



Charity Reg: 1114803

## **DISCIPLINARY POLICY**

### **What is a disciplinary procedure?**

A disciplinary procedure is a clear process enabling employers to address issues of misconduct that might be committed by employees during the course of their employment. It sets a framework to operate within to ensure that there is consistency of treatment, yet also allows for individual and mitigating circumstances to be addressed and considered.

The Trustee Board of the Arun Sunshine Group in accordance with its Equal Opportunities Policy would wish the Disciplinary and Grievance procedures to apply equally to staff and volunteers.

### **Implementation & Quality Assurance**

Implementation is immediate and this Policy shall stay in force until any alterations are formally agreed.

The Policy will be reviewed every two years by the Board of Trustees, sooner if legislation, best practice, or other circumstances indicate this is necessary.

All aspects of this Policy shall be open to review at any time. If you have any comments or suggestions on the content of this policy please contact: Gary McHardy, [chair@arunsunshine.org.uk](mailto:chair@arunsunshine.org.uk), Mob: 07944 527886 or at 2 Beechlands Cottages, Beechland Close, East Preston, West Sussex, BN16 1JT

### **Policy Statement**

Disciplinary rules and procedures are necessary for promoting fairness and equality in the treatment of individuals and in the conduct of employment relations.

All employees/volunteers will have the right to be advised by their immediate manager/supervisor when their performance, conduct or other actions fall below the standards expected of the ASGs employees/volunteers.

All employees/volunteers will be provided with appropriate assistance to achieve the expected standards of conduct and performance.

Disciplinary action against an employee/volunteer arising from a breach of rules or a failure to meet the required standards of conduct, attendance or job performance will be taken only in accordance with the agreed procedure.

The procedure applies to all staff/volunteers employed by Arun Sunshine Group. The Board of Trustees has the responsibility for the maintenance of discipline.

**Registered Office:** 2 Beechlands Cottages, Beechland Close, East Preston, West Sussex, BN16 1JT

## Disciplinary Procedure

This procedure applies to all employees/volunteers of Arun Sunshine Group and aims to ensure that disciplinary action is fairly and consistently applied throughout the organisation. It seeks also to ensure that Management, Unions, Employees and Volunteers are aware of their rights and obligations in respect of disciplinary and appeals machinery.

### General Principles

- **Interviews.**

An interview will take place with an Employee/Volunteer at every stage of the procedure if formal action is being considered. In this case the Employee/Volunteer will be informed in advance of the reason(s) for the interview, be afforded an opportunity to be represented and be given the opportunity to state his/her case.

- **Employees/Volunteers**

May be represented by a person of their choice. Adequate notice will be given of dates of formal interviews.

- **Types of warning.**

The point at which a procedure is entered, or any of its stages omitted, will be dependent on the degree of seriousness of the incident or offence. A series of minor incidents or offences or a repetition of one offence may involve the entire procedure, whilst a serious incident or offence may lead directly to a final warning. Gross misconduct may lead to dismissal without prior warning.

- **Informal warning:**

After establishing the facts, it may be considered that there is no need to resort to the formal procedure, and that it is sufficient to talk the matter over with the Employee/Volunteer. A clear distinction is made between an informal verbal warning issued in the context of supervision, which is not recorded on a personnel file, and a formal verbal warning issued as part of the formal disciplinary procedure, which is recorded on the personnel file.

**Staff/Volunteers are advised that there are five grounds for dismissal.** These are as follows: -

1. The Employee's/Volunteer's conduct
2. The capability or qualifications of the employee/volunteer for performing work of the kind (This includes sickness).
3. A legal restriction making continued employment/volunteering impossible.
4. Redundancy.
5. Some other substantial reason justifying the dismissal of an Employee/Volunteer from his/her post.

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**Suspension:**

In serious cases it may be necessary for an Employee/Volunteer to be suspended (with pay if an employee) to allow for matters to be investigated.

