

**LINKS.' THE CHESTERFIELD & NORTH EAST DERBYSHIRE  
COUNCIL FOR VOLUNTARY SERVICE & ACTION LIMITED**

**DISCIPLINARY PROCEDURE**

Every effort will be made to create conditions whereby issues can be resolved informally before there is a need to start formal disciplinary procedures.

Set out below is Links current disciplinary procedure. This does not form part of your contract of employment, but represents Links current practice which may vary from time to time. You will be consulted before any changes are made.

**1. Purpose and scope**

Disciplinary matters cover non-performance or inadequate performance of duties, breaches of contract or the employer's rules, and other misconduct affecting your work or the organisation. The procedure is intended and designed to improve performance and resolve difficulties, rather than to punish infringements.

**2. Principles**

- 2.1 The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.
- 2.2 No disciplinary action will be taken until the matter has been fully investigated.
- 2.3 At every stage you will have the opportunity to state your case at a disciplinary interview and to be accompanied, if you wish, by a trade union representative, a fellow worker, or a non-lawyer friend but not a trustee. You have a right to request a postponement of the interview for up to five working days if your chosen companion is not available.
- 2.4 Prior to a disciplinary interview you will be informed in writing about the nature of the alleged offence or problem, the nature of the evidence and the range of possible outcomes, and you will be reminded of your right to be accompanied.
- 2.5 If at any stage a warning is given it will include the reason for the warning, any required improvement, and when the situation will be reviewed. It will indicate that if there is inadequate improvement or a repeat of the offence, a further warning or a final written warning may be given or, if applicable, that you may be dismissed.

You will be told whether the warning will be kept permanently in your personnel file, or will be removed after a specified period. Unless the warning is permanent, it will not be used in disciplinary matters after six months for a verbal warning and twelve months for a written warning, provided your progress is satisfactory and you are not involved in any further disciplinary matter within the specified period.

2.6 You have the right to appeal against any disciplinary warning other than a verbal warning. The appeal procedure is set out in section 6 below.

### 3. The procedure

#### 3.1 Verbal warning

If, after investigation and an interview with you, your conduct or performance is found to be unsatisfactory, your Chief Executive or, in his/her absence his/her deputy, may give you a formal verbal warning. A written record will be kept of the discussion, agreed actions and when the situation will be reviewed. You will be given a copy of this.

#### 3.2 Written warning

If an investigation and interview with you about a disciplinary matter indicates that it is too serious to be dealt with through a verbal warning, you may receive a written warning as your first warning.

You may also receive a written warning if a review after a verbal warning or a previous written warning shows that there has been inadequate improvement in your conduct or work, if an incident of unsatisfactory work or conduct occurs after a verbal warning or a previous written warning.

#### 3.3 Final written warning

A final written warning may be given if an initial offence is very serious, if conduct or performance remains unsatisfactory when reviewed after a verbal or written warning, or if an incident of unsatisfactory work or conduct occurs after a verbal or written warning. This will make clear that any recurrence of the offence, other misconduct or continued inadequate performance will or may result in dismissal.

#### 3.4 Dismissal

If conduct or performance does not improve satisfactorily or if further misconduct occurs, you may be dismissed.

Dismissal will not occur unless it is authorised by the board of trustees or by an individual or committee explicitly authorised by them to make a dismissal decision.

Where notice of dismissal would expire before the outcome of any appeal is known, you will be treated as suspended without pay until the outcome is known.

Note that even for dismissal after a disciplinary procedure, Links must give notice as specified by statute or in the contract of employment, whichever is longer. Pay can be given in lieu of notice if the contract provides for this.

#### **4. Gross misconduct**

Gross misconduct includes any action which threatens the organisation, its work or reputation, people connected with the organisation or members of the public, or which destroys the employer's necessary relationship of trust with you. Examples include theft, damage to the organisation's property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical assault, threatening behaviour, gross insubordination, conduct endangering any person, gross negligence, harassment, discriminatory behaviour, or serious breach of professional ethics, breach of standards of good conduct or misuse of computer, email or internet access. This list is not exhaustive and other actions may also constitute gross misconduct. The fact that a behaviour is listed as gross misconduct does not mean that it is always, in the particular circumstances, reasonable to treat it as such.

