



## **Appendix E: Levels of Disciplinary Action**

1.1 Disciplinary action can range from a Formal Oral Warning to Dismissal dependent upon the gravity of the case and/or the on-going nature of misconduct. Levels of disciplinary action are:

### **A. Formal Oral Warning:**

This should normally be issued if:

- it is considered that the conduct of an employee has fallen below an acceptable standard and the member of staff has committed a minor offence.

Where an oral warning is issued this will be recorded in writing by the manager concerned a copy will be placed on his/her personal record within the Human Resources Division. A formal oral warning will normally lapse 6 months after issue.

### **B. Written Warning**

This should normally be issued if:

- there is no improvement in conduct about which the employee has previously been warned; **or**
- another instance of misconduct has occurred during the currency of a previous warning; **or**
- misconduct is confirmed which is more serious than justifying an oral warning.

Where a written warning is issued to the employee a copy will be placed on his/her personal record within the Human Resources Division. A written warning will normally lapse 12 months after issue.

### **C. Final Written Warning**

This should normally be issued if:

- a written warning has already been issued and another instance of misconduct has occurred while it is current; **or**
- there is no improvement in the conduct about which the employee has previously been warned; **or**
- the conduct is of such seriousness that a Formal Oral Warning or Written Warning are not appropriate but would not justify dismissal.

Where a Final Written Warning is issued to the employee a copy will be placed on his/her personal record within the Human Resources Division. A final written warning will normally lapse 18 months after issue.

## **D. Dismissal**

This will normally occur if:

- an allegation of Gross Misconduct (see para. 1.3 of this Appendix) is found to be proven; **or**
- there is no improvement in the conduct within the specified period which has been the subject of a Final Written Warning; **or**
- another instance of misconduct has occurred during the currency of a previous warning and a final written warning has already been issued.

Where a member of staff is dismissed s/he will receive a written statement of the reasons for his/her dismissal, the date on which the employment contract will end, payment of any outstanding annual leave and notification of the right of appeal. Where dismissal arises from accumulative misconduct the appropriate period of notice or payment in lieu will also be given.

- 1.2 Should the Hearing Panel considering dismissal decide that, in light of all the circumstances, dismissal is not warranted, an alternative to dismissal may be imposed in the form of extending the period of the existing Final Written Warning for a further 12 months, exceptionally demotion to a lower graded role, disciplinary transfer to another role or loss of seniority.

### **Gross Misconduct**

- 1.3 Some acts termed Gross Misconduct are so serious in themselves or have such serious consequences that they may call for a dismissal on the first offence. Any dismissal for Gross Misconduct will take immediate effect once the decision has been made and the employee will not be entitled to any notice period regarding the termination of his/her employment. A list of some examples of gross misconduct is at [Appendix A](#).

### **Expired Warnings**

- 1.4 Disciplinary action taken will normally be disregarded for disciplinary purposes after a warning has expired and a decision to dismiss cannot be based on an expired warning. There may however be occasions where the existence of such a warning could impact on a decision to dismiss e.g. where an employee's conduct is satisfactory throughout the period a warning is valid, but ceases to be satisfactory very soon thereafter.

### **Withholding of Increments**

- 1.5 A formal written warning as outlined at B & C in para.1.1 of this Appendix will normally be accompanied by the withholding of incremental progression (where the employee is eligible for progression) for the period during which the warning is current, unless this is deemed inappropriate by the Panel/Hearing Manager hearing the case. Incremental progression, where it is due, will resume on the 1st August following the date on which the warning ceases to be current. If the withholding of an increment is overturned on appeal, it will be reinstated and pay backdated.