# Felixstowe Youth Development Group

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## Policy Number 15

Disciplinary Policy & Toolkit

**(Issue 7 - Revised June 2020)**

**Approved by Trustees\_\_\_June 2020\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

### Registered Charity Number: 1102380

**Registered Address: 2nd Floor, 54 Cobbold Road, Felixstowe IP11 7EL**

FELIXSTOWE YOUTH DEVELOPMENT GROUP

This policy provides information on Felixstowe Youth Development Group Ltd (FYDG) disciplinary process and the types of actions that could result in disciplinary action being taken.

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**1. Policy Statement**

Felixstowe Youth Development Group requires a high standard of conduct, attendance and job performance from all its employees in order to support efficient and effective service delivery. Where an employee falls short of these requirements, it seeks to manage any unsatisfactory employee conduct issues arising during the course of employment in a timely, appropriate, fair and consistent manner in line with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice.

The policy is intended to cover all cases of minor, serious, cumulative, or gross misconduct. If an employee is charged with or is convicted of a criminal offence or is investigated or cautioned by the police or government agency this is not normally in itself reason for disciplinary action. In such cases consideration will be given to what effect the charge or conviction has on the employee’s suitability to do the job.

Issues of poor performance relating to lack of capability to undertake their duties should be dealt with under the Capability Policy. Absences related to ill health will be dealt with under the Absence Management Policy.

**2. Scope**

This policy applies to all employees and volunteers.

**3. Purpose**

This policy alongside the Disciplinary Toolkit have been designed to ensure fairness in the treatment of its employees.

The Management Board have the authority to dismiss.

If an employee who is an accredited representative of a trade union recognised by the organisation for collective bargaining purposes is suspected of having committed a disciplinary offence, the organisation will, if the employee consents, as per the ACAS code, discuss the matter with the local Branch Secretary or full time Regional Official before taking any action under this policy.

Misconduct can be dealt with informally by the employee’s line manager during normal routine meetings. If informal action does not bring about the required improvement the conduct may be escalated to the formal procedures under this policy.

Cases considered misconduct or gross misconduct will be dealt with under the formal procedures in this policy.

**4. Equality and Diversity**

FYDG is committed to taking effective action to eliminate discrimination and to promote equality of opportunity and diversity in all that it does, both as an employer and as a service provider.

In applying this policy, FYDG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity and provide for good relations between people of diverse groups, in particular on the grounds of characteristics protected by the Equality Act 2010.

**5. Review**

This policy will be reviewed regularly and normally no later than three years after its approval or as required due to legislative changes or a change in the ACAS code of practice.

**Disciplinary Policy Toolkit**

This toolkit will guide both managers and employees through the disciplinary process.

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**1. Manager and employee toolkit for handling disciplinary issues**

Felixstowe Youth Development Group (FYDG), wherever possible, seek to resolve disciplinary issues in the workplace. Managers and employees are encouraged to seek a solution to settle any issues at the earliest opportunity.

Some examples of the types of behaviours which may constitute misconduct and gross misconduct are set

out in the Appendix to this toolkit.

**2. Informal**

Managers should address any concerns regarding an employee’s conduct with them at the earliest

opportunity. It is the employee’s opportunity to raise with them any mitigating circumstances that may be

impacting on their conduct in a private and confidential manner.

To ensure that all parties are clear as to what has been discussed and agreed, a written record will be kept

on file and a copy given to the employee. If the issue is related to an employee’s capability to undertake

their duties to a satisfactory standard please refer to the Capability Policy.

**3. Investigation**

• An investigation is not disciplinary action. It is to establish the facts of the case, and to determine as to

whether there are grounds to take formal action against the employee.

• The investigation meeting should be conducted without any unreasonable delay. The aim will be to

complete investigations within 10 working days, subject to any mitigating circumstances. The

Investigation Officer will interview the employee to gather all the facts, and if need be, interview any

witnesses.

• Investigations will be undertaken by an appointed independent Investigation Officer. In some cases, the

Investigation Officer may be external to FYDG.

• Correspondence will be sent to an employee advising them that an investigation will take place.

• Once the investigation is complete the Investigation Officer will compile an investigation report to

determine how to proceed.

**4. Informing the employee**

• The employee will be notified of the outcome of the investigation report.

• If the investigation officer decides that a formal hearing should take place then the employee will be

invited accordingly.

**5. Suspension**

• An employee may be suspended on full pay to protect them and / or the business either before, during

or after an investigation

• Suspension does not constitute disciplinary action and does not imply any decision about the case.

• Prior to suspension suitable alternatives will be considered such as temporary redeployment to other duties.

