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DISCIPLINARY AND GRIEVANCE PROCEDURES AND GUIDELINES FOR PAID STAFF (EMPLOYEES) FOR Purbeck Youth and Community Foundation

Disciplinary Processes

If it becomes necessary to begin disciplinary procedures, the processes in this section may be useful to you. They have been developed by NCVO (National Council for Voluntary Organisations) www.ncvo-vol.org.uk and are based on the ACAS advisory booklet, *Discipline & Grievance at Work* www.acas.co.uk.

1. Purpose

- This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance
- Our club's Behaviour Code for Paid Staff and this procedure apply to all paid staff. The aim is to ensure consistent and fair treatment for all in the organisation. See our Behaviour Code for Paid Staff Policy documents for further information.

2. Principles

- Informal action will be considered, where appropriate, to resolve problems. No disciplinary action will be taken against an employee until the case has been fully investigated
- For formal action, the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements. At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or work colleague if they choose

- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice. An employee will have the right to appeal against any disciplinary action
- The disciplinary procedure may be implemented at any stage of the process if the employee's alleged misconduct warrants this.

3. Procedure

First stage of the formal procedure

This will normally be either:

- An improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for a set period of time (e.g. six months), but will then be considered spent subject to the employee achieving and sustaining satisfactory performance

Or

- A first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and should set out the nature of the misconduct, the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (e.g. six months).

Final written warning

- If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee
- This will give details of the complaint, the improvement required and the timescale required for improvement
- It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on file but will be disregarded for disciplinary purposes after a set period of time (e.g. six or twelve months) subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction (action)

- If there is still further misconduct or failure to improve performance, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (if allowed in the contract of employment for paid staff)
- Dismissal decisions can only be taken by the appropriate senior manager
- The employee will be provided in writing with reasons for the dismissal, the date on which the employment will terminate and their right of appeal
- If a sanction short of dismissal is imposed, the employee will receive details of the complaint and decision, they will be warned that dismissal could result if there is no satisfactory improvement and they will be advised of their right of appeal
- A copy of the letter to the employee setting out any other sanction will be kept on file but will be disregarded for disciplinary purposes after a set period of time (e.g. six or twelve months) subject to the achievement and sustainment of satisfactory conduct or performance.

Gross misconduct

- The following list provides just some of the examples of offences that are normally regarded as gross misconduct:
 - Theft or fraud
 - Physical violence or bullying
 - Verbal abuse or bullying
 - Deliberate and serious damage to property
 - Serious misuse of the club's property or name
 - Deliberately accessing Internet sites containing pornographic, offensive or obscene material
 - Serious insubordination
 - Unlawful discrimination or harassment
 - Bringing the club into serious disrepute
 - Serious incapability at work brought on by alcohol or illegal drug use
 - Causing loss, damage or injury through serious negligence
 - A serious breach of health and safety or safeguarding rules
 - A serious breach of confidence.
- If the employee is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than ten working days, while the alleged offence is investigated
- If, on completion of the investigation and a full disciplinary process, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice
- However, the employee will have the right of appeal.

Appeals

- An employee who wishes to appeal against a disciplinary decision must do so within five working days of notification of the disciplinary sanction. A senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed. If possible, the club will ensure that any senior manager who hears an appeal will not have been involved in the disciplinary process previously.

Grievance Processes

Dealing with grievances – what should the employee do?

Employees should aim to resolve most grievances informally with their line manager. Where this is not appropriate, they should take the issue up with their line manager's immediate superior. If a grievance cannot be settled informally, the employee should raise it formally with the club.

The procedure is made up of two parts; an informal stage and a formal stage.

1. Informal Procedure

The employee should first discuss their grievance with the person involved where possible or with their line manager.

If this does not resolve the matter, employees are advised to progress to the formal stage.

Mediation

Sometimes it may not be possible to resolve concerns between those directly involved and a different perspective may be helpful. In these circumstances, either at the informal or formal stages, mediation should be considered.

Where mediation is considered appropriate, the formal procedure may be temporarily halted. It can be resumed at a later stage if necessary.

2. Formal Procedure

Stage 1

If the matter has not been resolved through informal discussions, the employee should set out in writing their concerns to their line manager (or a more senior manager where this is not appropriate or where the line manager is part of the grievance).

The appropriate manager will then arrange and hold a meeting where the employee may be accompanied by a work colleague or trade union official.

The outcome of the meeting will be confirmed in writing to the employee.

If the employee is unsatisfied with the decision, they have the right of appeal.

Stage 2: Appeal

If the matter remains unresolved following the outcome of stage 1, the employee can appeal to a more senior manager (if possible). The employee will be notified of the time they have to appeal any grievance decision.

An appeal meeting will be arranged and the employee will have the right to be accompanied by a work colleague or trade union official.

The decision of any appeal will be confirmed in writing to the employee. There will be no further right of appeal.

Employers should ensure that there is no unreasonable delay in the implementation of this procedure.

Good practice

Organisations may also wish to create specific grievance policies that address particular areas of concern, such as sexual harassment, violence or bullying. Such policies should clearly define the behaviour they prohibit and spell out the disciplinary consequences to those who breach the policy requirements.

Particular sensitivity needs to be used in cases of alleged sexual or racial harassment or other discriminatory behaviour. External advice may be needed in such cases.

As far as is reasonably practicable, any appeal should be heard by a more senior manager than the one who dealt with the original grievance. This may not be possible for small clubs, but in larger organisations it is good practice to allow further appeal to a higher level of management.

Mediation

Sometimes it may not be possible to resolve concerns between those directly involved and a different perspective may be helpful. In these circumstances, either at the informal or formal stages, mediation should be considered.

Where mediation is considered appropriate, the formal procedure may be temporarily halted. The mediator does not need to be external, although this should be considered should it not be appropriate or possible to be held internally.

N.B. Our guidelines provide a brief introduction, a description of the key issues to adhere to and an example policy. The documents are not comprehensive and do not constitute legal advice.