

# PROJECT | 21

ACTIVITIES | CLUBS | EVENTS  
FOR PEOPLE WITH DOWN'S SYNDROME

**Policy Document Number 13**

**Policy Owner : Project Manager**

**Policy Appeal to: Trustees**

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## **DISCIPLINARY & GRIEVANCE RULES AND PROCEDURES FOR EMPLOYEES**

### INTRODUCTION AND PRINCIPLES

1. The aim of our disciplinary rules and procedures is to maintain high standards and encourage improvement in individual conduct or performance. We reserve the right to amend these rules and procedures where appropriate.
2. The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind.
3. Employees will be informed in writing of the substance of the allegation and will be given the opportunity to state their case at a disciplinary hearing. Other than for an "off the record" informal reprimand, employees have the statutory right to be accompanied at all stages of the formal disciplinary process by a fellow employee, including appeals.

### DISCIPLINARY RULES

In addition to the specific examples of rules shown below, a breach of other specific conditions, procedures etc. that are contained within this statement or that have otherwise been made known to you, will also result in this disciplinary procedure being used.

## A) RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and should not be regarded as an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- a. failure to abide by our general health and safety rules and procedures;
- b. smoking in designated non smoking areas;
- c. consumption of alcohol on the premises, or being intoxicated at your work;
- d. persistent absenteeism and/or lateness;
- e. unsatisfactory standards or output of work;
- f. rudeness towards any person (incl, members and their families, members of the public and colleagues), objectionable or insulting behaviour, harassment, bullying or bad language;
- g. failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- h. unauthorised use of E-mail and Internet;
- i. failure to carry out all reasonable instructions or follow our rules and procedures;
- j. unauthorised use or negligent damage or loss of our property; and
- k. failure to report immediately any damage to property or premises caused by or witnessed by you.

## B) SERIOUS MISCONDUCT

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

## C) RULES COVERING GROSS MISCONDUCT

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship, will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- a. Safeguarding policy breach
- b. theft or fraud;
- c. physical violence or bullying;
- d. deliberate damage to property;
- e. deliberate acts of unlawful discrimination or harassment;
- f. possession, or being under the influence, of illegal drugs at work; and
- g. breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

#### D) DISCIPLINARY ACTION

Disciplinary action taken against you will normally be based on the following:

Category, 1<sup>st</sup> Occasion, 2<sup>nd</sup> Occasion, 3<sup>rd</sup> Occasion & 4<sup>th</sup> Occasion – as below

- UNSATISFACTORY CONDUCT

Formal verbal warning

Written warning

Final written warning

Dismissal

- MISCONDUCT

Written warning

Final written warning

Dismissal

- SERIOUS MISCONDUCT

Final written warning

Dismissal

- GROSS MISCONDUCT

Dismissal

- We reserve the right to take account of your length of service and to vary our procedures and disciplinary action accordingly. If you have a short amount of service (currently two years) you may not receive any warnings before dismissal.
- In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.
- A verbal warning will normally be disregarded for disciplinary purposes after a 3-month period. A written warning will normally be disregarded for disciplinary purposes after a 6-month period. A final written warning will normally be disregarded for disciplinary purposes after a 12-month period.
- Demotion to a lower status at the appropriate lower rate or suspension from work without pay for up to 5 days may be considered as an alternative to dismissal in appropriate cases.

## **CAPABILITY PROCEDURES**

### **INTRODUCTION**

We recognise that during your employment with us your ability to carry out your duties may diminish. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you are unable to keep pace with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work.

#### **A) JOB CHANGES/GENERAL CAPABILITY ISSUES**

1. If the nature of your job changes or if we have general concerns about your ability to perform your job we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your ability will normally first be discussed in an informal manner and you will be given time to improve.
2. If your standard of performance is still not adequate you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.
3. If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial detrimental effect on our organisation or reputation, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.

4. If such improvement is not forthcoming after a reasonable period of time, you will be dismissed with the appropriate notice.

## B) PERSONAL CIRCUMSTANCES/HEALTH ISSUES

1. Personal circumstances may arise which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.
2. There may also be personal circumstances which prevent you from attending work, either for a prolonged period(s) or for frequent short absences. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

## C) SHORT SERVICE STAFF

We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal but you will retain the right to a hearing and you will have the right to appeal.

## **CAPABILITY/DISCIPLINARY APPEAL PROCEDURE**

- You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.
- If you wish to exercise this right you should apply either verbally or in writing to the person indicated in your individual Statement of Main Terms of Employment.
- It may be necessary, because of the size of our organisation, for the appeal to be heard by the person who took the original action and it is therefore important that your appeal gives details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.
- If you are appealing on the grounds that you have not committed the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.
- You may be accompanied at the appeal hearing by a fellow employee of your choice and the result of the appeal will be made known to you in writing, normally within five working days after the hearing. This is the final stage of the appeal process.
- We reserve the right to allow third parties to chair any formal hearings.
- If the appeal is against the actions/decision of the Project Manager you may REQUEST that the trustees consider acting as the Appeal body.

## **GRIEVANCE PROCEDURE**

- It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which such a grievance can be aired and, where appropriate, resolved.
- Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.
- If you feel aggrieved at any matter relating to your work you should first raise the matter with the Project Manager either verbally or in writing, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at which your grievance will be investigated fully. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.
- If you wish to appeal you must inform the Project Manager in writing, within five working days. You will then be invited to a further meeting.
- Following the appeal meeting you will be informed of the final decision, which will be confirmed in writing.
- We reserve the right to allow third parties to chair any formal hearings.