



Sussex Clubs for Young People Disciplinary and Dismissal Procedure

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Signed

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Purpose

In any working environment it is important that standards are set and rules and regulations developed to inform and protect all those involved.

We firmly believe that the fairest way to resolve any problems relating to conduct is to have a well-structured disciplinary procedure. The procedure is designed to help and encourage all employees to achieve and maintain our standards of conduct and attendance.

The procedure will be used when behaviour is inappropriate and needs to be modified in line with SCYP aims. It should be looked upon as a corrective process. This procedure sets out the steps normally followed in the disciplinary procedure. It is non-contractual and we reserve the right to vary, to begin, or terminate the procedure at any stage.

Scope

This policy applies to all employees and all volunteers.

SCYP is committed to good employment practices. The principles and procedures set out below have been developed as part of this commitment. The approach complies with recommendations in the ACAS Code of Practice.

Related Policies and Procedures

Performance Improvement Policy and Procedures

Grievance Policy and Procedures

Definitions

Line manager: The person to whom the employee reports day-to-day; and who is responsible for the supervision of the employee's task related work.

Operating the Policy

1. We hope wherever possible that minor issues of misconduct can be discussed informally between you and your line manager. The disciplinary procedure is designed to deal with repeated minor offences or misconduct, and more serious offences or misconduct.
2. At every stage in the procedure you will be advised of the nature of the complaint against you and you will be given the opportunity to state your case fully before any decision is made.
3. At all stages the staff member or volunteer will have the right to be accompanied by a work colleague or trades union official during the disciplinary interview. This person may have the same speaking rights as the member of staff.
4. Only those line managers with appropriate management training, as approved by the Chief Executive Officer will be eligible to carry out disciplinary meetings.
5. The disciplinary procedure may be entered at any stage, depending on the nature of the problem, the seriousness of the offence or whether the offence has been deliberately committed.

6. No disciplinary action will be taken against you without a full investigation and a disciplinary meeting.
7. We reserve the right to suspend, on full pay, where there is a suspected act of gross misconduct. Such suspension does not constitute disciplinary action; it merely allows the necessary investigations to take place into an alleged act of gross misconduct. Where an employee is hourly paid, they will be paid as if working their normal hours but without bonus or overtime payment.
8. Only the Chief Executive Officer can make the decision to dismiss an employee.
9. A range of penalties may be used following disciplinary action, depending on the circumstances of the case. This may include, for example no salary increase, or transfer to a different role.
10. These procedures are cumulative. If the employee's behaviour or conduct gets worse or there is a further repeat of any misconduct or offence within the time limit set, we reserve the right to invoke this procedure at any stage depending on the circumstances.

Stages in the Procedure – under two years' service

Before taking the decision to dismiss on the grounds of misconduct or poor performance we will, as a general rule and subject to any statutory exceptions, follow the procedure set out below.

Stage 1: Notification of allegations

We will notify you in writing of the allegations made against you and will invite you to a disciplinary meeting to discuss the matter. We will also notify you of the bases for the complaint and the alleged misconduct or poor performance.

Stage 2: Disciplinary meeting

Having given you a reasonable opportunity to consider your response to the allegation, a disciplinary meeting will then take place at which you will be given the chance to state your case. A work colleague may accompany you if you wish. You should take all reasonable steps to attend the meeting. Following the meeting, you will be informed of the decision in writing and notified of your right to appeal against the decision.

Stage 3: Appeal

If you wish to appeal you should write to the Chief Executive Officer within five working days of the decision. Your written appeal should state the grounds for your appeal. You will be invited to an appeal meeting chaired by the Chief Executive Officer, or someone appointed by him. A work colleague may accompany you in the appeal meeting if you wish. You should take all reasonable steps to attend the meeting. You will be given chance to explain why you are appealing and to present any new information relevant to your appeal. Following the appeal, you will be informed of the decision in writing. The decision of this appeal meeting is final.

Stages in the Procedure – over two years’ service

The following table shows the management level at which decisions can be made at the three stages of the procedure.

	Level of Warning	Management Authority
Stage 1	Verbal Warning	Line manager [suggested]
Stage 2	First Written Warning	Line manager [suggested]
Stage 3	Final Written Warning	Chief Executive Officer
Stage 4	Dismissal with notice, or other disciplinary action, or dismissal without notice for gross misconduct	Chief Executive Officer

Note: Stage 1 is an informal part of the disciplinary process. Stages 2 to 4 form the formal disciplinary and dismissal process.

