

## **DISCIPLINARY RULES AND APPEAL PROCEDURE**

This is the procedure practised at the moment, which may change from time to time and is not contractual.

### **1. General Policy**

1. The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No action will be taken under the procedure without a thorough consideration of all the facts of the case.
2. This disciplinary procedure applies to all staff of TFSR, except those who are still completing their probationary period. Employees in probation are subject to one week's notice and to probationary review.
3. At every stage employees will have the opportunity to state their case and to be represented, if they wish, at the hearing by a colleague or union representative.
4. An employee has the right to appeal against any disciplinary penalty imposed.
5. Action will be taken under the disciplinary procedure in cases of:
  - Misconduct, for example: lateness or unauthorised absence.
  - Poor work performance, for example: not doing work diligently or to the best of the employee's ability, not keeping proper records.
  - Capability, for example: persistent or repeated health problems, a long-term medical condition affecting the employee's ability to do their work, or lack of skills.
  - Gross misconduct, for example: dishonesty, physical or verbal abuse of staff or volunteers, drunk at work.

*(Employees should be aware of all employment policies, in particular Health and Safety, data protection and the Code of conduct for staff)*

### **2. Procedures for a) Misconduct, b) Poor Work Performance c) Capability**

1. If an employee fails to meet the required standard of conduct, or work performance, or is incapable of carrying out duties, the following procedure will be followed
  - i. Verbal Warning - A verbal warning by the Chief Executive Officer will be the first stage in the procedure. This will set out steps that need to be taken to improve the employee's behaviour or work performance together with any training to be provided and a date for review. A note of the warning will be retained on the employee's personnel file.
  - ii. Written Warning - If an employee fails to reach the required standard after a verbal warning, within the agreed time-scale, the next stage is a written warning from the Chief Executive Officer stating that unless conduct or work performance improves in accordance with agreed criteria within the required time scale, or that

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steps are followed to remedy incapability to carry out duties, a final warning and dismissal could result. A copy of the warning will be kept in the employee's personal file.

- iii. Final Warning - If the required standard of conduct or performance is still not achieved a final written warning, that dismissal will result if there is no improvement within the required time scale, will be issued by the Employment Sub Committee. A copy of the warning will be kept in the employee's personal file.
  - iv. Dismissal - Employees will be dismissed after due notice has been given if, despite adequate warning according to the procedure above, their conduct or work performance does not meet the required standard, The decision to dismiss may only be taken by the Employment Sub Committee and the TFSR Chairperson.
2. The system of warnings is intended to ensure that the employee understands the nature of the complaint and time to improve their conduct or performance to the required standard is given. The time the warning is kept on file will be decided by the ESC but will not normally be longer than one year.
  3. Examples of misconduct which would be dealt with under this procedure are: unsatisfactory time-keeping, unsatisfactory attendance at work, unsatisfactory performance standards, misuse of Tools for Self Reliance property or premises, verbal abuse, refusal to comply with any reasonable request, unauthorised absence from work, misrepresenting TFSR, whilst representing TFSR acting in an inappropriate manner. (These examples are not exhaustive).
  4. If the conduct warrants a more serious penalty, the sanction given could be a warning or final written warning.

### **3. Procedures for Gross Misconduct**

1. Gross misconduct consists of conduct which is a fundamental breach of the relationship of trust and confidence between the employer and employee. Gross misconduct includes very serious breaches of discipline such as theft, fraud, falsification of records, unauthorised use of equipment, assault, fighting, grossly impaired responsibility or non performance due to alcohol or misuse of drugs, harassment or discrimination.
2. In cases of gross misconduct an employee may be suspended on full pay until an investigation of the incident has taken place. If on completion of the investigation gross misconduct is seen to have occurred an employee may be summarily dismissed without warning and without payment in lieu of notice.
3. Employees may also be subject to summary dismissal as the result of conviction for any criminal offence, which has a bearing on, or affects the employment of the individual.

4. The examples given are not exhaustive and TFSR reserves the right to dismiss summarily in all cases where misconduct is of a similar degree. The decision to dismiss summarily can be taken only by the Employment Sub-Committee

#### **4. Disciplinary Interviews**

1. Employees have the right to have a Trade Union Representative, or colleague present at a disciplinary interview, either as an observer or to represent them. If the chosen person is not available at the time specified by the employer, the employee can postpone the interview to a reasonable time within 5 working days of the proposed date. Where a disciplinary interview could result in dismissal the employee will be informed of this possibility in the letter giving details of the time and place of the interview.
2. The employee will be clearly advised that the interview is part of the disciplinary procedure and will be given details of the way in which their conduct or performance fails to meet the required standard in writing and in advance. Individuals will always be invited to give an explanation and will have the opportunity to state their case.
3. The employee will be informed of the decision of the employer within 5 working days of the interview.

#### **5. Disciplinary Letters**

1. Formal disciplinary action against an employee will always be recorded and confirmed to the individual in writing. The period required for improvement will be stated, as will the life of the warning. The Chief Executive Officer is responsible for recording the details of disciplinary action on the employee's personnel file.

#### **6. Right of Appeal**

1. An employee who is dissatisfied with any disciplinary decision may appeal in writing within five working days of the decision being given. It should be addressed to the Chair of the Employment Sub Committee, who may pass it to the Chair of the Board of Trustees, for consideration.
2. The Chair of the Employment Sub Committee or Chair of the Board of Trustees will deal with any disciplinary procedure involving the Chief Executive Officer.