




Totton & Eling Community Association Disciplinary procedure

1) Disciplinary procedure

Version	Action	Date	Signed
Version 03	Issued – Change to para 11/e/ii	18/02/2022	 C D Compton
	Authorised		

2) Introduction

- a) Totton & Eling Community Association (the CA) aim is to maintain standards of individual performance and conduct.
- b) This procedure covers Employees, Management Committee members and volunteers. Disciplinary issues involving Trustees will be resolved by the trustees. Note that complaints may be made by anyone against Trustees and those complaints will be dealt with according to the 'Complaints Procedure'.
- c) In general discipline should be voluntary and self-imposed. However, occasions do occur when it is necessary to take action towards individuals whose behaviour or performance is unacceptable or detrimental to the CA, Community Centre, staff and service users.
- d) Employees are covered by this Procedure, but when dealing with employees, employment law must be followed. In the case of gross misconduct by an employee, the case will be heard by the Trustees and then, if necessary, referred on to a qualified employment lawyer.
- e) Employees and volunteers are entitled to know what the CA's standards are and the procedure the organisation will follow if these standards are not observed. The primary purposes of this procedure is to establish facts quickly and to achieve improvement where there is a conduct or performance problem and to ensure fair and consistent treatment for everyone.
- f) Depending upon the seriousness of the case the disciplinary procedure may be entered into at any of the stages outlined below.

3) Employee suspension

- a) It may be necessary to suspend an employee whilst an investigation is taking place. Any suspension will be kept to a minimum and will be on full pay. In these circumstances the suspension itself will not constitute disciplinary action.

4) Volunteer 'stand-down'

- a) It may be necessary to ask a volunteer to 'stand down' whilst an investigation is taking place. Any 'stand-down' will be kept to a minimum. In these circumstances the 'stand-down' itself will not constitute disciplinary action.



Totton & Eling Community Association Disciplinary procedure

Page 2 of 7

5) Behaviour and conduct

- a) It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the circumstances. In addition to the specific examples below, a breach of other conditions, procedures, rules, etc. will also result in the disciplinary procedure being used to deal with such matters.
- b) You will be liable to disciplinary action if you are found to have acted in any of the following ways:

6) Examples of unacceptable behaviour, conduct or performance.

- a) Failure to carry out a reasonable instruction.
- b) Objectionable or insulting behaviour.
- c) Persistent irregular attendance and/or bad timekeeping. (Note the CA reserves the right not to pay employees for working time lost because of poor timekeeping).
- d) Failure to observe and follow CA practices and procedures.
- e) Failure to observe health and safety rules and procedures.
- f) The unauthorised use of or negligent, damage or loss of organisation material or equipment.
- g) Use of bad language that is offensive to colleagues or others, either orally or in writing.
- h) Allowing unwarranted visitors onto the premises without permission.
- i) Abuse of absence and self-certification rules and Policies and Procedures including failure to provide medical certificates.
- j) Acts of discrimination or harassment which breach any of the protected rights and characteristics as defined in the October 2010 Equality Act.
- k) Breaches of the organisation internet, email, social media or telephone usage.
- l) Unsatisfactory standards of work.
- m) Breaches of confidentiality.
- n) Failure to devote the whole of working time, attention and abilities to CA business during normal working hours.
- o) Failure to report immediately any damage to property or premises that you may accidentally cause.

7) Examples of Gross misconduct

- a) Gross or offensive sexual misconduct or immoral behaviour at work.
- b) Fighting or any violent behaviour towards other staff, volunteers, service users, visitors or others.
- c) Falsifying documents, defrauding, cheating, gambling, giving or taking a bribe or offering to do so.
- d) Deliberate recording of incorrect working hours or other CA records.
- e) Theft of property belonging to the CA, staff, volunteers or customers.



