



# JSENSE DISCIPLINARY RULES AND PROCEDURES/GRIEVANCE PROCEDURE

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## **DISCIPLINARY PROCEDURE**

### **1. PURPOSE AND STATUS**

- 1.1 The Disciplinary Procedure set out below is applicable to all employees who have completed their probationary period of service. It is designed to ensure that employees are dealt with fairly and consistently in disciplinary and other related matters affecting their work with the Charity.

### **2. GENERAL PRINCIPLES**

- 2.1 Where it is the employee's performance that is in issue, this will usually be dealt with in accordance with the Charity's Performance Procedure (unless the unsatisfactory performance is such that the Charity considers that it would be more appropriately dealt with under this Procedure).
- 2.2 No disciplinary action will be taken against an employee until the matter has been fully investigated. The investigation will be completed as soon as is practicable in the circumstances.
- 2.3 Employees will normally receive such advance written notice of a disciplinary meeting as is reasonably practicable in the circumstances. This will include, where appropriate, the receipt by an employee of documents, or information in any other form, which will be referred to by the Charity at the disciplinary meeting.
- 2.4 In appropriate circumstances the Charity reserves the right to suspend an employee while carrying out its investigation, in which case the employee will receive full pay and benefits for the duration of their suspension.
- 2.5 At each stage of the Procedure, the employee will be informed of the nature of the complaint against them and shall have an opportunity to state their case before a decision is taken.
- 2.6 Employees must take all reasonable steps to attend disciplinary meetings. However, the employee must notify the Charity forthwith if they are unable to attend a meeting and a re-scheduled meeting will be arranged within (usually) 5 days of the date originally proposed for the meeting.
- 2.7 Employees may be accompanied at disciplinary meetings, and any appeal, if they wish, by a work colleague of their choice (provided that presence of such colleague does not prejudice the hearing or where such colleague may have a conflict of interest), or a suitably qualified trade union official. If the person proposed by the employee is unable to attend the meeting at the scheduled time, the employee will have the right to propose an alternative time provided that it is both reasonable and falls within 5 days of the date originally proposed for the meeting. During the meeting, the person accompanying the employee may consult with the employee, and address the meeting, but may not answer questions on the employee's behalf.

- 2.8 Where appropriate, help and guidance will be given to the employee to enable him/her to achieve the required standards of conduct and/or attendance.
- 2.9 Warnings will normally give details of the complaint(s), the improvement(s) required and timescale, as well as informing the employee of the consequences of failure to improve conduct to acceptable standards.
- 2.10 All warnings will remain upon an employee's personal file indefinitely. However, subject to satisfactory conduct, verbal warnings will be disregarded for disciplinary purposes after a period of [6] months and written warnings after a period of [12] months [(18 months in the case of a final written warning)] from the date of the letter/memorandum confirming the warning. These periods will still apply where any time for improvement specified in the warning letter expires before the period set out in this paragraph.
- 2.11 At each stage of the Procedure, the Charity will inform the employee of his/her rights to appeal against the disciplinary penalty imposed. Should any new evidence emerge during the appeal, the employee will be given an opportunity to comment on this before the final decision is taken.

### **3. STAGES OF THE PROCEDURE**

Minor faults or areas of concern will usually be dealt with initially on an informal basis by way of an informal verbal warning and/or counselling where necessary. After establishing the facts, the Charity may consider that there is no need to resort to the formal Procedure, and that it is sufficient to talk the matter over with the employee. A note of the informal warning will be kept on the employee's personal file. The purpose of an informal written warning is to provide an opportunity for improvement in the matter to be corrected without the necessity for the Procedure be instituted. However, where the matter is more serious, the stages of the Procedure set out below will normally be followed.

There are three stages to the Procedure. The Charity may, however, initiate the Procedure at any stage, or jump stages, depending on the circumstances of the case and the seriousness of the misconduct/poor performance.

#### **3.1 Stage 1 - Formal Verbal Warning**

In cases of minor breaches of discipline or misconduct, or where the employee has failed to improve or remedy the problems identified within an informal verbal warning, an employee will be given a formal verbal warning which will refer to the misconduct and of the possible consequences of any repetition or failure to improve within a set time limit. A note of the verbal warning will be entered on the employee's personal file and a copy provided to the employee.

