DISCIPLINARY POLICY AND PROCEDURE

OBJECTIVES

This procedure is designed to ensure that there is a fair, transparent and systematic approach, compliant with employment legislation, for the Living Stones Educational Trust (LSET) to maintain standards of conduct for all staff (employee and volunteer) within the organisation.

We will encourage improvement in individual conduct and performance, and will, as far as possible, through all informal mechanisms, make the employee/volunteer aware of any shortcomings and possible remedies before formal steps become necessary.

The following procedure, which is non-contractual, sets out the action which will be taken when our rules and standards of conduct are breached.

Matters will be dealt without undue delay and will allow for information to be kept confidential.

Employees/volunteers must ensure they are familiar with the standards expected of them in relation to their work and of the procedure that will be followed when the standards are not observed.

Employees/volunteers are required to read the 'Volunteer Agreement' and the 'Code of Behaviour'.

This policy is also in place to provide clear guidance for LSET Trustees and the Project Co-ordinator. This helps to ensure that procedural irregularities are minimised.

PRINCIPLES

No disciplinary action will be taken against an employee/volunteer until an allegation has been fully investigated. The investigation will be appropriate to the nature of the allegation and will be undertaken by the Project Co-ordinator or a Trustee of LSET thus designated to take the place of the Project Co-ordinator for whatever reason (a reason for this will be given to the employee/volunteer).

At every stage in the procedure the employee/volunteer will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decision is made.

At all stages the employee/volunteer will have the right to be accompanied by a friend, work colleague or union representative during a disciplinary interview.

No employee/volunteer will be dismissed for a first breach of discipline except in the case of gross misconduct.

The procedure may be implemented from any stage if the employee's/volunteer's alleged poor performance or misconduct warrants such action.

An employee/volunteer will have the right of appeal against any disciplinary penalty imposed.

INFORMAL DISCUSSION

Before taking formal disciplinary action the Project Co-ordinator or Trustee designated in place of the Project Co-ordinator will make every effort to resolve the matter by informal discussions with the employee/volunteer. This may result in the issue of an informal verbal warning, and the employee/volunteer will be given the opportunity to improve.

Should this fail to bring about the desired improvement, the formal disciplinary procedure below may be implemented.

PROCEDURAL STEPS

Investigation

If the project Co-ordinator or Trustee believes that there are grounds for a disciplinary investigation, the facts surrounding the alleged misconduct will be gathered through meeting(s) with the employee/volunteer and any other relevant person.

No formal disciplinary action will be taken as a result of the investigation alone.

Notification of meeting

If it is decided that there is a disciplinary case to answer, the employee/volunteer will be notified of this in writing. The notification will contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee/ volunteer to prepare to answer the case at a disciplinary meeting.

The notification will also give details of the date, time and venue of the meeting plus a reminder of the right to be accompanied.

The notification will be provided at least five working days before the scheduled meeting. Every effort should be made by all parties to schedule meetings at a reasonable time to ensure attendance.

Failure by the employee/volunteer to attend meetings may result in a decision being made in his/her absence based on the information available at the time.

Meeting is held

The meeting is held in accordance with the arrangements set out in the notification.

Consideration of the evidence, decision making about the outcome

Following the meeting, a decision will be made whether or not disciplinary action is justified, and the employee will be notified in writing. Outcomes will be as follows:

Written Warning

Where misconduct is confirmed or the employee is found to be performing unsatisfactorily, a written warning will be issued.

The warning will contain details of:

- The poor performance/misconduct and the improvement required.
- How long the warning will remain current – (usually 6 months, although in exceptional cases the period may be longer).
- The consequences of further misconduct or failure to improve performance within the timescale e.g. further disciplinary penalties under this procedure.
- The right of appeal and the person to whom this should be addressed

A copy of the written warning will be kept in a locked cabinet in the LSET room at Heathfield Church.

