

Disciplinary Policy and Procedures

General Introduction

1. Vision 4 Youth (V4Y), aims to ensure that there will be a fair and systematic approach to maintain high standards of conduct and job performance.
2. This policy sets out:
 - a. Lapses in conduct or performance that do not warrant dismissal for a first offence.
 - b. Lapses in conduct or performance that may warrant dismissal for a first offence.
 - c. The action that will be taken in the case of lapses in performance and conduct namely;
 - (1) The procedure to be followed.
 - (2) The right to staff representation.
 - (3) Appeals against decisions.
3. The formal aspects of this policy and procedure are not intended to be used to deal with trivial or isolated lapses in standards of work or conduct for which an informal reprimand is likely to be sufficient. The Policy exists to ensure that complaints about an individual's work or conduct are resolved fairly and as quickly as possible.
4. The Policy applies to all Board members, volunteers, helpers, team leaders, part-time youth workers and Chairs jointly known hereinafter as 'staff'.

Standards of Behaviour, conduct and performance

5. The following list of lapses in conduct or performance is divided into offences that constitute unacceptable standards of behaviour or performance and incur the normal disciplinary procedure, and those which constitute gross misconduct, which may carry a penalty of summary dismissal. The list is not exhaustive so it cannot be inferred from it that the absence of a particular lapse means that disciplinary action may not be taken.
 - a. **Unacceptable Behaviour or Performance**
 - (1) Failure to carry out a reasonable instruction.
 - (2) Insulting behaviour.
 - (3) Constant failure to produce a satisfactory quality or quantity of work when measured against the average of the department or the work group, or the specifications of the job.
 - (4) Irregular attendance and/or bad time-keeping.
 - (5) Absence from the proper place of work without permission.
 - (6) Failure to observe and follow V4Y procedures.

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- (7) Failure to observe health and safety rules and procedures.
 - (8) The unauthorised use of V4Y time, material or equipment.
 - (9) Use of foul language that is offensive to colleagues or others, either orally or in writing, including e-mail.
 - (10) Allowing unwarranted visitors on V4Y premises without permission.
 - (11) Abuse of absence and self-certification rules and procedures including failure to provide medical certificates, when appropriate.
 - (12) Acts of discrimination, harassment, victimisation or bullying where dismissal is felt to be too severe a penalty.
 - (13) Use of e-mail or internet to obtain or communicate discriminatory or offensive material.

b. Gross misconduct

- (1) Gross or offensive sexual misconduct at work.
- (2) The abuse of vulnerable adults or children.
- (3) Fighting or any violent behaviour in the course of employment towards other staff, clients, visitors or others (e.g. contractors).
- (4) Deliberate falsifying of documents and records
- (5) Defrauding, theft, cheating, giving or taking a bribe or offering to do so or fraudulent misuses of the organisation's monies or property.
- (6) Wilful damage to property belonging to the V4Y, staff or visitors to V4Y premises.
- (7) Breach of confidentiality or disclosure of any information that could be detrimental to the V4Y or its clients or shareholders.
- (8) Actions of an individual in the course of his/her employment which directly endanger others.
- (9) Prolonged unexplained absence (normally of more than ten working days).
- (10) Negligence or disregard V4Y health and safety rules and procedures and its non-smoking policy in the course of employment which could endanger their and other's health and safety.
- (11) Abuse of other staff's passwords to access computer records and/or breach of the Computer Misuse Act 1990.
- (12) Wilful refusal to comply with a reasonable instruction.
- (13) Deliberate and/or serious acts of discrimination, harassment, victimisation or bullying.
- (14) Disregard or breach of Data Protection rules, regulations and procedures of the V4Y.

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- (15) Unacceptable behaviour or reduced capacity to carry out duties due to the influence of alcohol or non-prescribed drugs.
 - (16) Abuse of the statutory or V4Y sick pay scheme.
 - (17) Persistent or very serious instances of unacceptable behaviour.

Procedures

6. Staff Rights.

- a. Any member of staff who is subject to disciplinary action within the procedure will be informed by the manager to whom they report that they are to attend a disciplinary interview at a given time and place.
- b. The nature of the offence or offences will be outlined to the individual and reasonable time will be given for him/her to consider the position. He/she will be given the opportunity to state his/her case at every stage of the disciplinary procedure.
- c. The individual will be asked at each stage of the procedure whether or not he/she wishes to be represented by a fellow member of staff of his/her choice or, if a member of a union, a representative of that union.
- d. If the individual's chosen representative is not available to attend the interview, the interview will be postponed to an alternative reasonable time within five working days unless the individual asks for the interview to take place without such representation.
- e. A detailed investigation of the relevant facts will be carried out at all stages in the procedure and in cases of gross misconduct.
- f. The individual will be made aware, at each stage of the procedure, of the right to appeal and the procedure to be followed.
- g. Disciplinary action will be initiated at an appropriate stage within the procedure according to the seriousness of the matter. Dismissal will not take place for a first breach of discipline, except in cases which constitute gross misconduct. If the matter represents a recurring breach of discipline, then it will be dealt with through the procedure stage by stage.

