

## **DISCIPLINARY PROCEDURE**

### **1. Purpose and Scope:**

Sedbury Space is committed to creating an environment where all staff and volunteers are able to perform to their best ability and achieve job satisfaction. Sedbury Space also recognises that there will be occasions when disciplinary and/or performance problems arise. The purpose of this policy is to ensure that if such problems do arise, they are dealt with fairly and consistently.

This policy applies to all staff members, both paid employees and volunteers, including directors, trustees and committee members. Staff members working for Sedbury Space but legally employed by a partner organisation will be subject to the legal employer's disciplinary procedures.

The Procedure sets out the action that will be taken when problems occur.

A staff member can discuss any part of this policy with their Line Manager or Chair of Trustees. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation by a work colleague or trade union representative at any point during the disciplinary process.

### **2. Principles**

The procedure is intended to be positive rather than punitive, encouraging improvement in individual conduct and performance, but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

Line management of volunteers is the responsibility of the Centre Manager who is line managed in turn by the Chair of Trustees. The Centre Manager may delegate management of a particular team of volunteers for a specific activity to a named individual, who is then answerable to the Centre Manager.

If a staff member is subject to disciplinary action:

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.
- At every stage the staff member will be advised of the nature of the complaint and given the opportunity to state their case in a meeting before any decision is taken on whether to impose a warning or other disciplinary sanction.
- The staff member will be given the opportunity to be represented or accompanied at any disciplinary meeting
- In some cases an investigation will be required before any final decision is taken on whether to impose a warning or other disciplinary sanction.
- There is a right to appeal against any disciplinary action taken against a staff member.

### **3. Informal Discussions/Counselling**

Most disciplinary problems can be solved by informal discussions or counselling. Before taking formal disciplinary action, the line manager will make every effort to resolve the matter by informal discussions, which may include mediation, additional training, or support for the volunteer. When the staff member is a volunteer this may also lead, by mutual consent, to a change in the role and

responsibility of the staff member to more suit their competence and capabilities. This would not be recorded as disciplinary action and would be seen as a process of constructive dialogue.

Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

#### **4. Suspension**

Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the manager in charge of that individual at that time or their superior, have the authority to suspend an individual.

A staff member suspended from duty will receive written confirmation within three days of:

- the reason for the suspension
- the date and time from which the suspension will operate.
- the timescale of the ongoing investigation.
- the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 days

#### **5. The Procedure**

##### **(i) Formal Verbal Warning**

If, despite informal discussions or training, the conduct or performance still does not meet acceptable standards, the staff member may, following an appropriate disciplinary meeting, be given a formal verbal warning by the Centre Manager.

The staff member will be told:

- the reason for the warning
- what they need to do to improve the situation
- a time frame within which the conduct or performance needs to be improved
- any support or training that Sedbury Space might provide to support the volunteer
- that the verbal warning is the first stage of the disciplinary procedure

A brief note of the warning will be kept but it will lapse after 6 months, subject to satisfactory conduct and/or performance.

##### **(ii) Written Warning**

A First Written Warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved within the prescribed time as agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.

- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

The staff member will receive a letter from their manager. The letter will contain:

- details of what the volunteer has alleged to have done wrong
- the reason why the current behaviour or performance is unacceptable
- an invitation to attend a disciplinary meeting with their Manager at which the problems can be discussed
- information about the right to be accompanied at the disciplinary meeting
- copies of any documents that will be referred to at the disciplinary meeting

The disciplinary meeting should take place as soon as is reasonably possible but with sufficient time for the volunteer to consider their response to the information contained in the letter. The meeting will be an opportunity for both the staff member (with their representative if so wished) and the Centre Manager to talk about the allegations being made, review the information with a view to establishing whether to progress the disciplinary action.

Where, following the disciplinary meeting, it is decided that no further action is warranted, the staff member will be informed in writing.

Where, following the disciplinary meeting, the staff member is found to be performing unsatisfactorily or their behaviour is deemed unsatisfactory, they will be given a written warning which will set out:

- the performance and/or behaviour problem
- the improvement that is required
- the timescale and date for achieving the improvement
- any support that Sedbury Space will provide to assist the volunteer
- a statement that failure to improve could lead to a final written warning and ultimately dismissal
- a review date
- the appeal procedure

A copy of the written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

Where a written warning is given, the Chair of the Board of Directors will be advised and kept up to date with any progress.

### **(iii) Final Written Warning**

A final written warning is appropriate when:

- the conduct or performance still remains unsatisfactory by the stipulated date,
- if the misconduct is sufficiently serious to warrant only one written warning.

A disciplinary meeting, where a Director will be present, will be called with the staff member and their representative. The disciplinary meeting will be an opportunity for the staff member to answer the issues raised by Sedbury Space.

Where this meeting establishes that there has been a failure to improve or change behaviour, then a final written warning will be given to the volunteer. The final warning will:

- give details of and the grounds for the complaint
- set out the improvement that is required and a time frame
- make it clear that any recurrence of the offence, lack of improvement or other serious misconduct within the stipulated period of time will result in dismissal
- refer to the staff member's right of appeal

A copy of the final written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

#### **(iv) Dismissal**

If the staff member's conduct or performance still fails to improve or if further serious misconduct occurs, the final stage in the disciplinary process may be instituted and the volunteer dismissed. The decision to dismiss will be taken by the quorum of three Directors following an appropriate hearing and the staff member being given the opportunity to state their case and put forward any mitigating circumstances. Following the hearing the staff member will be informed as soon as possible as to the outcome and if relevant the reason for the dismissal, the date on which the employment contract (if applicable) will terminate and the right of appeal.