#### **3.2 Stage 2 - First Written Warning**

In the event of more serious or further misconduct, the employee will normally be given a first written warning. This will state the reason for the warning and will give a time limit for improvement, including any action required by the employee to remedy the situation. The employee will be informed of the consequences of any failure to improve his or her conduct. A copy of this written warning will also be kept on the employee's personal file.

### 3.3 **Stage 3 - Final Written Warning**

If, after previous warning(s), there is further misconduct or failure to improve standards, or if the misconduct is sufficiently serious to warrant only one written warning, (but would not justify dismissal), a final written warning will be given to the employee. This will state the reason for the warning and will give a time limit for improvement, including any action required by the employee to remedy the situation. It will also include a statement to the effect that dismissal may result in the event of failure to improve conduct. A copy of the final written warning will be kept on the employee's personal file.

### 3.4 **Stage 4 - Dismissal**

If conduct remains unsatisfactory, and the employee still fails to reach the prescribed standards, or where conduct is sufficiently serious to warrant it, dismissal will normally result. The employee will be provided, as soon as reasonably practicable, with written confirmation of the dismissal and the date on which employment terminated or will terminate.

### 4. **Summary Dismissal**

The Charity will only dismiss an employee summarily in the event of gross misconduct, or some other serious breach of Charity rules or of the contract of employment. Summary dismissal is dismissal without notice; before deciding upon this course of action, the Charity will usually undertake an investigation and hold a disciplinary hearing with the employee.

## 5. **EXAMPLES OF CONDUCT WHICH WILL TRIGGER THE DISCIPLINARY PROCESS**

### 5.1 **Misconduct**

The following are examples of the type of misconduct that may lead to verbal or written warnings. These examples are provided for guidance only and should not be seen as exhaustive.

Examples of minor misconduct may include occasional lateness, minor work errors, minor breaches of health & safety obligations, time wasting, lack of diligence, failure to comply with reasonable instructions and general unsatisfactory conduct, including inappropriate behaviour towards colleagues. Repeated minor misconduct of this sort may be treated as more serious misconduct.

Examples of more serious misconduct may include persistent lateness and extended periods of unauthorised absence, persistent or serious work errors, persistent lack of diligence, persistent failure to carry out reasonable instructions, repeated or more serious breaches of health & safety obligations, discrimination on grounds of sex, race, etc., harassment of another employee, using offensive language, breach of the Charity's email and internet use policy and failure to respond adequately to a verbal warning.

### 5.2 **Gross Misconduct**

Examples of gross misconduct may include fraud, theft or dishonesty, contravening health and safety obligations so as to put others at risk, breach of confidentiality, unauthorised disclosure of client information including, but not limited to, being under the influence of drink or drugs during working hours, violent or abusive behaviour, deliberate damage to Charity property (or that of employees, clients or visitors),

tampering with any of the Charity's systems or loading or using onto Charity systems, software that has not been specifically authorised for such use.

## **6. APPEALS**

- 6.1 At any stage of the Procedure (including dismissal), an employee has a right to appeal against the disciplinary decision. The employee should inform the Chair of Trustees in writing within 7 working days of notification of the disciplinary decision setting out the reasons for the appeal. All appeals will be dealt with as soon as is practicable in the circumstances. As with the hearings at earlier stages the employee may be accompanied by a colleague (or trade union official).
- 6.2 Wherever practicable, the appeal will be heard by a more senior official than whomever decided to take the disciplinary action. Their decision shall be final within the Charity.
- 6.3 The Charity on will confirm to the employee in writing the results of the appeal, and will outline the reasons for the decision reached, as soon as is practicable after the appeal has been heard.
- 6.4 Where the Charity has taken the decision to dismiss an employee, dismissal will still take effect where the employee wishes to appeal. Where an appeal against dismissal fails, the effective date of termination will be taken as the date on which the employee was originally dismissed. If the appeal is successful, the employee will be reinstated, with salary and benefits backdated to the date of dismissal.

APPROVED BY THE TRUSTEES

DATE:

SIGNED: