

## **Great Western Society Limited**

### **The Disciplinary Procedure (Employees)**

#### **1 Purpose and scope**

This procedure is designed to help and encourage all Great Western Society (GWS) employees to achieve and maintain satisfactory standards of conduct, attendance and job performance which are referred to collectively in this procedure as “performance”. The aim is to ensure consistent and fair treatment for all employees in the organisation. A separate procedure exists for the treatment of volunteers.

#### **2 Principles**

- a) Where standards of conduct, attendance and job performance are thought to be below the required standard, disciplinary action will not be taken until the case has been fully and properly investigated. In this connection, the employee may be required to attend an investigatory meeting with their line manager.
- b) Informal action may be taken where it is considered that this is the most appropriate method of resolving the matter, eg in minor breaches of discipline. In such circumstances verbal discussions are not recorded as part of the disciplinary process.
- c) Where formal action is taken the employee will be advised of the nature of the complaint at every stage and afforded the opportunity to state their case before any decision is reached at a disciplinary hearing.
- d) The disciplinary procedure may be implemented from any stage if the employee’s alleged misconduct so warrants. This means that certain stages may be by-passed.
- e) Employees subject to the formal procedure will be given written copies of evidence in advance of a disciplinary hearing.
- f) Employees will have the right to be accompanied at an investigatory meeting and / or a disciplinary hearing by one other person, subject to prior approval.
- g) Dismissal will not normally be considered for a first breach of discipline unless there has been gross misconduct, in which case the penalty may be dismissal without notice or payment in lieu of notice.
- h) Employees will have a right of appeal to the GWS Chairman against any disciplinary penalty.

### **3 Taking action**

#### *a) Record keeping*

A chronological record of the action taken, with dates, should be maintained by the line manager concerned in all cases in which the formal disciplinary procedure is invoked.

#### *b) Informal action*

Once the facts have been established, usually at an investigatory meeting with the employee after consideration of any documentary evidence and discussion with other relevant personnel as appropriate, further action will be considered. Informal disciplinary action may be taken as in paragraph 2(b) and will usually consist of an ad hoc discussion between employee and line manager with a view to resolving the issue. Where, however, the problem persists or further misconduct occurs, the line manager will have recourse to the formal disciplinary procedure. This formal procedure may also be invoked immediately where conduct is deemed to justify such action following an investigation. The following stages apply –

#### *c) Formal verbal warning*

A formal verbal warning will be given and its issue confirmed in writing to the employee. The warning will set out the performance problem, the timescale for improvement and any help that may be given to assist the employee to meet the necessary standard. The right of appeal will be explained as well as the next stage in the disciplinary procedure should there be no sustained improvement. A copy of the warning notification will be kept on file for 13 weeks but the warning will be considered spent once satisfactory performance has been achieved and maintained. Where the offence is sufficiently serious, it may be appropriate to administer a formal written warning as a first stage in the procedure.

#### *d) First written warning*

A formal written warning will be issued to the employee where the necessary improvement has not been achieved following a formal verbal warning, further similar misconduct has occurred or the initial misconduct is sufficiently serious to warrant a written warning as a first stage in the procedure. The warning will also set out the performance problem, the timescale for improvement and any help that may be given to assist the employee to meet the necessary standard. The right of appeal will be explained as well as the next stage in the disciplinary procedure should there be no sustained improvement. A copy of the warning notification and notes relating to it will be kept on file for 26 weeks after which it will be disregarded subject to the achievement and maintenance of satisfactory performance.

#### *e) Final written warning*

A final written warning will be issued to the employee where the necessary improvement has not been achieved or further similar misconduct occurs following a first written warning.

The warning will set out the performance problem, the timescale for improvement and any help that may be given to assist the employee to meet the necessary standard. The right of appeal will be explained as well as the next and final stage in the disciplinary procedure, eg dismissal or sanction, should there be no sustained improvement. A copy of the warning notification and notes relating to it will be kept on file for 26 weeks after which it will be disregarded subject to the achievement and maintenance of satisfactory performance.

*f) Dismissal or other sanction*

If there is still further misconduct or failure to improve performance, the final stage in the procedure will be dismissal or some other action short of dismissal such as suspension or transfer to other duties. Dismissal decisions must be taken by the Chief Executive following due consultation with the relevant line manager. Employees will be provided with written reasons for dismissal, the date of termination of service and the right of appeal to the GWS Chairman.

If a sanction short of dismissal is imposed, the employee will be informed in writing of the details and their right of appeal. They will be further informed that dismissal could result if there is no satisfactory improvement within a given timescale. A copy of the letter will be retained with the relevant file but will be disregarded after 52 weeks subject to the achievement and maintenance of satisfactory performance.

#### **4 General**

*a) Summary dismissal*

Certain offences are regarded by the GWS as being so serious that they justify summary dismissal without notice or pay in lieu of notice. They include malicious damage to GWS property, theft, physical violence and serious misuse of GWS computer systems. These examples are not exhaustive. The summary dismissal can only be authorised by the Chief Executive and will be confirmed in writing with reasons given in full and details of the right of appeal.

*b) Paid suspension*

Where misconduct is the subject of an investigation by the GWS, it may be deemed appropriate to suspend the employee on full basic pay pending the completion of enquiries. A period of suspension is not a disciplinary measure, a penalty or an implication of guilt and can only be authorised by the Chief Executive. The employee must be available to attend a meeting / hearing whilst suspended, if required.

*c) Meetings and hearings*

Employees are expected to take all reasonable steps to attend investigatory meetings and disciplinary hearings. Advance notice will be given and disciplinary action will not be taken, except an informal verbal warning, without a disciplinary hearing taking place. The

employee will be provided with details of the performance concerns to be assessed at a forthcoming disciplinary hearing. The employee will be informed that they may be accompanied at meetings and hearings by one other person. This representative will be allowed to address the meeting / hearing and confer with the employee but will not be allowed to answer questions on the employee's behalf.

Where the employee does not attend an investigatory meeting or disciplinary hearing despite having been given every opportunity to do so, including on rearranged dates which have been set to meet reasonable requests due to non-availability, action may proceed in the employee's absence on the basis of the evidence gathered.

*d) Appeals*

Employees may appeal to the GWS Chairman against procedural or summary dismissal or a formal verbal, first written or final written warning. All appeals must set out in writing the grounds of the appeal.

Appeals must be lodged within –

- (i) 7 working days of the issue of formal warnings, and
- (ii) 10 working days of the decision to issue a sanction or to dismiss.

Appeals will normally be heard within 21 working days of their receipt. They may confirm, overturn or vary the original decision and the outcome will be confirmed to the appellant in writing within 3 days of the appeal hearing. The decision of the GWS Chairman is final.

*NB This document complies with ACAS guidance and its Code of Practice relating to disciplinary procedures. It supersedes all previous versions issued by the Great Western Society.*

This procedure was approved by the Great Western Society Senior Management Team on 10<sup>th</sup> September 2020 and is due for review in July 2023.