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**“Working to Empower the Community”
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SIGNPOSTS DISCIPLINARY PROCEDURE

Disciplinary procedure for use at Signposts Multi-agency Resource Centre

1. Purpose

This procedure sets out the course of action to be followed in the event of disciplinary action being considered necessary against a member of staff of Signposts Multi-agency Resource Centre. Although legislation in this area generally assumes that staff means paid employees this policy is deemed to apply to all Centre staff including full time and part time paid and volunteer staff so long as this is practicable.

2. Principles

- a. No disciplinary action shall be taken against any member of staff until the case has been investigated. Details will be gathered promptly and shall include any comments the member of staff concerned wishes to make at this stage.
- b. After consultation with the Chair of Trustees, a member of staff may be suspended (with pay if applicable) by the Project Director in circumstances of alleged, suspected or known misconduct or where it is considered appropriate to facilitate investigation. Suspension shall be regarded as a short-term measure intended to facilitate investigation and/or alleviate stress on the individual concerned pending full consideration of the allegations. The need to continue suspension shall be reviewed every four weeks by the Project Director and the individual informed of progress. Should the period of suspension exceed twelve weeks a full report must be submitted to the Trustees. It must be made clear to the individual that suspension is not a disciplinary measure and must not be viewed as a judgement on misconduct.
- c. Where a member of staff's unsatisfactory work or conduct are such as to warrant the consideration of disciplinary action, the Project Director may,

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depending on the circumstances of the case, give an oral, written or final written warning.

- d. Where there is further misconduct following the issue of a final written warning, or the circumstances are such as to warrant an immediate adverse report to the Trustees, the individual shall be informed by the Project Director that an adverse report is being submitted and the reasons therefore.
- e. At every stage, other than the situations described in 2b above, the individual shall be invited to attend a disciplinary hearing and shall be advised in advance, in writing, of the reason for the hearing. The individual shall be given the opportunity to give his/her response before any decision be made.
- f. At every stage the individual shall have the right to be accompanied by a trade union representative, legal representative, friend or work colleague during the disciplinary hearing. The Employment Relations Act 1999 gives workers a statutory right to be accompanied by a trade union official at disciplinary (or grievance) hearings. The Act requires that such officials have written certification that they have experience of, or have received training in, acting as a worker's companion at disciplinary or grievance hearings. The individual shall be informed of the right to be accompanied in advance of the hearing. An interview undertaken for the purposes of 2b above shall not be regarded as a disciplinary hearing but the right to be accompanied shall apply if prior consultation and notification have been impracticable.
- g. An individual shall have the right of appeal against any disciplinary penalty imposed. The procedure for appeals is set out in section 4.
- h. Disciplinary action may be commenced at any of the stages in section 3 depending on the nature of the alleged misconduct. The sanctions are not necessarily sequential.
- i. No disciplinary action shall be taken against a trade union representative until the circumstances of the case have been discussed with a full-time official of the Union concerned.
- j. The Trustees shall ensure that appropriate training be made available to those members of staff designated to take disciplinary action.

3. Procedures

- a. Counselling. In many cases the right word at the right time and in the right way may be all that is needed and will often be a more satisfactory method of dealing with a breach of discipline than a formal hearing. It may be sufficient to talk the matter over on a confidential basis with the individual in an effort to help that individual understand that there is a problem in not achieving the standard required. Offers of suitable training opportunities or possible alternative working arrangements could be mutually explored and a plan of action jointly agreed which should be confirmed in writing (with an additional copy for the individual to forward to the individual's trade union representative if required). A note of any counselling may be kept for reference purposes but it should be made clear that this counselling is not to be regarded as part of the disciplinary process.

However, it should be made clear that improvement is required and a review period should be determined as appropriate.

- b. Oral Warning. If conduct or performance does not meet acceptable standards and it is decided that formal disciplinary action is appropriate a formal ORAL WARNING will be given by the Project Director. The individual will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure, of the right of appeal and of the areas in which improvement is required. This will be confirmed in writing and a copy of the letter will be placed on the individual's file but will be removed after a period of six months unless a subsequent warning is issued in relation to further misconduct whether of a similar nature or otherwise whilst the warning remains on file. (Note – It is the date of the offence, not the date of the hearing in respect of later misconduct, which determines whether an earlier warning remains “live”). The official warning will run concurrently with the most recent warning and should be confirmed in writing within five working days.
- c. Written Warning. Should the offence be sufficiently serious to warrant more than an oral warning, or should a further offence occur, a WRITTEN WARNING may be given by the individual by the Project Director. This will give details of the concerns, the improvement required and the time-scale within which it is to be achieved or reviewed. It will warn that further action will be considered if there be no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on the individual's file but will be removed from the file after twelve months, subject to the exception described in 3b above.
- d. Final Written Warning. If there be still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to justify dismissal (in effect both first and final warning), a FINAL WRITTEN WARNING will normally be given by the Chairman of the Trustees. This will give details of the concerns, will warn that dismissal may result if there be no satisfactory improvement and will advise of the right of appeal. A copy of this final warning will be kept on the individual's file but will be removed after eighteen months subject to the exception described in 2b above.
- e. Disciplinary Sub-Committee. Where there is further misconduct or performance remains unsatisfactory after the issue of a final written warning or where circumstances are such as to warrant the submission of a report, the Project Director will prepare an adverse report for the DISCIPLINARY SUB-COMMITTEE. This Sub-Committee shall comprise three Trustees but shall exclude the Chairman, and shall meet within thirty working days of the member of staff being informed of the submission of the adverse report by the Project Director. The individual will be given a minimum of ten working days' notice of the hearing date and will be supplied with a copy of the adverse report. The procedures to be followed by the Sub-Committee are set out in the Appendices to this document. The Sub-Committee shall be empowered to impose dismissal or other such penalty as it may consider appropriate.

