

## **Disciplinary Procedure**

The objective of this procedure is to ensure that a fair and consistent approach is applied to managing discipline across the Charity.

This procedure does not form part of the employee's contract of employment or the volunteers/trustees agreement.

### **Introduction**

It is essential to the smooth running of the Charity that standards of performance and behaviour are maintained. Charity rules and the disciplinary procedure are not intended to punish. They are aimed at giving individuals the opportunity to change their behaviour or improve their performance in the future.

### **Support**

At all formal disciplinary hearings and appeal hearings, you are entitled to be accompanied to any meeting by a colleague or trade union official.

### **Investigation**

In all cases, an investigating officer (normally a trustee on the Board of Trustees) will carry out a full investigation of the allegation as soon as possible. Where appropriate, the investigating officer will get written evidence and take statements from witnesses. The investigating officer will keep all proceedings and documents entirely confidential. Following the investigation the investigating officer will decide either to;

- disregard the incident; or
- take informal action; or
- take formal disciplinary action

### **Suspension**

The Charity may suspend individuals from work/their services while investigations take place. Permanent employees will be suspended on full basic pay and the period of suspension will be kept to a minimum. A suspension is not a disciplinary sanction and does not presume guilt on the part of the employee.

During the period of suspension, the employee's building and system access will generally be removed.

### **Informal Corrective Advice**

Where minor breaches of discipline have occurred, and it has been decided that formal action is not appropriate, your line manager or supervisor will give informal, corrective advice and guidance, with the aim of improving performance or behaviour in the future.

A file note of this guidance will be kept on the staff record.

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## **Formal Disciplinary Hearing**

Where formal disciplinary action is being taken, the Practice Manager will arrange a disciplinary hearing. You will be told in advance:

- What the allegations are, and
- The date, time and location of the meeting
- You will be sent copies of all the evidence which will be used in the disciplinary meeting including - where relevant – any witness statements
- You will be informed in advance of the possible sanctions which could result from the meeting
- You will be informed of your right to be accompanied by a colleague or trade union representative
- You will have reasonable time and at a minimum 48 hours written notice to prepare for the meeting

The hearing will be conducted by a trustee who has not been involved in the investigation or any of the issues under investigation.

You must take all reasonable steps to attend the hearing. Failure to attend without good cause will itself be regarded as a disciplinary issue. The Charity reserves the right to hold the hearing in the employee's/volunteers/trustees absence if the individual does not attend the hearing or fails to give a satisfactory explanation for non-attendance prior to the date of the hearing.

At the meeting, you will have a chance to respond to the allegations against you. If necessary, the meeting will be adjourned for further investigation to be carried out – for example where a particular point raised at the hearing needs to be put to a witness. You will be given an opportunity to consider and respond to any new evidence before the hearing is reconvened or a decision made.

## **Disciplinary Action**

The Charity's Manager will confirm the outcome of the hearing in writing. You will be told:

- What, if any, sanction is being imposed
- What improvements are required, and
- What will happen if an improvement is not seen within a specified timescale
- What to do if you wish to appeal against the decision

## **Levels of action**

There are three levels of formal disciplinary action, but the disciplinary procedure may be entered into at any stage, and stages may be jumped if the situation is serious enough. Cases of gross misconduct may result in instant dismissal.

## **First written warning**

Where you have been found guilty of misconduct, or no improvement has been shown following informal corrective advice, you may be given a first written warning.

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This warning will remain active for twelve months, after which time it will be disregarded for the purposes of future disciplinary decisions. A record of the warning will remain a permanent part of your personnel record.

### **Final written warning**

In cases of an offence which falls short of gross misconduct, or where still no improvement has been shown since a first written warning was issued, you may be given a final written warning.

This warning will remain active for twelve months, after which time it will be disregarded for the purposes of future disciplinary decisions. A record of the warning will remain a permanent part of your personnel record.

### **Dismissal**

In some situations, rather than choosing to dismiss you, the Charity may decide to issue you with a final written warning, or extend an existing final written warning, and impose some other sanction short of dismissal. This includes: demotion, disciplinary suspension, transfer to another department, reduction in pay or loss of future increment or bonus. This warning will remain on your file for a period of two years.

### **Gross Misconduct**

Gross misconduct is an act which fundamentally breaches the contractual relationship between the employee, volunteer or trustee and the Charity.

Allegations of gross misconduct will always be fully investigated and a formal disciplinary hearing held by a Trustee. You may be asked not to attend work during this period but if a permanent employee you will remain on full basic pay. If you are found to have committed gross misconduct, you may be dismissed instantly without pay in lieu of notice.

In summary dismissal cases we will only pay accrued holiday pay according to the statutory minimum entitlement.

Examples of gross misconduct include:

- Unauthorised possession of Charity goods, money or tools
- Theft, fraud, or deliberate falsification of records
- Violence or threat of violence
- Insubordination
- Damaging Charity or colleague's property
- Disclosure of confidential information
- Accepting gifts that may influence the award of business
- Discrimination, harassment or bullying
- Serious infringement of Health and Safety rules
- Unauthorised use, or misuse of Charity computer systems
- Serious negligence that causes, or may cause loss, damage or injury

This list is not exhaustive.

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## **General misconduct**

Acts of general misconduct which may be dealt with through the disciplinary procedure include:

- Failing to fulfil duties through negligence, carelessness or avoidable waste of time or materials
- Use of offensive language or offensive behaviour
- Misuse or neglect of Company tools, equipment or vehicles

This list is not exhaustive.

## **Appeal**

If you have been given a formal warning, following a disciplinary hearing, you have the right to appeal against this decision if you think it is unfair. Appeals should be made in writing to the Chair of Board of Trustees within 5 days of receiving written confirmation of the decision. The decision of the appeal meeting is final.

You cannot appeal against corrective advice given as a result of an informal meeting.

## **Criminal charges**

The Charity may continue to take disciplinary action against an employee, volunteer or trustee who is also facing criminal charges.