

# Marsh Community Centre Charitable Company

## DISCIPLINARY PROCEDURE

Created December 2017

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*This procedure is taken from the ACAS publication Discipline and Grievances at Work – The ACAS guide (2009)*

### **Purpose and scope**

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The company rules (a copy of which is displayed in the office) and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

### **Principles**

- Informal action will be considered, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated.
- For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or work colleague.
- No employee will be dismissed for first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

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## Procedure

Except in cases of gross misconduct where an employee may be instantly dismissed, the following three stages will apply to unsatisfactory work and conduct, subject to confirmation of the result at each stage:

### **Stage 1 (Written Warning):**

Your line manager will explain to you the reasons for taking disciplinary action and discuss plans for overcoming the problem. Key tasks and targets will be agreed. The discussion and plan will be recorded, and a reasonable time for review agreed.

### **Stage 2 (Second written warning):**

If your line manager considers after this review period that the agreed key tasks and targets have not been met, there will be a further discussion of the plan with you. Further key tasks and targets with explicit time scales will be agreed. The discussion and plan will be recorded, a copy of which will be given to you (written warning) clearly stating that subsequent failure to achieve the agreed key tasks and targets will result in a final written warning and notice of termination of employment. At this stage one or two members of the MCCCC Management Committee Staffing sub-committee will be involved.

### **Stage 3 (Final written warning & notice of termination of employment):**

Should progress not be made by the time of this review, you should be fully aware of why the termination of employment is being considered. At this stage members of the MCCCC Management Committee Staffing sub-committee will be involved. Formal Notice will be given and assistance offered to help find suitable alternative employment. Should your work meet and satisfy agreed key tasks and targets within the period of notice given, a delay of employment termination will be considered. If your work continues to meet agreed targets for a period of three months the notice may be withdrawn.

In all the Stages 1 - 3 you may be represented by a trade union official or a representative. The time limits may be altered by mutual agreement.

Written records of discussions will be shown to you before being filed. They will lapse after 12 months satisfactory service and be removed from personal records.

## Dismissal or other sanction

If there is still further misconduct or failure to improve performance, the final step in the procedure may be dismissal or some other action short of dismissal, such as demotion, disciplinary suspension or transfer (as allowed in the contract of employment).

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Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided in writing with:

- reasons for dismissal
- the date on which the employment will terminate
- the right of appeal.

If some sanction short of dismissal is imposed, the employee will:

- receive details of the complaint
- be warned that dismissal could result if there is no satisfactory improvement
- be advised of the right of appeal.

A copy of the written warning will be kept by the manager but will be disregarded for disciplinary purposes after 12 months, subject to achievement and sustainment of satisfactory conduct or performance.

The following list provides some examples of offences which are normally regarded as gross misconduct.

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of an organisation's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Unlawful discrimination
- Harassment
- Bringing the organisation into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of confidence

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is

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satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

## Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

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A copy of the publication 'Discipline and Grievances at Work, an ACAS Guide' can be found at [www.acas.org.uk/media/pdf/b/l/Discipline-and-grievances-Acas-guide.pdf](http://www.acas.org.uk/media/pdf/b/l/Discipline-and-grievances-Acas-guide.pdf)