A member of staff accused of any act of gross misconduct (see Annex A) may be suspended from work, on full pay if a paid member of staff, whilst the alleged offence is investigated. If, upon the completion of the investigation under the full Disciplinary Procedure, the Sub-Committee is satisfied that gross misconduct

has occurred, it may impose such penalty, including summary dismissal without notice or payment in lieu of notice, as it considers appropriate.

4. Disciplinary Misconduct

It is not the purpose of this procedure to classify levels of misconduct as each incident which may give rise to the consideration of disciplinary action must be judged independently according to its merits and the past conduct/performance of the particular member of staff. Disciplinary action may be considered in relation to acts of gross misconduct which take place outside working hours and away from the Centre, for example in instances of criminal conviction for such actions. The main consideration must be the relevance of the offence to the member of staff's duties and/or the effect on clients and/or colleagues. Disciplinary measures will not automatically be appropriate.

5. Equal Opportunities Policy

Attention is drawn to Signposts' Equal Opportunities Policy. Disciplinary action may be taken, if appropriate, following the investigation of complaints submitted under the provision of this policy.

6. Appeals against Disciplinary Action

Where a member of staff wishes to appeal against disciplinary action taken by the Project Director, the appeal is to the Chairman of the Trustees; appeals against a Final Written Warning shall be made to the Disciplinary Sub-Committee and appeals against action by the Sub-Committee shall be to a full meeting of the Trustees.

All notices of appeal must be submitted in writing to the Project Director within ten working days of the receipt by the staff member of notification, in writing, of the disciplinary action. Any such notification must state the grounds of the appeal. The appeal shall be heard, unless there are exceptional circumstances, within twenty working days of the receipt of the notice of appeal. The original decision will not take effect until the outcome of the appeal is determined, except that where a member of staff has been suspended that suspension shall remain in force pending the outcome of the appeal.

The appellant shall attend the hearing and may be represented by a trade union representative, legal representative friend or work colleague.

7. Procedure at Appeal Hearings

Where an appellant is to be legally represented the person or persons hearing the appeal may be advised by a lawyer of equal status to that of the appellant's representative.

The Project Director shall present the reasons for taking the disciplinary action and shall be entitled to call witnesses in support of the case. The appellant and/or his/her representative shall be entitled to question the Project Director and any of the witnesses called.

The appellant and/or his/her representative shall make a statement of appeal against the disciplinary action and shall be entitled to call witnesses in support of his/her case. The Project Director shall be entitled to question the appellant and any witnesses in support of his/her case. The Project Director and the appellant (or representative) shall then be allowed to sum up.

At any stage during the appeal the person or persons considering the appeal shall be entitled to question both parties. The person(s) hearing the appeal, the member of staff or the Project Director shall be entitled to call for an adjournment if either party is confronted with evidence of which they had previously been unaware.

At the conclusion of the appellant's summing up, the appellant, his/her representative and the Project Director shall withdraw. The person(s) hearing the appeal shall deliberate in private advised on law and procedure only by their legal adviser. The appellant and representative or the Project Director may be recalled to deal with points of uncertainty on evidence already given. Should a recall be necessary, both parties must return notwithstanding only one is concerned with the point giving rise to doubt.

The decision shall be conveyed to both parties orally and will have immediate effect and the member of staff shall be given confirmation of the decision within three working days.

Annex A

The list below does not form part of the Disciplinary Procedure and is neither exhaustive nor definitive. It is produced for guidance only and may serve as a general indication of the types of misconduct for which disciplinary action may be considered appropriate.

Minor Misconduct

Minor time wasting
Occasional lateness
Limited instances of poor work without serious consequences
Minor instances of insubordination

Serious Misconduct

Significant unauthorised absences from work
Persistent or serious instances of insubordination
Persistent bad timekeeping
Persistent bad work
Continued repetition of previous offences
Violation of catering hygiene procedures

Gross Misconduct

Reporting for or being at work while under the influence of drugs, alcohol or other debilitating substances
Indecency
Deliberate damage to Centre property
Theft from other members of staff, the Centre, clients served by the Centre or in the care of the Centre

Fraud or deliberate falsification of records
Fighting or assault on another person
Wilful disregard of Health and Safety Regulations
Serious negligence which causes unacceptable loss, damage or injury
Deliberate violation of the Centre's policies in regard to Equal Opportunities, Sexism and Racism

Pamela Beswick
Project Director

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