



Disciplinary Policy and Procedure

1. Purpose and scope

This procedure is designed to help and encourage all workers, volunteers and employees to achieve and maintain standards of conduct, attendance and job performance.

The organisational rules (a copy of which you were given when your position commenced) and this procedure apply to all workers, volunteers and employees. The aim is to ensure consistent and fair treatment for all in the organisation.

2. Principles

Informal action will be considered, where appropriate, to resolve problems. No disciplinary action will be taken against a worker, volunteer or employee until the case has been fully investigated.

For formal action the worker, volunteer or employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Workers, volunteers and/or employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. At all stages of the procedure the worker, volunteer or employee will have the right to be accompanied by a trade union representative, or work colleague.

No worker, volunteer or employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or, where appropriate, payment in lieu of notice. A worker, volunteer or employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the worker, volunteer or employee's alleged misconduct warrants this.

3. The Procedure

First stage of formal procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 6 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance or
- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after 6 months.

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the worker, volunteer or employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (where appropriate, and as allowed in the contract of employment).

Dismissal decisions can only be taken by the appropriate senior manager or committee member, and the worker, volunteer or employee will be provided in writing with reasons for dismissal, the date on which the position or employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the worker, volunteer or employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drug
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If you are accused of an act of gross misconduct, you may be suspended from work on (where appropriate) full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice. Where the position is a voluntary or unpaid position, the position held by that person will cease with immediate effect.

Appeals

A worker, volunteer or employee who wishes to appeal against a disciplinary decision must do so within five working days. The Vice-Chair will receive all appeals and will elect a subcommittee to hear the appeal. The subcommittee will usually, where possible, consist of those not previously involved. The decision of the subcommittee is final. At the appeal any disciplinary penalty imposed will be reviewed.