#### **5. Suspension**

While any alleged misconduct other than gross misconduct is being investigated or pending hearing of an appeal against dismissal, you may be suspended and will be paid your usual salary. In case of alleged gross misconduct, you may be suspended at your usual pay, or at reduced pay or without pay during the investigation, disciplinary action or any appeal against dismissal.

#### **6. Appeal**

You are entitled to appeal against any written disciplinary warning or other disciplinary decision. To do so you must notify the chair of the board of trustees or vice-chair in writing within ten working days of receiving the written warning or other written notification of the penalty. The chair or vice-chair may at her/his discretion, extend this period. Your notice must specify the issues you wish to appeal or contest.

The chair or vice-chair will appoint an appeal panel made up of three members of the board of trustees. If possible, these will be people who have not been directly involved in the disciplinary procedure at any previous stage.

A meeting of the panel will be convened as quickly as is reasonably practicable. You will be given at least ten working days notice of the meeting. You are entitled to be accompanied at the appeal meeting by a trade union representative, fellow employee or non-lawyer friend.

You will be given the decision of the meeting in writing. The decision is final

## **GRIEVANCE PROCEDURE**

Every effort will be made to create conditions whereby issues can be resolved informally before there is a need to start formal grievance procedures.

Set out below is Links current grievance procedure. This does not form part of your contract of employment but represents Links current practice, which it may vary from time to time. You will be consulted before any changes are made.

This procedure should be used to settle all disputes and grievances which you wish to raise concerning other employees, your work, the organisation or other matters relating to your employment. The purpose is to settle any grievance fairly, simply and quickly.

1. If your grievance concerns another employee, you should if possible first discuss and try to resolve it with that person.
2. If this does not resolve the matter, or if the matter involves your employment rather than another employee, you should refer it to your manager (or the Chief Executive, the chair of the board or vice-chair in their absence). If the matter concerns your manager you should refer it to his/her Chief Executive, or if s/he has none, to the chair of the board of trustees or vice chair.
3. Unless there is a good reason for not doing so, a grievance matter should generally be raised within one month of the incident to which it refers.
4. You will be given an initial reply in writing within a reasonable period, which will generally be within two weeks of your raising the matter. If it is not possible to give a complete reply at this stage, you will be given a further written reply as soon as reasonably practicable.
5. If the matter remains unresolved, the person dealing with it will refer it to the chair, or vice-chair or a panel appointed by them. The meeting will be held within one month.
6. You are entitled to attend this meeting and if you wish, to be accompanied by a trade union representative, a fellow employee or a non-lawyer friend. You and/or the person accompanying you are entitled to address the meeting. Where your grievance concerns the employer's failure to comply with a contractual or statutory duty, you have a right to request a postponement of the interview for up to ten working days if your chosen companion is not available.
7. The decision of the panel will be given to you in writing within five working days of the meeting

8. If a matter which you think should be referred to a panel is not referred, a meeting is not held within a reasonable period or you are dissatisfied with the decision of the panel, you should write to the chair of the board of trustees (or vice-chair) specifying the issues you wish to appeal or contest.
  
9. The chair of the board of trustees (or vice-chair) will ensure that the matter is considered at the next meeting of the board or a different panel appointed by it (unless there are less than five working days between receipt of your request and the date of the meeting, in which case the chairperson may hold it over until the following meeting).  
  
You are entitled to attend this meeting to present your case, and if you wish, to be accompanied by a trade union representative, a fellow employee or a non-lawyer friend. You and /or the person accompanying you are entitled to address the meeting
  
10. The decision of the board of trustees or the panel will be given to you in writing within five days after the meeting. Their decision is final and there is no further right of appeal.

Adopted November 2009