

DISCIPLINARY POLICY

Document History

Version	Date	Drafted by	Authorised by	Reason for revision

This policy was approved on 10/08/2011 and will be reviewed within one calendar year.

1. Policy Statement

Set out is the Disciplinary Procedure. This is based on the ACAS Code of Practice on Discipline and Grievance updated in April 2009. Woking Mind employees are expected to abide by Woking Mind policies and procedures and the following disciplinary procedure will be used if difficulties arise over an employee's conduct, performance or attendance.

The formal parts of the procedure must be followed in full. If there is an inability to resolve the situation and the dispute reaches tribunal, financial penalties can be incurred if either party has failed to follow the procedure.

2. Purpose

The aim of the Disciplinary Policy is to highlight and improve areas of job performance, conduct, capability or attendance, which are falling short of the required standard. It is designed to help and encourage staff to improve by means of discussion and training.

Disciplinary action will be taken to deal with situations that fall into 2 main areas, misconduct and capability. The dismissal procedure will also be used in the case of redundancy.

Misconduct

Misconduct refers to unacceptable standards of conduct or behaviour, failure to follow procedures as well as unacceptable levels of attendance.

Capability

Capability refers to an inability to perform the role for which you are employed. This includes capability issues related to ill health as well as those relating to skill level and ability.

3. Principles

- 3.1 The procedure detailed below is designed to establish the facts and to deal quickly and consistently with any disciplinary issues.
- 3.2 No disciplinary action will be taken until the matter has been fully investigated.
- 3.3 You will be invited to a disciplinary meeting to discuss the disciplinary matter and have the right to be accompanied, if you wish, by a trade union representative or work colleague. You will be given a minimum of 24 hours notice of such a meeting. You may request the postponement of the interview for up to five working days if your chosen companion is not available.
- 3.4 Prior to a disciplinary meeting you will be told the nature of the alleged offence or problem and any supporting evidence together with the range of possible outcomes. You will be reminded of your right to be accompanied.

- 3.5** You will always be given the reason for any warning, any required improvement and the date by which the situation will be reviewed. You will also be told that if there is inadequate improvement or a repeat of the offence, a further or final written warning may be given which may lead to your dismissal.
- 3.6** Written records relating to the investigation, proceedings and resolution of any disciplinary action will be kept securely with your personnel records in line with Woking Mind Data Protection Policy.
- 3.7** You will be told if the warning is to be kept on your personnel record permanently or for a specified length of time. At the end of a specified length of time the warning will not be used in any subsequent disciplinary matters providing that you have met any conditions attached and have not been involved in any further disciplinary matters.
- 3.8** Except in the case of a verbal warning, you have the right to appeal against any disciplinary warning using the appeal procedure detailed below.

4. Disciplinary Procedure

There are 4 stages in the Woking Mind Disciplinary procedure;

Verbal Warning

First Written warning

Final warning

Dismissal

4.1 Verbal Warning

If your conduct or performance is felt to be unsatisfactory, your line manager or the Trustee will invite you to a meeting to discuss the problem and may give you a formal verbal warning. A written record will be kept of the discussion, including any agreed actions and the date of a review. You will be given a copy of this. Such warnings will be disregarded after **6 months** of satisfactory service.

4.2 First Written Warning

A written warning may be given immediately if it is felt that the matter is serious, if there has been no improvement in standards following a verbal warning or if a further incident of a similar kind occurs. Your line manager or Trustee will invite you to a meeting to discuss the problem and may give you a written warning. A written record will be kept of the discussion, including any agreed actions and the date of a review. You will be given a copy of this. Such warnings will be disregarded after **one year of satisfactory service**.

4.3 Final Written Warning

A final written warning may be given if an initial offence is very serious or if conduct, performance or attendance remains unsatisfactory following a verbal or written warning. It may also be given if an incident of unsatisfactory performance or conduct occurs following a previous verbal or written warning.

Your line manager or Trustee will invite you to a meeting to discuss the problem and may give you a final written warning. A written record will be kept of the discussion, including any agreed actions and the date of a review. You will be given a copy of this.

The final written warning will state that any recurrence of the offence, or further misconduct of a similar nature **within 18 months** will result in dismissal. Final written warnings will be kept on your personnel file.