Totton & Eling Community Association Disciplinary procedure

Page 3 of 7

- f) Wilful damage to property belonging to the organisation, staff, service users or visitors.
- g) Breach of confidentiality or unauthorised disclosure of any information that could be detrimental to the CA, its staff or service users.
- h) Actions of an individual in the course of his/her employment which directly endanger others.
- i) Prolonged unexplained absence.
- j) Negligence or disregard of the CA's health and safety rules and procedures which could endanger others. Serious breach of the CA's policies and procedures.
- k) Wilful and continued refusal to comply with a reasonable and legitimate instruction.
- l) Serious insubordination towards Trustees, Centre Managers, Volunteers or Group leaders.
- m) Deliberate and/or serious acts of discrimination or harassment, including any acts which breach any of the protected rights and characteristics as defined in the October 2010 Equality Act.
- n) Disregard or breach of Data Protection rules, regulation and procedures of the organisation, employees, volunteers or its service users.
- o) Possession, use or supply of non-prescribed drugs or alcohol, or taking drugs while on the Organisation's premises, or during working hours. Unacceptable behaviour or reduced capacity to carry out duties due to the influence of alcohol or non-prescribed drugs.
- p) Smoking on Totton & Eling Community Centre's premises.
- q) Unauthorised access to or use of computer data, including abuse of the CA's internet and email facility.
- r) Abuse of the statutory sick pay scheme.
- s) Working in competition with the CA or the Totton & Eling Community Centre.
- t) Taking part in activities which result in adverse publicity to the CA or the Totton & Eling Community Centre.
- u) Interference with or misuse of any equipment for use at work that may cause harm.
- v) Persistent or very serious instances of unacceptable behaviour.

8) Employee/Volunteer's rights

- a) This procedure deals with both Employees and Volunteers, but when dealing with employees, employment law must be followed. When dealing with volunteers the Trustees decision is final.
- b) An individual who is subject to disciplinary action within the procedure will be informed by a Centre Administrator or Trustee



Totton & Eling Community Association Disciplinary procedure

Page 4 of 7

that they are to attend an investigation or disciplinary interview at a given time and place.

- c) The nature of the offence or offences will be outlined in writing to the individual with relevant supporting evidence. The individual will be given at least 48 hours' notice, where practicable, of any investigation interview or disciplinary hearing for him/her to consider the position. The individual must take all reasonable steps to attend any meeting.
- d) He/she will be given the opportunity to state his/her case at every stage of the disciplinary procedure. The individual will be provided with a copy of this procedure.
- e) The individual will be asked at each stage of the procedure whether or not he/she wishes to be represented by another person. The representative will be permitted to address the interview and to confer with the individual during the meeting but will not be permitted to answer questions on the individual's behalf.
- f) If the individual's chosen representative is not available to attend the interview, the interview will be postponed to an alternative reasonable time within five working days unless the individual asks for the interview to take place without such representation.
- g) A detailed investigation of the relevant facts will be carried out at all stages in the procedure by the Trustees. This will include, where appropriate statements from relevant witnesses.
- h) Where practicable, an individual will be advised of the decision in writing within seven days of the hearing.
- i) The individual will be made aware, at each stage of the procedure, of the right to appeal and the procedure to be followed.
- j) All proceedings, statements and records will be kept confidential.
- k) Formal oral warnings will expire after a period of six months and written warnings after twelve months and will be deleted from the record.

9) Informal warnings

- a) In general, shortcomings on the part of an individual in meeting job requirements or standards will be initially brought to his/her attention by the person he/she reports to in informal conversations accompanied by the offer of assistance towards achieving improvement.

10) Stages of the disciplinary procedure.

- a) Investigation
 - i) Where an investigation is necessary, generally the employee/volunteer will be informed in writing of the nature of the complaint against him/her. He/she will be given the opportunity to put forward their version of events and any



Totton & Eling Community Association Disciplinary procedure

Page 5 of 7

mitigating circumstances and to challenge other versions of events, if applicable. In serious cases an employee/volunteer may be suspended or asked to 'stand-down'. This carries no inference of guilt and is not a disciplinary action.

- ii) The Trustees will expect to receive full co-operation in any investigation including a written statement (on request) from the individual under investigation and from any person with relevant knowledge of the matters under investigation.
 - iii) The Trustees will have absolute discretion as to who should be involved in any investigation and how it should be carried out. The Trustees will produce an Investigation Plan setting out how the investigation will be conducted, who will be involved (e.g. provide statements and/or be interviewed) and the timescale of the investigation.
 - iv) Following the investigation, the Trustees will produce an Investigation Report summarising the investigation, its findings and with a recommendation that no further action or there is a disciplinary case to answer. A copy of the report will be provided to the individual under investigation.
- b) Disciplinary hearing
- i) If the Trustees decide that there is a disciplinary case to answer, the individual will be formally invited to a disciplinary hearing, detailing in the letter the nature of the allegation or complaint against him/her. The individual will be given sufficient time to prepare for the meeting. At the hearing the individual will be given the opportunity to respond to the allegation, including putting forward any mitigating circumstances.
 - ii) Following the meeting, and any further investigation needed, the individual will be informed of the decision and confirmed in writing of the outcome of the hearing and their right to appeal against any disciplinary award.
 - iii) Where the individual does not offer any explanation or mitigating circumstances for their conduct or behaviour, the person conducting the hearing may adjourn the hearing before making a decision and then advise the individual of the outcome. This will be confirmed in writing.

