

## Inverbrothock Out of School Care Club

Charity Number: SC030097

### Disciplinary Procedure

#### Introduction

The general purpose of this procedure is to make clear the relationship between members of staff empowered to take disciplinary action and members of staff who are the subject of disciplinary action so that all concerned understand their rights and their obligations. The aim is to reconcile justice to the individual with the need for efficiency and discipline in the organisation. The disciplinary procedure is designed to assist any member of staff whose conduct is in question, and its initiation should be giving an opportunity to improve rather than as a first step in the process of dismissal. It is the policy of the organisation that disciplinary action should be fair and uniformed throughout.

All members of staff, from their first day of employment, are subject to the disciplinary procedure; however, staff on probation may be dismissed with one week's notice until the end of the probationary period.

#### Procedures to be followed.

In implementing any disciplinary action, practice shall be guided by the ACAS codes of disciplinary practice and procedures in employment.

The normal stages of the process will be:

- a. Verbal warning
- b. Written warning.
- c. Final written warning and then dismissal if the problem is not rectified.

#### Records of disciplinary action

Records of warnings will be kept for a designated period and then removed from the employee's file if conduct is satisfactory. The duration of the warning will be stated when the penalty is imposed but will normally be up to six months for a verbal warning, up to twelve months for a written warning, and up to two years for a final written warning.

## Notification

In all cases of formal disciplinary action, the employee will be given seven days written notice of a hearing, stating the grounds of complaint and has the right to attend with a friend or representative to put their case forward. The employee and representative will then withdraw while a decision is reached. The decision will be notified to the employee in writing, where appropriate stating a period within which conduct should be remedied and the time for which records of the penalty will be kept. In addition, disciplinary penalties will be reported to the Management Committee.

## Suspension

In the event of serious or gross misconduct the Manager shall have the power to suspend the employee on full pay without prejudice while the matter is investigated.

## Misconduct

Misconduct is defined as conduct or performance of the member of staff which does not carry out their obligations, for example

- a. Absenteeism or lateness
- b. Failure to work efficiently or according to instruction
- c. Conduct which affect the safety of persons, property, or equipment

## Procedure to be followed in cases of misconduct

- a. Preliminary discussion

If an employee's work, conduct, or attendance is considered to be unsatisfactory by their immediate supervisor, this dissatisfaction will be discussed with the employee by their supervisor.

- b. If, following this discussion, there are still grounds for dissatisfaction, the manager may hold a formal disciplinary interview with the employee. If the complaint is upheld the manager may issue a formal verbal warning which will be recorded on the employee's file. The manager may also specify a period over which conduct will be monitored.
- c. At the end of this period if the difficulty remains, the manager may refer the matter for a further disciplinary hearing. The meeting will be attended by the manager, a representative of the management committee and the secretary.

- d. The meeting shall decide whether the case against the employee is substantiated. If it is, they shall apply one of the following two remedies, depending on the seriousness of the problem: a written warning, or a final written warning. They may also decide on a period within which the problem should be remedied, and the situation reviewed by the same group.
- e. If the employee's conduct does not improve within the specified period, a final disciplinary hearing will be arranged involving the same group. The meeting will then decide whether to dismiss or to demote them.
- f. Gross misconduct is identified as conduct or performance, which is a more serious breach of obligations, for example
  - i. Dishonesty, including knowingly giving false information
  - ii. Misconduct involving a child
  - iii. Fighting or harassment
  - iv. Deliberate damage to property
  - v. Serious incapacity due to drink or drugs
  - vi. Serious negligence or insubordination
  - vii. Disclosure of confidential information about clients

#### Final written warning/dismissal/demotion

If the conduct is substantiated the manager shall a formal disciplinary meeting to consider the matter using the procedure outlined above, and this meeting may issue a final warning or decide on instant dismissal or demotion.

#### Appeals

If the employee wishes to appeal against a disciplinary decision, they may do so in writing to the manager within seven days of the decision being received. The manager will then convene a special joint meeting of the management committee to consider the appeal. The employee and their representative may attend this meeting to state their case. The decision of this meeting will be final.

The manager shall attend this meeting to give information only. No other participants in the previous disciplinary process shall attend.

The above policy is approved and hereby adopted by the IOOSCC Committee

Updated February 2023.