7. **Informal Warnings.** Minor breaches of organisational discipline, misconduct, poor time-keeping, will result in an informal warning given by the immediate line manager. A note of this warning will be made in the member of staff/volunteers personnel file. It is expected that in most cases an informal warning will quickly resolve most difficulties. Where there is a more serious case of misconduct or where an individual fails to improve or maintain that improvement with regard to conduct or job performance the following steps will be taken.

8. Stages of Warnings

a. **Stage One - Verbal Warning.** A verbal warning is the first stage of the disciplinary procedure. The individual has the right of appeal. The individual will be advised of both the standards and timescale for expected improvement in performance or conduct. A brief note of the verbal warning will be kept on the personnel file but it will normally be disregarded for disciplinary purposes after six months, subject to satisfactory conduct and performance relating to the nature of the warning.

b. Stage Two – Written Warning

- (1) If the offence is a serious one or if a further offence of a nature covered by a verbal warning occurs within the specified period, the line manager will cause an investigation to occur. If as a result the line manager decides that a Stage

2 hearing is required they will notify the Chair who will arrange for a member of the Board to attend the hearing interview.

(2) Following the hearing if the manager and Board representative agree to issue a written warning then this will give details of the complaint, the improvement required and the timescale. The individual will be advised of the right to appeal. A copy of this written warning will be kept on the personnel file, but it will be disregarded for disciplinary purposes after a maximum of 12 months subject to satisfactory conduct and performance relating the nature of the warning.

C. **Stage Three – Final Written Warning**

(1) If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious to warrant only one written warning but is insufficiently serious to justify dismissal, the line manager will cause an investigation to occur. If as a result the line manager decides that a Stage Three hearing is required he/she will notify the Chair who will arrange for a member of the Board to attend the hearing interview.

(2) Following the hearing if the manager and Board representative agree to issue a final written warning then this will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right to appeal. A copy of this final written warning will be kept on the personnel file, but it will be disregarded for disciplinary purposes after 12 months (in exceptional cases, the period may be longer) subject to satisfactory conduct and performance relating to the nature of the warning.

d. **Stage Four - Dismissal**

(1) If there is still a failure to improve and conduct or performance is still unsatisfactory, or in the case of gross misconduct, the line manager will cause an investigation to occur. If as a result the line manager decides that a Stage Four hearing is required he/she will notify a Chair who will arrange for a member of the Board to attend the hearing interview.

(2) Following the hearing, if the manager and Board representative's decision is dismissal, the Board representative will inform the member of staff. In the case of gross misconduct, summary dismissal may be the only reasonable course of action for the V4Y and therefore immediate dismissal without notice and without pay in lieu of notice will be effected. In all other cases, the staff member will receive pay in lieu of notice based on a basic salary only.

9. **Investigation.** All disciplinary offences will be thoroughly and quickly investigated and may include interviewing and taking statements from witnesses. During the period of investigation it may be necessary to suspend the individual from work because of the nature of the suspected or alleged case. This will be explained to the individual and arrangements will be made to contact the individual at home. The individual may be suspended on full pay or without pay dependent on the nature of the suspected or alleged case, in such times this will be explained to the individual and their representative.

10. **Appeals**

a. Appeals must be submitted in writing within ten working days from receipt of written notice of the outcome of the disciplinary hearing. The grounds for the appeal should be clearly stated.

b. The letter of appeal should be sent to the Chair. If the manager answers directly to Board this should be addressed in writing to the Chairman of the Board who will then become responsible for conducting the appeal hearing. The appeal hearing will normally be held within 10 working days of the receipt of the letter.

c. The appeal will normally be heard by a three person panel formed from members of the Trustee Board and/or their advisors.

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- d. An individual will have the right to be accompanied at the appeal by a fellow member of staff of his/her choice or, if a member of a union, a representative of that union. If the individual's chosen representative is not available to attend the interview, the interview will be postponed to an alternative reasonable time within five working days unless the individual asks for the interview to take place without such representation. A record of the proceedings will be kept. The individual will be given full opportunity to state the grounds on which the appeal is made.
- e. When all the evidence has been reviewed the hearing will be adjourned. The Appeals Panel will consider the merits of the appeal, in private, before reaching a decision.
- f. The Appeals Panel will inform the individual orally of the decision reached as soon as possible, and confirm this in writing no later than 5 working days after the hearing. The decision of the Appeals Panel is final. The only recourse the individual can take if the appeal is refused would be to submit a case to an Industrial Tribunal.
- g. The Appeals Panel has the authority to uphold, quash or reduce a disciplinary penalty.
- h. Where an appeal against dismissal fails, the effective date of termination shall be the date on which the individual was originally dismissed.