

St Cuthbert's Society Junior Common Room (1168134)

Discipline (Employees) Policy

POL005

Review Table

Approved/issue	September 2020	Locations	Website Trustee Share Drive
Review Cycle	Annual		
Next review due	September 2021	Circulation details	JCR President, FCO, Trustees
Review by	Trustee Legal Committee		

1. Policy Statement

- 1.1.** Employees are required to maintain the charity's high standard of conduct, discipline, competence and time keeping and are expected to carry out all reasonable instructions or requests made by their management.
- 1.2.** The disciplinary procedure provides for warnings to be given for failure to meet the charity's said standard or for breach of any of the terms and conditions of employment. The procedure applies to all employees and they should familiarise themselves with this provision.
- 1.3.** The aim of the disciplinary procedure is to provide a framework within which the charity's management can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary. At present, the charity has two full time employees, the President and the Finance and Compliance Officer (FCO). . For the purposes of this policy, the Board of Trustees acts as Line Manager to both the JCR President and the Finance and Compliance Officer. JCR Employees' primary point of contact within the Board should be the Chair of the Board of Trustees, or in their absence a nominated alternative member of the Board.
- 1.4.** It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts. Employees with less than one year's service (except those in their probationary period) should not be dismissed or subjected to disciplinary action without being provided with the following:
 - written statement of the allegations;
 - a fair hearing before any decision is reached; and
 - the right to an appeal hearing.
- 1.5.** This policy is not contractual and does not form part of your contract of employment.
- 1.6.** The charity is not obliged to follow this procedure in every instance. However, the charity will follow a fair and effective procedure in the event that disciplinary action is necessary and will provide guidance and support as is appropriate to you.

2. General Principles

- 2.1.** This procedure applies to all employees and workers regardless of status or length of service (except for those employees who are subject to a probationary period of employment). It does not apply to agency workers or self-employed contractors.
- 2.2.** Minor conduct issues can normally be resolved informally between you and your Manager. These discussions should be held in private and without undue delay whenever there is cause for concern. In some cases an informal verbal warning may be given, which will not appear on your personnel records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation(s)).
 - 2.2.1.** Except in cases of gross misconduct or during your probationary period, you will not normally be dismissed for a first act of misconduct. We will normally give you a warning and a chance to improve.
 - 2.2.2.** Any steps under this procedure should be taken promptly unless there is a good reason for delay.
 - 2.2.3.** If you have difficulty at any stage of the procedure because of a disability or for any other reason, you should discuss the situation with your line manager as soon as possible.

3. Confidentiality

- 3.1. Our aim during an investigation or disciplinary procedure is to deal with matters sensitively and with due respect for the privacy of any individuals involved.
 - 3.1.1. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
 - 3.1.2. You are not permitted to make any electronic recordings of any investigative meetings, disciplinary or appeal hearings. Your companion who accompanies you to any meetings or hearings is also forbidden from making electronic recordings.
 - 3.1.3. You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless, in our discretion, we believe that a witness's identity should remain confidential.
 - 3.1.4. Witnesses must treat as confidential any information given to them in the course of an investigation, including the identity of any employee(s) under investigation.

4. Investigations

- 4.1. The purpose of an investigation is for us to establish a fair and balanced view of the facts before deciding whether to proceed with a formal disciplinary hearing. This may involve reviewing any relevant documents, interviewing you and any witnesses, and taking witness statements. The charity will usually appoint an Investigating Officer to carry out the investigation. In exceptional cases the Board of Trustees may appoint an Investigating Officer externally.
- 4.2. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 4.3. You do not normally have the right to bring anyone to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome a difficulty caused by a disability, or any difficulty in understanding English. Professional support from solicitors or barristers is not permitted.
- 4.4. You must cooperate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing to us any relevant documents and attending any investigative interviews.
- 4.5. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

5. Suspension

- 5.1. In cases of alleged gross misconduct or where the employee's continued presence in the office would hinder an investigation or where there is perceived to be a danger of a repetition of a breach of discipline we may need to suspend you from work while an investigation or disciplinary procedure is in progress. The suspension will be for no longer than necessary to investigate the allegation(s) and we will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any members of staff or members of the JCR without first obtaining the consent of the Investigating Officer.
- 5.2. Suspension of this kind is **not** a disciplinary sanction and does not imply that any decision has already been made about your case. You will continue to receive your full contractual salary and benefits during the period of suspension.

