



Royal Patron, HRH The Prince of Wales, Duke of Cornwall  
President, Lord Lieutenant of Cornwall, Colonel E T Bolitho OBE  
Chairman, Lt Col Richard Trant

## Disciplinary Policy and Procedure Dated March 2021

### 1. Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The Charity's Employee Code of Conduct (a copy of which is available in the office) and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

### 2. Principles

Informal action will be considered, where appropriate, to resolve problems. No disciplinary action will be taken against an employee until the case has been fully investigated. For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting. Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action. The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

### 3. The Procedure

First stage of formal procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for three months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if

there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (eg, six months).

### **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 employee. This will give details of the complaint, 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 refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after six months subject to achieving and sustaining satisfactory conduct or performance.

### **Dismissal or other sanction**

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the Council of Management, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal. If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after six months subject to achievement and sustainment of satisfactory conduct or performance.

### **Gross misconduct**

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. 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.

## Disciplinary procedure

### 1. Purpose and scope

The organisation's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached.

### 2. Principles

- a. 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.
- b. At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative or a work colleague.
- c. An employee has the right to appeal against any disciplinary penalty.

### 3. The Procedure

#### **Stage 1 – First warning**

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after three months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

#### **Stage 2 – Final written warning**

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within three months, action at Stage 3 will be taken.

#### **Stage 3 – Dismissal or action short of dismissal**

If the conduct or performance has failed to improve, the employee may suffer disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

#### **Gross misconduct**

If, after investigation, it is confirmed that an employee 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, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination. While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

## Appeals

An employee who wishes to appeal against any disciplinary decision must do so to the named person in the organisation within five working days. The employer will hear the appeal and decide the case as impartially as possible.

**Policy written by:** Cathy Woolcock

**Approved by:** Council of Management

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**Review date:** March 2023

Written with reference to [www.acas.org.uk/media/pdf/d/r/Discipline-and-grievances-Acas-guide.PDF](http://www.acas.org.uk/media/pdf/d/r/Discipline-and-grievances-Acas-guide.PDF)