Minor criticisms from time to time will be dealt with informally by your line manager who will correct any misunderstandings, reiterate the standard required and discuss areas for improvement. It is expected that in most cases this informal discussion will quickly resolve most difficulties. However, a verbal warning could be appropriate at this stage.

If unsatisfactory conduct continues, the formal stages of the disciplinary procedure may be invoked.

In the case of minor infringements Stage 1 will be invoked and a verbal warning given. In more serious cases a written warning (Stage 2) may be given, as appropriate to circumstances. In the event of gross misconduct, summary dismissal (Stage 4) may take place, following due process. At all levels, any sanction can only be given following a full investigation and a disciplinary meeting. In the case of summary dismissal, the employment would terminate immediately without notice, or payment in lieu of notice.

In some circumstances it may be appropriate to invoke disciplinary sanction as an alternative to dismissal. Such action could include suspension without pay for a period of up to, and including five days; a demotion; or transfer to another role (either of which may result in a reduction in salary).

Investigations

If a problem comes to light with your work, or an offence has been alleged this will be investigated. In an investigation, all relevant facts and information will be collected and you will be invited to attend a disciplinary meeting where the facts can be discussed.

Suspension

If you are suspended from work, this is to allow time to gather all the facts of your case prior to deciding what disciplinary action, if any, should be taken. This suspension is not a disciplinary sanction and does not constitute any prejudgment.

In such circumstances you will be seen by the Chief Executive Officer and given a letter confirming the grounds for your suspension, any terms associated with this (for example, requiring you not to

return to the premises until requested to do so) and, where possible, a date by which we will contact you and advise you of the next stage. During your period of suspension, you will remain on full pay (as detailed in point 5 above). You must be available to attend an investigation meeting and subsequently a disciplinary meeting during this time.

Notification of allegations

We will notify you in writing of allegations against you and will invite you to a disciplinary meeting to discuss the matter. We will also notify you of the basis for the complaint or alleged misconduct. Once we have allowed you time to consider your response to the allegations we will invite you to a meeting to discuss the allegations. You will be given a chance to state your case. You should make reasonable efforts to attend this meeting.

Disciplinary Meetings

1. At each formal stage of the procedure minutes of the meeting will be taken. Where possible this will be by someone other than the person chairing the meeting. Where there is no suitable person internally we reserve the right to appoint an external consultant for this purpose.
2. A written invitation will be given for attendance at a disciplinary meeting. The letter will state the reason for the meeting, and should the suspected conduct be so serious as to warrant possible dismissal, this will also be stated. Details of written evidence to be considered in the meeting will normally be included in the letter along with a copy of this procedure.
3. At least three working days' notice will be given for any disciplinary meeting.
4. You have a statutory right to be accompanied by a fellow worker or trades union representative at disciplinary meetings, which could result in a formal warning (or other action) or dismissal or the confirmation of a warning or dismissal. If you wish to be accompanied you must advise the Chief Executive Officer as explained in the letter inviting you to the meeting.
5. Following the meeting you will be given the outcome in writing, and any rights that you have to appeal will be set out.

Disciplinary Meeting Format

The manager conducting the meeting will:

- explain the format of the meeting, the role of all present, adjournments and next steps;
- clearly state the nature of the offence or misconduct and go through the evidence supporting the facts;
- give you an opportunity to explain your case and advise of any mitigating circumstances which should be considered;
- have the option, if any new facts emerge at this stage, to adjourn the interview and reconvene at a later stage;
- consider whether a warning is necessary and, if so, clearly explain exactly what behaviour is required from you to improve and, where relevant, the help/assistance that will be provided by your manager. You will be asked for an assurance that the offence or misconduct will not be repeated and that you will achieve the objectives set during the improvement period specified;
- advise you of the outcome of the interview, the action to be taken, the period in which you have to improve and any penalties which may apply;
- advise you of the consequences if the situation continues and you have not improved within the time-limit, or if there is further misconduct or offence within the time-limit;

- remind you of your right of appeal against any warnings.

