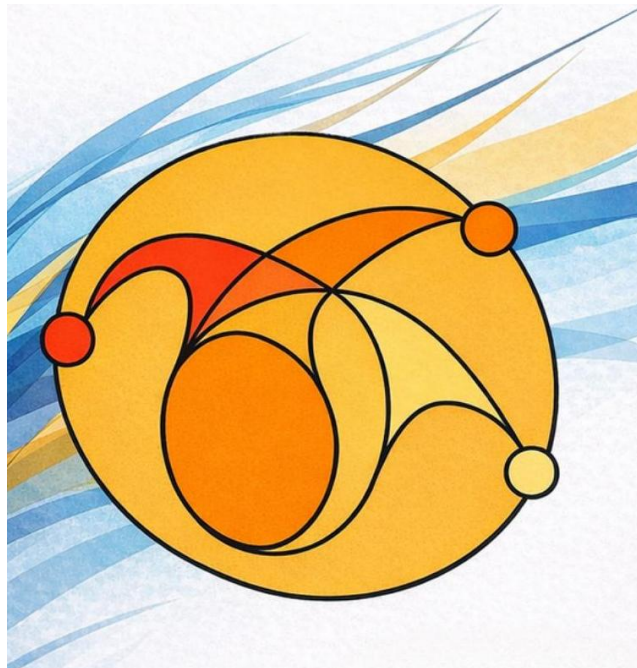


THE
**PROVOCATIVE CHANGE
WORKS**
ACAS DISCIPLINARY SUMMARY





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Summary of Disciplinary Procedures

ACCORDING TO ACAS

The Advisory, Conciliation and Arbitration Service (ACAS) provides comprehensive guidance on managing disciplinary procedures to ensure fairness, consistency, and compliance with legal standards in the workplace.

Adherence to the ACAS Code of Practice on Disciplinary and Grievance Procedures is essential, as employment tribunals consider compliance with this code when assessing cases of unfair dismissal. Below is a summary of the key elements of the disciplinary process as outlined by ACAS.

Principles of a Fair Disciplinary Process

A fair disciplinary process is founded on promptness, consistency, and impartiality:

- ☐ **Prompt Action:** Concerns should be addressed as soon as they arise to prevent escalation.
- ☐ **Consistency:** Similar cases should be treated alike to maintain fairness across the organisation.
- ☐ **Impartiality:** Investigations and disciplinary actions should, where possible, be conducted by different individuals to ensure objectivity.
- ☐ **Communication and Transparency:** The member must be informed of the issues and given an opportunity to respond, with clear communication throughout the process.
- ☐ **Right to Accompaniment:** Members have the right to be accompanied by a colleague or representative during formal disciplinary hearings.
- ☐ **Opportunity to Appeal:** Members should be given the chance to appeal any disciplinary decision made against them.



Informal Resolution

Before initiating formal disciplinary procedures, the Association is encouraged to resolve issues informally when appropriate:

- ☐ Private Discussions: A confidential conversation can often rectify minor issues without formal action.
- ☐ Objective Approach: Address the behaviour or performance issue with specific examples, avoiding personal judgements.
- ☐ Documentation: Keep a written record of informal discussions and share a summary with the member to ensure clarity.
- ☐ Escalation Criteria: If informal resolutions fail or if the behaviour involves serious misconduct, the matter should be escalated to formal disciplinary procedures.

Suspension and Investigation

Suspension

- ☐ Last Resort: Suspension should only occur when absolutely necessary, such as to protect the integrity of an investigation.
- ☐ Alternatives: Consider options such as pausing client-facing activities or temporarily halting training sessions before deciding to suspend.
- ☐ Written Notice: Inform the member in writing of the reason for suspension, the expected duration, and the next steps.
- ☐ Neutral Act: Suspension is not a disciplinary action and must be communicated as a neutral step.
- ☐ Support and Communication: Maintain regular communication with the suspended member to prevent feelings of isolation.

Investigation

- ☐ Purpose: To gather all relevant facts impartially to determine if formal disciplinary action is warranted.
- ☐ Impartial Investigator: Ideally, someone not previously involved should conduct the investigation.



- ☐ Evidence Gathering: Collect evidence from all parties involved, including witness statements and supporting documentation.
- ☐ Confidentiality: Handle all information sensitively and in compliance with data protection laws.
- ☐ Reporting: Conclude with a written report summarising findings without recommending specific disciplinary actions.

Formal Disciplinary Meeting

- ☐ Preparation: Review all policies and ensure the person leading the meeting is well-informed.
- ☐ Notification: Provide the member with a written invitation detailing the allegations, potential consequences, and their rights, including the right to be accompanied.
- ☐ Reasonable Notice: Allow sufficient time for the member to prepare — typically at least 48 hours.

Meeting Structure

- ☐ Introduction: Clarify the purpose and procedure of the meeting.
- ☐ Presentation of Case: Outline the allegations and present evidence.
- ☐ Member's Response: Allow the member to respond fully to each point.
- ☐ Summary and Adjournment: Summarise the key points and adjourn to consider the decision.

Right to be Accompanied

- ☐ Eligible Companions: A colleague or a PCW Association representative.

Role of Companion:

Present and sum up the member's case.

Confer with the member during the meeting.

Request adjournments if necessary.

- ☐ Limitations: The companion should not answer questions on behalf of the member.



Deciding on the Outcome

Consideration: Evaluate all evidence impartially, taking into account any mitigating factors, such as:

- Personal circumstances (e.g., health or family issues).
- Length of membership and previous conduct.
- Whether the member has demonstrated remorse or taken corrective actions.

