PRN-47: Disciplinary Policy and Procedures

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Trading/Business Name: CAREHOPES
Company Registration Number: 15556946
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1. Introduction

CAREHOPES is committed to maintaining the highest standards of professionalism, conduct, safeguarding, accountability, and ethical behaviour across all areas of service delivery.

As a provider supporting elderly adults, disabled adults, disabled children, and vulnerable individuals in homes, communities, and digital environments, CAREHOPES expects all staff, companions, volunteers, and representatives to comply with organisational policies, safeguarding standards, and legal requirements.

This policy establishes a fair, transparent, and consistent framework for managing misconduct, policy breaches, safeguarding concerns, professional boundary violations, and other conduct that may compromise the safety, dignity, wellbeing, or rights of service users, colleagues, or the organisation.

The organisation reserves the right to take immediate protective action where safeguarding concerns or significant risks are identified.

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2. Purpose

The purpose of this policy is to:

1. Define acceptable and unacceptable conduct.
2. Establish clear disciplinary procedures.
3. Ensure fair, transparent, and consistent decision-making.
4. Protect service users from harm.

5. Protect staff and volunteers from unsafe practices.
6. Promote professional accountability.
7. Support a culture of learning and improvement.
8. Ensure compliance with safeguarding, regulatory, and legal requirements.
9. Outline consequences for misconduct and policy breaches.
10. Protect the reputation and integrity of CAREHOPES.

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3. Key Principles

CAREHOPES will apply this policy in accordance with the following principles:

1. Fairness and impartiality.
2. Consistency of decision-making.
3. Respect and dignity.
4. Confidentiality.
5. Accountability.
6. Proportionality.
7. Safeguarding first.
8. Natural justice.
9. Compliance with legal and regulatory requirements.
10. Protection of service users and vulnerable individuals.

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4. Policy Statement

CAREHOPES expects all personnel to maintain high standards of behaviour, professionalism, safeguarding awareness, confidentiality, and integrity.

Where misconduct occurs, the organisation will:

- investigate concerns appropriately
- assess risks objectively
- consider all relevant evidence
- provide opportunities to respond

- apply proportionate disciplinary measures
- prioritise safeguarding at all times

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5. Scope

This policy applies to:

- Employees
- Companions
- Volunteers
- Contractors
- Agency workers
- Bank workers
- Temporary workers
- Managers and Supervisors
- Trustees and Directors
- Anyone acting on behalf of CAREHOPES

This policy applies to conduct occurring in:

- Service user homes
- Community settings
- CAREHOPES premises
- Digital environments
- Social media environments
- Communication platforms
- Transport and travel activities
- Training events
- Organisational meetings
- Remote and virtual working arrangements

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6. Related Policies

This policy should be read alongside all relevant organisational policies, including:

Safeguarding and Safety

- Adult Safeguarding Policy
- Safeguarding Children Policy
- Child Abuse Policy
- Health and Safety Policy
- Lone Working Policy
- Safeguarding Reporting and Escalation Procedure
- Personal Security Policy

Conduct and Behaviour

- Code of Conduct Policy
- Code of Ethics
- Dignity and Respect Policy
- Professional Boundaries Policy
- Anti-Harassment and Anti-Discrimination Policy
- Anti-Bribery Policy
- Anti-Fraud Policy

Information Governance

- Data Protection and GDPR Policy
- Confidentiality Policy
- Confidential Information Management Policy
- Digital Security Policy
- Device Use Policy

Governance and Employment

- Governance and Accountability Policy
- Grievance Policy
- Suspension Policy
- Supervision and Appraisal Policy

- Recruitment and Selection Policy
- Probation Policy

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7. Definitions

7.1 Misconduct

Behaviour that breaches organisational rules, policies, procedures, standards, or expectations.

7.2 Serious Misconduct

Behaviour creating significant risk to service users, colleagues, the organisation, or service quality.

7.3 Gross Misconduct

Extremely serious behaviour that fundamentally breaches trust, safeguarding requirements, legal obligations, or professional standards and may justify summary dismissal.

7.4 Safeguarding Breach

Any act or omission that places a child, adult at risk, or vulnerable person in danger of abuse, neglect, exploitation, harm, or significant risk.

7.5 Investigation

A formal fact-finding process used to establish evidence before disciplinary decisions are made.

