Disciplinary Procedure

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## PURPOSE AND SCOPE

This procedure is designed to help and encourage all staff \* to achieve and maintain standards of conduct, attendance and role performance. The aim is to ensure consistent and fair treatment for everyone in the organisation.

\*For the purposes of this policy ‘Staff’ refers to consultants, employees, volunteers and trustees.

## PRINCIPLES

* Informal action will be considered, where appropriate, to resolve problems.
* No disciplinary action will be taken against until the case has been fully investigated.
* For formal action, the individual will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.
* The individual 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 individual will have the right to be accompanied by a trade union representative, or work colleague.
* No individual 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 payment in lieu of notice.
* The individual will have the right to appeal against any disciplinary action.

## PROCEDURE

1. 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 six months but will then be considered spent, subject to achieving and sustaining satisfactory performance.

**Alternatively, a first warning for misconduct will be issued**, if conduct does not meet acceptable standards. This will be in writing and will set out:

* the nature of the misconduct
* the change in behaviour required
* the right of appeal.

The warning will also inform the individual 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 a specified period (e.g. six months).

1. 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 employee. This will give details of:

* the complaint
* the improvement required and the timescale
* the warning that failure to improve may lead to dismissal (or another action short of dismissal)
* the right of appeal.

A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

1. 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, disciplinary suspension or transfer (as allowed in the contract of employment).

Dismissal decisions can only be taken by the appropriate senior manager, and the individual will be provided in writing with:

* the reasons for dismissal
* the date on which the employment will terminate
* the right of appeal.

If some sanction short of dismissal is imposed, the individual will:

* receive details of the complaint
* will be warned that dismissal could result if there is no satisfactory improvement
* 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 drugs
* 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 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.

APPEALS

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal, any disciplinary penalty imposed will be reviewed.

This policy is based on a template from NCVO, of which Big Leaf Foundation is a member organisation, and ACAS. For more information please see: [Discipline and Grievances at Work, an ACAS Guide](https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf).