



THE GARDENERS REST
MORE THAN A PUB • A COMMUNITY HUB

GARDENERS REST COMMUNITY SOCIETY

DISCIPLINARY PROCEDURE

SCOPE

The Disciplinary Procedure will be used as a last resort. Where possible, counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

1. An employee can discuss any part of this policy with their manager. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation by a work colleague at any point during the disciplinary process.

SUSPENSION

2. Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the manager in charge of that individual, at that time or their superior, has the authority to suspend an individual.
3. An employee suspended from duty will receive written confirmation within three days of:
 - the reason for the suspension
 - the date and time from which the suspension will operate.
 - the timescale of the ongoing investigation.
 - the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 days

COUNSELLING

4. Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:
 - what is expected in terms of improving shortcomings in conduct or performance
 - the time scales for improvement
 - when this will be reviewedThe employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.
5. A record of the counselling should be given to the employee and a copy retained in their personnel file. It is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employees file.
6. If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

FORMAL INVESTIGATION

7. An investigation of potential disciplinary matters will be held without unreasonable delay to establish the facts. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

DISCIPLINARY MEETING

8. If it is decided that there is a disciplinary case to answer, the employee will be notified of this in writing. This notification will contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification. The notification will also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.
9. The meeting will be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case. Employers and employees (and their companions) should make every effort to attend the meeting. At the meeting the employer will explain the complaint against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses. Where an employer or employee intends to call relevant witnesses they will give advance notice that they intend to do this.
10. Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in a formal warning being issued; or the taking of some other disciplinary action; or the confirmation of a warning or some other disciplinary action (appeal hearings).
11. The manager conducting the disciplinary meeting will decide whether or not disciplinary or any other action is justified and will inform the employee accordingly in writing.

WARNINGS

Examples of Minor Misconduct

12. Below are listed examples of misconduct which may warrant either a verbal warning or a first written warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.
 - Persistent lateness and poor time-keeping.
 - Absence from work, including going absent during work, without valid reason, notification or authorisation.
 - Smoking within unauthorised areas.
 - Failure to work in accordance with prescribed procedures.
 - Unreasonable standards of dress or personal hygiene.
 - Failure to observe company regulations and procedures.

Verbal Warning

13. A verbal warning is appropriate when it is necessary for the manager to take action against an employee for any minor failing or minor misconduct.

First Written Warning

14. A First Written Warning is appropriate when:
 - a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
 - an offence is of a more serious nature for which a written warning is more appropriate.
 - the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

Examples of Gross Misconduct

15. Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning, Demotion or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.

- Theft, including unauthorised possession of Company property.
- Breaches of confidentiality, prejudicial to the interest of the company,
- Being unfit for duty because of the misuse/consumption of drugs or alcohol.
- Refusal to carry out a management instruction which is within the individual's capabilities and which would be seen to be in the interests of the company.
- Physical assault, breach of the peace or verbal abuse.
- False declaration of qualifications or professional registration.
- Failure to observe company rules, regulations or procedures.
- Wilful damage of property at work.
- Incompetence or failure to apply sound professional judgement.
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe.

Final Written Warning

16. A Final Written Warning is appropriate when:
- an employee's offence is of a serious nature falling short of one justifying dismissal.
 - an employee persists in the misconduct which previously warranted a lesser warning.

Downgrading or Transfer to another Post

17. This action is appropriate when:
- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
 - an employee is considered by the manager of the department to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

Dismissal

18. Dismissal is appropriate when
- an employee's behaviour is considered to be Gross Misconduct.
 - an employee's misconduct has persisted and exhausted the disciplinary procedure.

Time Scales for the expiry of Warnings

19. Warnings issued to employees will be deemed to have expired after the following times:
- Verbal Warnings: 6 months
 - First Written Warnings: 12 months
 - Final Written Warnings: 18 months (or as agreed and recorded at the hearing)
20. These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

LETTER OF WARNING

21. All Warnings must contain the following information:
- The letter must be issued within 7 days of the date of the disciplinary hearing.
 - The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
 - The period of time given to the employee for improvement.
 - The employee's right to appeal to the manager directly above that of the one issuing the warning.
 - A copy of the warning and any supporting documentation must be attached to the individual's personnel file.
 - In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal
22. The letter confirming dismissal will contain the following information:
- The reason for dismissal and any administrative matter arising from the termination of their employment.
 - The employee's right of appeal and to whom they should make that appeal

APPEALS

23. Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:
 - that the Company's Procedure had not been followed correctly.
 - that the resulting disciplinary action was inappropriate.
 - that the need for disciplinary action was not warranted.
 - that new information regarding disciplinary action has arisen
24. An appeal should be put in writing to the manager who issued the disciplinary warning / dismissal. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.
25. An appeal will be arranged within 20 working days of receipt of the appeal letter.
26. The decision of the person(s) hearing the appeal are final and no further right of appeal is available.

Appeals against Verbal and First Warnings

27. In the case of verbal and first warnings, the appeal will be heard by the manager next in line to the one who issued the warning.

Appeals against Downgrading, Final Warnings and Dismissal

28. The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Director. If possible they may also involve another senior manager / Director not previously involved with the case.
29. When dealing with an appeal against a Final Warning or Dismissal the appellant may submit a written statement for consideration by the person(s) hearing the appeal
30. The person(s) hearing the appeal may consider the appeal based on the information previously available including the investigation report, and any submissions made by the appellant. They may at their discretion seek any further information which they feel would help them to come to a fair conclusion.