



FIRST STOP CENTRE

Staff Disciplinary Policy and Procedure

1. GENERAL

- 1.1 The purpose of any disciplinary code of practice is to provide a structure whereby difficulties between staff and employer can be dealt with fairly, consistently and in a non-discriminatory way, and to ensure that the procedures are understood by all members.
- 1.2 It is not expected that formal procedures will be used frequently. First Stop Centre's intention is to provide a satisfactory working environment within which staff can obtain job satisfaction and enjoy sound working relationships with colleagues, visitors, and managers. It is applicable to all employees except in cases where less than six months probationary service has been completed and dismissal arises from unsuitability for confirmation of appointment.
- 1.3 Where there are minor faults in an employee's conduct or performance the matter will be raised with the employee by the Centre Manager as soon as possible and dealt with by informal discussion and counselling between the parties concerned outside this procedure. No formal record will be made; the procedure will only be used if behaviour or performance does not improve or if the matter is more serious.
- 1.4 The Centre's procedure follows the guidance laid down in the ACAS Code "Disciplinary Practice and Procedure" (1977). A copy of this Code is available at the Centre.

2. DISCIPLINARY PROCEDURE

- 2.1 Staff are expected to give efficient service to First Stop and this code of practice is to be used when an employee's work contribution is considered to be unsatisfactory, either by reason of failure in performance or by reason of an act of misconduct outlined here.
- 2.2 Misconduct
Example of offences which can be regarded as Misconduct.
 - Bad time-keeping or poor attendance
 - Failure to comply with policies and procedures.
 - Unreasonable or unacceptable conduct
 - Behaviors which diminishes the employee's ability to have satisfactory relationships with colleagues or visitors and other allied agencies.
- 2.3 Gross Misconduct



Examples of such behaviour might be

- Theft from visitors, colleagues of the organisation
- Falsification of records with intent to deceive
- Malicious damage to the Centre's property
- Assault or threatened violence
- Racial or sexual abuse, discrimination or harassment
- Serious breach of policies and procedures
- Being under the influence of drink or drugs while on duty
- Corrupt practices and improper disclosure of information or breaches of confidentiality

2.4 These examples are not intended to be exhaustive but to give an idea of the type of problems which may be dealt with by formal disciplinary processes.

3. THE PROCEDURE

3.1 The stages of the formal disciplinary procedure are outlined below. The procedure can be commenced at any stage depending on the severity of the offence or misconduct. At any stage in the procedure the Centre Manager can decide that no disciplinary action is justified.

3.2 All formal disciplinary hearings will be undertaken by the Management Committee of First Stop Centre.

3.3 When the Centre Manager formally reports an alleged incident of misconduct to the Management Committee, it should be done in writing, giving the full facts unless, very exceptionally, the matter is considered to be so urgent that it must be dealt with immediately (this would usually be gross misconduct).

3.4 The Management Committee, on receipt of such a report, will ensure that the full facts and circumstances are investigated as quickly as possible, but with care, and all parties informed of the outcome.

3.5 The Management Committee, if it decides that a formal disciplinary hearing is appropriate, will then advise the employee (a) of the nature of the complaint, (b) the date, time and place of the disciplinary hearing, (c) that the employee will have the opportunity to present his or her case at the hearing and may, if he or she wishes, be accompanied by a friend or representative. The employee should be given a minimum of five working days advance notice of the meeting.

3.6 After the hearing, the employee will be informed in writing of the Management Committee's decision within one week of the hearing.

3.7 The Management Committee will take action with a view to aiding the resolution of the difficulties and this may include one of the following actions.



- (a) Oral Warning
This will point out the employee's failure in performance and seek improvement within a specified time, usually three months.
 - (b) Written Warning
This will tend to be used for more serious or prolonged problems. The Management Committee will point out the seriousness of the situation and make arrangements for reviewing the work performance of the employee at regular intervals. A written note of the warning should be made and placed on the individual's personal file and will remain live for six months. After this period the warning will, subject to satisfactory conduct and performance, be regarded as spent. The warning should also state that in the event of there being no satisfactory improvement within the period stated or any further offence or misconduct over this period, further disciplinary action may be taken, which may result in dismissal.
 - (c) Final Warning
This will be used in situations where the employee has not responded to earlier efforts to encourage improvement or in situations that are so unsatisfactory that they justify further action. A final warning will inform the employee that dismissal will follow if improvement is not apparent within a specified time. A copy of the letter shall be placed on the individual personal file and remain live for up to 18 months but no less than 12. After this period, subject to satisfactory conduct and/or performance, the warning will be regarded as spent.
 - (d) Dismissal
In instances of gross misconduct there is usually no alternative to dismissal. If an employee is accused of an act of gross misconduct, he or she may be suspended from work on full pay, as speedily as is practicable. If, on completion of the investigation and the full disciplinary procedure, the Management Committee is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without either notice or payment in lieu of notice.
 - (e) Suspension from Work
Normally, employees will continue to work whilst awaiting a disciplinary hearing but, very exceptionally, if the Management Committee considers that it is not in the interests of the Centre for him or her to do so, suspension from work with pay may be imposed pending the disciplinary hearing.
 - (f) Appeals
The employee has a right of appeal to the Chair of the Management Committee of the Centre if he or she feels that the decision of the Management Committee is unjust. Any appeal must be lodged within five days of receipt of the Management Committee's written decision.
- 3.8 Employees working more than 16 hours a week who have been in continuous employment for two years must be reminded of their legal right to take their case to an Employment Tribunal if they believe they have been unfairly



dismissed. Employees working fewer than 16 hours a week have the same right after 5 years of continuous employment.