



Disciplinary Policy

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DISCIPLINARY POLICY

1. POLICY STATEMENT

The aims of this Disciplinary Policy is to set out the standards of conduct expected of all staff and volunteers and to provide a framework within which managers can work with employees & volunteers to maintain satisfactory standards of conduct and to encourage improvement where necessary. The principal standards of conduct are set out in Appendix A.

It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

We may also vary this procedure, including any time limits, as appropriate in any case.

2. WHAT IS COVERED BY THE POLICY?

This policy is used to deal with misconduct. It does not apply to cases involving genuine sickness absence. In those cases reference should be made to the appropriate organisational policy or procedure.

Minor conduct issues can often be resolved informally between you and the Dept Manage/ Project Leader/CEO. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

You will not normally be asked to leave for a first act of misconduct, unless we decide it amounts to gross misconduct.

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with a member of the Project Leader as soon as possible.

3. CONFIDENTIALITY

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

It is organisational policy to make electronic recordings of all meetings for accuracy of notes.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

4. INVESTIGATIONS

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed

with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The Project Leader/ CEO will usually carry out the investigation.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any language difficulties.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

5. CRIMINAL CHARGES

Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

6. SUSPENSION

In some circumstances we may need to ask you not to attend Aspire. This will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing.

7. NOTIFICATION OF A HEARING

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

- A summary of relevant information gathered during the investigation;
- A copy of any relevant documents which will be used at the disciplinary hearing;
and
A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually two to seven working days, to prepare your case based on the information we have given you.

8. THE RIGHT TO BE ACCOMPANIED

You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. You must tell the person conducting the hearing who your chosen companion is, in good time before the hearing.

If your choice of companion is unreasonable we may ask you to choose someone else, for example:

- If in our opinion your companion may have a conflict of interest or may prejudice the meeting; or
- If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

If you or your companion cannot attend the hearing on the date set you may offer an alternative time and date so long as it is reasonable and is not more than 5 working days after the original date.

9. PROCEDURE AT DISCIPLINARY HEARINGS

You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

The hearing will be chaired by the Project Leader/CEO. The Project Leader/CEO's P.A or the Volunteer Co-ordinator will also be present to take notes. You may bring a companion with you to the disciplinary hearing (see point 8).

At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within 7 days of the disciplinary hearing. Where possible we will also explain this information to you in person.

9.1 DISCIPLINARY PENALTIES FOR UNSATISFACTORY BEHAVIOUR, MISCONDUCT AND NEGLIGENCE

A list of examples of unsatisfactory behaviour, misconduct and negligence are provided in Appendix B. This list is intended as a guide and is not exhaustive. If you are unclear about any item on this list and how it may apply to you, you should ask your line manager or a member of the staff in the HR department for further clarification.

If, after informal discussions with your line manager minor criticisms of your behaviour or conduct continue to be valid or if the matter is too serious to be dealt with informally then formal action will be taken against you, potentially resulting in any of the following penalties:-

Stage 1 -Verbal Warning

This will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

A letter confirming this decision will be given to you and retained on your file for a period of up to 6 months. You will have the opportunity to appeal against this decision (see point 10)

Stage 2 - Written Warning

Following a disciplinary hearing if management decide to issue a written warning you will be given a written note setting out

- The details of the unsatisfactory behaviour, misconduct or negligence;
- The improvement that is required;
- Any support to be provided to help you;
- If appropriate, the timescale for achieving this improvement and a review date;
- That this note represents the written warning stage of the disciplinary procedure;
- The time period after which the warning will be disregarded for disciplinary purposes;
- That failure to improve, or any repetition of misconduct, within a specified timescale could lead to a final written warning and ultimately dismissal.

You will have the right to appeal against this decision (see point 10). A copy of the written warning will be kept on your file for a period of 12 months.

If you fail to improve or there is a repetition of the misconduct within the specified timescale, an investigatory process will be carried out and if there is a disciplinary allegation to answer, the next stage in the procedure is :-

Stage 3 – Final Written Warning

Following a disciplinary hearing if management decide to issue a final written warning you will be given a written note setting out:-

- The details of the unsatisfactory behaviour, misconduct or negligence
- The improvement that is required;
- Any support to be provided to help you;
- If appropriate, the timescale for achieving this improvement and a review date;
- This note represents the final written warning stage of the disciplinary procedure
- The time period after which the warning will be disregarded for disciplinary purposes;
- That failure to improve, or any repetition of misconduct, within a specified timescale may lead to dismissal.

You will have the right to appeal against this decision (see point 10). A copy of the written warning will be kept on your personnel file for a period of 12 months.

If you fail to improve or there is a repetition of the misconduct within the specified timescale, an investigatory process will be carried out and if there is a disciplinary allegation to answer, the next stage in the procedure is :-

Stage 4 – Asked To Leave

Following a disciplinary hearing if there is no satisfactory explanation for the conduct or behaviour then you may be asked to leave. You will only be asked to leave after consideration of all other possible disciplinary action.

9.2 DISCIPLINARY PENALTY FOR GROSS MISCONDUCT AND GROSS NEGLIGENCE

A list of examples of gross misconduct and gross negligence are provided in Appendix C. This list is intended as a guide and is not exhaustive. If you are unclear about any item on this list and how it may apply to you, you should ask the Project Leader/CEO for further clarification.

All allegations of gross misconduct and gross negligence will be thoroughly investigated. Where the investigation establishes that there is a disciplinary allegation[s] to answer, you will be told that the issue is now a matter of alleged gross misconduct or gross negligence which if substantiated will lead to you being asked to leave Aspire Ryde.

