Selsey Community Forum
Disciplinary Policy

Introduction

Selsey Community Forum expects employees to maintain appropriate standards of conduct and behaviour. The purpose of this Policy is to provide a fair and consistent framework for addressing concerns about misconduct. Where concerns relate primarily to an employee's ability to perform their role to the required standard, these should normally be addressed under Selsey Community Forum's Capability Policy rather than this Disciplinary Policy.

Attendance or sickness concerns should normally be managed under the appropriate Sickness or Attendance procedure unless the concern involves misconduct, such as unauthorised absence or dishonesty. This Policy is intended to reflect the principles of the ACAS Code of Practice on disciplinary and grievance procedures. This Policy does not form part of the contract of employment unless expressly stated otherwise.

Scope

This Policy applies to employees of Selsey Community Forum. Different arrangements may apply during probation where this is provided for in the employee's contract or applicable probation arrangements. However, statutory rights and the principles of fairness, equality and reasonable process continue to apply during probation.

Principles

Selsey Community Forum will seek to ensure that disciplinary matters are handled:

- fairly;
- consistently;
- promptly;
- proportionately;
- objectively; and
- with appropriate regard to confidentiality.

No disciplinary decision will normally be made until the relevant circumstances have been investigated and the employee has had a reasonable opportunity to respond. The level of process required will depend on the circumstances of the case.

Examples of Misconduct

Conduct that may be addressed under this policy includes, but is not limited to:

- failure to follow reasonable and lawful instructions;
- breach of Selsey Community Forum's policies or procedures;
- poor timekeeping;
- unauthorised absence;
- inappropriate behaviour;
- misuse of company property;
- misuse of IT systems;
- inappropriate use of social media;
- breach of confidentiality;
- failure to follow health and safety requirements;

- bullying;
- harassment;
- sexual harassment;
- discrimination;
- victimisation;
- inappropriate behaviour towards colleagues, clients, customers or service users;
- negligence;
- insubordination;
- misuse of company resources;
- failure to follow reasonable security arrangements;
- breach of professional standards; or
- other conduct falling below the standards reasonably expected by Selsey Community Forum.

The seriousness of conduct will depend on the circumstances.

Informal Action

Minor concerns may be dealt with informally where appropriate. An informal discussion may be used to:

- explain the concern;
- clarify expected standards;
- understand the employee's explanation;
- agree any action required;
- provide guidance or support; and
- seek to resolve the matter without formal disciplinary action.

Informal action does not normally constitute a formal disciplinary sanction.

A brief management note may be retained where appropriate to record that the matter was discussed. Where the concern is more serious, repeated, or unsuitable for informal resolution, Selsey Community Forum may move directly to the formal disciplinary procedure.

Investigation

Before formal disciplinary action is taken, Selsey Community Forum will normally carry out such investigation as is reasonable in the circumstances. The purpose of an investigation is to establish the relevant facts. The investigation may include:

- reviewing documents;
- reviewing relevant records;
- speaking to the employee concerned;
- interviewing witnesses;
- reviewing CCTV or system information where lawfully available;
- considering relevant emails or messages;
- reviewing policies or procedures; and
- obtaining other relevant evidence.

The scope of the investigation will depend on the nature and seriousness of the allegation.

Investigatory Meetings

An employee may be asked to attend an investigatory meeting. The employee will normally be told:

- the purpose of the meeting;
- that it is an investigatory meeting; and
- the general nature of the matter being investigated.

An investigatory meeting is not a disciplinary hearing and will not itself result in a formal disciplinary sanction. There is no general statutory right to be accompanied at a purely investigatory meeting, although Selsey Community Forum may allow a companion where appropriate or where this is required as a reasonable adjustment.

Investigator and Decision-Maker

Where reasonably practicable, the person conducting the investigation should be different from the person conducting any subsequent disciplinary hearing. This may not always be practicable in smaller organisations.
Where the same individual is involved at more than one stage, they should approach each stage fairly and with an open mind. Where appropriate, Selsey Community Forum may appoint a Trustee or suitably independent external person to carry out an investigation, disciplinary hearing or appeal.

Suspension

In some circumstances, Selsey Community Forum may consider suspending an employee while an investigation takes place. Suspension is not a disciplinary sanction and does not imply that any conclusion has been reached. Suspension should only be used where it is reasonably necessary, for example to:

- protect the integrity of an investigation;
- prevent interference with evidence or witnesses;
- protect employees or other individuals;
- protect clients, customers, service users or property;
- protect the employee concerned; or
- meet another legitimate operational or legal need.