#### **6. Minor Misconduct**

Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and, as previously stated, should first be addressed with informal discussions.

- Persistent lateness and poor time-keeping.
- Absence from work, including going absent during work, without valid reason, notification or authorisation.
- Smoking within unauthorised areas.
- Failure to work in accordance with prescribed procedures.
- Failure to observe Sedbury Space regulations and policies.

#### **7. Gross Misconduct**

Where an staff member is found guilty of gross misconduct, they will normally be subject to summary dismissal and the above procedures regarding progression of warnings will not apply. Where there is an allegation of gross misconduct, [*a senior manager or the Director*] will carry out an immediate investigation. The staff member will have an opportunity to participate in that investigation and put their case and answer the allegations of gross misconduct.

While the alleged gross misconduct is being investigated, the staff member may be suspended, during which time, if applicable, they will be paid at the normal rate. Such suspension is not to be regarded as a form of disciplinary action and will be for as short a period as possible. Any decision to dismiss will be taken only after an investigation and a disciplinary hearing.

If, after investigation and disciplinary hearing, it is deemed that the volunteer has committed an offence of gross misconduct, the normal consequence will be dismissal without notice or payment in lieu. The staff member will be notified of the dismissal and appeal process as soon as possible.

The following list is non-exhaustive that indicates the type of actions that may constitute gross misconduct:

- theft, fraud, deliberate falsification of company documents
- breaches of confidentiality / security procedures, prejudicial to the interest of Sedbury Space
- violent behaviour, breach of the peace or verbal abuse
- deliberate damage to company property
- harassment
- False declaration of qualifications or professional registration
- being unfit for work through alcohol or illegal drugs
- gross negligence - failure to observe Sedbury Space rules, regulations or procedures, especially Health & Safety and Safeguarding.
- gross insubordination - refusal to carry out a management instruction which is within the individual's responsibilities and capabilities and which would be seen to be in the interests of Sedbury Space
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe

## **8. Procedure for formal investigation**

Formal investigations should be carried out by the most appropriate manager, committee member or director, who is not directly involved with the incident being investigated. This manager/director may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.

- i. A report should be prepared which outlines the facts of the case. This should be submitted to the Chair of Trustees/Directors who will decide whether further action is required. Where appropriate, this report may be made available to the individual staff member and their representative.
- ii. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by a Director, who would be accompanied by another Committee Member if possible. The investigating manager would be asked to present his/her findings. Witnesses should be called at this stage, and the staff member (or their representative) allowed to question these witnesses. The staff member has a right of representation at this hearing.
- iii. Following the full presentation of the facts, and the opportunity afforded to the staff member to state their side of the case, the hearing should be adjourned, and everyone would leave the room except the senior manager / Director hearing the case, and the other Committee member. They would discuss the case and decide which of the following options was appropriate:
  - take no further action against the staff member
  - recommend counselling for the staff member
  - proceed to a disciplinary hearing

- iv. All parties should be brought back, and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:
  - the staff member has been informed by letter that the investigation may turn into a disciplinary hearing, and that they have the right of representation
  - they have been told in advance what the nature of the complaint is, and had time to consult with a representative
  - all the facts have been produced at the investigatory hearing, and the manager / Director is in a position to decide on disciplinary action.
- v. the manager should inform the staff member and their representative that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.
- vi. It may be appropriate at this point, at the discretion of the manager hearing the case, to adjourn proceedings. This might be for a number of reasons e.g. whilst necessary arrangements are made for a representative to attend the hearing at the request of the staff member, or if the staff member has become emotional or distressed.
- vii. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

## **9. Appeals**

Every staff member has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that the Sedbury Space Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding disciplinary action has arisen

An appeal should be put in writing to the manager who issued the disciplinary warning / dismissal. The letter of appeal may be constructed by the staff member or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

In the case of verbal and first warnings, the appeal will be heard by the manager/director next in line to the one who issued the warning.

In the case of final warnings and dismissal the directors will convene an Appeals Sub-committee to hear the appeal within 20 working days of receipt of the appeal letter. The staff member will be invited to a meeting with the Appeals sub-committee and will have the right to be accompanied to the appeal meeting. Directors who were part of the original disciplinary hearing will not form part of the Appeal sub-committee

The Appeals Sub-committee may consider the appeal based on the information previously available including the investigation report, and any submissions made by the appellant. They may at their discretion seek any further information which they feel would help them to come to a fair conclusion. The decision of the Appeal sub-committee will be final and no further right of appeal is available.

## 10. Approval and Review

This policy has been approved by the Trustees and will be reviewed on a biannual basis.

Signed:

A rectangular box containing a handwritten signature in cursive script that reads "Lee Parker".

(Chair of Sedbury Space)

Date approved: 11<sup>th</sup> January 2022

Review date: January 2024