

Resource Centre Disciplinary Procedure

1. Introduction

- 1.1 This procedure is designed to clarify the rights and responsibilities of the Resource Centre, staff and trade unions in the event of disciplinary action. It has four levels of disciplinary action with provision for instant dismissal in the case of gross misconduct and the right of appeal at each level.
- 1.2 The purpose of the disciplinary process is to encourage improvements in individual behaviour and work performance rather than to be used primarily as a means of imposing sanctions.
- 1.3 As a collective workplace, the Resource Centre is committed to maintaining a climate in which the work performance of all staff members is discussed regularly in an atmosphere of mutual trust. It is expected therefore that most problems with the work performance of an employee, other than alleged gross misconduct, will be resolved within the Workers' Group without recourse to this procedure.
- 1.4 A meeting of the whole Workers' Group may not always be the most appropriate means of resolving problems. The Group will therefore be flexible in its approach and consider means such as one-to-one discussion or outside mediation. Any approach must have the agreement of the whole Group, including the employee whose work or behaviour is under consideration.
- 1.5 If the employee whose work or behaviour is under consideration is dissatisfied with attempts to resolve the matter within the Workers' Group, he or she has the right to invoke the Grievance Procedure.
- 1.6 If the Workers' Group is unable to resolve the matter or if gross misconduct is involved, the Group will invoke the Disciplinary Procedure.
- 1.7 Where unsatisfactory working is due to lack of skills, aptitude or poor health, the Workers Group may invoke the Capability Procedure.

2. Roles and responsibilities

- 2.1 **Manager:** the staff member responsible to the Management Committee will act as Centre manager. Where this staff member is the person subject to Disciplinary action, the Workers' Group will designate another staff member as manager.

The manager will carry out a full investigation and present the case for disciplinary action to the hearing.

- 2.2 **Personnel adviser:** a competent person from outside the Resource Centre will act as adviser on personnel and procedural matters.
- 2.3 **Disciplinary Panel:** the panel for disciplinary hearings will be made up of two members of the Management Committee, one of whom will chair the Panel. The Personnel Adviser will also be present.
- 2.4 **Appeal Panel:** the panel for the appeal hearings will be made up of the chair of the Management Committee (or a substitute) and one other member; neither member must have taken part in the original Disciplinary Panel. The Personnel Adviser will also be present.
- 2.5 **Representation:** the employee has the right to be represented by a UNISON official or by a friend at any hearing under this procedure.

3. Level 1: First Written Warning

- 3.1 The employee must be given at least seven days' notice in writing of the date, time and location of the Disciplinary Panel.
- 3.2 The notice will also state
 - a) the precise nature of the complaint
 - b) the identity of the panel members and personnel adviser
 - c) the name of the manager
 - d) the names of any witnesses being brought by management
 - e) the right to representation
 - f) the right of the employee to bring witnesses
- 3.3 The Disciplinary Panel will inform the employee of the decision at the end of the hearing. See section 10 for the Format for hearings.
- 3.4 A letter confirming the decision to issue a first written warning will be sent to the employee within seven days of the hearing.
- 3.5 A copy of the warning will be placed on the employee's personal file. This warning will lapse after one year provided that there is no further disciplinary action during the year.

4. Level 2: Second Written Warning

- 4.1 Where there is a further problem with the work or behaviour of the employee before the first written warning has lapsed, a second warning may be issued.
- 4.2 The procedure for the Disciplinary Panel hearing and the second written warning will be the same as in paragraphs 3.1 to 3.5 above. This warning will lapse after one year provided that there is no further disciplinary action during the year.

5. Level 3: Final Written Warning

- 5.1 Where there is a further problem with the work or behaviour of the employee before the second written warning has lapsed, a final warning may be issued. A final warning may also be issued where there is serious misconduct but not so serious as to warrant dismissal.
- 5.2 The procedure for the Disciplinary Panel hearing and the final written warning will be the same as in paragraphs 3.1 to 3.5 above. This warning will lapse after one year provided that there is no further disciplinary action during the year.

6. Level 4: Dismissal

- 6.1 Further misconduct before the final written warning has lapsed will usually result in dismissal with notice or pay in lieu of notice.
- 6.2 A breach of discipline serious enough to be considered gross misconduct (clause 9.1) will usually result in instant dismissal.
- 6.3 The procedure for the Disciplinary Panel hearing and the final written warning will be the same as in paragraphs 3.1 to 3.3 above.
- 6.4 A letter confirming the decision to dismiss will be sent to the employee within seven days of the hearing and a copy placed in the employee's personal file.