Alternatives to suspension should be considered where appropriate. These may include:

- temporary changes to duties;
- temporary changes to location;
- removal of access to particular systems;
- different reporting arrangements;
- remote working; or
- another precautionary measure.

Any period of suspension should normally be on full pay, be kept as brief as reasonably practicable and be reviewed periodically.

Confidentiality

Disciplinary matters will be handled sensitively. Information will only be shared where there is a legitimate need to know. Participants may be asked to maintain appropriate confidentiality to protect:

- the integrity of the process;
- witnesses;
- personal information; and
- the individuals involved.

Absolute confidentiality cannot be guaranteed. Nothing in this Policy prevents an employee from:

- making a protected disclosure;
- reporting a crime;
- raising a safeguarding concern;
- obtaining legal or trade union advice; or
- exercising another statutory right.

Anonymous Witnesses

Where a witness requests anonymity, the request will be considered carefully. Anonymity will not automatically be granted. Relevant factors may include:

- the reason for the request;
- risk of intimidation or harm;
- the importance of the evidence;
- fairness to the employee concerned; and
- whether the evidence can be tested adequately.

Where anonymity is allowed, Selsey Community Forum will seek to provide the employee with sufficient information about the substance of the evidence to enable a fair response.

Decision to Proceed to a Disciplinary Hearing

Following the investigation, Selsey Community Forum will decide whether there is a disciplinary case to answer. If there is no case to answer, the employee will normally be informed. If there is a case to answer, the employee will be invited to a formal disciplinary hearing.

Written Invitation to a Disciplinary Hearing

The employee will be given reasonable written notice of the disciplinary hearing. The invitation will normally include:

- details of the allegation or allegations;
- the possible consequences;
- the date, time and location or format of the hearing;

- the employee's right to be accompanied;
- copies of relevant evidence; and
- any other information necessary to allow the employee to prepare.

The employee should be given reasonable time to prepare. ACAS requires employers to provide the allegation, relevant evidence, hearing arrangements, accompaniment information and possible outcomes in good time before the hearing.

Right to Be Accompanied

An employee has a statutory right to be accompanied at a disciplinary hearing where the hearing could result in:

- a formal warning;
- another disciplinary sanction; or
- confirmation of disciplinary action at appeal.

A companion may be:

- a fellow worker;
- a certified trade union representative; or
- an official employed by a trade union.

The employee must make a reasonable request to be accompanied. Where appropriate, Selsey Community Forum may allow another companion, including as a reasonable adjustment for a disabled employee.

Role of the Companion

The companion may:

- address the hearing;
- put or sum up the employee's case;
- respond on the employee's behalf to views expressed at the hearing; and
- confer with the employee.

The companion may not normally:

- answer questions on the employee's behalf;
- prevent the employee from answering questions; or
- prevent Selsey Community Forum from presenting its case.

Companion Unavailable

If the employee's chosen statutory companion is unavailable at the proposed time, the employee may propose a reasonable alternative time. Where the statutory requirements are met, the hearing will be postponed to the proposed alternative time provided it is reasonable and falls within five working days of the original hearing date.

Disciplinary Hearing

At the hearing, Selsey Community Forum will:

- explain the allegation;
- summarise the relevant evidence; and
- give the employee a reasonable opportunity to respond.

The employee will be allowed to:

- explain their position;
- respond to the evidence;
- ask relevant questions;
- present relevant evidence;
- identify relevant witnesses; and
- raise relevant mitigation.

The hearing may be adjourned if further investigation is required. No disciplinary decision should normally be made until the hearing has concluded and relevant matters have been considered.

Failure to Attend

Employees are expected to make reasonable efforts to attend disciplinary meetings. Where an employee cannot attend for a genuine reason, an alternative date will normally be considered. If an employee repeatedly fails or refuses to attend without good reason, Selsey Community Forum may decide the matter on the available evidence. Before doing so, Selsey Community Forum will consider:

- the reasons for non-attendance;

- the employee's health;
- disability;
- whether written submissions can be provided;
- whether remote attendance is possible; and
- whether another reasonable arrangement is appropriate.

Decision

Following the disciplinary hearing, Selsey Community Forum will consider all relevant information before deciding what action, if any, is appropriate. Relevant considerations may include:

- the seriousness of the conduct;
- the employee's explanation;
- relevant mitigation;
- previous disciplinary record;
- length of service where relevant;
- consistency with similar cases;
- whether the employee knew the expected standard;
- the employee's role and responsibilities;
- the consequences of the conduct; and
- whether another sanction would be appropriate.

