



## STAPLE HILL COMMUNITY HUB DISCIPLINARY POLICY

The disciplinary procedure and associated sanctions shall apply where:

- employees breach the rules contained in their terms and conditions of employment ; or
- employees are accused of harassment or victimisation.

Misconduct can include (but is not restricted to):

- misuse of Staple Hill Community Hub's facilities including computer facilities (eg email and the Internet)
- poor timekeeping
- unauthorised absences
- breaches of health and safety rules.

The rules of Staple Hill Community Hub are contained in each employee's written statement of employment particulars and in other policy documents. In particular, employees should be aware of the rules covering any acts of discrimination or harassment contained in the Equality and Diversity policy.

This policy applies only to paid employees of Staple Hill Community Hub. However, it is expected that it will be used as a guide in the event of disciplinary issues with volunteers.

### **Gross Misconduct:**

Acts which will be deemed to be gross misconduct and may lead to summary dismissal (dismissal without notice) for the first offence include:

- theft, fraud and deliberate falsification of records;
- physical violence or assault;
- deliberate damage to property;
- serious abuse of IT Acceptable Use policy
- fraudulent misuse of the organisation's property or name;
- incapacity for work due to being under the influence of alcohol or illegal drugs
- serious negligence which causes unacceptable loss, damage or injury;
- serious acts of insubordination;
- serious infringement of health and safety rules;
- serious breach of confidentiality,
- serious breach of Staple Hill Community Hub's Equality and Diversity policy
- any other acts which are deemed to be of sufficient seriousness as to constitute gross misconduct.



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### Disciplinary procedures

#### 1. Introduction

Staple Hill Community Hub's aim is to encourage all employees to maintain high standards in individual conduct and work. This procedure sets out the action which will be taken in response to cases of alleged misconduct and poor work performance. The procedure is designed to establish the facts quickly and to deal consistently and fairly with any disciplinary issues.

With the exception of acts that may be deemed as gross misconduct, Staple Hill Community Hub will attempt to deal with concerns informally through its normal management procedures prior to commencing formal disciplinary action.

Where disciplinary action is being considered the employee will be informed in advance. No disciplinary sanction will be taken until the matter has been fully investigated and the individual has been given an opportunity to state their case at a disciplinary meeting.

Meetings will be held in private and the need for confidentiality must be respected at all stages.

Staple Hill Community Hub's Board of Trustees reserves the right to involve individuals from outside the organisation to assist with any investigation, and at any stage in the process. For criminal matters, this may include the involvement of the Police. Any such third parties will agree to be bound to respect confidentiality.

Where an employee has a recognised disability, appropriate reasonable adjustments will be made to the procedure. This might involve, for instance, allowing a reader or sign language interpreter to attend, or giving assistance with written submissions.

#### 2. Failure of probationary period – simplified procedure

Where an employee's performance is not considered to be satisfactory in spite of support and clear targets for improvement at any time during the probationary period, but particularly at either the 3 month or the 6 month review stages or at the end of an extended probationary period, the contract may be terminated.

Where termination is a possibility, the employee will be informed in writing that a meeting is to be held to discuss concerns about performance and that this could result in dismissal. Appropriate evidence will be supplied. The meeting will be conducted by the Chair of Trustees, unless this is the same person in which case a Trustee will also be present. The employee will be entitled to bring a companion of their choice to this meeting.

The employee will be informed of the outcome of the meeting in writing and the decision will be final.



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### 3. **Responsibility for action and appeal at each stage**

This procedure has been designed to ensure that those responsible for initiating disciplinary action through the various stages are clearly identified and that employees can appeal to an appropriate group of people at each stage of the process. The responsible person or body is identified in the grid below.

### 4. **The Disciplinary Hearing**

Employees will be informed of the date of the disciplinary hearing in writing and no less than 5 days notice will be given. At the same time, the employee will be informed in writing of the nature of the disciplinary hearing including the substance of the complaint and supporting evidence, the names of the panel and any witnesses that may be called. The employee will be told that they have the right to be accompanied at the hearing. In cases of possible gross misconduct the employee will be informed of this and told that a possible sanction is dismissal.

Employees have the right to be accompanied [or represented] by a person of their choice at all disciplinary meetings. The employee must inform the employer whom they have chosen as their companion in advance of the meeting and must give advance notice of any witnesses to be called. Disciplinary hearings will be conducted by the responsible party, as outlined in the grid below.

