

Disciplinary Procedure

Version: **2022-2025**

Approved by OWC: **22nd June 2022**

1 Introduction

The One World Centre (hereafter OWC) wants to help and encourage all employees to achieve and maintain required standards of conduct and work performance. This Disciplinary Procedure also aims to ensure that the OWC's services are maintained and effective while all staff, trustees and volunteers are treated fairly and equitably.

This procedure sets out the action that will be taken in response to alleged misconduct or poor work performance.

Line managers must ensure that their staff are aware of general and specific rules, standards and procedures covering work and conduct. Employees must familiarise themselves with these standards and procedures and follow them.

In appropriate cases of minor misconduct or unacceptable performance or behaviour, managers should use informal action before formal disciplinary action is taken. This may include setting clear targets and expectations, monitoring progress over a reasonable time period and providing additional coaching or training.

No disciplinary action will be taken until a case has been thoroughly investigated. When starting an investigation into an allegation of misconduct or poor performance, there shall be no assumption that disciplinary action will automatically follow.

Employees will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice and without payment in lieu of notice.

The procedure may be implemented at any stage if the alleged misconduct or poor performance warrants such action.

2 Who is authorised to take disciplinary action?

- Informal action/First warning or Improvement note/Final warning: Line Manager
- Dismissal: Convener of the OWC Management Committee or other designated member or members of the OWC Management Committee if the Convener is the Line Manager

3 What is gross misconduct?

Gross misconduct is defined as misconduct serious enough to destroy the employment contract between the OWC and the employee which makes further working relationship and trust impossible. Gross misconduct is normally restricted to serious offences. The principal reasons for summary dismissal could include but are not limited to:

- criminal offence which affects the individual's ability to carry out his/her job;
- physical assault by an employee on any other person;
- theft, misappropriation or unlawful destruction of property: OWC's, employees' or others';
- the giving or receiving of bribes or unauthorised gifts;
- serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury;
- supplying security access codes to any unauthorised person;
- unauthorised disclosure of information or misuse of trust of a serious nature;
- making malicious or unfounded allegations of a serious nature;
- deliberate falsification of any documents or claims, including time sheets, overtime or expense forms;

- misconduct at work or away from work of such a serious nature as to bring into disrepute either the employee's position or the OWC;
- serious discrimination relating to a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- harassment of a serious nature;
- deliberately accessing internet sites containing pornographic, offensive or obscene material; persistent alcohol or drug abuse;
- serious or persistent IT misuse:
- engaging in unauthorised employment during hours when contracted to work for the OWC or during periods of designated leave, for example annual or sick leave, time off for training, etc.;
- failure to disclose unspent criminal conviction(s) or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1974;
- providing false information on a job application form including false information concerning immigration status.

4 The procedure

If informal action fails to achieve the required improvement in performance or behaviour, then this procedure is followed.

i. Disciplinary Meeting

Following an investigation, the employee should, without unavoidable delay, be given a letter detailing the allegation, the possible consequences and inviting them to a disciplinary meeting. This will also state that they have the right to be accompanied by a trade union representative or work colleague at the meeting. Although not a right, the OWC may decide to allow a companion to attend instead of one of these specified accompaniers. At the same time the employee will be provided with copies of all documentation and supporting evidence to be presented at the meeting.

The Disciplinary Panel should consist of at least two people. In addition, where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting. Following an investigation, the employee should, without unavoidable delay, be given a letter detailing the allegation, the possible consequences and inviting them to a disciplinary meeting.

This will also state that they have the right to be accompanied by a trade union representative or work colleague at the meeting. Although not a right, the OWC may decide to allow a companion to attend instead of one of these specified accompaniers.

At the same time the employee will be provided with copies of all documentation and supporting evidence the case, will take down a record of the meeting.

If there are any witnesses, they should not be present throughout the meeting. They should be called in, one by one, to give their evidence and asked to leave once they have done so.

