



Charity number 1197599

## Staff Disciplinary Procedure for Brereton Big Local CIO

### Introduction

Charities expect a certain level of conduct and performance in return for paying their employees for their work. If the employee fails to reasonably live up to the standards set by the CIO, then they may find that they are disciplined for failing to do so. The CIO is obliged to provide details of their disciplinary policy to employees.

There are two ways that an employee can be disciplined: informally or formally. It is recommended that, whenever possible, the route of an informal disciplinary procedure is followed – the employee's line manager sits down with them and explains why they are being disciplined and how the employee should improve their conduct or performance. However, if the employee's conduct or lack of performance is severe enough to warrant a formal disciplinary then the employee should be aware of what the rules relating to disciplinary action in your charity are.

### General conduct

At all times during your employment, the CIO expects you to conduct yourself as a representative of the CIO and behave accordingly.

Any member of staff who is found to have bullied or victimised any other employee will be guilty of misconduct, and this could lead to disciplinary action being taken and could lead to dismissal.

Failure to carry out your work as and when directed in an efficient and conscientious manner may be considered misconduct and could lead to disciplinary action being taken and possibly dismissal.

The disciplinary policy contains other examples of behaviour that will be regarded as misconduct or gross misconduct that could lead to disciplinary action being taken, and in the case of gross misconduct could lead to dismissal without notice or pay in lieu of notice.

You are expected to turn up for work on time and to work your required hours. Bad timekeeping or taking unauthorised time off will be regarded as misconduct. Frequent or short-term sickness absences that are regarded as misconduct can lead to dismissal.

Always remember that you represent the CIO and your conduct towards colleagues and clients should reflect that.

### Disciplinary Procedure

#### Introduction

The rules outlined below are for the purpose of promoting fairness and consistency in the treatment of employees whose behaviour and conduct are not satisfactory.

These rules (formal and informal) will usually be adopted in the interests of fairness, but they are not contractually binding and the CIO may dismiss without following these procedures in



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full. There will be no requirement to start or complete any procedure if one or more of the following situations apply:

- one party has reasonable grounds to believe that starting or completing the procedure would result in a significant threat to any person (including that party) or any person's property.
- the party has been subject to harassment and has reasonable grounds to believe that starting the procedure would result in further harassment.
- factors beyond the control of either party make it effectively impossible for the procedure to be started or completed within a reasonable period.

### Examples of Misconduct

The following offences are examples of the sort of behaviour, which the CIO will consider to be misconduct:

- bad timekeeping
- unauthorised absence
- minor damage to the CIO's property
- minor breach of the CIO's rules
- minor infringement of health and safety rules
- failure to observe the CIO's procedures.
- rudeness to clients, colleagues, and Trustees
- abusive behaviour
- unsatisfactory attendance
- unsatisfactory sickness record
- careless loss or damage of the CIO's tools or equipment
- unauthorised use of the CIO's telephone
- failure to wear protective clothing provided.
- unfitting behaviour
- failure to carry out instructions.
- **THIS LIST IS NOT EXHAUSTIVE**

The following are examples of the sort of behaviour which the CIO will consider to be GROSS misconduct:

- theft or unauthorised possession of any property belonging to the CIO or any fellow employee or of clients or customers.
- serious damage to the CIO'S property
- falsification of reports, accounts, expense claims or self-certification forms, including time sheets
- refusal to carry out duties or reasonable instructions.
- intoxication by reason of drink or drugs
- illegal drugs in your possession on your, the CIO'S or clients' premises
- serious breach of your, the CIO'S rules
- serious insubordination: repeated refusal to complete documentation or records reasonably requested by the CIO
- use of mobile telephone whilst driving
- fighting or other violent, dangerous, or intimidating conduct or bullying.
- sexual, racial, or other act of harassment or discrimination
- conviction on a criminal charge
- receiving any sentence of imprisonment
- bringing the CIO into disrepute
- misuse of a CIO'S property or name



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- bringing the CIO into serious disrepute
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).
- **THIS LIST IS NOT EXHAUSTIVE**

### **Informal Warning – Management Letter of Concern**

Where minor issues occur or where issues occur for the first time, The CIO has the discretion to have an informal discussion, which will be followed up with a Management Letter of Concern. This is deemed to be an informal warning and employees will be given improvement targets or have the standards of behaviour or performance required re-asserted. Where employees fail to produce the required improvement or behaviour(s), the formal disciplinary process will be invoked and formal warnings can be applied, which may lead to dismissal. However, there will be cases where the allegation or complaint is so serious that formal disciplinary procedures are the only appropriate course of action. The formal procedures will only be used where necessary, and it is hoped that the need for this will be rare.

### **Formal Procedures**

Formal disciplinary procedures exist for misconduct, and gross misconduct and the action taken will be appropriate to the seriousness of the offence. In serious cases for example there may be no informal discussion or Management Letter of Concern or even no first written warning. The organisation reserves the right to engage third parties as at any stage of the process to assist or provide delegated authority for the third party to manage the process on behalf of the organisation.

The types of formal disciplinary action are:

- first written warning
- final written warning
- dismissal or other serious steps, including demotion.
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Only in cases of gross misconduct will you be dismissed for your first breach of discipline.

### **Stage 1 – Statement of grounds for action and invitation to meeting.**

Before any decision is made about disciplinary action there will be a fair investigation to establish the facts. It may be necessary to suspend you while the investigation takes place. The CIO will detail in writing to you, your alleged conduct or characteristics or other circumstances which leads them to contemplate dismissing you or taking disciplinary action against you.

You will be given a reasonable opportunity to consider your response to the matter before being required to attend a meeting.