The employee will be informed of the decision in writing without unreasonable delay.

Possible Outcomes

Possible outcomes may include:

- no formal action;
- informal management action;
- first written warning;
- final written warning;
- dismissal with notice;
- summary dismissal for gross misconduct;
- another contractual sanction where the contract permits this; or
- another appropriate outcome.

Selsey Community Forum is not required to impose each stage sequentially where the seriousness of the matter justifies moving to a more serious sanction.

First Written Warning

A first written warning may be appropriate where misconduct is established but is not sufficiently serious to justify a final written warning or dismissal. The warning should normally state:

- the nature of the misconduct;
- the standard expected;
- any action required;
- the period for which the warning will remain active;
- the consequences of further misconduct; and
- the right of appeal.

Final Written Warning

A final written warning may be appropriate where:

- there has been further misconduct while an earlier warning remains active; or
- the misconduct is sufficiently serious to justify a final warning even though no previous active warning exists.

The warning should normally state:

- the nature of the misconduct;
- the expected standard;
- any action required;
- the period for which the warning will remain active;
- that further misconduct may result in dismissal; and

- the right of appeal.

Duration of Warnings

Unless otherwise confirmed in writing, a first written warning will normally remain active for six months and a final written warning will normally remain active for 12 months. Different periods may be appropriate depending on the circumstances of the case. Expired warnings will not normally be relied upon as active disciplinary sanctions. However, records may be retained after a warning expires where there is a legitimate reason to do so, subject to applicable data protection and retention requirements.

Dismissal With Notice

Dismissal with notice may be considered where:

- there is repeated misconduct;
- previous disciplinary warnings have not resulted in sustained improvement; or
- another substantial disciplinary reason justifies dismissal.

Dismissal decisions will only be made by someone with appropriate authority. The employee will receive:

- the applicable contractual or statutory notice, unless payment in lieu is made lawfully;
- written confirmation of the reason for dismissal;
- the termination date; and
- the right of appeal.

Gross Misconduct

Gross misconduct is misconduct so serious that it may justify dismissal without notice or payment in lieu of notice. Whether conduct amounts to gross misconduct will depend on the circumstances. Examples may include:

- theft;
- fraud;
- serious dishonesty;
- deliberate falsification of records;
- serious violence or threats;
- serious bullying or harassment;
- serious sexual harassment or other sexual misconduct;
- serious discrimination or victimisation;
- serious breach of confidentiality;
- serious misuse of personal data;
- serious breach of health and safety requirements;
- deliberate or reckless damage to property;
- serious insubordination;
- serious misuse of IT systems;
- serious unauthorised access to information or systems;
- serious intoxication at work where this creates significant risk;
- possession, supply or use of illegal drugs at work where relevant;
- bribery or corruption;
- deliberate serious breach of safeguarding requirements;
- serious negligence causing or risking significant harm or loss; or
- another act fundamentally incompatible with continued employment.

This list is illustrative rather than exhaustive.

Summary Dismissal

Where gross misconduct is established following a fair process, Selsey Community Forum may dismiss the employee without notice or payment in lieu of notice. Summary dismissal does not mean dismissal without investigation or disciplinary procedure. The employee must normally still be:

- told the allegation;
- given an opportunity to respond;
- invited to a disciplinary hearing;
- allowed to be accompanied where the statutory right applies; and
- given a right of appeal.

Other Disciplinary Sanctions

Where permitted by the employee's contract, Selsey Community Forum may consider an alternative sanction instead of dismissal. This may include:

- demotion;
- transfer;
- disciplinary suspension; or
- another contractual measure.

Such action will only be taken where there is an appropriate contractual basis or employee agreement.

Criminal Allegations and Convictions

A criminal charge, investigation or conviction outside work will not automatically result in disciplinary action. Selsey Community Forum will consider whether the circumstances have a legitimate connection with employment. Relevant factors may include:

- the nature of the role;
- safeguarding;
- regulatory requirements;
- trust and confidence;
- reputation where there is a genuine employment connection;
- ability to perform the role; and
- workplace safety.

Selsey Community Forum will not automatically wait for criminal proceedings to conclude before considering an employment matter where it is reasonable to proceed on the available evidence.

Police Investigations

Where the same matter is being investigated by the police or another authority, Selsey Community Forum will consider whether its own disciplinary process can proceed fairly. The criminal standard of proof does not apply to internal disciplinary proceedings. The disciplinary decision will be based on what Selsey Community Forum reasonably concludes on the evidence available following a fair process.