6. Written Information

- 6.1. Following any investigation, if we consider there are grounds for disciplinary action, we will inform you in writing of the allegations against you and the basis for those allegations. This will normally include:

- a summary of relevant information gathered during the investigation;
- documents which will be used at the disciplinary hearing; and
- witness statements which will be used at the hearing, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

6.2. You will have a reasonable opportunity to consider this information before the hearing.

7. Disciplinary Hearing

7.1. We will give you written notice of the date, time and place of the disciplinary hearing, which will normally be held within a reasonable time after you have received the written notice.

7.2. The hearing will be chaired by a member of the Board of Trustees. A Note taker will also be present. You may bring a companion with you to the disciplinary hearing (see paragraph 9 below).

7.3. You must take all reasonable steps to attend the disciplinary hearing. Failure to attend a hearing without good reason may be treated as misconduct in itself. If you or your companion cannot attend at the time specified you should inform us immediately and we will seek to agree an alternative time.

7.4. The purpose of the disciplinary hearing is to review the evidence and to enable you to respond fully, or as you wish, to any allegations that have been made against you. If you have a companion, they may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

7.5. It will not normally be necessary for witnesses to be present or questioned or cross-examined at the disciplinary hearing but, in truly exceptional cases, the Chairperson responsible may decide that a fair hearing could not be held otherwise. This is a matter for the absolute discretion of the person conducting the disciplinary hearing.

7.6. The disciplinary hearing may be adjourned if we need to carry out any further investigations. For example, we may decide to re-interview witnesses in the light of any points that have been raised at the hearing or to clarify existing ones.

7.7. Within a reasonable time following the disciplinary hearing we will inform you in writing of our decision (including details of any misconduct that we consider you have committed, and the disciplinary sanction to be applied) together with summary reasons for our decision. We will also inform you of your right of appeal. Sometimes we will also explain this information to you in person. In all cases you will be informed of the decision in writing.

8. Appeals

8.1. If you wish to appeal you should do so in writing, stating your full grounds of appeal, within fourteen days of the date on which you were informed of the decision. You will be notified in your letter to whom an appeal may be addressed.

8.2. We will give you written notice of the date, time and place of the appeal hearing. This will normally be between two days and one week after you receive the written notice. In cases of dismissal the appeal will be held as soon as possible. We will endeavour to fix the appeal hearing as soon as practically possible.

8.3. You may bring a companion with you to the appeal meeting.

- 8.4. If you raise any new matters in your appeal we may need to carry out further investigation prior to the appeal hearing. If any new information comes to light we will provide you with the details as set out under paragraph 6. You will have a reasonable opportunity to consider this information before the appeal hearing.
- 8.5. The appeal hearing may be a review of the original decision taking account of any new information. This will be at our discretion depending on your ground(s) of appeal and the circumstances of your case.
- 8.6. Following the appeal hearing we may:
- confirm/uphold the original decision; or
 - revoke/overturn the original decision; or
 - substitute a different disciplinary sanction.
- 8.7. We will inform you in writing of our final decision within a reasonable time following the appeal hearing. Sometimes we will also explain this to you in person. There will be no further right of appeal.
- 8.8. The date on which any dismissal takes effect will **not** be delayed pending the outcome of an appeal. However, if the appeal is successful, you will be reinstated with no loss of continuity of employment or pay.

9. Right To Be Accompanied

- 9.1. You may bring a companion to any disciplinary or appeal hearings under this procedure. The companion may be either a trade union official or a work colleague. You must inform us who your chosen companion is, in good time before the hearing. Professional support from a solicitor or barrister is not permitted.
- 9.2. Acting as a companion is voluntary and employees are under no obligation to do so. Employees will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 9.3. If your choice of companion is unreasonable we may ask you to choose someone else. For example:
- if in our opinion your companion may have a conflict of interest or may prejudice the hearing; or
 - if your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.
- 9.4. We may, at our discretion, allow you to bring a companion who is not an employee or union official (for example, a member of your family) where this will help overcome a particular difficulty caused by a disability, or where you have difficulty understanding English. Professional representation (i.e. a solicitor or barrister) is not permitted.