The hearing will be conducted according to the format set out below.

If either the employee or their companion is not available to attend the meeting on the proposed date, the meeting may be postponed to a mutually convenient time proposed by the employee that must be no more than 5 working days after the day originally proposed by Staple Hill Community Hub.

The aim must be to conduct and conclude disciplinary proceedings within a reasonable timescale in order to reduce uncertainty and stress for all parties. If either side, for good reason, fails to attend an agreed meeting, the meeting may be rearranged once. Any subsequent agreed meeting may, at the discretion of the disciplinary panel, proceed without the person who is unable to attend. In exceptional circumstances, for instance where *either* the person initiating the disciplinary action *or* the employee against whom the allegations are made cannot attend because of sickness, a written submission may be acceptable; however in the interests of a fair hearing, this should be a last resort.

If an employee consistently refuses to attend a disciplinary interview (or to submit a written response) without good cause, Staple Hill Community Hub will make a decision based on the information available.

Following the meeting, the disciplinary panel will decide whether a disciplinary sanction is justified or not.

Where it is decided that no sanction is justified the employee will be informed.



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Where it is decided that a disciplinary sanction is justified the panel will decide what form this should take. Before making any decision, account should be taken of the employee's disciplinary and general record, length of service, actions taken in any previous similar case, the explanations given by the employee and whether the intended disciplinary sanction is reasonable in the circumstances.

### 5. Composition of Disciplinary Panels

Post Holder	Responsible Person	Panel to include
Staff excluding the Chair	Chair / member of the Board of Trustees	1 (other) member of the Board of Trustees
Chair	Member of the Board of Trustees	1 other member of the Board of Trustees
Members of the Board of Trustees	Member of the Board of Trustees	1 other member of the Board of Trustees

No person directly involved in any allegation of misconduct or who is a significant witness in the case may be a member of the disciplinary panel.

No-one may sit as a panel member who is implicated in any allegation of misconduct, or who is involved in giving evidence for the investigation, or who is likely to be called as a witness.

The Chair of Trustees should not be involved at an early stage in any disciplinary hearing in case they are needed as part of the appeal process. (See below for composition of Appeal Panel.)

The format for the hearing will be as follows:

- The person or body responsible for initiating the disciplinary action and any Investigating Officer will present their reasons for calling the disciplinary meeting and will go through their previously gathered and disclosed evidence to the panel as appropriate. They may call witnesses as previously notified.
- The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be allowed to ask questions, present evidence, call witnesses as previously notified and raise points about any information provided by witnesses.

In cases of harassment or personal abuse / assault, the disciplinary panel must make appropriate arrangements to protect the personal safety of any witnesses.

The disciplinary panel may adjourn to consider evidence or undertake further investigation as appropriate.



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Once all evidence has been presented from both sides, the disciplinary panel will consider the evidence and determine whether disciplinary sanctions will be imposed and the level of sanction as identified below.

The employee will be informed of the results of the disciplinary hearing and the reasons for the decision as soon as possible. This will be confirmed in writing.

### **6. Disciplinary Sanctions:**

There will be four possible sanctions that may be imposed as a result of a disciplinary hearing; each designed to cover varying degrees of seriousness of the case and also to give a proper sequence for persistent cases. The disciplinary panel may impose any level of sanction, as it deems necessary, depending on the severity of the case.

#### **6.1 First Warning:**

Where the case is of sufficient seriousness or, in the case of capability concerns in the probationary period, where the employee is not showing the required improvement in work performance, a first warning will be given.

Notes of the warning will be placed on the employee's record, where they will be kept for six months and a copy given to the employee.

The employee will be advised that the warning constitutes the first formal sanction of the disciplinary process. The nature of the offence and the likely consequences of further offences or a failure to improve within the specified timescale will be explained to the employee. The employee will be informed of their right of appeal.

#### **6.2 Written Warning:**

Where the case has already involved the first warning stage and insufficient improvement has been made, or where the case is of sufficient seriousness, a formal written warning will be given.

