meeting

On at am/pm which is to be held in

At this meeting the question of disciplinary action against you, in accordance with the Company Disciplinary Procedure, will be considered with regard to:

I enclose the following documents\*:

The possible consequences arising from this meeting might be:

You are entitled, if you wish, to be accompanied by another work colleague or a trade union representative.

Yours sincerely

Signed Manager

Note:

\* Delete if not applicable

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## Notice of written warning or final written warning

Date

Dear

You attended a disciplinary hearing on  
your written warning/final written warning\*.

I am writing to inform you of

This warning will be placed in your personal file but will be disregarded for disciplinary purposes after a period of 12 months, provided your conduct improves/performance reaches a satisfactory level\*\*.

- a) The nature of the unsatisfactory conduct or performance was:
- b) The conduct or performance improvement expected is:
- c) The timescale within which the improvement is required is:
- d) The likely consequence of further misconduct or insufficient improvement is:

Final written warning/dismissal

You have the right to appeal against this decision (in writing\*\*) to within 5 days of receiving this disciplinary decision.

Yours sincerely

Signed Manager

Note: \* *The wording should be amended as appropriate* \*\* *Delete as appropriate*

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## Notice of appeal meeting against warning

Date

Dear

You have appealed against the written warning/final written warning\* confirmed to you in writing on

Your appeal will be heard by \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_  
at \_\_\_\_\_

You are entitled to be accompanied by a work colleague or trade union representative.

The decision of this appeal hearing is final and there is no further right of review.

Yours sincerely

Signed Manager

Note: \* *The wording should be amended as appropriate*

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## **Notice of result of appeal against warning**

Date

Dear

You appealed against the decision of the disciplinary hearing that you be given a warning/in accordance with the Company Disciplinary Procedure. The appeal hearing was held on

I am now writing to inform you of the decision taken by the Manager who conducted the appeal hearing, namely that the decision to stands\*/the decision to be revoked\* [specify if no disciplinary action is being taken or what the new disciplinary action is].

You have now exercised your right of appeal under the Company Disciplinary Procedure and this decision is final.

Yours sincerely

Signed Manager

Note: \* *The wording should be amended as appropriate*

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**Letter to be sent by the employer to arrange a meeting where dismissal or action short of dismissal\* is being considered**

Date

Dear

I am writing to tell you that Creative Process Digital is considering dismissing OR taking disciplinary action [insert proposed action] against you.

This action is being considered with regard to the following circumstances:

You are invited to attend a disciplinary meeting on ..... at ..... am/pm which is to be held in ..... where this will be discussed.

You are entitled, if you wish, to be accompanied by another work colleague or your trade union representative.

Yours sincerely

Signed Manager .....

Note: \* Action other than a warning such as transfer or demotion

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## Letter to be sent by the employer after the disciplinary meeting

Date

Dear .....

On ..... you were informed that ..... Creative Process Digital was considering dismissing OR taking disciplinary action [insert proposed action] against you.

This was discussed in a meeting on ..... At this meeting, it was decided that: [delete as applicable]

Your conduct/performance/etc was still unsatisfactory and that you be dismissed.

Your conduct/performance/etc was still unsatisfactory and that the following disciplinary action would be taken against you .....

No further action would be taken against you.

I am therefore writing to you to confirm the decision that you be dismissed and that your last day of service with the Company will be .....

The reasons for your dismissal are:

I am therefore writing to you to confirm the decision that disciplinary action will be taken against you. The action will be ..... The reasons for this disciplinary action are:

You have the right of appeal against this decision. Please [write] to ..... within 5 days of receiving this disciplinary decision

Yours sincerely

Signed Manager .....

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**Notice of appeal meeting against dismissal/disciplinary action\***

Date .....

Dear .....

You have appealed against your dismissal/disciplinary action [delete as appropriate] on ..... confirmed to you in writing on ..... Your appeal will be heard by ..... in ..... on ..... at .....

You are entitled, if you wish, to be accompanied by another work colleague or a trade union representative.

The decision of this appeal meeting is final and there is no further right of review.

Yours sincerely

Signed Manager .....

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**Notice of result of appeal against dismissal/disciplinary action\***

Date .....

Dear .....

You appealed against the decision of the disciplinary hearing that you be dismissed/subject to disciplinary action [delete as appropriate].

The appeal meeting was held on .....

I am now writing to inform you of the decision taken by .....

[insert name of the manager] who conducted the appeal meeting, namely that the decision to ..... stands/ the decision to ..... be revoked [specify if no disciplinary action is being taken or what the new disciplinary action is].

You have now exercised your right of appeal under the Company Disciplinary Procedure and this decision is final.

Yours sincerely

Signed Manager .....

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