**Records:**

Records of formal warnings will normally remain on the Employee's/Volunteer's personal file for a Period of 6 months in the case of oral warnings and 12 months in the case of written warnings. The member of staff's signature on all letters or personnel records confirming disciplinary action will be requested.

**Authorised Officers:**

Formal action under the disciplinary procedure will not take place at a level lower than that of Manager or Chair.

## **The Formal Disciplinary Procedure**

**Stage 1 Verbal Warning:**

If an Employee's/Volunteer's performance or conduct is not of the required standard, a verbal warning will be issued. A note will be put on his/her personal record. If performance\conduct improve within the agreed time no further action will be taken and the note on file will be destroyed.

**Stage 2 First Written Warning:** If the incident or offence is of a more serious nature, or if performance or conduct have not improved as a result of a verbal warning, a written warning will be issued by the Chair. In this case a warning letter will be sent to the Employee/Volunteer stating the reasons for the warning, the consequences of repetition of the offence and the right to appeal.

**Stage 3 Final Written Warning:** A final written warning will be issued by the Chair in the case of further incidents/offences, or where serious misconduct has taken place. It will state the reasons for the warning, that similar misconduct could lead to dismissal, and the right to appeal.

**Stage 4 Dismissal:** Dismissal will take place where there are further incidents/offences, and a final warning has already been issued. In such cases the right is reserved to pay salary in lieu of notice (employee). In the case of gross misconduct (see Appendix A) dismissal will take place without notice or pay in lieu of notice (employee). A letter confirming dismissal will be issued to the Employee/Volunteer by the Chair within seven working days stating the reasons for dismissal, the amount of notice given and the right of appeal.

## **Appeals**

An Employee/Volunteer is entitled to appeal against any disciplinary action

Appeals relating to verbal and written warnings will be considered by a nominated sub-committee of the Board of Trustees of Arun Sunshine Group. Appeals relating to dismissal will be heard by the Board of Trustees less the sub-committee.

An Employee/Volunteer wishing to appeal against a warning should give notice in writing to the Chair within three days of receipt of the warning. Notice of an appeal against dismissal must be given in writing to the Chair within one week of receipt of the letter of dismissal.

## **Discipline and the Manager**

In cases where the Chair is to be the possible subject of disciplinary action, disciplinary interviews and any consequent action will be the responsibility of a nominated sub committee of the Board of Trustees of Arun Sunshine Group in relation to an oral warning, a written warning, a final warning and dismissal.

The sub-committee is entitled to suspend the Chair pending consideration of any case that may possibly lead to dismissal.

Appeals under each of the categories outlined above are to be heard by the Board of Trustees of Arun Sunshine Group, less those members of the sub committee.

## **Gross Misconduct**

Gross Misconduct is defined as misconduct of such a serious nature as to warrant summary dismissal.

Examples are given below of some occurrences which could be so regarded. The list is not intended to be exhaustive and there may be other offences of a similar gravity which will constitute gross misconduct and therefore result in dismissal without previous warning.

Unauthorised use or possession of property belonging to Arun Sunshine Group, other Employees/Volunteer's, or Members.

- Improper receipt or offer of money, goods or favours
- Any attempt to defraud or misappropriate funds
- Physical assault, violence, or malicious treatment of another person
- Incapacity at work through drink or the misuse of drugs
- Serious breach of confidence
- Serious racial or sexual harassment
- Any action which could seriously endanger the health and safety of others.
- Inclusion of false information when applying for a post which could materially affect an Employee's/Volunteers suitability or selection for the post.

## **Monitoring**

The success of any policy depends upon the commitment of all employees and volunteers but particularly of senior management and Trustees. The effectiveness of the policy in meeting the aims of the Charity can be judged by careful monitoring of the operation of the policy.

**Document**

Review Schedule

Every two years

Next review due

June 2024

Owner (Responsibility)

Gary McHardy – Chair of Trustees

Pass amendments to:

Kim Graysmark - Project Leader

**Revision History**

Revision date	Summary of Changes	Other Comments
June 2022	Approved by Board of Trustees	Next review due June 2024
May 2024		Next review due June 2026