The written warning will include: –

- a) the decision to issue the warning;
- b) the cause or nature of the offence(s);
- c) action required of the employee, including details of work performance improvements required in the case of action relating to capability in the probationary period
- d) time scale in which improvement is expected;
- e) any assistance which the Hub may make available;
- f) the right of appeal;
- g) the length of time the warning will remain on file;



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- h) the likely consequences of further offences or a failure to improve within the specified timescale.

Written warnings will remain on file for twelve months.

### 6.3 Final Warning:

Where the case has already involved the written warning stage and insufficient improvement has been made, or where the case is of sufficient seriousness, a final warning will be given.

The final warning will cover the same information as contained in the written warning, together with a statement that the consequences of further misconduct or insufficient improvement will be dismissal.

The final warning will remain on file for 18 months.

### 6.4 Dismissal:

Where the case has already involved the final warning and insufficient improvement has been made, or where the case is of sufficient seriousness to constitute gross misconduct, the employee may be dismissed.

No decision to dismiss will be made without holding a formal disciplinary meeting at which the employee has the opportunity to present their case.

This policy will be followed in cases of dismissal (apart from dismissal during the probationary period, when the procedure at paragraph 2 above will be followed), gross misconduct, incapacity, repeated misconduct or breach of contract, but not the termination of fixed term contracts or redundancy.

## 7. Investigation:

Where an employee is subject to allegations that may make it necessary to invoke the disciplinary process, or where an employee is suspected of having committed gross misconduct, a full investigation will be carried out prior to any disciplinary hearing. The employee may be suspended with pay during this period (see below). All employees are required to contribute to any investigation where requested, whether suspended or not.

The employee who is the subject of the allegation may also be called to an investigatory or fact finding interview. The purpose of the interview, which is to try to establish the facts of the case, must be clearly stated to the employee. The employee must be given advance warning and time to prepare. They may bring a companion to the interview. No disciplinary sanction will take place at this interview, but statements made at the interview may be used as evidence in a subsequent disciplinary meeting.



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An Investigating Officer appointed by the Chair and/or Vice Chair of the Board of Trustees will carry out the investigation. The Investigating Officer will not be someone who is responsible for the decision to dismiss or is involved in the appeal procedure, and may be an external party brought in for the purposes of conducting the investigation.

### 8. **Suspension:**

In cases where there is reasonable ground for suspecting that an employee is subject to an allegation of gross misconduct, or where it is considered necessary to enable an investigation to be undertaken, the employee will be suspended on full pay while the case is investigated.

The decision to suspend will be made by the employee's line manager in consultation with the Chair and/or Vice Chair of the Board of Trustees. The terms of suspension will be conveyed to the employee in writing. During any time of suspension, the employee is required to surrender their keys to the Hub, and to comply with any conditions of suspension.

On completion of the investigation, a disciplinary hearing will be held as soon as is practicable, unless the finding is that there is no case to answer.

The employee will remain suspended during the period of any disciplinary process, which may include additional periods of investigation subject to the decisions of the disciplinary panel.

A decision to suspend an employee is not a disciplinary sanction and will not be counted as such nor held on file as such. Employees will not be warned in advance of a decision to suspend.

### 9. **Appeal**

The right to appeal shall apply to all outcomes of a disciplinary hearing and may be exercised by the employee writing to the Chair of the Trustees within 14 days of notification of the decision, giving the grounds of the appeal.

Any appeal will be held as soon as practicable following receipt of the appeal letter. The appeal hearing may take place before or after disciplinary action or dismissal has taken effect.

Employees have the right to be accompanied [or represented] by a person of their choice at all appeal hearings, but they must inform the person responsible for holding the appeal who it is they have chosen in advance of the meeting.

Appeals will be heard by the responsible party, as outlined in the grid below.

The format for the appeal will be as follows:



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- The person or body responsible for initiating the disciplinary action and any Investigating Officer will present their reasons for the decision to the appeal body.
- The employee may present their case to the appeal body.
- Both sides may call witnesses to support their case. Names must be supplied prior to the hearing. This applies to both parties.
- In cases of harassment or personal abuse / assault, the appeal body must make appropriate arrangements to protect the personal safety of any witnesses.

The appeal body can make the following decisions:

- To uphold the first decision against which the appeal is made.
- To uphold the appeal.
- To vary the sanction imposed by the disciplinary panel – eg to change a final warning to a written warning.
- In the case of dismissal, to uphold the appeal not to dismiss but to vary the sanction imposed.