7.6 Disciplinary Hearing

A formal meeting where evidence is reviewed and disciplinary decisions are considered.

7.7 Disciplinary Action

Any corrective or punitive action applied in response to misconduct.

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8. Roles and Responsibilities

8.1 Staff, Volunteers and Companions

Must:

- Comply with organisational policies.
- Maintain professional standards.

- Protect service user safety.
- Report concerns promptly.
- Cooperate with investigations.
- Attend training and supervision.
- Maintain accurate records.

8.2 Managers and Supervisors

Must:

- Monitor standards of conduct.
- Address concerns promptly.
- Undertake investigations where required.
- Ensure fairness and consistency.
- Provide support, supervision, and corrective guidance.
- Escalate safeguarding concerns immediately.

8.3 Designated Safeguarding Lead (DSL)

Must:

- Review safeguarding-related allegations.
- Conduct risk assessments.
- Liaise with external agencies.
- Advise managers on safeguarding implications.

8.4 Senior Management

Must:

- Oversee disciplinary governance.
- Approve serious disciplinary outcomes.
- Ensure compliance with law and policy.
- Monitor organisational trends and risks.

8.5 Directors and Trustees

Must:

- Maintain governance oversight.

- Ensure organisational accountability.
- Monitor policy effectiveness.

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9. Categories of Misconduct

9.1 Minor Misconduct

Examples include:

- Occasional lateness.
- Minor documentation errors.
- Failure to follow minor procedures.
- Minor communication issues.
- Unprofessional conduct of a low-risk nature.
- Failure to complete mandatory paperwork on time.

9.2 Serious Misconduct

Examples include:

- Repeated lateness.
- Repeated policy breaches.
- Failure to follow safety procedures.
- Boundary concerns.
- Misuse of service user property.
- Breach of confidentiality.
- Failure to escalate safeguarding concerns.
- Discrimination or harassment.
- Breach of lone-working procedures.
- Breach of gender-based allocation requirements.
- Breach of transgender allocation procedures.
- Breach of the Proxy Working Principle.
- Misuse of devices or digital systems.

- Failure to comply with management instructions.

9.3 Gross Misconduct

Examples include:

- Theft or fraud.
- Financial exploitation.
- Financial involvement with service users.
- Abuse or exploitation of service users.
- Physical abuse.
- Emotional abuse.
- Verbal abuse.
- Sexual misconduct.
- Sexual harassment.
- Serious safeguarding breaches.
- Romantic or intimate relationships with service users.
- Serious breaches of professional boundaries.
- Deliberate falsification of records.
- Serious GDPR breaches.
- Unauthorised recording of service users.
- Digital exploitation.
- Sharing personal contact details with service users.
- Working while under the influence of alcohol or illegal drugs.
- Entering private spaces without justification.
- Deliberate concealment of safeguarding concerns.
- Serious reputational damage to CAREHOPES.

Gross misconduct may result in summary dismissal.

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10. Disciplinary Procedure

10.1 Informal Resolution

For minor concerns, managers may:

- Hold an informal discussion.
- Provide coaching.
- Agree an improvement plan.
- Arrange supervision.
- Require additional training.
- Monitor performance and conduct.

Informal action is intended to support improvement and may not form part of the formal disciplinary record.

10.2 Formal Investigation

A formal investigation may be initiated where:

- Serious misconduct is alleged.
- Safeguarding concerns arise.
- Repeated misconduct occurs.
- Significant complaints are made.
- Risk to service users exists.
- A pattern of behaviour is identified.

The investigator may:

- Gather evidence.
- Review records.
- Interview witnesses.
- Interview the individual concerned.
- Assess safeguarding and organisational risks.
- Produce an investigation report.

10.3 Suspension

Suspension may be considered where:

- A safeguarding concern exists.
- Service users may be at risk.
- Evidence could be compromised.
- Serious misconduct is alleged.
- External investigations are occurring.

Suspension is a neutral protective measure and not a disciplinary sanction.

During suspension individuals must:

- Cease service user contact.
- Avoid accessing organisational systems unless authorised.
- Cooperate with investigations.
- Follow all suspension instructions.

10.4 Disciplinary Hearing

Where evidence supports further action, a disciplinary hearing may be convened.

The individual will:

- Receive written notification.
- Be informed of allegations.
- Receive relevant evidence where appropriate.
- Have an opportunity to respond.
- Have the right to be accompanied by a work colleague or representative where applicable.