Role of a Companion

Although a colleague or trades union representative will not be allowed to answer questions on your behalf, they will be allowed to participate fully in the meeting, address the meeting and ask questions.

Where a colleague or trades union official is not available to attend on the date proposed for the meeting you will be invited to offer an alternative time and date (which must fall before the end of the period of five working days beginning with the first working day after the original date proposed). In proposing an alternative date, you should consider the availability of the relevant line manager, manager or appointed person chairing the meeting. The location and timing of any alternative hearing should be convenient to both you and the chairperson.

Sanctions

Verbal Warning

Whilst this first level warning is verbal it will still be noted on your personnel record for twelve months. You will be advised of the warning, and how you need to improve your conduct and the timescales over which you must improve. Failure to improve may result in the stage 2 of the process.

First Written Warning

You will be advised of the reason for the warning, how you need to improve your conduct and the timescales over which the improvement is to be achieved. The First Written Warning will remain on your personnel record for twelve months. Provide that there has been satisfactory conduct for the duration of the twelve months the warning will then be disregarded.

Final Written Warning

Failure to improve, or a repeat of misconduct for which the warning was previously issued, or in the case of serious misconduct, a Final Warning will be given. You will be notified in writing and the reasons for the warning explained. The letter will also explain how you need to improve and the timescale over which the improvement should take place. The Final Written Warning will remain on your personnel record for twelve months. Provide that there has been satisfactory conduct for the duration of the twelve months the warning will then be disregarded.

Dismissal

If it is decided that you should be dismissed you will be advised of the decision which will be confirmed to you in writing stating the effective date of termination and reminding you of your right of appeal.

Appeals Procedure

You may appeal against any warnings or against a decision to dismiss if you feel that:

- the severity of the disciplinary action was too harsh;
- the time-limits given for improvement is too short;
- the disciplinary or performance improvement interview was biased or unfair;
- new evidence has emerged that was not available at the time of the disciplinary meeting.

If you wish to register an appeal you should do so in writing, stating the grounds for your appeal. This should be sent to the person specified in the letter within five working days of the date on the

letter. If no written appeal is received within the time limit specified above, then it will be deemed that you have accepted the decision.

An appeal meeting will be arranged as soon as practicable but, in any case, within ten working days of receiving the appeal.

An appointed person not involved in the original decision will hear the appeal. If the appointed person is away due to business and holiday reasons then we reserve the right to extend the period in which appeal hearings are heard, or to ask an external consultant to hear the appeal. Pending the appeal, you may be suspended from work on full pay.

Within five working days of the appeal hearing you will be informed in writing of the decision taken which will:

- confirm the action already taken; or
- reduce the penalty; or
- cancel the penalty; or
- increase the original penalty.

The outcome of the appeal is final.

Retention of Disciplinary records

Copies of any documents, letters and other information relating to disciplinary offences and appeals will be retained on your personnel file. Provided that no further offences or misconduct have occurred, such letters and documents will be disregarded for disciplinary purposes after the following period of time:

Verbal warning: after 12 months;
First written warning: after 12 months;
Final written warning: after 12 months*.

*unless the disciplinary letter confirms that the offence was so severe that the warning remains 'active' indefinitely.

Any letters held on your file confirming dismissal, or any other disciplinary action, may be referred to in the event of requests for disclosure under the Transfer of Undertakings Regulations.

Disciplinary Action during the Probationary Period

During the six-month probationary period, or the extended probationary period, the procedures outlined above do not apply. This section explains the procedure during the probationary period.

If your performance or behaviour is unacceptable during the probationary period, discussions will take place with your line manager or manager to explain the shortcomings. A training plan and additional support will be put in place to assist the improvement of behaviour or performance. Where it is apparent that a satisfactory standard of behaviour or performance is unlikely, the probationary period may be extended.

If it is believed that the performance or behaviour is unlikely to match the requirements then a formal meeting will be held to discuss the performance and possible dismissal. You have the right to be accompanied at such a meeting.

Where an act of gross misconduct is found to have been committed summary dismissal will take place.