• If a recognised Trade Union official is under investigation or suspended, no further action will be taken

until the case has been discussed with a relevant Trade Union representative or permanent union

official of that Trade Union.

• The manager will inform the employee in writing of any suspension, including the reasons for the

suspension and that an investigation is being conducted.

• At any time, the suspension may be lifted, and the employee may return to their current role or amended

duties; if the investigations are still ongoing then this will be made clear to the employee.

**6. Disciplinary Hearing**

• A minimum of 5 working days (unless mutually agreed to be sooner) will be given notifying the

employee to attend a disciplinary hearing.

• FYDG will make reasonable adjustments for all parties if required.

• If an employee is unable to attend the meeting they must advise the Hearing Manager and the date will

be rearranged within 5 working days of the original hearing.

• If an employee fails to attend the disciplinary hearing the hearing will be reconvened. If the employee

fails to attend the reconvened hearing then the hearing may take place in their absence and an

outcome decided based on the facts available at that meeting.

• At the disciplinary hearing the Investigation Officer will provide details of the allegation and outline the

facts of the case.

• If new facts are presented during the meeting it may be necessary to adjourn to investigate further and

reconvene in a timely manner.

• Once the Hearing manager and employee are satisfied that they have asked and responded to questions

presented then the Hearing manager will adjourn the meeting to consider their decision. The meeting

will then be reconvened accordingly to deliver the outcome.

The purpose of a hearing:

• It is the employee’s opportunity to put forward their responses to the allegations

• Provide an opportunity for all present parties to ask questions and respond accordingly

**7. Outcome**

• The employee will be notified in writing of the decision, within 5 working days of the Hearing Manager’s

decision.

• The Hearing Manager will ensure that any recommendations are followed up

and appropriate actions followed up with the appropriate employee.

**8. Disciplinary Warnings**

- Written Warning

6 months on file

- Final Written Warning

12 months on file

- Dismissal/Summary Dismissal

With notice/without notice pay

**9. Dismissal**

Dismissal (with notice):

• Contractual notice will be paid in the event of a dismissal being with notice.

Dismissal (without notice – summary dismissal):

• Dismissal for gross misconduct is immediate and without notice pay, as the conduct is deemed to be so

serious that the relationship between the employee and employer is irrecoverable.

Demotion or redeployment:

• This outcome may be used as an alternative to dismissal. Demotion would be to a post of lower level

responsibility and with no pay protection arrangements.

**10. Appeal Process**

Employees have the right to appeal against a formal outcome of a disciplinary hearing. The Appeal Hearing

Manager’s decision will be final and there are no further rights of appeal under the organisation’s internal

procedures

**Appendices:**

**Appendix A:**

Examples of misconduct (This list is illustrative, not exhaustive):

• Repeatedly arriving late for work

• Smoking on FYDG premises or in vehicles

• Failure to follow procedural requirements or policies

• Speeding whilst using a FYDG vehicle

• Failure to follow absence reporting procedures

• Exceeding level of authority or misleading any one as to the extent of authority

• Unauthorised absence

• Unauthorised use or intentional misuse of facilities and equipment

• Failure to follow a reasonable management request

• Negligence

Examples of gross misconduct (this list is illustrative, not exhaustive):

• Theft, Fraud, Dishonesty

• Being unfit to work through the use of drugs or alcohol

• Away without leave (AWOL)

• Gross negligence

• Physical violence, assault,

• Bullying and harassment

• Vexatious or malicious grievances

• Soliciting gifts or gratuities

• Deliberate and serious damage to property

• Bringing the Company into any disrepute

• Breach of ICT policy

• Breach of confidentiality

• Insubordination

• Breaches of health and safety

• Breach of trust and confidence

**Appendix B**

Right to be accompanied:

• Employees who are interviewed during an investigation have no statutory right to be accompanied by a Trade Union representative or work colleague. However, FYDG will afford the right for employees

to be accompanied by a recognised Trade Union representative or work colleague if they wish.

• Employees have a right to be accompanied by a work colleague or a Trade Union representative, at a

disciplinary hearing.

**Appendix C**

Support to employees:

FYDG recognises that employees may find the disciplinary process stressful and provides support to employees as appropriate.

**Appendix D**

Recording of meetings:

All meetings will be recorded using the most appropriate means e.g. note taker, audio recording equipment. A copy of the recording and / or minutes will be available to the employee.

 **Appendix E**

Safeguarding:

Any concerns in relation to safeguarding will be dealt with through our Safeguarding Policy.

**Appendix F**

CCTV:

Some of our sites have CCTV. CCTV may be used as evidence for the purposes of an investigation/disciplinary.