11) Disciplinary action taken will be based on the following.

- a) Stage 1. - Formal Oral Warning:
- b) Where an individual persistently fails to observe a standard after an informal warning, a trustee will interview the person and discuss the problem, agree an improvement plan to resolve it, including actions and timescale.
 - i) The person will receive a Formal warning; a written copy of the



Totton & Eling Community Association Disciplinary procedure

Page 6 of 7

- warning will be given to the individual and a copy placed in the individual's file.
- ii) The warning will remain in force for six months.
- c) Stage 2. - Written Warning:
- i) If the matter is not resolved, or if the individual's conduct or performance remains less than satisfactory in relation to the agreed improvement plan made in stage 1, or if the initial problem is sufficiently serious, a Trustee will interview the person, give him/her a written warning specifying the problem, the standards to be achieved and the consequences of failing to achieve the required standards.
 - ii) The individual will be informed that any further misconduct or continued poor work performance may result in dismissal.
 - iii) A copy of the letter will be placed in the individual's file and the individual will also retain a copy. The letter will clearly state a plan of improvement and a deadline date for achievement. The individual will be asked to sign a copy of the warning letter to confirm understanding of the terms of the letter.
 - iv) The warning will remain in force for twelve months.
- d) Stage 3. - Final Written Warning:
- i) If all attempts to resolve the problem fail, or where an individual fails to heed a written warning, the individual will be interviewed by the Trustees.
 - ii) The Trustees will give him/her a final written warning specifying the problem, the standards to be achieved and the consequences of failing to achieve the required standards.
 - iii) The individual will be informed that any further misconduct or continued poor work performance will result in possible dismissal (Stage 4.).
 - iv) A copy of the letter will be placed in the individual's file and the individual will also retain a copy. The letter will clearly state a plan of improvement and a deadline date for achievement. The individual will be asked to sign a copy of the warning letter to confirm understanding of the terms of the letter.
 - v) The warning will remain in force for twelve months.
- e) Stage 4. - Dismissal:
- i) If all attempts to resolve the problem fail, or where an individual fails to heed a written warning, the individual will be interviewed by the Trustees.
 - ii) In the case of gross misconduct by an employee, the Trustees will refer the case to a qualified employment lawyer, will contact the Insurer's Legal Help Desk (*currently BHIB Insurance*) and suspend the employee on full pay.



Totton & Eling Community Association Disciplinary procedure

Page 7 of 7

iii) In the case of a volunteer, the volunteer will be required to leave. This decision by the Trustees is final and cannot be challenged. This decision and the reasons for it will be given in writing.

12) Appeals against disciplinary action.

a) An employee/volunteer has a right of appeal against any formal disciplinary action taken against him/her. An individual wishing to exercise the right of appeal must do so within five working days after notification of the decision. Where the individual exercises the right of appeal, he/she shall state, in writing, the grounds on which the appeal is based. Where he/she exercises the right of appeal, the following procedure is to be adopted.

13) Appeals procedure.

- a) In the case of oral or written warnings, the individual should raise the matter with the person issuing the warning and requesting that the matter be referred to a more senior manager.
- b) In the case of final written warning, the individual should write, giving notice of appeal, to the Trustees who will review the decision. The Trustees may decide to interview the individual to discuss the appeal.
- c) In the case of an employee on suspension or dismissal, the individual should write, giving notice of appeal, to the Trustees, who will refer to an Employment Lawyer.
- d) The Trustees may decide to interview the individual to discuss the appeal. The decision at this stage is final.
- e) All appeals will be heard within five working days from the date the CA receives notification of the appeal, unless circumstances lead the parties to agree that an extension of time is necessary. The decision will be notified to the employee/volunteer within five working days of the hearing.
- f) It is not permissible for an individual or their colleague or representative to record meetings, formal or informal, either openly or surreptitiously without the express written permission of the person chairing the meeting.