4.4 Dismissal

If, following a final written warning, your performance, conduct or attendance does not improve significantly or further misconduct occurs, you may be dismissed. Dismissal will be authorised by the Executive Committee or by the Chairman of Trustees acting on their behalf. Your line manager or Trustee will invite you to a meeting to discuss the problem, informing you that the disciplinary meeting may lead to your dismissal. Should the meeting result in dismissal, you will be given an amount of notice equivalent to that specified in your Contract of Employment or pay in lieu of such notice. You will have the right to appeal against the decision but where the notice period would expire before the outcome of the appeal is known; you will be suspended without pay until the appeal process is completed. You will receive a written statement of your dismissal within 14 days of the dismissal meeting. The letter confirming dismissal will specify the length of notice and whether this will be worked or payment given in lieu, and the effective date of termination. Any outstanding leave must be paid.

5. Summary Dismissal for Gross Misconduct

Gross misconduct includes any action which threatens Woking Mind, its work or its reputation, the people or organisations connected with Woking Mind or members of the public or which destroys our trust in you. Examples include theft, damage to property, fraud, incapacity to work through being under the influence of alcohol or illegal drugs or other substance abuse, physical assault or threatening behaviour, gross insubordination, negligence, harassment or any other discriminatory behaviour or conduct which endangers others. It would also cover breaches of confidentiality or professional conduct and inappropriate or misuse of office equipment, including computer, e-mail or internet access. This list is not exhaustive and actions not listed above may also constitute gross misconduct.

If you are accused of an act of gross misconduct you will be suspended on full pay for up to **10 working** days whilst an investigation takes place. If, after investigation, it is found that you have found to be negligent or have committed an act or acts of gross misconduct, you will be dismissed without notice and without pay in lieu of notice.

6. Suspension

If the Trustee considers that the matter may result in your dismissal, with or without notice, or that your presence may result in a witness in any disciplinary proceedings feeling intimidated, you may be suspended on full pay. The fact of such suspension will not be taken into account in any disciplinary proceedings.

7. Unacceptable Performance

The full disciplinary procedure will be used to deal with performance which falls short of the required standard. At each stage of the disciplinary procedure your line manager or the Director will invite you to a meeting to discuss your performance and highlight the specific areas of concern. Your line manager/ Trustee will discuss with you the improvements required and any support you may need. A review date will be set (between 4 and 12 weeks) to review your performance. Failure to improve your performance to an acceptable level will result in progression to the next stage of the disciplinary procedure and ultimately may lead to your dismissal.

8. Unacceptable Attendance

Failure to attend work regularly without adequate reason, taking unauthorised time off, poor timekeeping and non-compliance with the absence reporting procedures outlined in the Staff Handbook will be dealt with using the full disciplinary procedure.

In all cases your line manager or the Trustee will invite you to a disciplinary meeting to discuss the problem and will agree the improvements required and an appropriate review period. Failure to achieve the required standard will result in progression to the next stage of the disciplinary procedure and ultimately may lead to your dismissal.

In order to establish whether there is a genuine health problem you may be required to give consent for access to medical reports from your GP or to see a Doctor or Occupational Health Specialist of Woking Mind choice.

9. Ill Health

Should you suffer health problems during your employment with Woking Mind, which affect your capability to carry out your role, our aim is always to support you in returning to good health. You will be invited by your line manager or Trustee to discuss your health and the impact it has on your work. We may require you to give consent to access your medical records or to see an Occupational Health Specialist or Doctor Woking Mind choice.

Depending on the nature of your illness and your role we may be able to make temporary adjustments to your role or working hours in order to support you.

In cases where your health prevents you from carrying out your role to the required standard it may be necessary to terminate your contract. A series of meetings and warnings similar to those outlined in the disciplinary procedure will be followed.

10. Appeals

You are entitled to appeal against any formal disciplinary warning or decision to dismiss. To do so you must notify the Trustee or, in his/her absence, the Chair of the Trustees, in writing within five working days of receiving the written warning or other written notification of any decision. Your letter must specify the issues you wish to appeal against or contest.

The Chair of the Trustees will set up an appeal panel made up of three members of the Trustees. Every effort will be made to ensure that these will be people who have not been directly involved in the disciplinary procedure at an earlier stage. At the discretion of the Chair one member of the panel may be replaced by an independent external person.

A meeting with this panel will be convened as soon as is reasonably practicable. You will be given at least two working days notice of the meeting. You are entitled to be accompanied at the appeal meeting by a trade union representative or a work colleague. You will be given the decision of the panel in writing within 7 working days. The decision of the panel is final and there is no further right of appeal within Woking Mind.

11. Other Support

If you are dissatisfied with the decision of the appeal panel, you may take your case to an Employment Tribunal. Information on how to do this can be obtained from Citizens Advice Bureau.