Potential Outcomes:

- No Action: If allegations are unsubstantiated.
- Informal Action: For minor infractions, such as verbal warnings.
- Formal Warnings: First or final written warnings, depending on severity.
- Suspension or Revocation of Membership: In cases of gross misconduct or repeated offences.

- ☐ Communication: Inform the member in writing of the decision, the reasons for it, and their right to appeal.

Appeal Process

- ☐ Right to Appeal: Members must be allowed to appeal against disciplinary decisions.
- ☐ Grounds for Appeal: These may include procedural errors, disproportionate sanctions, or new evidence.
- ☐ Impartiality: The appeal should be heard by someone not involved in the original decision.

Procedure:

- Notification: The member submits an appeal outlining their grounds.
- Hearing: Conducted promptly, following procedures similar to those of the disciplinary meeting.
- Outcome: Clearly communicated in writing, stating that the decision at this stage is final.



- No Harsher Penalties: The appeal should not result in a more severe sanction than initially imposed.

Conclusion

Adhering to ACAS guidelines ensures that disciplinary procedures are fair, transparent, and legally compliant. Organisations that follow these steps are better equipped to handle misconduct effectively while minimising the risk of legal challenges. A fair disciplinary process upholds professional obligations and contributes to a positive and respectful membership culture.



Addendum

Application of ACAS Guidelines in the Association for PCW Practitioners

This addendum outlines how the Association for PCW Practitioners applies the ACAS disciplinary process principles to ensure fairness, transparency, and compliance in its relationships with practitioners, trainers, supervisors, and, where appropriate, collaborators.

Applicability of Disciplinary Procedures

Practitioners, Trainers, and Supervisors

Disciplinary procedures apply to all members registered with the Association in any capacity, including PCW practitioners, trainers, and supervisors.

Collaborators

Procedures will include collaborators (e.g., guest trainers, consultants) only if:

- ☐ Their work is governed by a formal agreement with the Association.
- ☐ Their conduct impacts the reputation or functioning of the Association.

Informal Resolution for PCW Professionals

Professional Dialogue: Informal discussions will be the first step in resolving concerns related to professional practice, misconduct, or training delivery issues.

Specific Feedback: Concerns are addressed with actionable feedback to promote improvement while maintaining a supportive environment.



Documentation: Informal resolutions will be documented, and records shared confidentially with the individual involved.

Suspension Practices for Trainers and Practitioners

When Necessary: Suspension may occur if there are allegations of serious misconduct, such as:

- ☐ Breach of PCW ethical guidelines.
- ☐ Harmful practices affecting clients or trainees.

Alternatives: Reassignment of responsibilities (e.g., pausing client work, temporarily halting training sessions) will be considered before suspension.

Neutral Act: Suspension will be explicitly communicated as a neutral measure pending investigation.

Investigating Complaints

Scope of Investigation: Investigations will focus on breaches of Association standards, including:

- ☐ Misrepresentation of qualifications.
- ☐ Ethical violations during practice or training.
- ☐ Complaints from clients, trainees, or fellow members.

Investigation Team: Investigations will be conducted by an impartial team comprising supervisors or senior members not directly involved in the complaint.

Report Submission: Findings will be documented in a formal report submitted to the Association's leadership.



Disciplinary Hearings

Notice and Preparation: Members under review will receive at least 48 hours' written notice of the hearing, detailing:

- ☐ Allegations and supporting evidence.
- ☐ Potential outcomes.
- ☐ Rights, including the right to be accompanied by a colleague or PCW representative.

Hearing Process:

- ☐ The hearing panel will include at least one supervisor or senior member.
- ☐ The member will have the opportunity to present their case and provide evidence.

Post-Hearing Communication: Outcomes will be communicated in writing within 5 working days of the hearing.

Possible Disciplinary Outcomes

Graduated Responses: The Association will use a proportional approach to disciplinary outcomes:

- ☐ No Action: Where allegations are unsubstantiated.
- ☐ Verbal Warning: For minor professional infractions.
- ☐ Written Warning: For repeated issues or moderate breaches.
- ☐ Temporary Suspension of Membership: For serious but remediable breaches.
- ☐ Revocation of Membership or Accreditation: For gross misconduct or severe ethical violations.

Tailored Corrective Actions: Where appropriate, corrective actions (e.g., additional training, mentorship, or supervised practice) will be included to support professional growth.



Appeals Process

Neutral Review Panel: Appeals will be reviewed by a panel not involved in the original decision.

Grounds for Appeal: Members may appeal decisions based on procedural errors, new evidence, or disproportionate sanctions.

Final Decision: The outcome of the appeal will be communicated in writing and considered final.

Inclusion of Collaborators

Collaborators (e.g., guest trainers, consultants) may fall under the disciplinary process if:

- ☐ Their work is governed by a formal agreement with the Association.
- ☐ Their actions directly affect the Association's reputation, members, or clients.
- ☐ If included, collaborators will be subject to the same principles of fairness and transparency as Association members.

Enhancing Accountability

Annual Training for Members: Practitioners, trainers, and supervisors will receive annual refresher training on the Association's ethical standards and complaint resolution processes.

Transparent Policies: Policies will be accessible to all members through the Association's portal.



Review of Procedures: The disciplinary process will be reviewed annually to ensure compliance with ACAS and best practices for professional associations.

Conclusion

By tailoring ACAS principles to the unique structure and ethical standards of the Association for PCW Practitioners, we ensure fairness, accountability, and professionalism. These measures foster a supportive environment for practitioners, trainers, and supervisors while maintaining the Association's reputation for excellence.