The Line Manager (or Convener of the OWC Management Committee or alternative as appropriate) will chair the meeting and open it with an explanation of its purpose and will read aloud the allegations.

The employee and her/his representative can ask questions including of any witnesses called.

The Line Manager/Chair will then ask the employee if s/he wishes to take the opportunity to respond to the allegations or concerns or if there are any mitigating circumstances to be taken into account.

The Panel may question the employee and any witnesses called. The Line Manager/Chair will summarise the main points of the discussion and ask the employee if they have anything further to say.

The Panel will then consider the details heard in private. It must decide whether the case against the employee has been established on the balance of probabilities, i.e. whether misconduct is confirmed or the employee's performance is found to be unsatisfactory.

If this is the case, when the Panel is considering appropriate disciplinary action, it should also consider any special, mitigating circumstances, the employee's previous disciplinary or performance record, how

the OWC has dealt with similar cases in the past and whether the proposed action is reasonable in view of all the circumstances.

The Line Manager/Chair shall give the employee written confirmation of the decision normally within five working days of the meeting. This will include notifying the employee of her/his right of appeal and the procedure to be followed.

ii. Disciplinary Action

If following the disciplinary meeting it is decided to take action, one of the sanctions below may be applied.

Stage 1 - Written Warning

If conduct does not meet acceptable standards the employee will normally be given a written warning by his/her supervisor/line manager. S/he will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A copy of this written warning detailing the complaint; the change in behaviour required; and dates for review will be kept in the employee's personal file but will be disregarded for disciplinary purposes after a specified period.

Or

Improvement Note for Unsatisfactory Performance

If performance does not meet acceptable standards the employee will normally be given an improvement note by his/her supervisor/line manager. S/he will be advised of the reason for the note and of their right of appeal. A copy of this note detailing the performance problem; the improvement required; the set timescale for improvement; and dates for review will be kept in the employee's personal file but will be considered spent after a specified period – subject to achieving and sustaining satisfactory performance.

Stage 2 – Final Written Warning

If performance is still unsatisfactory or if a further misconduct occurs, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warnings), the employee will be given a final written warning if that is the decision of the Disciplinary Panel. This will give details of the complaint; the improvement required; the set timescale for improvement; and dates for review. It will warn that dismissal may result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months (in exceptional cases duration may be longer) subject to achieving and sustaining satisfactory conduct or performance.

Stage 3 - Dismissal

If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, or if the offence constitutes gross misconduct, dismissal will normally result if that is the decision of the Disciplinary Panel. The employee will be provided as soon as reasonably practicable with written reasons for dismissal, the date on which his/her employment will terminate and be advised of the right of appeal.

iii. Appeal

An employee may appeal against the decisions of the disciplinary meeting taken under this procedure to the OWC Management Committee

The employee wishing to appeal against a disciplinary decision, must do so in writing within five working days of receiving written notification of the disciplinary action, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.

Arrangements for the appeal meeting will be made by the OWC Management Committee which will ensure that a note-taker is present if possible. The appeal meeting should be held without unavoidable delay. At least two members of the Management Committee will constitute an Appeal Panel, excluding any who line-manage the employee and who made the decision which is the subject of the appeal.

The decision of the Appeal Panel or person hearing the appeal shall be final.

5 Suspension

Suspension is not a disciplinary action and will normally be on full pay. It should only take place where it is considered that the employee may impede the disciplinary investigation or commit further offences if he/she remains at work.

The Convener (or alternative) of the OWC Management Committee will inform the employee in writing that s/he is to be suspended immediately: stating the nature of the alleged offence, the purpose of suspension, and its anticipated duration.

Suspension in these circumstances should be no longer than required to complete the investigation.

If, on completion of the investigation and the full disciplinary procedure, the OWC is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Approval and review

This procedure was approved by the One World Centre Management Committee on the date specified in the header of this document. It will be reviewed every three years. All trustees, staff and volunteers with One World Centre are required to sign that they have read and will comply with this procedure.