### **Stage 2 – The meeting**

Following the issue of a statement of grounds you will usually be asked to attend a disciplinary meeting and at this meeting, as at any stage of the formal procedure, you have the right to be accompanied by another employee of your choice or your Trade Union Representative



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The non-availability of a particular employee or Trade Union representative may not unreasonably delay the meeting and you may have to make alternative arrangements.

You will be able to state your case in response to the allegations or complaints against you.

No action (other than suspension if appropriate) will be taken against you prior to this meeting. You must take all reasonable steps to attend the meeting.

A copy of these procedures will be given to you prior to any interview that is likely to lead to disciplinary procedures being implemented.

### **Stage 3 – Recording of formal procedures.**

During or soon after the meeting you and your representative will be notified of the decision and advised of the right and procedures for appealing against the decision if you consider that the decision was unfair.

A note will be made of all formal disciplinary meetings and verbal warnings and given to you. You will be asked to sign a copy to confirm that the note is a true record of the meeting and that you have received the warning. This copy will be kept on your personnel file. Similarly, you will receive a duplicate copy of written warnings to sign, and this will be kept on your personnel file. If any decision is made in your absence copies of any notes and of any written warning or dismissal decision will be sent to your last known address by first class post.

## **5. Penalties for Misconduct**

### **Informal warning – Management Letter of Concern**

This will be given in less serious cases and confirmed to you in writing. You will be warned that the consequences of future repetition, failure to improve performance or change/stop certain behaviours will be subject to further disciplinary action. A copy of the warning shall be kept in your personnel file. If your conduct is satisfactory the warning will be treated as spent (and not used again for disciplinary purposes) after 6 months.

### **First Written Warning**

This will either result from failing to adhere to a previous informal warning or will be given directly where misconduct has taken place and an informal warning is considered to be inappropriate. This will be given by a manager or Trustee and confirmed to you in writing. This will contain a summary of the incident or circumstances and the consequences of future repetition. The warning will set out improvements in conduct required to be achieved and maintained and the duration of the warning (normally 12 months but can be extended at the discretion of the disciplining manager), and the consequences of failure to respond as required. A copy of the warning shall be kept in your personnel file. If your conduct is satisfactory for the required period, then the warning will be treated as spent (and not used again for disciplinary purposes).

### **Final Written Warning**

This will either result from failing to adhere to a previous warning or will be given directly where misconduct has taken place and an informal warning or first written warning is inappropriate. This will be given by a manager or trustee and confirmed in writing. This warning will state that if you commit a further offence of misconduct your employment will be terminated. The warning will set out improvements in conduct required to be achieved and



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maintained and the duration of the warning (normally 24 months but can be determined by the disciplining manager), and the consequences of failure to respond as required. A copy of the warning shall be kept in your

personnel file. If your conduct is satisfactory for the required period, then the warning will be treated as spent (and not used again for disciplinary purposes).

### **Dismissal or Other Serious Steps**

This stage will normally result from your failure to act upon the requirements of behaviour and conduct made in the previous stages of the warning procedure. However, it may arise simply due to the seriousness of the incident or the behaviour that has occurred, which is deemed to be gross misconduct. Dismissal will usually take effect immediately so that you will not be required to work any notice period. However, in some circumstances the CIO may not decide to dismiss you, but to apply the sanction of demotion, redeployment, or suspension without pay.

In cases of dismissal, the CIO will write to you setting out:

- the misconduct that led to your dismissal
- the reasons for the decision that you were guilty of the misconduct.
- your right of appeal
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### **Appeals Procedure**

You have the right to appeal against a disciplinary decision, arising from the formal procedure. Any appeal hearing will not delay disciplinary action being taken against you, including suspension or dismissal.

If you want to appeal you should put your request in writing, setting out the grounds of appeal, within 5 working days, to the person nominated to hear any appeal.

The appeal will normally be held by a trustee not previously involved with the matter. The CIO has the discretion to commission a third-party professional to conduct the appeal on its behalf.

As at the disciplinary meeting you have the right to be accompanied by a work colleague or Trade Union Representative.

The appeal hearing will be conducted within a reasonable period of the appeal being lodged. In the absence of an appropriate trustee then the appeal will take place within a reasonable time of their return. The CIO has the discretion to commission a third-party professional to conduct any investigation/hearing or appeal on its behalf.

You must take all reasonable steps to attend the appeal hearing.

The outcome will either be:

- to reject the appeal and confirm the original disciplinary action.
- to uphold the appeal and reduce or revoke the original disciplinary action.

The result of the appeal will be confirmed in writing within 10 working days of the hearing. The decision at the appeal stage is final.



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## Conduct Outside Working Hours

Normally the CIO has no jurisdiction over employee activity outside working hours. Behaviour outside working hours will only become an issue if the activities adversely affect the CIO or if happen whilst representing the CIO or attending a CIO-related event.

Adverse publicity, bringing the CIO name into disrepute, or actions that result in loss of faith in the CIO, resulting in loss of charity, or loss of faith in the integrity of the individual, will result in the disciplinary procedure being instigated.

The detriment suffered by the CIO will determine the level of misconduct and it will also determine which disciplinary stage is most appropriate to suit the circumstances. If the actions cause extreme embarrassment or serious damage to the CIO's reputation or image, a decision may be taken to terminate the employment.

The CIO's procedures covering disciplinary hearings and appeals still apply.

To be reviewed and signed at the next AGM.

<b>Signed &amp; Agreed by all Trustees on date:</b>	<b>Policy version:</b>	<b>Review Date:</b>
	V.1 11-22	11/2023