10. Disciplinary Sanctions

- 10.1. We aim to treat all employees fairly and consistently. Disciplinary action previously taken against other employees for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.
- 10.2. Depending on the seriousness of the matter any of the following stages may be omitted.

11. Stage 1: Verbal Warning

- 11.1. You may be given a formal verbal warning for a minor act of misconduct where you have no other active warnings on your disciplinary record.

11.2. The warning will be confirmed in a letter to you which will set out the reason for the warning and that it constitutes the first step of the disciplinary procedure, the change in behaviour or what improvement is required and by when and the likely consequences of further misconduct.

11.3. A record of the warning will be placed permanently on your personnel file and will remain active for six months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings.

12. Stage 2: First Written Warning

12.1. A first written warning will usually be given for:

- first acts of misconduct where there are no other active warnings on your disciplinary record; or
- minor misconduct where there is a verbal warning on your record.

12.2. The warning will be confirmed in a letter to you which will set out the reason for the warning and that it constitutes the first step of the disciplinary procedure, the change in behaviour or what improvement is required and by when and the likely consequences of further misconduct.

12.3. A record of the warning will be placed permanently on your personnel file and will remain active for six months from the date it is given, after which time it will be disregarded in deciding the result of future disciplinary proceedings.

13. Stage 3: Final Written Warning

13.1. A final written warning will usually be given for:

- where there is a consistent failure to improve or change behaviour during the currency of a prior warning;
- cases where there is no active written warning on file but we consider that the misconduct is sufficiently serious to warrant a final written warning.

13.2. The warning will be confirmed in a letter to you and set out the details of the misconduct, the improvement or change in behaviour required and the timescale allowed and the likely consequences of further misconduct.

13.3. The warning will be placed permanently on your personnel file and will normally remain active for 12 months or, if we decide that the matter is more serious, for a longer period. After the active period it will be disregarded in deciding the result of future disciplinary purposes.

14. Stage 4: Dismissal

14.1. We may decide to dismiss you in the following circumstances:

- any misconduct during your probationary period; or
- misconduct where there is an active final written warning on your record; or
- gross misconduct regardless of whether you have received any previous warnings.

14.2. Gross misconduct will usually result in your summary dismissal, that is, dismissal without notice or payment in lieu of notice. In cases not involving gross misconduct you will be given your full contractual notice period, or payment in lieu of notice.

14.3. Examples of gross misconduct are as follows:-

- causing harm (physical or mental) to another member of staff, member, visitor or member of the university;
- theft or attempted theft of, or wilful damage to property belonging to the charity or fellow member of staff or JCR member or any third party or any other act of dishonesty;

- misuse or intentional damage to JCR property;
- negligence resulting in serious loss, damage or injury;
- being on JCR premises under the adverse influence of drugs or excessive drink;
- intentional disregard of duties or of instructions relating to the employment;
- poor timekeeping;
- falsification of records;
- deliberate breach of confidence relating to the JCR's affairs or the affairs of JCR staff/members;
- the use to personal ends of confidential information obtained by the employee in the course of employment;
- conduct violating common decency;
- conviction on a criminal charge relevant to the employee's employment;
- failure to advise of offences relating to the Children's Act 2004 or to non-spent convictions;
- failure to advise of any drug offence;
- any discriminatory conduct;
- gross insubordination or rudeness to colleagues or parents;
- any conduct consisting of bullying or harassment.
- actions which bring the JCR into disrepute.

14.4. The above examples are not a comprehensive list of all examples for which an employee could be dismissed. Other substantial offences carry the same penalty.

14.5. Dismissal, either on notice or without notice, is a step that can be taken only by the Chair of Trustees or, if delegated to act, another charity Trustee. The dismissal will be confirmed in a letter to you.

This Discipline (Employees) Policy has been approved by the JCR President and Trustee Board.

Signed Sean Barnett

Signed Saskia Wootton-Cane

Dated September 2020

Dated September 2020

Chair, JCR Trust 2020-2021

JCR President 2020-2021