The employee will be informed of the results of the appeal and the reasons for the decision as soon as possible and this will be confirmed in writing.

No person directly involved in any allegation of gross misconduct, a significant witness or anyone who has been involved in previous decisions will take part as a member of any appeal body.

Decisions of appeal bodies are final and there is no further appeal.

### **10. Responsibility Grid - Appeals:**

The Chair of Trustees will lead any appeal process (or the Vice Chair if this is deemed more appropriate in the circumstances).

The appeal panel will be made up of the Chair of Trustees (or Vice Chair) and 2 members of the Board of Trustees not involved in the disciplinary hearing.

### **11. Right to be accompanied:**

All employees are entitled by law to be accompanied by a trade union representative or work colleague of their choice during any disciplinary hearing. Over and above this, Staple Hill Community Hub will accept any mutually agreed person of the employee's choice as a companion or as a representative. The





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worker must inform the employer whom they have chosen as their companion in advance of the meeting.

There is no duty on a fellow worker to accept a request to accompany a work colleague and no pressure should be brought to bear on a person if they do not wish to act as a companion.

A worker who has been requested to accompany a colleague and has agreed to do so will be permitted to take a reasonable amount of paid time off to fulfil this responsibility. Staple Hill Community Hub will also allow a reasonable amount of time off for the accompanying person to confer with the worker before and after the hearing.

### **12. Overlapping grievance and discipline**

A disciplinary process may be temporarily suspended to allow a grievance to be heard or, if the grievance and discipline are related, the issues may be dealt with concurrently.

### **Related policies**

Written Statement of Employment particulars  
Equality and Diversity Policy  
Capability policy

### **Review of this procedure**

The disciplinary procedure will be reviewed at least every 3 years by the Trustee Board.

Any changes to this procedure will be ratified by the Board before implementation.

Adopted: June 2016  
Last reviewed: May 2019  
Next review: May 2022



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### **Appendix**

Below are extracts, or summaries, from the Acas Code of Practice and the Acas Guide to Discipline and Grievances at Work.

#### ***The disciplinary/dismissal procedure***

- *Establish the facts*
- *Inform the employee of the problem*
- *Hold a meeting*
- *Allow the employee to be accompanied*
- *Decide on appropriate action*
- *Give right of appeal*

#### ***What rights does the worker have to be accompanied at a disciplinary/grievance meeting?***

*Under the law, a worker invited to attend a disciplinary or grievance meeting who "reasonably requests" to be accompanied, must be allowed to bring a "single companion" who can be either a trade union official or a colleague. It is the sole right of the worker concerned to choose the "companion" from their work colleagues or trade union. The worker must inform the employer who they have chosen as their companion. The law does not place a duty on trade union officials or fellow workers to perform the role as the "companion".*

#### ***What rights has the chosen "companion"?***

*Where the "companion" is:*

- *a fellow worker, that person has the right to paid time off during working hours to attend the meeting*
- *a trade union officer within the same employer as the worker, that individual has the right to paid time off for trade union duties*
- *a trade union officer from another organisation, there is no right to paid time off. The legislation does not place a duty on trade union officials or fellow employees to take on the role of accompanying individual.*

#### ***What is the "companion's" role at the meeting?***

*The "companion" is allowed to address the meeting in order to put the worker's case, sum up the case, respond on the worker's behalf to any view expressed at the meeting and confer with the worker during the meeting. The 'companion' does not have the right to answer questions on behalf of the worker, address the meeting if the worker indicates that he doesn't want the companion to do so, or prevent the employer from putting their case.*

#### ***What happens if the "companion" is not available to attend the meeting?***

*The employer has to postpone the meeting to a time proposed by the worker which has to be:*

- *reasonable, and*



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- *fall within a period of 5 working days beginning with the first working day after the day originally proposed by the employer.*

### ***What amount of time off is the "companion" allowed?***

*This is the amount of time which is "reasonable in the circumstances of the case".*

### **Further Guidance for handling disciplinary procedures**

#### **Acas publications:**

**Code of Practice** on Disciplinary and Grievance Procedures

Model letters/forms for all stages of a disciplinary process are included at the end of the above Guide.

#### **Government website**

<https://www.gov.uk/solve-workplace-dispute>

<https://www.gov.uk/taking-disciplinary-action>