Examples of Disciplinary Offences

Actions considered as general misconduct

The following is a broad list of offences or misconduct that will result in disciplinary action being taken. It is for guidance only and is neither comprehensive nor exhaustive:

- Failure to meet your contractual obligations as set out in the current staff handbook, in your offer letter or other letters modifying the offer and your statement of the main terms and conditions of employment. This includes poor work standard and inadequate attention to work;
- Persistent absence from work without good reason;
- Failure to follow the absence reporting procedures as detailed in the staff handbook;
- Persistent lateness or poor timekeeping;
- Carelessness or recklessness likely to cause damage to company property or cause injury to other persons, but not serious enough to be considered gross misconduct;
- Any action, whether committed on company premises or not, that is likely to bring the company into disrepute, but not serious enough to be considered gross misconduct;
- Failure to follow SCYP accounting procedures;
- Irresponsibility in relation to staff member's activities or impropriety in relation to the staff member's tasks for SCYP, whether or not within working hours, which the SCYP reasonably considers to be detrimental to or conflicting with the interests of the SCYP or likely to affect the staff member's standard of work;
- Use of foul language;
- Time wasting;
- Misuse, abuse or failure to comply with SCYP's policies on telephone system, computer, email or internet usage;
- Failure to carry out any reasonable or lawful instructions from any authorised manager; and
- Failure to comply with company rules, or standards and procedures, which are designed for the welfare, comfort or safety of employees, for example health & safety policy.

Actions considered as gross misconduct

The following are examples of gross misconduct offences. The list is not intended to be exhaustive but is a guide to the types of offence or misconduct that will be considered gross misconduct unless there are genuine mitigating circumstances:

- Gross negligence, or gross incompetence;
- Dishonesty, theft, embezzlement, fraud, falsification of records or accounts, irregular practices or any actions calculated to assist others in such activities;
- Intentional miss-statements in, or omissions of amounts or disclosures from accounting records or financial statements
- Deliberate/serious breach of health and safety rules/regulations;
- Serious breach of SCYP's policy and procedures on working with children, young people and vulnerable adults;
- Deliberate disclosure of confidential information;
- Serious breach of confidentiality;
- Conduct violating common decency;
- Gross carelessness resulting in damage, injury, loss or potential loss;

- Vandalism, malicious damage, or unauthorised possession of company property or that of other employees or customers;
- Fighting, disorderly or indecent conduct, assault, verbal or physical intimidation or threatening or improper behaviour against customers, members of the public or fellow employees on or off company premises;
- Criminal offences or legal convictions that in the opinion of the company are inconsistent with continued employment;
- Divulging or misusing confidential information likely to cause harm to the company or its customers;
- Copying information held on our computers, other than for back up purposes;
- Loss of any company equipment, through being left unattended, for example in vehicle or at client premises;
- Declaration of false information on company documents, for example, application forms, absence certification forms;
- Acts of incitement or discrimination or harassment on the grounds of sex, race, etc.;
- Reduced capability to carry out your duties due to the influence of alcohol, illegal drugs or any controlled substances;
- Smoking in prohibited areas;
- Accepting or offering gifts for direct or indirect commercial gain; and
- Undertaking private work on the premises without permission.

Conduct at work

The Company expects all employees to behave in a normal and reasonable manner. The following list provides examples of the type of conduct that the company would expect:

- To be punctual for the start of work and to keep within the break times.
- To give regular attendance at work and to minimise all unauthorised absenteeism.
- To be courteous, helpful and polite to all those with whom you have contact.
- To devote all your time and attention, whilst at work, to the company and ensure that all its property including confidential information, records, equipment, information technology, etc., is kept safe and used correctly.
- To comply with all the company's rules and regulations and to observe and perform all the terms of your employment as set out or referred to in your offer letter or subsequent letters, your Terms and Conditions of Employment and Staff Handbook.
- Not to be involved with any company, client or agent who is in direct competition with us.

Conduct outside working hours

Normally the company has no jurisdiction over employee activity outside working hours. Behaviour outside working hours will only become an issue if the activities adversely affect our company.

Adverse publicity, bringing the company name into disrepute, or actions that result in loss of faith in the company, resulting in loss of business, or loss of faith in the integrity of any individual, will result in the disciplinary procedure being instigated.

The detriment suffered by the company will determine the level of misconduct and it will also determine which disciplinary stage is most appropriate.

If the actions cause extreme embarrassment or serious damage to the company's reputation or image, a decision may be taken to terminate your employment. The company's procedures covering disciplinary hearings and appeals still apply.