Trade Union Representatives

Where disciplinary action is being considered against an accredited trade union representative, the normal procedure will apply. Where appropriate and with the employee's agreement, Selsey Community Forum may discuss the matter with a senior trade union representative or full-time official before formal action is taken. This does not prevent Selsey Community Forum taking appropriate precautionary action where necessary.

Grievances Raised During a Disciplinary Process

Where an employee raises a grievance during a disciplinary process, Selsey Community Forum will consider how best to deal with both matters. Depending on the circumstances, Selsey Community Forum may:

- pause the disciplinary process;
- deal with the grievance first;
- consider both matters concurrently; or
- continue the disciplinary process where the grievance does not materially affect it.

Equality and Reasonable Adjustments

Selsey Community Forum will ensure disciplinary procedures are applied without unlawful discrimination. Reasonable adjustments will be considered for disabled employees where required.
Adjustments may include:

- changes to meeting arrangements;
- additional breaks;
- accessible documentation;
- alternative communication formats;
- allowing an alternative companion;
- remote attendance; or
- another appropriate adjustment.

Before reaching a disciplinary decision, managers should consider whether the alleged conduct may be connected with a disability, health condition, pregnancy, family-related leave or another legally protected circumstance and whether any reasonable adjustments or other relevant protections need to be taken into account.

Whistleblowing and Protected Activities

An employee must not be disciplined for:

- making a protected disclosure;
- raising a genuine health and safety concern;
- exercising statutory employment rights;
- undertaking protected trade union activity;
- raising discrimination or harassment concerns; or
- another legally protected activity.

Where misconduct is alleged in connection with such activity, Selsey Community Forum will distinguish carefully between the protected activity itself and any genuinely separate misconduct.

Appeal

Employees may appeal against formal disciplinary action. An appeal should normally be submitted in writing within **five working days** of receiving the written decision, unless Selsey Community Forum accepts a later appeal. The appeal should explain the grounds relied upon. These may include:

- the decision was unreasonable;
- the sanction was disproportionate;
- relevant evidence was not considered;
- new evidence is available;
- the procedure was materially unfair; or
- discrimination or another legal issue affected the decision.

Appeal Hearing

The appeal will be heard without unreasonable delay. Where practicable, it will be dealt with by someone who:

- has appropriate authority; and
- was not previously involved in the decision.

In smaller organisations this may not always be possible, in which case the appeal will be handled as impartially as reasonably practicable. The employee has the statutory right to be accompanied at an appeal hearing concerning formal disciplinary action.

Appeal Outcome

The appeal may:

- uphold the original decision;
- overturn the decision;
- reduce the sanction;
- substitute another appropriate outcome; or
- require further investigation.

The outcome will be confirmed in writing without unreasonable delay. The appeal outcome will normally be final within Selsey Community Forum's internal procedure.

Records and Data Protection

Appropriate records may be kept relating to:

- allegations;
- investigations;
- evidence;
- meetings;
- decisions;
- warnings;
- appeals; and
- outcomes.

Records will be:

- factual;
- proportionate;
- stored securely;

- accessible only to those with a legitimate need; and
- retained in accordance with Selsey Community Forum's applicable data protection and record-retention arrangements.

Personal information will be processed in accordance with applicable data protection legislation and Selsey Community Forum's Data Protection Policy.

Monitoring, Searches and Other Evidence

Where monitoring information, CCTV, system logs or other workplace evidence is considered as part of a disciplinary investigation, it must have been obtained and used lawfully and fairly. Any workplace monitoring relied upon as part of a disciplinary matter must be carried out lawfully and in accordance with Selsey Community Forum's Data Protection Policy and applicable privacy information.

Searches of employees or personal belongings should only be considered where there is an appropriate lawful, contractual and proportionate basis and should be handled under a separate relevant procedure where applicable.

Training and Manager Guidance

Managers, Trustees or other individuals involved in disciplinary matters should have appropriate guidance or training for the role they are undertaking. They should understand:

- the difference between conduct and capability;
- investigation requirements;
- suspension;
- accompaniment rights;
- reasonable adjustments;
- confidentiality;
- proportionality;
- appeals; and
- relevant ACAS requirements.

Review

This policy will be reviewed at least annually and sooner where there is a significant change in legislation, ACAS guidance or Selsey Community Forum's organisational arrangements.

Version Control

Version Number	Date of Update	Amendments
1.0	October 2025	Policy reviewed
2.0	October 2026	Reviewed and updated in line with the current ACAS Code of Practice on disciplinary and grievance procedures, with consideration given to the 2026 draft Code and consultation proposals.