The panel or manager will consider all evidence before reaching a decision.

10.5 Possible Outcomes

Outcomes may include:

No Action

Where allegations are not substantiated.

Informal Improvement Measures

Where concerns are minor and learning can reasonably address the issue.

First Written Warning

For substantiated misconduct requiring formal action.

Final Written Warning

For serious misconduct or repeated misconduct.

Redeployment or Restriction of Duties

Where risk management measures are needed.

Suspension

Where ongoing risks require temporary removal from duties.

Dismissal

For gross misconduct or persistent serious misconduct.

External Referral

Where legal, safeguarding, or regulatory concerns arise.

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11. Safeguarding-Related Disciplinary Action

Safeguarding concerns take priority over all other considerations.

Any safeguarding allegation may trigger:

1. Immediate risk assessment.
2. Removal from duties.
3. Management review.
4. DSL involvement.
5. Formal investigation.
6. Safeguarding referral.
7. Regulatory referral.
8. Police involvement where appropriate.

Examples include:

- Failure to report safeguarding concerns.

- Inappropriate contact with vulnerable people.
- Boundary violations.
- Breaches of allocation policies.
- Proxy working.
- Digital safeguarding violations.
- Abuse, neglect, or exploitation.
- Serious confidentiality breaches.

Safeguarding breaches may constitute gross misconduct.

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12. Legal Referral and External Reporting

Where misconduct potentially breaches legislation, CAREHOPES may:

- Refer matters to the Police.
- Notify Local Authorities.
- Notify safeguarding partnerships.
- Refer matters to regulators.
- Cooperate with criminal investigations.
- Provide documentation and evidence as required by law.

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13. Investigation Requirements

Investigations must be:

- Fair
- Impartial
- Confidential
- Evidence-based
- Proportionate
- Properly documented

Individuals subject to investigation must:

- Attend meetings when requested.

- Provide accurate information.
- Cooperate fully.
- Refrain from interfering with witnesses or evidence.

Failure to cooperate may itself constitute misconduct.

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14. Confidentiality

All disciplinary matters must be treated as confidential.

Information will only be shared on a legitimate need-to-know basis for:

- Investigation purposes
- Safeguarding purposes
- Legal obligations
- Regulatory requirements
- Management decision-making

Unauthorised disclosure may result in disciplinary action.

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15. Documentation and Record Keeping

CAREHOPES must maintain:

- Investigation records
- Witness statements
- Interview notes
- Incident reports
- Risk assessments
- Warning letters
- Hearing records
- Suspension records
- Appeal records
- Dismissal documentation
- Safeguarding referrals

Records must be:

- Accurate
- Objective
- Factual
- Securely stored
- Retained in accordance with GDPR and retention schedules

Records may be considered in future safeguarding and disciplinary assessments where lawful to do so.

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16. Appeals Process

Individuals have the right to appeal disciplinary decisions.

16.1 Grounds for Appeal

Appeals may be submitted where:

- Procedures were not followed correctly.
- New evidence becomes available.
- The decision appears unreasonable or disproportionate.
- Relevant information was not considered.

16.2 Appeal Submission

Appeals must:

- Be submitted in writing.
- Be lodged within **7 calendar days** of the decision.
- Clearly state the grounds for appeal.

16.3 Appeal Review

CAREHOPES will:

- Review all relevant evidence.
- Consider new information.
- Use an independent manager or reviewer where possible.
- Confirm, amend, or overturn the original decision.

The appeal outcome shall be final.

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17. Legal and Regulatory Compliance

This policy aligns with:

- Employment Rights Act 1996
- ACAS Code of Practice on Disciplinary and Grievance Procedures
- Care Act 2014
- Children Act legislation
- Equality Act 2010
- Data Protection Act 2018
- UK GDPR
- Safeguarding legislation and guidance
- Organisational safeguarding and confidentiality policies

All personnel must comply with applicable legal, regulatory, and organisational requirements.

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18. Policy Review and Amendments

This policy will be reviewed annually or earlier where required due to:

- Legislative changes
- Safeguarding developments
- Regulatory updates
- Audit findings
- Organisational changes
- Lessons learned from incidents
- Governance decisions

Updates will be communicated through official CAREHOPES communication channels.