**Logo

Description automatically generated with medium confidenceThe Change Foundation  
Disciplinary Procedure and Performance Improvement Procedure**

These procedures are not part of the contract of employment but constitute a Code of practice adopted by the organisation consistent with good employee relations practice.

Disciplinary action is rarely required. However, when an employee does not observe acceptable standards of conduct or does not follow the Organisation’s procedures a disciplinary procedure is operated by the Organisation. This is applied to promote fairness and consistency.

Minor infringements or unsatisfactory performance may be dealt with by the individual’s manager giving an informal ‘verbal warning’ with an object of improving conduct or performance. Such action is part of supervision but is not part of the formal disciplinary procedure.

Categories of misconduct

Disciplinary action will naturally depend on the severity, type or frequency of

misconduct. For the purposes of illustration, misconduct may be divided into two categories:

1) Serious breaches of discipline constituting gross misconduct for which the Organisation reserves the right to dismiss without notice or payment in lieu of notice, examples of which include:

a) Theft, fraud or deliberate falsification of records

b) Breach of confidentiality

c) Physical violence

d) Racial or sexual or disability harassment

e) Deliberate damage to property

f) Alcohol or substance use during the course of work or affecting performance of duties. Taking of illegal drugs at any time.

g) Breach of child protection procedures

h) Serious acts of insubordination

i) Conduct which brings the charity into disrepute.

j) The giving of false information on the employment application form or in connection with reimbursement of expenses

l) Serious inappropriate use of the Charity’s p.c. to access the Internet for personal.

use or serious inappropriate use of e-mail.

m) Committal of a criminal offence undermining the basis of trust on which the contract lies;

Examples of Misconduct

These are some examples of misconduct but the list is not exhaustive;

a) poor timekeeping

b) excessive or persistent absenteeism

c) failure to comply with safety regulations

d) negligence of duties including refusal to carry out a reasonable instruction

e) irresponsible behaviour

f) unauthorised declaration of confidential information

These lists are illustrative and are not intended to be exhaustive. Each case will be investigated and dealt with on the individual facts of the case.

The Organisation reserves the right to implement any of the disciplinary measures at any stage. If, for example, an incident occurs which is viewed as serious but does not warrant summary dismissal, the Organisation may give a final warning, even without any prior warnings having been given.

Suspension

The Organisation also reserves the right to suspend an employee on no pay in circumstances where continuance at work whilst the matter is being investigated would not be in the employer’s and/or employee’s best interests.

Stages

The procedure for dealing with general misconduct comprises a number of levels and the type of disciplinary action taken will depend on the severity and frequency of the misconduct as well as the general circumstances surrounding it. The Organisation reserves the right at its absolute discretion to invoke any stage of this procedure.

In all cases the first step will be for the employee to be advised of the alleged offence and given the opportunity to explain his/her actions. If the employee can not provide a satisfactory explanation the Manager will decide what disciplinary action to take

It is the policy of the organisation that if disciplinary action is taken against employees it should:

a) be appropriate to the nature of the offence that has been committed

b) allow employees the right to be accompanied by a colleague of their choice (This specifically excludes a close relative or a solicitor)

c) Employees may be appeal against disciplinary action awarded against them.

Stage One – verbal warning

In all cases except serious breaches of discipline, the first stage will be for the employee to be seen by the immediate Manager to be advised of the alleged offence or breach of discipline, where he/she will have the opportunity to explain his/her actions.

Where the employee cannot provide an acceptable explanation the Manager will decide which disciplinary action to take. In the case of a minor offence committed for the first time, a reprimand will be given, and a clear timetable set out by which improvement in performance and/or behaviour is expected and will be reviewed.

Stage 2 – First Written Warning

If the employee fails to reach the required standard of conduct within a reasonable time (or within any time limit that may have been set); or if there has been a repetition of the type of incident complained of, the immediate Manager will give a formal verbal warning and again state the nature of the Organisation’s complaint. This will be confirmed in writing, and a copy placed on the employee’s personnel file.

