

Disciplinary procedure

Purpose

Warrington Voluntary Action (WVA) does not wish to impose rules of conduct on its employees. However, certain standards of behaviour are necessary to maintain good employment relations and discipline in the interest of the employees. WVA prefers that discipline be voluntary and self-imposed, and in the great majority of cases this is how it works. However, from time to time it may be necessary for WVA to take action towards individuals whose level of behaviour or performance is unacceptable.

This disciplinary procedure covers all employees, except those in their probationary period. It is entirely non-contractual and does not form part of an employee's contract of employment.

Minor faults will be dealt with informally through support and training. However, in cases where informal discussion with the employee does not lead to an improvement in conduct or performance, or where the matter is considered to be too serious to be classed as minor, (for example, unauthorised absences, persistent or poor timekeeping, sub-standard work performance etc.), the following disciplinary procedure will be used. At all stages of the procedure, an investigation will be carried out.

Scope

WVA will notify the employee in writing of the allegations against him or her and will invite the employee to a disciplinary hearing to discuss the matter. WVA will also notify the employee of the basis for the complaint of alleged misconduct or poor performance. Having given the employee reasonable opportunity to consider his or her response to the allegations, a formal disciplinary hearing will then take place, conducted by the Manager, who is authorised to conduct disciplinary hearings and issue warnings.

At the hearing, the employee will be given the chance to state his or her case, accompanied if requested by a work colleague of his or her choice or a trade union official supporting the person concerned. The employee must take all reasonable steps to attend the meeting. Following the meeting, the employee will be informed in writing of WVA's decision in accordance with the stages set out below, and notified of his or her right to appeal against that decision. It should be noted that an employee's behaviour is not looked at in isolation, but each incident of misconduct is regarded cumulatively with any previous occurrences.

Stage 1: Written warning

If the employees conduct or performance is considered to be sufficiently unsatisfactory, then the employee will be given a formal written warning. He or she will be advised of the reason for the warning, how they need to improve their conduct or performance and the timescale over which the improvement is to be achieved. They will be told that the warning is the first stage of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The written warning will be considered to be active for twelve months. After this time, it will no longer be regarded as active, subject to satisfactory conduct and performance.

Stage 2: Final written warning

If there is a failure to improve performance in response to the procedure so far, or there is a repeat of misconduct for which a warning has previously been issued, or if there is a first instance of serious misconduct or serious poor performance, then a final written warning will be issued. This will give details of, and grounds for, the complaint, and how the employee needs to improve their conduct or performance. It will state the timescale over which the improvement is to be achieved, and warn that dismissal will probably result if the terms of the warning are not complied with. This final written warning will be recorded and active for 12 months. After this time, it will no longer be regarded as active, subject to satisfactory conduct and performance.

Stage 3: Dismissal

Failure to meet the requirements set out in the final written warning will normally lead to dismissal, with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. The Manager can make a referral to a panel of the Board of Directors to consider dismissal. If the decision is in favour of dismissal, the employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which his or her employment will terminate and how the employee can appeal against the dismissal decision.

Gross misconduct

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases, WVA reserves the right to dismiss without notice of termination or payment in lieu of notice. Examples of gross misconduct include:

- Any breakage of the law, such as theft and unauthorised possession or WVA property, fraud, deliberate falsification of records or any other form of dishonesty.
- Wilfully causing harm or injury to another employee, physical violence, bullying or grossly offensive behaviour.
- Deliberately causing damage to WVA property.
- Causing loss, damage or injury through serious carelessness.
- Wilful refusal to obey a reasonable management instruction.

- Incapacity at work through an excess of alcohol or drugs.
- A serious breach of health and safety rules.
- Harassing or victimising another employee on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, marital status, age and/or disability.
- Actions which damage the reputation of WVA or bring it into disrepute.
- Flagrant disregard of our policies and procedures.

The above is intended as a guide and is not an exhaustive list.

Suspension

In the event of serious or gross misconduct, an employee may be suspended while a full investigation is carried out. Such suspension will be in full pay. Suspension is a neutral act, which does not imply guilt or blame, and will be for as short a period as possible. An employee must be available to attend any fact finding interview during the suspension period.

Appeals

An employee may appeal against any disciplinary decision, including dismissal, to a panel of the directors of WVA within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal hearing chaired by a director. At the appeal hearing, the employee will be given the chance to state his or her case and will have the right to be accompanied by a fellow employee of his or her choice. Following the appeal hearing, the employee will be informed of the appeal decision and the reasons for it, in writing. The decision taken by WVA at the appeal hearing will be final.