

VOLUNTARY ACTION - LEEDS

DISCIPLINARY PROCEDURE

This Procedure forms part of your Statement of Written Employment Particulars.

1. Purpose and Scope

- 1.1 This Procedure is designed to help and encourage all workers to achieve and maintain acceptable standards of conduct, attendance and work performance. The general rules of Voluntary Action – Leeds (a copy of which is given to all employees during induction, and which is included in the Staff Handbook) are to be seen as a basis for definition of such standards. This Procedure is intended to improve performance and resolve difficulties, rather than punish. This Procedure applies to all employees of Voluntary Action – Leeds.
- 1.2 VA-L also has a Capability Policy which is intended to work together with its Disciplinary Procedure where necessary. The term “capability” relates to an employee’s ability and competence in performance of their work as opposed to “conduct”, which relates to the standard of their behaviour at work.

2. General Principles

- 2.1 The aim is to ensure consistent and fair treatment for all.
- 2.2 No disciplinary action will be taken against an employee until the case has been fully investigated. This investigation will normally be carried out by the employee’s line manager (although the line manager may ask another manager to take this on if they feel unable to deal with the investigation in an impartial way). The disciplinary interview and final decision will be carried out by another manager from within Voluntary Action – Leeds. If the employee’s line manager is the General Manager, the disciplinary interview will be carried out by another line manager, who will also make the final decision.

- 2.3 At any stage in the disciplinary process, the employee may be suspended from work on full pay whilst further investigations take place. During any period of suspension, the employee will not be entitled to access to VA-L's premises, except at the prior request or with the prior consent of VA-L, and subject to such conditions as may be imposed. The suspension will last for no more than five working days initially, but may be renewed or extended at VA-L's discretion. The employee will be notified in writing of any renewal/extension of the suspension and its anticipated duration. Only a member of senior management may take the decision to suspend an employee.
- 2.4 Where an issue relating to capability (as defined by the Capability Policy) has arisen and Stage One of that Policy has been followed without resolution of the issue, VA-L reserves the right to consider the matter under the Disciplinary Procedure. Should a capability issue remain unresolved by Stage Three of the Capability Policy, it will automatically become a matter for consideration under the Disciplinary Procedure. At that stage it is assumed that the information gathered will replace the formal investigation described in section 2.2 (above) of this Procedure. As with other disciplinary matters, disciplinary action resulting from the Capability Policy may be instigated by any manager of Voluntary Action – Leeds, and may be implemented at any stage of the Disciplinary Procedure (see section 2.9, below).
- 2.5 Disciplinary action can be instigated by any manager of Voluntary Action – Leeds.
- 2.6 At each stage in the Procedure the employee will be advised in writing 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. The underlying principles in any use or potential use of VA-L's Disciplinary Procedure are that the employee will be given written information on the nature of any issue regarding conduct, capability or other circumstances which may give rise to disciplinary action, that they will be invited to a meeting to discuss the issue(s), and that they will have a right of appeal.
- 2.7 At each stage the employee will have the right to be accompanied by and represented by a Trades Union representative, employee representative, or work colleague during any disciplinary interview or appeal hearing. The employee will also have the right to offer a

reasonable alternative date for a disciplinary hearing if their representative cannot attend, provided that this is within five working days, counted from the day after the original date set.

- 2.8 An employee will have the right to appeal against any disciplinary penalty imposed. This right of appeal will be communicated in writing along with any penalty imposed.
- 2.9 Disciplinary action can be implemented at any stage of the Procedure, depending on the nature and gravity of the alleged misconduct. If an investigation and interview indicates that the matter is too serious to be dealt with through an oral warning, or if the matter proves to be more serious than was first thought, the employee may receive a written warning or final written warning as his/her first warning. He/she may also receive a written warning or final written warning if a review after an oral warning or a previous written warning shows that there has been inadequate improvement in his/her conduct or performance, or if an incident of unsatisfactory conduct or performance occurs after an oral warning or a previous written warning.
- 2.10 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 who lodges an appeal against dismissal for gross misconduct may be suspended on full pay normally for no more than one month pending investigation.

3. **The Procedure**

- 3.1 Minor faults will be dealt with informally, for example via supervision and appraisal procedures, by line managers, but where the matter is more serious, the formal procedure which follows will be used.
- 3.2 There are four formal stages of this Procedure, which increase in seriousness:
 - Oral Warning
 - Written Warning
 - Final Written Warning
 - Dismissal

Employees are reminded that action may be instigated at any of these levels depending on the gravity of the matter.

3.3 Stage One: Oral Warning

If conduct or performance does not meet acceptable standards the employee may be given a formal ORAL WARNING. He/she will be advised in writing of the reason for the warning, and that it is the first stage of the Disciplinary Procedure. A note that an oral warning has been given shall be signed by the employee, and this will be kept on the employee's personnel file for 6 months; after this time, it will be removed subject to satisfactory conduct and performance.

3.4 Stage Two: Written Warning

If the offence is a more serious one, or if a further offence occurs (whether or not of a similar nature), a WRITTEN WARNING may be given to the employee. This will give details of the complaint, the improvement or change in behaviour required, and the timescale for achievement. It will state that action under Stage Three will be considered if there is no satisfactory improvement, and will advise of the right of appeal. A copy of this written warning will be kept in the employee's personnel file, but it will be disregarded for disciplinary purposes after six months subject to satisfactory conduct and performance.