Stage 3 – Final Written Warning

If the employee fails to reach the required standard of conduct within a reasonable time (or within any time limit that may have been set), or if there has been a further repetition of the type of incident complained of, the immediate Manager will give a further formal warning of the need to improve the standard of conduct, and the nature of the improvement required. The employee will be warned of the possible consequences of failing to heed the warning, including the possibility of dismissal.

Stage 4 – Dismissal

If, after the final warning, there is another incident or continued unsatisfactory performance, the employee will be dismissed. Written Notice will be given informing of the reasons for dismissal and rights to appeal.

Performance Improvement Procedure

If, in the Manager’s judgement, supported by performance appraisal or other performance indicators, an employee’s performance is deemed to be below an acceptable level, then the following procedure will be instigated. At each stage, this process is intended to assist an employee to attain and maintain the required level of performance.

Stage 1

The Manager will counsel an employee and discuss with them any problems affecting their performance. If informal discussions do not resolve a performance problem the employee will have an interview with the Manager which will cover the following matters:

(a)an explanation of the standards required;

(b)identification of those aspects of the work which do not meet

the required standard;

(c)discussions on the reasons behind the unsatisfactory

performance, thereby giving the employee the opportunity to explain any difficulties that he/she is facing with the work;

(d)any help, assistance or further training which the Organisation can

give to achieve the required standards;

(e)a reasonable timetable for the required improvements to be

achieved. The time scale will depend on the nature and extent of the job

and improvements required;

A written record of the discussions will be made and placed on the employee's personnel file.

Stage 2

If these measures are unsuccessful in improving the work performance after the agreed period, the Manager will interview the employee to discuss the performance during the review period. The discussion will follow points (a) to (e) of Stage 1.

The Manager will document the discussion and a written warning will be given to the employee confirming the above points and any action which will be taken should the required improvement not be achieved. This should then be signed by both the Manager and the employee to confirm that the warning has been received and understood. A copy of the signed warning will be placed on the personnel file.

Stage 3

If, at the end of the further review period, the work performance is still unsatisfactory, then a Manager will discuss the case with the employee. The discussion will again cover points (a) to (e) of Stage 1 and, in addition, will cover the possibility of a transfer to a different job possibly, though not necessarily, of a lower grade or lower salary.

The employee will also be warned that failure to meet the requirements of the job will result in him/her being given notice of dismissal. A final written warning will be issued.

Stage 4

When the period covered by the final written warning has elapsed, if the employee is still not reaching the required standard, the Manager will discuss the situation again with the employee, following which a decision will be reached on what further action is to be taken. If the decision is reached that the employee is to be dismissed, he/she will be informed of this and a letter will be issued to this effect.

Notes

(a)If at any stage of the procedure the employee's work has reached the required standard this will be confirmed to him/her. Should it deteriorate again the Company reserves the right to invoke this procedure at any stage as appropriate in the light of all the relevant circumstances.

Appeals

If an employee feels that he/she has been unfairly treated, or is dissatisfied with any decisions made, there is a right to appeal.

The Appeals Procedure applies to both Performance Improvement and Disciplinary Procedures and is set out below.

The Performance Improvement and Disciplinary Procedures are not invoked lightly, and employees will have been given the opportunity at every stage of either procedure to state their case. However, if an employee feels that he/she has been unfairly treated or is dissatisfied with any decisions made, he/she has the right of appeal.

The intention to appeal and the grounds on which the appeal is to be made should be notified within ten working days to the Chair of the Trustees. An appeal will be heard by two of the Trustees.

The appeal hearing will be held as soon as practicably possible after the notification of the intention to appeal. The Manager hearing the appeal may request the Manager who has issued the warning to attend to provide background information.

The person hearing the appeal may either ratify the disciplinary action already advised, substitute it with alternative action where this would seem to be more relevant, or cancel the action. The decision of the Trustees is final.

Employees have the right to be accompanied by a colleague of their choice (this excludes close relatives and solicitors) at any stage of the appeals procedure.