

POLICY AND PROCEDURE



Solihull
Life
Opportunities

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Charity No. 1102297
England Company No.
5025939

Disciplinary

Category: staff

Introduction

There will sometimes be occasions in an organisation's activities where the conduct or performance of a staff member does not fit within SoLO's values or their job purpose and role and needs to be challenged. This is the policy that covers Disciplinary action taken against staff whose actions give cause for concern.

This policy only relates to staff who are employed by the organisation under a contract of employment and does not relate to:

*Agency workers – addressed through their own agency's disciplinary processes

*Volunteers – addressed through the terms of the volunteer agreement

Policy Statement

Solihull Life Opportunities wishes to ensure that all staff are treated well, fairly and with respect. SoLO also expects that staff will work within the scope of their job description in a manner which will enhance the experience offered to our learning disabled members, and one which supports other colleagues and volunteers. It is the intention of the organisation to deal with any disputes in a fair way which gives all parties equal opportunity to be heard and for their concerns to be expressed and dealt with appropriately.

A disciplinary is basically when something is happening that is not acceptable and gives rise to someone voicing concerns. The issues could be identified through performance review, whistle blowing, an external complaint, or a specific incident.

Wherever possible, within SoLO, we would like to see these raised informally in a manner that is looking to seek solutions for all parties. We would encourage both workers and line managers to try to deal with issues as quickly as possible in the work situation in a manner that respects individuals, listens carefully and is non-judgemental. We would seek, wherever possible to solve problems without the need to use the formal disciplinary procedure, but recognise that in some situations this will be necessary.

Policy Name: Disciplinary
Organisation: Solihull Life Opportunities

Next Review Date: May 2014

Pages in this document - 4

We all make mistakes at times, or take the wrong action that incurs consequences. Examples of these smaller mistakes could be arriving at work late, sending out incorrect information, speaking sharply to a colleague. These issues can often be identified through supervision and dealt with through a performance process. However, occasionally those deeds, within the work place, either due to their repetition or severity, for instance, persistent lateness, consistent errors in work, or abuse of a colleague mean that some formal action has to be taken by the employer.

These actions are covered by legal procedures called:

“Dismissal and Disciplinary Procedures”

To ensure that a staff member, as an employee/volunteer of Solihull Life Opportunities understand their rights, the following is a guide to what would happen if a staff member did something that required disciplinary action to be taken.

What sort of things could trigger a Disciplinary Procedure?

Most issues can be sorted within the workplace and the best place to do that is during a supervision session with their Line Manager. Areas of concern can be discussed and actions can be decided between the staff member and their Line Manager. The following is a list of triggers for disciplinary action (this is not exhaustive, but gives examples)

Gross misconduct

Usually, although not exclusively, where an illegal act has occurred

Gross misconduct may result in dismissal and will include actions such as:

- grievous bodily harm to a colleague or member
- threatening behaviour to a colleague or member
- misappropriation of funds (theft) from organisation or members
- racist, sexist or extreme bullying behaviour to a colleague or member
- sexual abuse of a colleague or member
- bringing the organisation into serious disrepute
- serious incapacity whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury.

Unacceptable conduct

Usually where the act is not illegal, but is unacceptable and impacts negatively on the work of the charity

Unacceptable conduct could result in dismissal, but may incur performance targets to be met and reviewed.

- harassment, bullying of colleagues or members
- petty theft
- timekeeping
- misuse of telephone or email facilities
- misuse of office stationery and postage or project resources
- carelessness in respect of health and safety
- unauthorised absence
- unsatisfactory work performance due to illness or disability or other factors
- refusal to undertake tasks specified within job description
- breach of confidentiality
- unauthorised use of organisation's property

What should a staff member expect if any of the above happened which can't be sorted out informally?

A staff member, regardless of the allegations against them, will be treated with respect throughout the process and care will be taken to ensure that confidentiality is maintained particularly where a suspension is necessary.

The process is as follows:

An action will be identified as requiring disciplinary action by a Line Manager – the Line Manager will seek advice, at this stage, from his or her Line Manager or the CEO to confirm the correct course of action.

Stage one A staff member will receive a letter stating the grounds for action – what is being alleged, and the possible outcome. The letter will invite a staff member to a meeting with their Line Manager. A staff member can take a fellow colleague or a member of a trade union to this meeting for support if required.

(If the incident is considered to constitute gross misconduct and could, if proven, result in dismissal, the meeting will be convened by a senior manager, e.g. the Chief Executive or Deputy, with the staff member (and representative (if requested), and their line manager. A record of this meeting will be taken and a copy given to the staff member. The staff member will be informed in writing of the outcome, the timescale and their right of appeal to a member of the Management Board.)

Stage two At the same time an investigation will be carried out into the issue or incident. In extreme cases, a staff member may be moved from their normal place of work or suspended at this stage, (suspension of employees will be on full pay). This will be carried out as quickly and thoroughly as possible and only where it is deemed to be necessary to ensure the health and safety of our members, other staff and volunteers, or the reputation of the organisation.

Stage three A meeting will be held between a staff member and their Line Manager and representative (if requested). A record of this meeting will be taken and a copy

given to a staff member. Actions will be decided and a staff member will be informed in writing of these actions and the timescale. In the majority of cases this will be a formal warning lasting 12 months, but could also include change of duties, demotion or dismissal.

A staff member will be informed, in writing, of their right to appeal to a member of the Management Board.

Stage four Actions agreed at meeting carried out. Performance will be monitored during the period of the warning.

Stage five A staff member can exercise their right to appeal. This must be done formally, in writing, to a member of the Management Board.

Stage six If a staff member appeals, they will be invited to attend a further meeting. A staff member must take all reasonable¹ steps to attend the meeting. A staff member may be represented at this meeting by a fellow colleague or a trade union official. The appeal meeting can take place **after** a dismissal or disciplinary action has been started.

Stage seven The employer will inform a staff member of the final decision.

Follow up action

If further transgressions occur during the period of the warning, further disciplinary action will be taken which may result in dismissal.

If the period of the formal warning period is completed successfully, the disciplinary record will be removed from the personnel file & the individual will be informed.

Linked with Policies:

- Recruitment
- Capability
- Grievance

¹ 'reasonable' steps would be making an effort to attend – i.e. non-attendance because the meeting was in the morning, and the employee wasn't prepared to get up early, would not be acceptable, although non-attendance because the employee has a prior commitment which would be difficult to change would be acceptable.