

Disciplinary Policy

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Issued To:	<input type="checkbox"/> Board of Management <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> ET/LT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> C&S Managers <input type="checkbox"/> Department/Other: _____	Method of Delivery:	<input checked="" type="checkbox"/> Annual Declaration <input type="checkbox"/> Learn Pro Individual Sign Off <input type="checkbox"/> Line Manager to Share
Stakeholder Consultation	<input type="checkbox"/> All Staff <input type="checkbox"/> Customer Engagement <input type="checkbox"/> Union <input type="checkbox"/> Employee Voices Group <input checked="" type="checkbox"/> Head Office Managers <input checked="" type="checkbox"/> C&S Managers <input type="checkbox"/> Department/Other: _____	This Policy will be reviewed every 5 years from the date of implementation or earlier if deemed appropriate for any legislation or regulatory changes. If this Policy is not reviewed within the above timescale, the latest approved Policy will continue to apply.	
Equality Impact Assessment		No	N/A
Data Protection Impact Assessment		No	N/A

Version Control

Date	Owner	Version	Reason for Change
May 25	Head of People & Organisational Development	2.0	Cyclical Review.

Summary of Changes

Section	Change
All	New Template.
4.0	Update to include HR06 Prevention of Sexual Harassment, HR17 Sickness Absence Management and HR20 - Drug and Alcohol Misuse.

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1.0 Policy Statement

We are committed to supporting employees to achieve and maintain the required standards. This Policy outlines how any failure to meet these expectations will be addressed, including potential penalties.

All employees must conduct themselves and adhere to Ark's Code of Conduct, as well as any relevant external regulatory standards, such as those set out by the Scottish Social Service Council (SSSC). This applies both in and outside of work. Employees must not engage in any behaviour that harms or could potentially harm the organisation. Breaching this Policy may result in disciplinary action, depending on the severity of the violation.

1.1 Legal & Regulatory Framework

Our Policy aligns with relevant UK employment laws and regulatory guidelines to ensure fairness, consistency, and legal compliance in managing employee conduct and performance concerns. This Policy complies with:

- Employment Rights Act 1996 – Establishes key employee rights related to disciplinary Procedures.
- Equality Act 2010 – Protects employees from discriminatory disciplinary action on the basis of protected characteristics.
- Health and Safety at Work Act 1974 – Supports disciplinary action where necessary to maintain a safe working environment, holding employees accountable for conduct that risks health or safety.
- Data Protection Act 2018 – Ensures that personal data collected and used during disciplinary proceedings is handled lawfully, fairly, and transparently.
- Ark will ensure that all disciplinary Procedures are conducted in accordance with these legal frameworks, maintaining integrity, safeguarding employee rights, and upholding our organisational values.
- ACAS Code of Practice on Disciplinary and Grievance Procedures – Provides the standards for handling disciplinary issues in a fair and reasonable manner.

Ark will ensure that processes are conducted in compliance with these legal frameworks, incorporating best practices to support employees and uphold organisational standards.

2.0 Scope

This Policy applies to all Ark employees, including but not limited to:

- Employees
- Agency Workers

- Students
- Volunteers

3.0 Roles & Responsibilities

There is a range of standard expectations which underpin all policies. Read more about standard [role and responsibilities](#) in addition, the following specific responsibilities apply to this Policy.

All employees are required to ensure they understand the standards of behaviour expected and to conduct themselves appropriately both inside and outside of work. Employees are required to seek help and support if they are experiencing difficulties that may impact on their work with Ark. All employees also have a duty to report any incidents of misconduct or inappropriate behaviours that they may witness from colleagues (please see HR15 - Whistleblowing Policy & Procedure for more information).

Managers are responsible for promoting and modelling appropriate conduct, identifying and addressing concerns at an early stage, and upholding a fair and consistent approach. Managers must ensure that employees understand the standards expected of them. Where concerns arise, managers are required to raise the matter with Human Resources (HR) promptly. They may also be appointed to key roles within the disciplinary process, including acting as the Investigating Officer, Disciplinary Chair, or Appeal Chair, and must carry out these responsibilities in accordance with Ark's Procedures and with impartiality and professionalism.

The HR team is responsible for supporting the fair and consistent application of this Policy, advising managers throughout the disciplinary process, ensuring compliance with employment law and internal Procedures, and maintaining secure and confidential records. HR also ensures that employees understand their rights, including the right to representation and to appeal.

4.0 Related Policies, Procedures & Documentation

- HR04 - Staff Code of Conduct Policy
- HR05 - Performance Management Policy & Procedure
- HR06 - Prevention of Sexual Harassment Policy
- HR15 - Whistleblowing Policy & Procedure
- HR17 - Sickness Absence Management Policy & Procedure
- HR19 - Grievance Policy & Procedure
- HR20 - Drug and Alcohol Misuse Policy & Procedure
- [Ark's Vision, Mission & Values](#)

5.0 Disciplinary

The Disciplinary Policy & Procedure sets out the process for managing concerns about employee conduct or behaviour that falls below the standards expected by Ark and relevant regulatory bodies. Disciplinary action may be taken in response to breaches of Ark's Code of Conduct, policies and Procedures, employment contract, or relevant professional standards such as those set by the Scottish Social Services Council (SSSC).

Disciplinary matters can arise from a single serious incident or a pattern of behaviour over time. The purpose of the Policy is to address issues fairly, consistently, and promptly, with the aim of supporting improvement where possible and taking appropriate action where necessary.

Each case will be assessed on its own merits, following a fair and thorough investigation. Employees have the right to be informed of the concerns, to respond, to be accompanied at formal meetings, and to appeal against any disciplinary outcome.

Examples of behaviours that may be deemed misconduct can be found in the HR18a Disciplinary Procedure. Additionally, examples of conduct considered gross misconduct are also outlined in the HR18a Disciplinary Procedure.

6.0 Training & Monitoring Requirements

6.1 Training

Managers appointed as an Investigating Officer, Disciplinary Chair, or Appeal Chair, will receive guidance and support through structured coaching from HR or formal training, as required. Ark will also ensure that all relevant employees have a clear understanding of the Policy and their responsibilities under it, to help maintain a safe, respectful, and professional working environment for all.

6.2 Monitoring

To ensure the effectiveness and continuous improvement of the Disciplinary Policy, regular monitoring and review processes will be carried out. This includes:

- Cyclical Review: The Policy will be formally reviewed every 5 years to ensure it remains in compliance with relevant laws and reflects best practices in conducting disciplinary processes.
- Ongoing Monitoring: The implementation of the Policy will be continuously monitored by the HR team to ensure that it is being followed effectively.

- Training Evaluation: The effectiveness of training will be evaluated periodically to ensure employees conducting disciplinary processes fully understand their role and responsibilities.

The results of these monitoring activities will be used to improve the Policy and the organisation's overall approach for managing concerns about employee conduct or behaviour that falls below the standards expected by Ark.