Disciplinary Policy

Version: 1

Date: 16th July 2026

Approved by: N&YLGA Board

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1. Purpose

This Policy establishes a clear and comprehensive framework for managing employee conduct concerns, performance issues, and breaches of organisational standards. It ensures disciplinary matters are handled consistently, fairly, and in accordance with legislative obligations.

The Policy aims to:

- Set clear expectations for behaviour and conduct
- Give employees reasonable opportunities to improve
- Ensure concerns are addressed promptly and proportionately
- Support a safe, respectful, and productive workplace
- Ensure decisions are defensible, transparent, and procedurally fair.

2. Scope

This Policy applies to:

- employees
- Board members
- contractors and consultants
- volunteers.

It covers all work-related activities, including:

- The physical workplace
- Remote and hybrid work
- Work-related travel
- Events, training, and conferences
- Digital communication and online conduct.

3. Guiding Principles

All disciplinary matters will be managed under these principles:

- Procedural fairness: individuals are told about allegations, given an opportunity to respond, and assessed impartially
- Respect and dignity: all parties are treated respectfully throughout the process
- Confidentiality: information is shared only on a need-to-know basis
- Timeliness: matters are addressed promptly to minimise risk and impact

- Evidence - based decision-making: decisions to rely on credible, relevant evidence
- Consistency: similar matters are treated similarly
- Proportionality: disciplinary action reflects the seriousness of the conduct.

4. Standards of Behaviour

All individuals must:

- Act professionally, ethically, and with integrity
- Comply with organisational policies and lawful directions
- Treat others with respect and courtesy
- Contribute to a safe and inclusive workplace
- Use organisational resources responsibly
- Maintain confidentiality and privacy
- Avoid conflicts of interest and declare them promptly.

5. Unacceptable Behaviour

Unacceptable behaviour includes, but is not limited to:

- Bullying, harassment, discrimination, or victimisation
- Misconduct or serious misconduct
- Breaches of organisational policies or lawful directions
- Inappropriate, aggressive, or abusive behaviour
- Misuse of organisational systems or technology
- Breaches of confidentiality or privacy
- Fraudulent, corrupt, or dishonest conduct
- Behaviour that damages the reputation of the organisation.

6. Reporting and Complaints

The organisation adopts a no wrong door approach to reporting. Concerns may be raised with:

- A manager or supervisor
- The CEO
- The Board (where appropriate)
- HR or People & Culture

- External reporting bodies (where applicable).

Reports may be verbal or written. Anonymous reports will be accepted and assessed where sufficient information is given.

All reports will be handled:

- Confidentially
- Without victimisation
- Promptly and impartially.

Vexatious or malicious complaints may result in disciplinary action.

7. Investigation Framework

All complaints or conduct concerns will be assessed and, where appropriate, investigated. The process may include:

- Intake and preliminary assessment
- Determining the nature, seriousness, and risk level
- Deciding whether informal resolution or formal investigation is appropriate
- Preliminary review
- Clarifying issues
- Identifying relevant evidence
- Formal investigation (if required)
- Appointing an internal or external investigator
- Notifying the respondent of the allegations
- Interviewing relevant parties
- Gathering documentary and physical evidence
- Evidence analysis
- Assessing credibility and relevance
- Applying the *balance of probabilities* standard.

Findings

- Determining whether allegations are substantiated, unsubstantiated, or partially substantiated.

Outcome and recommendations

- determining appropriate disciplinary or corrective actions

Investigations will be conducted impartially, respectfully, and in accordance with procedural fairness.

8. Disciplinary Framework

A graduated and proportionate approach applies to disciplinary action:

Informal counselling → Verbal warning → Written warning → Final warning → Termination

The organisation may **bypass stages** where:

- The conduct is serious misconduct
- There is a risk to health, safety, or organisational integrity
- The behaviour is repeated despite past warnings.

9. Procedural Fairness

Individuals subject to allegations will:

- Be informed of the substance of the allegations
- Be given a reasonable opportunity to respond
- Have the right to a support person
- Have their response considered before any decision is made.

Decision-makers must be impartial and free from conflicts of interest.

10. Outcomes

Potential outcomes include:

- Training, coaching, or mediation
- Performance improvement plans
- Written or final warnings
- Suspension (with or without pay, depending on circumstances)
- Reassignment of duties
- Termination of employment or engagement
- Referral to external authorities (where required).

Outcomes will be proportionate to the seriousness of the conduct.

11. Manager Responsibilities

Managers must:

- Act promptly when inappropriate behaviour is seen or reported
- Intervene early, even without a formal complaint
- Document concerns and actions taken
- Escalate matters appropriately
- Ensure confidentiality and procedural fairness
- Model expected standards of behaviour.

12. Record Keeping

All disciplinary matters, investigation records, and related documentation must be securely stored in personnel files or designated confidential systems, under privacy legislation.

13. Monitoring and Continuous Improvement

Workplace behaviour trends, disciplinary outcomes, and investigation data will be monitored and reported to leadership to identify risks and opportunities for improvement.

14. Related Policies

This Policy should be read with:

- Code of Conduct
- Workplace Health and Safety Policy
- Grievance Policy
- Fraud and Corruption Prevention Policy
- Workplace Bullying and Harassment Policy
- Complaints Procedure Policy.

15. Review

This Policy will be reviewed every two years or earlier if required because of legislative or organisational changes.