7. Appeals

7a Appeal against Written Warnings

- 7.1 An employee may appeal to the Chair of the Management Committee against any written warning within seven days of the Disciplinary Panel hearing. The appeal must be in writing and state clearly the grounds for the appeal.
- 7.2 The Appeal Panel hearing must be held within twenty-one days of the receipt of the appeal letter.
- 7.3 The employee must be given at least seven days' notice in writing of the date, time and location of the Appeal Panel.
- 7.4 The notice will also state
 - a) the identity of the panel members and personnel adviser
 - b) the name of the manager
 - c) the names of any witnesses being brought by management
 - d) the right to representation
 - e) the right of the employee to bring witnesses
- 7.5 The Appeal Panel may uphold the appeal, reject the appeal or reduce the level of the warning. It will inform the employee of the decision at the end of the hearing.

7.6 A letter confirming the decision of the Appeal Panel will be sent to the employee within seven days of the hearing and a copy will be placed on the employee's personal file.

7b Appeal against Dismissal

7.7 An employee may appeal to the Chair of the Management Committee against dismissal within seven days of the Disciplinary Panel hearing. The appeal must be in writing and state clearly the grounds for the appeal.

7.8 The employee will be suspended from work on full pay pending the Appeal hearing. See section 8 for details of suspension.

7.9 The procedure for the hearing will be the same as in paragraphs 7.2 to 7.4 above.

7.10 The Appeal Panel may uphold or reject the appeal or reduce the action to a written warning. It will inform the employee of the decision at the end of the hearing.

7.11 A letter confirming the decision of the Appeal Panel will be sent to the employee within seven days of the hearing and a copy will be placed on the employee's personal file.

7.12 The Dismissal Appeal Panel is the final level of the disciplinary procedure.

8. Suspension

8.1 An employee may be suspended from work pending a disciplinary hearing or an appeal hearing. This may be appropriate where the employee's presence could interfere with a proper investigation or lead to further difficulties or disruption in the workplace.

8.2 Suspension is a neutral act and in no ways prejudices the outcome of the hearing.

8.3 Suspension will be on full pay and the employee will be informed immediately in writing of the decision to suspend.

8.4 The employee will be allowed to collect personal belongings and must hand in their keys and any other Resource Centre property.

9. Gross Misconduct

9.1 Gross misconduct is behaviour of such a serious nature that the Resource Centre is justified in no longer tolerating the employee's presence in the Centre. It may include

- a) sexual or racial harassment of a fellow worker or user of the Centre
- b) theft from the Resource Centre, or from a fellow worker or user of the Centre
- c) violence towards a fellow worker or user of the Centre.

- 9.2 In the event of gross misconduct, the employee may be instantly dismissed, without notice or pay in lieu of notice.
- 9.3 In the event of instant dismissal, the employee will be allowed to collect personal belongings and must hand in keys and other Resource Centre property.
- The employee will be given immediate written confirmation of the decision and the reason for instant dismissal.
- 9.4 The manager will inform the chair of the Management Committee in writing.
- 9.5 An employee subject to instant dismissal has the right to appeal under clause 7.7.

10. Format for hearings

- 10.1 The chair of the Panel will introduce those present, detail the purpose of the hearing and explain the format of the hearing.
- 10.2 The manager will state the case and may call witnesses as appropriate. The employee and/or the representative may question the manager and witnesses for clarification. The chair may also ask questions to clarify the management case.
- 10.3 The employee or the representative will present the employee's case and may call witnesses as appropriate. The manager may question the employee, the representative and witnesses for clarification. The chair may also ask questions to clarify the management case.
- 10.4 The manager will summarise management's case.
- 10.5 The employee or the representative will summarise the employee's case.
- 10.6 The hearing will adjourn while the Panel, advised by the personnel adviser, discuss the case in private and decide what level of action, if any, is needed. They may temporarily reconvene the hearing if they need further clarification of any matter.
- 10.7 If new information has come to light during the hearing which needs further investigation, a decision will be deferred and a date set for the hearing to be reconvened.
- 10.8 The hearing will reconvene and the chair of the Panel will inform the employee of the decision and of the right to appeal (where this is allowed under the procedure).

11. Miscellaneous

- 11.1 It is essential to keep proper records. Detailed notes should be kept of any interviews relating to a disciplinary process. Accurate minutes must be kept of hearings. It may be advisable to ask an outside person to act as Minute Secretary at hearings.
- 11.2 Days in the time-scale refers to calendar days.

Signed:
Company secretary, B&H SWET Ltd

Date: