

Biddulph Youth and Community Zone Ltd (BYCZ)

Disciplinary Policy

Purpose and scope

BYCZ aims to help and encourage all staff and volunteers to achieve and maintain high standards of conduct, attendance and job performance. This procedure applies to all staff and volunteers and sets out the action which will be taken when rules and procedures are breached. 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 a member of staff or volunteer until the case has been fully investigated. For formal action, the member of staff or volunteer will be advised of the nature of the complaint against him or her and the matter will be investigated by someone who is not directly involved. The staff member(s) or volunteer(s) under investigation will be given the opportunity to state their case before any decision is made at a disciplinary meeting. Staff and volunteers will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At the disciplinary meeting, the member of staff or volunteer will have the right to be accompanied by a trade union representative, or work colleague. No member of staff or volunteer will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice. A member of staff or volunteer will have the right to appeal against any disciplinary penalty.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

Stage 1 – verbal warning

If conduct or performance is unsatisfactory, the member of staff or volunteer will be given a verbal warning. Such warnings will be recorded, but disregarded for disciplinary purposes after six months of satisfactory service. The member of staff or volunteer will also be informed that a written warning may be considered if there is no sustained satisfactory improvement or change.

Stage 2 - first written warning

If conduct or performance remains unsatisfactory, the member of staff or volunteer will be given a written warning. Such warnings will be recorded, but disregarded for disciplinary purposes after nine months of satisfactory service. The member of staff or volunteer will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Stage 3 – final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the member of staff or volunteer. This will include the reason for the warning, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will explain the right of appeal. A copy of this written warning will be kept on the member of staff's or volunteer's personnel file, but will be disregarded for disciplinary purposes after twelve months, subject to achieving and sustaining satisfactory conduct or performance.

Stage 4 – dismissal or action short of dismissal

If the conduct or performance has failed to improve, the member of staff or volunteer will be dismissed.

Gross misconduct

If, after investigation, it is confirmed that a member of staff or volunteer has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft, fraud or act of dishonesty;
- deliberate and serious damage to property;
- fighting, physical violence or serious abusive behaviour towards people;
- incapacity for work due to being under the influence of alcohol or illegal drugs;
- failure or refusal to obey a reasonable instruction without good reason;
- passing confidential information outside the organisation;
- serious breach of health and safety obligations;
- inappropriate relations with a child (any person under 18) or a vulnerable adult under their care;
- serious breach of BYCZ's rules, policies and procedures;
- serious misuse of computer, email or internet facilities;
- conviction for an offence or professional misconduct which calls into question their integrity or fitness to work at BYCZ; or
- conduct likely to bring BYCZ into disrepute (whether inside or outside the workplace).

While the alleged gross misconduct is being investigated, the member of staff or volunteer may be suspended from work, during which time he or she will be paid at their normal pay rate. Any decision to dismiss will be taken by BYCZ only after full investigation. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

A member of staff or volunteer who wishes to appeal against any disciplinary decision must do so within five working days of receipt of the letter outlining the grounds for the appeal. The appeal meeting will be chaired by a member of the Board of Trustees who was not involved in the original disciplinary meeting. They will review any disciplinary penalty imposed and their decision is final.

Signed:.....*SL Middling*.....

Print Name:.....SL MIDDLEING.....

Role:CHAIR.....

Date:.....19/09/24.....

Reviewed: 18th July 2024

Next Review: July 2026