

Hope 4 (Rugby) Ltd Disciplinary Policy and Procedure

General Observations:

Employers and employees should always seek to resolve disciplinary and grievance issues in the workplace. Where this is not possible an independent third party should be sought to help resolve the problem. This could mean an internal mediator, so long as they are not involved in the disciplinary or grievance procedure. Many potential disciplinary and grievance issues can be resolved informally. However, where this is not possible, then a formal process should take place. Employers should keep a written record of any disciplinary or grievance procedures they deal with.

The Policy:

This Policy is designed to help employers, employees and their representatives deal with disciplinary and grievance situations in the workplace.

Disciplinary situations include gross misconduct and/or poor performance.

Grievances are concerns, problems or complaints that employees have with their employers.

Good Practice. Fairness and transparency are prompted by using rules and procedures which are set down in writing, specific and clear in terms of disciplinary and grievance. Where any formal action is needed, what action is reasonable and justified will depend on all the circumstances of a particular case. Employers and employees should raise and deal with issues **promptly** and should not unreasonably delay meetings, decisions or confirmation of those decisions. Employers and employees should act **consistently**. Employers should carry out any necessary **investigations** to establish the facts of the case. Employers should **inform** employees of the basis of the problem and give them an opportunity to **put their case** in response before any decisions are made. Employers should allow employees to be **accompanied** at any formal disciplinary or grievance meeting. Employers should allow any employee to **appeal** against any formal decision.

Hope 4 Disciplinary Procedure:

Purpose and scope of the procedure:

To ensure that unacceptable conduct is addressed promptly and appropriately.

This procedure applies to all Hope 4 employees.

Principles of the procedure:

See also here the Hope 4 (Rugby) Ltd. Grievance Policy

Except for gross misconduct (see below) no employee will be dismissed for a first breach of discipline.

The level of any formal action will be dependent on the seriousness of any offence and the consequence to Hope 4 of the offence.

The employee has a right to be accompanied by their trade union representative or a colleague at every stage of the formal procedure.

The formal procedure may be invoked, in matters of misconduct or poor performance, where:

- previous support, advice or warnings have been ineffective,

- a number of minor complaints are made which taken together constitute a breach of discipline
- there is a more serious breach of discipline.

All proceedings, whether informal or formal, should as far as is practicable, remain confidential.

A formal record of a hearing will be given to the employee.

General requirements:

In exercising good conduct employees are expected to:

- comply with their contract and terms and conditions of their employment,
- fulfil the duties of their post as reasonably required by their Line Manager,
- observe relevant Hope 4 (Rugby) Ltd. rules, regulations and policies,
- comply with Health and Safety and data protection requirements.

Advice, support and informal warnings:

In cases of minor infringements of conduct the Line Manager should initially seek to advise and support the employee concerned on an informal basis with a view to effecting an improvement and thus to avoid using a formal procedure. The employee should be advised of the conduct expected of them in future and the possible consequences of further problems. Where necessary, an informal warning given by the Line Manager will reinforce the advice. Informal advice and support are not part of the formal disciplinary procedure and the employee should be informed of this. However, a record of an informal warning needs to be kept on the employee's personnel file and may be used in future proceedings.

Suspension:

In serious cases the employee may be suspended from work on full pay if their continuing presence at work could be prejudicial to the satisfactory operations of Hope 4. In some cases of alleged gross misconduct it may be considered the employee should not be present at work while an investigation is carried out.

Suspension is not a form of disciplinary action, nor does it automatically follow that a disciplinary hearing will be called as a consequence of a suspension. Employees should be told clearly that they are suspended and that the suspension will be for as short a period as possible. Employees on suspension will not be entitled to access Hope 4 or documents, including remotely, without the prior consent – in writing - of the Chairperson and Company Secretary. However, Hope 4 will take account of the need for an employee to prepare any defence and make contact with any witnesses.

In some cases, a "cooling off" period may be advisable by sending the employee home, normally until the following day. This will be authorised by the Chairperson in consultation with a Director.

Investigation:

If an investigation is necessary, it normally should be carried out by the Line Manager. Where this is not appropriate, an appointed Director will carry it out. The investigation will include:

- an interview with the employee,
- an interview with others as necessary,
- an examination of any documentation.

