



## Disciplinary Procedure

**Note:** Where the term “employee is used this also means “volunteer” as appropriate.

This disciplinary procedure is designed to establish the facts quickly and to deal with the matter fairly. No disciplinary action will be taken until the matter is fully investigated.

At every stage employees will have the opportunity to state their case and be accompanied by a supporter (e.g. a union rep or colleague) of their choice. An employee has the right to appeal against any disciplinary decision. The full disciplinary procedure is not available to employees with less than one year’s service. The list of rules given below is not to be regarded as an exhaustive list.

### Examples of the rules

Breaches of the organisation’s disciplinary rules which can lead to disciplinary action are as follows:

- Failure to observe a reasonable order or instruction.
- Failure to observe a health and safety requirement.
- Inadequate timekeeping.
- Absence from work without proper cause.
- Theft or removal of the organisation’s property.
- Loss, damage to or misuse of the organisation’s property through negligence or carelessness.
- Conduct detrimental to the interests of the organisation.
- Incapacity for work due to being under the influence of alcohol or illegal drugs.
- Physical assault or gross insubordination.
- Committing an act outside work or being convicted for a criminal offence, which is liable adversely to affect the performance of the contract of employment and/or the relationship between the employee and the organisation.
- Failure to comply with the organisation’s equal opportunities policy.

## **Procedures for misconduct**

### **1. Oral warning**

If conduct or performance is unsatisfactory, the employee will be given a formal verbal warning, which will be recorded. The warning will be disregarded after six months' satisfactory service and taken out of the file.

### **2. Written warning**

If the offence is serious, if there is no improvement in standards, or if a further offence occurs, a written warning will be given which will include the reason for the warning and a note that, if there is no improvement after an agreed time period, a final written warning will be given.

### **3. Final written warning**

If conduct or performance is still unsatisfactory, or if a further serious offence occurs within the agreed time period, a final written warning will be given making it clear that any recurrence of the offence or other serious misconduct within a period of one month will result in dismissal.

All warning letters will require signed receipt by the relevant employee.

### **4. Dismissal**

If there is no satisfactory improvement or if further serious misconduct occurs, the employee will be dismissed. Written confirmation of the reason for the dismissal will be given to the employee, together with confirmation of notice entitlement, if any, date of termination and right of appeal.

### **Summary Dismissal**

Summary Dismissal is a legal term to describe instant dismissal for an offence of such a serious nature that no notice is required. An employee who has committed such an offence may be dismissed without notice or pay in lieu of notice.

### **Procedure for gross misconduct**

Where an employee has committed an act of gross misconduct or is in serious breach of the conditions of employment, he/she may be dismissed without notice or pay in lieu of notice. In addition, if the offence is adjudged to be a criminal act it is our policy to inform the police and any other relevant authorities. Examples of gross misconduct are as follows (the list is not exhaustive):

- Theft or damage to the organisation's property.
- Incapacity to work due to being under the influence of alcohol or illegal drugs.
- Physical assault.
- Gross insubordination.

- Discrimination or harassment contrary to the organisation's equal opportunities policy.
- Any deliberate breach of the Health & Safety at Work Act 1974.
- Disclosure of confidential information.
- Defrauding or attempting to defraud the Organisation.
- Falsification or attempted falsification of Organisation's documents.

While the alleged gross misconduct is being investigated, the employee may be suspended during which time he or she will be paid the normal hourly rate.

Any decision to dismiss will be taken by the employer only after a full investigation. Following the investigation the employee will be required to attend a disciplinary interview with the Chair and a Board Member. Written confirmation of the reason for the dismissal will be sent to the employee and he/she will be reminded of their right to appeal.

### **Appeals**

An employee who wishes to appeal against any disciplinary decision or dismissal must do so, giving reasons, in writing, to the Chair or nominated person within seven working days. An appeal panel will be convened from the Management Committee and will not include anyone involved in the original procedure. The appeal panel will hear the appeal within 15 working days. The decision of the appeal panel will be final and will be confirmed in writing.

*The Organisation hopes that, in practice, it will only be necessary to resort to the use of formal disciplinary sanctions when all other attempts to improve an employee's behaviour or conduct have failed.*

This policy will be reviewed annually and updated if necessary.