3.5 Stage Three: Final Written Warning

If the misconduct is sufficiently serious, or if there is still a failure to improve conduct or 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, and will warn that dismissal may result if there is no satisfactory improvement in the stated time, and will advise of the right of appeal. A copy of the final written warning will be kept on the employee's personnel file, but it will be disregarded for disciplinary purposes after twelve months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

3.6 Stage Four: Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, DISMISSAL (or some other action short of dismissal, for example demotion or disciplinary suspension) will normally result. The decision to dismiss can only be taken by the General Manager, or – in the case of the General Manager acting as the investigating manager – by the Chairperson of the Trustee Board. The employee will be provided with written reasons for dismissal as soon as reasonably practical, along with the date on which the employment will terminate, and the right of appeal. If a sanction short of dismissal is imposed, the employee will receive written details of the complaint, and will be warned that dismissal may result if there is no satisfactory improvement, and they will be advised as to their right of appeal. A copy will be kept on the employee's personnel file, but it will be disregarded for disciplinary purposes after twelve months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance. If demotion is the sanction, however, the demotion is considered permanent.

4 Gross Misconduct

4.1 Gross misconduct includes any action which threatens Voluntary Action - Leeds, its work or its reputation, people connected with Voluntary Action – Leeds or members of the public, or which destroys the employer's relationship of trust with the employee. The following list is not exhaustive, and other actions may constitute Gross Misconduct.

4.2 Examples of offences normally regarded as Gross Misconduct:

- Theft
- Deliberate damage to or misuse of property belonging to Voluntary Action – Leeds
- Fraud, including deliberate falsification of records
- Serious incapacity for work due to being under the influence of alcohol or illegal drugs
- Fighting or physical assault
- Threatening behaviour
- Gross insubordination
- Conduct endangering any person
- Gross negligence causing loss, damage or injury

- Breach of data protection rules (e.g. unauthorised access to computer or manual records)
 - Harassment and bullying on the grounds of race, gender, disability, age, sexuality, etc.
 - Breach of standards of good conduct or professional ethics.
- 4.3 An employee accused of Gross Misconduct may be suspended from work on full pay, normally for no more than one month while Voluntary Action – Leeds investigates the alleged offence. The employee will be given written notification of the suspension and the reason(s) as soon as reasonably practical. If, on completion of the investigation and a disciplinary hearing, Voluntary Action – Leeds is satisfied that Gross Misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice. The employee will be entitled to written notification of the decision as soon as reasonably practical, along with the right of appeal. In the event of an appeal against dismissal for Gross Misconduct, the employee will be suspended on full pay from the date of dismissal until the appeal is heard.

5. **Appeals**

- 5.1 An employee who wishes to appeal against a disciplinary decision should inform the General Manager – or where the General Manager has been acting as investigating manager, the Chairperson – in writing within five working days.
- 5.2 The appeal will be heard by an appeals committee consisting of up to three persons appointed by Voluntary Action – Leeds, normally from its Personnel Committee but other Trustees may be used in this context where appropriate and at the discretion of the Trustee Board. None of these three shall have been directly involved either with the incident(s) which is the subject of the disciplinary action or with any stage in this Procedure.
- 5.3 The appeal will normally be heard within fourteen working days of its receipt.
- 5.4 The decision of the appeal committee is final.

5.5 At an appeal any disciplinary penalty imposed will be reviewed but it cannot be increased.

6. Attendance at Meetings and Hearings

6.1 Subject to the provisions detailed in clause 2.7, employees must attend disciplinary hearing or appeal meetings. If the employee fails to attend, or requests an alternative date and then fails to attend the reconvened meeting, Voluntary Action – Leeds reserves the right to hear the case in their absence.

RULES OF VOLUNTARY ACTION – LEEDS

Voluntary Action – Leeds expects all employees to comply with management and to conform to its rules at all times. If these rules are disregarded, Voluntary Action – Leeds has the right to discipline employees according to the steps laid down in the document entitled “Disciplinary Procedure”. It is not possible to cover every situation in the following list, and further clarification from managers should always be sought if necessary.

- Employees must have proper regard for the terms of their employment.
- Employees should use the time, equipment and property of Voluntary Action – Leeds in a proper and authorised manner.
- Misuse of, or unauthorised access to, computer passwords or paper/computer files will be considered a disciplinary matter.
- Employees must abide by the policies of Voluntary Action – Leeds as laid out in the Staff Handbook.
- Employees should satisfactorily perform the instructions given to them relating to the function of their employment (note VA-L’s Capability Policy).
- Employees should satisfactorily perform any reasonable request relating to their function by an authorised manager.
- All absences from work must be authorised.

- All safety rules/procedures should be adhered to at all times.
- Consumption of alcohol, unless authorised by management, and the use of illegal drugs are not permitted on the premises; smoking is not permitted in Stringer House.
- Threatening or violent behaviour or language is not permitted.
- Harassment and bullying are not permitted.
- Behaviour or actions which would in any way jeopardise the safety or well-being of others is not permitted.
- Gambling is not permitted on the premises.
- The cost of any personal telephone calls must be reimbursed to VA-L via the honesty box, and such occasions should be kept to a minimum.
- Employees must not use language or behaviour which is discriminatory against others (e.g. on the grounds of race, gender, disability, age, sexuality, etc).

*Disciplinary Procedure adopted by the Trustee Board November 2002.
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