Formal Hearing:

Where the facts of the case appear to call for formal action, a hearing will be called as soon as possible. The employee should be informed by letter giving at least five working days' notice that a hearing is to be held. The employee may request an alternative date to allow up to five additional working days to prepare their case or if their representative is unavailable. The letter should include a copy of the disciplinary procedure and constitutes an instruction to the employee to attend the hearing. The panel must be informed in advance of who will be attending. Any documents to be used at the hearing by either side, including the investigator's report should be circulated to all those attending at the earliest opportunity and in any case at least 24 hours before the hearing.

The letter shall inform the employee of:

- the reasons for the hearing,
- the date, time and location of the hearing including who will adjudicate,
- their right to be represented or accompanied,
- that the hearing may be suspended if further investigation is required,
- that the hearing provides an opportunity for the employee to respond to the allegations but that it will
- be held in their absence unless a reasonable explanation of failure to attend is given
- the possible consequences of the hearing.

Formal Action:

Formal action may only be taken after a hearing. The types of action that may be taken are 1) A first warning 2) A final written warning and 3) Dismissal. When deciding what form of action will be taken, the panel will take into account the extent to which standards have been breached, precedent, the employee's general record, position, length of service and special circumstances, which might make it appropriate to adjust the severity of the penalty.

Where, as a result of the formal hearing, the panel consider that the offence warrants formal action, the contents of the warning shall:

- set out the particulars of the shortcomings of the employee
- give the nature of the formal action and state that the facts will be entered on their personnel record,
- set out any support to be made available to the employee to assist them in improving their conduct,
- outline the nature of further action if there is no improvement on their part, so that the employee is in no doubt that if their shortcomings are not corrected, further action, which could be dismissal may follow,
- give details of their right to appeal,

A copy of the notes from the meeting should be handed to the employee within three working days of the hearing and to the employee's representative, where applicable.

Following a hearing Hope 4 (Rugby) Ltd. has the right to dismiss without notice, an employee who has been found guilty of gross misconduct. Examples of the kind of behaviours which could constitute **gross misconduct** include:

- theft, misappropriation, misuse or unauthorised use of Hope 4 premises or property,
- fraud, deceit, deception or dishonesty including falsification of Hope 4 records,
- a serious breach of agreed Hope 4 policy/procedures,
- violent, offensive or other intimidating conduct or language,
- sexual, racial or other unlawful harassment, for example, on grounds of sexual orientation, religious belief or disability,
- incapacity at work through drink or drugs,
- conduct that constitutes a criminal offence, whether committed on Hope 4 premises or elsewhere,
- inappropriate use of the internet, telephone or e-mail, for example to access pornography,
- action likely to cause injury or impair safety,
- failure to respect confidentiality of information,
- undertaking work detrimental to or in conflict with Hope 4's interests,
- failure to comply with a reasonable instruction,
- misconduct so incompatible with the employee's duties and responsibilities that their continued presence within Hope 4 is insupportable.

This list is not exhaustive.

Right of Appeal:

An employee has a right of appeal against formal action, including dismissal. Should an employee wish to appeal, they must do so in writing to the hearing's chairperson within five working days of being informed in writing of the formal action. Any request for an appeal must specify the grounds of the appeal, preferably under one or more of the following headings:

- the severity of the action
- the finding of the hearing on a point of fact which is pertinent to the decision of the hearing,
- a failure to adhere to the published procedure.

Appeal panel:

A member of the original hearing panel will attend the appeal to present their findings and the reasons for their decision. The appeal panel members, the employee and a management representative [if appropriate] should receive the written cases five working days before a hearing. Witnesses may be called by either party. No member of the appeal panel will have been part of the original hearing. The format of the hearing will depend on the nature of the appeal. The panel has the scope to:

- uphold all or part of the previous decision,
- substitute previous action for some other within the scope of the procedure,
- not uphold the previous decision.

Within three working days of the appeal the panel will record the decision and give to the employee or post directly by recorded mail, with a copy to the employees representative where applicable. The decision of this appeal panel is final.

Agreed by the Board of Trustees, June 2015

Review date: **Annually**.

Reviewed June 2016. June 2017.