Following a disciplinary hearing if management decide to take disciplinary action you will be informed of the decision and it will be confirmed in writing. You will have the right of appeal (see point 10)

10. APPEALS

Following a disciplinary hearing, you will be informed of the person to whom you can send a written appeal if you feel that disciplinary action taken against you is wrong or unjust. Your written appeal should say why you are appealing against the decision and needs to be sent within 7 days of you receiving the outcome of the hearing in writing.

We will hold an appeal meeting, normally within 7 days of receiving your written appeal. This will be dealt with impartially by a Board Trustee member who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see point 8).

We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven working days after you receive the written notice.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

Following the appeal hearing we may:

- a. Confirm the original decision;
- b. Revoke the original decision; or
- c. Substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within 7 days of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

11. MONITORING AND REVIEW OF THE POLICY

This policy will be reviewed tri-annually or earlier in the event that there are changes in legislation or as a result of a change in practice.

APPENDIX A

The principal standards of conduct, behaviour and work expected of staff within Aspire Ryde are set out below. You will be advised of other detailed standards, Codes of Conduct and regulations applying to your work as part of your induction, or as set out in the Volunteer Handbook, or as notified by management from time to time.

RESPECT FOR OTHERS

Aspire Ryde seeks to be an inclusive organisation and welcomes people of all religious faiths and of none. It values and promotes respect and freedom for all and works for tolerance and understanding, affirming the equal value of all those we care for and work with. The purpose of Aspire is to develop people through all its programmes and activities. Good relationships, with colleagues and service-users alike, are essential to this aim. To this end we need to take account of the feelings and needs of others and strive to be aware of the impact we have on people.

HONESTY AND INTEGRITY

The principles of honesty and integrity flow from the Christian foundation on which Aspire Ryde is based. Aspire Ryde expects its staff and volunteers to conduct themselves honestly and with a sense of personal integrity in all aspects of their work

PROFESSIONAL CONDUCT AND PROFESSIONAL BOUNDARIES, WORKING WITH CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS

Aspire Ryde is about people and in nearly every situation this work involves interacting with others; in many circumstances it requires holding responsibility for those in our care, including children, young people and vulnerable adults. In all these situations Aspire expects staff to act within the spirit and letter of the code(s) of professional conduct relevant to their work. You will be advised of the policies, procedures and Code of Conduct which apply to your work as part of your induction.

STANDARDS OF WORK

A satisfactory standard of work is expected of all staff. A satisfactory level of attendance and punctuality is expected of all staff.

EQUALITY & DIVERSITY

Aspire Ryde is committed to upholding the spirit and intentions of legislation which outlaws discrimination. It is the responsibility of every individual, both employee and volunteer, to eliminate discrimination by ensuring the practical application of our equality and diversity policy and reporting incidents of discrimination to an appropriate senior person. Anyone found to be discriminating unlawfully in contravention of our policies will face disciplinary action.

HEALTH & SAFETY

The Health and Safety Policy can be found in the Policies folder held in the project office and on the computer shared drive. As far as is practicable you are responsible for your own health and safety whilst at work. You should not interfere with or misuse any equipment provided in the interests of health and safety or breach provisions designed for the safety of all.

APPENDIX B

Examples of Unsatisfactory Behaviour, Misconduct and Negligence

The following is a list of examples of unsatisfactory behaviour, misconduct and negligence. However it should not be considered exhaustive:

- Poor relationships with other members of staff;
- Unacceptable personal behaviour;
- Failure to comply with Health and Safety Regulations;
- Failure to comply with Aspire Ryde's policy and procedures on working with vulnerable people
- Failure to comply with Equal Opportunities and Diversity Policy;
- Harassment;
- Failure to follow Aspire Ryde accounting procedures;
- Negligence resulting in minor loss, damage or injury;
- Any breach of confidentiality relating to Aspire Ryde or its affairs;
- Misuse, abuse or failure to comply with Aspire Ryde's policies or telephone system, computer, email. intranet or internet usage.

APPENDIX C

Examples of Gross Misconduct and Gross Negligence

The following is a list of examples of gross misconduct and gross negligence. However it should not be considered exhaustive:

- Dishonesty;
- Deliberate/serious breach of health and safety rules/regulations;
- Smoking in prohibited areas;
- Serious breach of Aspire Ryde's policy and procedures on working with vulnerable people
- Fighting, assault, threatening behaviour;
- Conduct violating common decency;
- Deliberate and serious damage to Aspire Ryde property;
- Serious breach of confidentiality;
- False or incomplete declarations in volunteer recruitment – appointment process;
- Failure by a staff member in a regulated position to notify the Aspire Ryde should any allegations be made against the staff member outside of employment which, if substantiated, would have relevance to the staff member's position of trust in respect of the care and safety of children, young people and vulnerable adults;
- Deliberate failure to implement the Aspire Ryde's equality and diversity policy;
- Serious bullying, harassment or discriminatory behaviour;
- Viewing, displaying, accessing, downloading or distributing of pornography or sending material which is sexually explicit, sexist, racist, rude, defamatory or offensive;
- Unauthorised use of the internet; use of the internet to gamble;
- Comments on social networking sites with potential for a severe detrimental impact on the Aspire or people associated with it;
- Serious breach of the Aspire Ryde's Code of Conduct
- Bringing Aspire Ryde into serious disrepute
- Misuse of Aspire Ryde property/software/copyright or name;
- Being found in possession of illegal drugs and obscene material at work;