
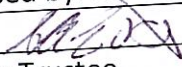


<b>Disciplinary Policy</b>		
Date Approved: 23/08/23	Authorised by: Cliff Evans	
Review Date: 23/08/23	Signed: 	
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# Disciplinary Policy

## Policy Statement

The purpose of this policy is to outline what behaviours may result in disciplinary action being taken, and the process that will be followed.

## Reasons for disciplinary action being taken


Disciplinary action may be taken against a member of staff if they:

- Seriously breach any of the Centre's policies. All staff should make themselves aware of all policies and ensure they are following them.
- Exceed the amount of short term sickness as laid out in the Sickness and Absence Policy.
- Fail to meet stipulations laid out in their job description, as a result of capability proceedings.
- Bring the Centre into disrepute by actions or statements.
- Deliberate refusal to comply with a reasonable request from management.
- Direct refusal to follow reasonable instructions.

## Gross misconduct

In the event of gross misconduct staff could face immediate dismissal. Examples of gross misconduct are listed below. This list is not exhaustive and if the Centre deems any action to be gross misconduct action will be taken.

- Abuse, verbal or physical
- Harassment, direct or indirect
- Substance abuse whilst at work
- Theft

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- Fraud
- Causing serious injury due to negligence
- Causing serious damage to property

### Informal Stage

The Centre will consider informal action, where appropriate, to resolve problems.

We will not take disciplinary action against staff until the case has been fully investigated.

There may be many occasions where informal meetings take place with no consequences as a result.

Where an employee repeatedly fails to improve, despite informal meetings then that employee will be given a copy of the disciplinary policy, and invited to a meeting on the informal stage of the disciplinary procedure. The employee is entitled to have a friend, colleague or union representative at this meeting (and all subsequent meetings) and will be given at least 5 days' notice of the meeting. This meeting could result in a verbal warning which will remain on your record for 6 months.

### Formal Stages

For formal action The Centre will advise the employee of the nature of the complaint against them and will give them the opportunity to state their case before any decision is made at a disciplinary meeting.


The Centre will provide them with a copy of the disciplinary policy, and where appropriate, with written copies of evidence and relevant witness statements before a disciplinary meeting.

They will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty is dismissal without notice and without payment in lieu of notice.

Staff have the right to appeal against any disciplinary action.

The procedure may be used at any stage if their alleged misconduct requires this.



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## The right to be accompanied

Staff have a statutory right to be accompanied by a companion where a disciplinary meeting could result in:

- a formal warning
- some other disciplinary action
- confirmation of a formal warning or other disciplinary action (for example, at an appeal hearing)

The right is to be accompanied by:

- a colleague
- a trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

Staff should inform The Centre as soon as possible if they would like a companion and who they will be so arrangements can be made in good time.


If anyone needs any reasonable adjustments, for example for a disability, they must inform The Centre prior to the hearing.

## The procedure

First stage of formal procedure

Will be:

- 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 staff member will be issued with a written warning advising them that this is the first stage of the formal procedure. A record of the improvement note will be kept for six (6) months, but it will then be considered spent – as long as they achieve and maintain satisfactory performance.

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- If there is no improvement in performance they will be called to a second formal meeting (with the right to be accompanied as stated above). This could result in their being issued with a second written warning notifying them of the nature of the misconduct, the changes required, the timeframe for the changes and the right of appeal. The warning will also tell them 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 12 months.

#### Second stage of the formal procedure

If the necessary improvement has not been achieved then The Centre will move on to the second stage of the formal procedure. The staff member will be called to a formal meeting following the above processes and will be entitled to be accompanied as stated above. This will involve stricter targets, and shorter timeframes. This may result in them being issued with a final written warning.

#### Final written warning


The Centre might issue a final written warning if:

- the offence is sufficiently serious
- there is further misconduct
- there is failure to improve performance while still under a prior warning

This will confirm the full 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.

The Centre will keep a copy of this written warning but it will be disregarded for disciplinary purposes after twelve (12) months, as long as satisfactory conduct or performance is maintained.



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The third and final stage of formal procedure

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 transfer (as allowed in the contract of employment).

Dismissal decisions can only be taken by the board of trustees.

The staff member will be provided in writing with the:

- reasons for dismissal
- date employment will end
- confirmation of all final payments owed, including holiday pay and notice pay
- right of appeal

If an action short of dismissal has been decided on, the staff member will:


- receive confirmation of the full details of the complaint
- be warned that dismissal could result if there is no satisfactory improvement
- be advised of the right of appeal

The Centre will keep a copy of the written warning but it will be disregarded for disciplinary purposes after twelve (12) months as long as satisfactory conduct or performance is achieved and maintained.

#### Gross misconduct

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

- theft or fraud
- physical violence
- 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

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- serious insubordination
- discrimination, harassment or victimisation
- bringing the organisation into serious disrepute
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence

The Centre might consider suspending the staff member while carrying out a disciplinary investigation if there's a serious issue or situation. Suspension is when the staff member is told to temporarily stop working. The staff member would be on full pay throughout any suspension period.

Each situation would be considered carefully before deciding on suspension. Suspension will not be needed for most investigations. Suspension does not mean anything wrong has been done and will not be used for disciplinary purposes.

Being suspended might be stressful so the Centre will:

- only suspend if there's no other option
- support staff throughout the suspension period, always considering their mental health and wellbeing

#### Appeals

If you want to appeal against a disciplinary decision you must do so within **seven (7) days**. The board of trustees will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.