Final Written Warning
A final written warning will normally be given to the employee/volunteer in circumstances where:

- there is still failure to improve conduct,
- and/or performance is still unsatisfactory,
- or where the initial offence is deemed sufficiently serious to warrant more than an informal verbal warning or a written warning.

The final warning will contain details of:

- The poor performance/misconduct and the improvement required.
- How long the final warning will remain current – usually 12 months.
- It will also advise that the consequences of further misconduct or failure to improve performance within the timescale will normally result in dismissal.

The right of appeal and the person to whom this should be addressed will be included in the letter.

A copy of the written warning will be kept in a locked cabinet in the LSET room at Heathfield Church.

Dismissal
If, despite previous warning(s), conduct or performance remains unsatisfactory, and the employee/volunteer still fails to reach the prescribed standards within the required timescale, dismissal will normally result.

Following a further disciplinary meeting, the employee/volunteer will be advised in writing of the reasons for dismissal and the date on which employment/volunteer work will terminate. Dismissal on these grounds is with notice.

In the event of an employee/volunteer being dismissed for gross misconduct, after a thorough investigation of the facts and holding a disciplinary meeting as above, dismissal will be without notice. The right of appeal against dismissal and the person to whom this should be addressed will be included in the letter.

Appeals
Employees have the right of appeal at any stage of the formal disciplinary procedure. An appeal should be made in writing within five working days of the date when the employee/ volunteer was notified in writing of the outcome of the disciplinary process.

An appeal meeting will be convened without unreasonable delay thereafter, at which the employee/volunteer will be given an opportunity to state his/her case and will be entitled to be accompanied by either a work colleague, friend or trade union representative.

The decision of the appeal will be confirmed in writing and will be final and binding.

DEFINITIONS

(i) For the purposes of this document the terms “poor performance” and “misconduct” are defined as:

Poor Performance:

- consistent failure to perform work to a reasonable and acceptable standard
- evidence of negligence or inadequate attention to the requirements of the job.

Misconduct:

- breaches, infringements or non-observance of any of the working rules, e.g. poor attendance, time-keeping, failure to comply with a legitimate or reasonable management instruction
- mis-use of equipment, including making long or numerous private telephone calls (and emails)
- smoking in non-smoking areas
- gambling on the premises
- unreasonable or unacceptable conduct, e.g. abusive, insolent or otherwise unhelpful or offensive behaviour including being under the influence of alcohol
- threatened violence on a colleague or any other person whilst at work
- harassment likely to cause offence to staff, visitors, clients or suppliers

(ii) For the purpose of this document “gross misconduct” is defined as:

- theft
- falsifying various records or documentation such as claim sheets or expenses, and other such fraudulent behaviour within the work context
- malicious damage to or abuse of organisational property
- failure to comply with duties and/or legal obligations in respect to Health & Safety
- sexual/racial harassment; indecency at work
- harassment, bullying (physical & verbal) or threatening behaviour towards another employee/volunteer, worker or client
- acts of incitement or actual acts of discrimination on the grounds of sex, race, colour, religion or belief, ethnic origin, sexual orientation, marital status or age
- fighting, assault on another person
- serious negligence which causes unacceptable loss, damage or injury
- gross insubordination to or deliberate provocation towards others
- incapability through alcohol or being under the influence of illegal drugs
- serious failure to observe rules on confidentiality
- unauthorised entry to computer records, accessing offensive material via the internet or sending offensive material via email
- a criminal offence which renders the staff member/volunteer unsuitable to carry out their duties; or where the penalty imposed by a court of law for any offence makes it impossible or impracticable to continue employment/volunteer work
- personal acceptance of significant gifts or benefits from those outside the organisation, or hoping to further personal interests

  These lists of offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.

Suspension

Where the alleged misconduct is considered to be inconsistent with the employee/volunteer remaining at work, he/she will be suspended from duty on full basic pay (in the case of the

employee only) during the period of an investigation, which will be for as short a period as possible.

The decision to suspend the employee/volunteer will be confirmed in writing, along with a brief description of the alleged breach of discipline

Living Stones Educational Trust

March, 2023

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