

POWYS CHALLENGE

Registered Charity Number 1091494 Company No: 4350654

DISCIPLINARY PROCEDURE

Set out below is the disciplinary procedure currently adopted by Powys Challenge. This does not form part of your contract of employment but represents Powys Challenge's current practice, which may vary from time to time. It is the intention of Powys Challenge that this procedure will become part of all new contracts of employment.

1 Purpose and Scope

Disciplinary matters cover non-performance or inadequate performance of duties, breaches of contract or the rules of Powys Challenge, and other misconduct affecting your work or the organisation. The procedure is intended and designed to improve performance and resolve difficulties rather than to punish infringements. It is designed to be fair to all staff and to ensure that everyone has the chance to put their case.

Powys Challenge does not expect that disciplinary action will be needed. However, from time to time, normal supervisory discussions may fail to resolve difficulties, thus a formal disciplinary procedure may have to be invoked.

The procedure will usually follow a number of stages, which are detailed later in this document. It is, however, important that staff are aware that, especially in a case of gross misconduct, Powys Challenge may invoke the process at any stage up to and including dismissal.

2 Principles

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.
- No disciplinary action will be taken until the matter has been fully investigated.
- At every stage you will have the opportunity to state your case at a disciplinary interview and to be accompanied or represented, if you wish, by a trade union representative*, a fellow employee or a non-lawyer friend.
- Prior to a disciplinary interview you will be given details in writing about the nature of the alleged offence or problem, the nature of the evidence and the range of possible outcomes, and you will be reminded of your right to be accompanied or represented.
- If at any stage a warning is given, the warning will include the reason for the warning, the required improvement, and when the situation will be reviewed. It will indicate that if there is inadequate improvement or a repeat of the offence, a further warning or a final written warning may be given, or, if applicable, that you may be dismissed.
- You will be told in writing whether the warning will be kept permanently in your personal file, or will be removed after a specified period. Unless the warning is permanent, it will not be used in disciplinary matters after the specified period provided your progress is satisfactory and you are not involved in any further disciplinary matter within the specified period.
- You have the right to appeal against any disciplinary warning other than a verbal warning. The appeal procedure is set out in section 7 below.

3 Examples of grounds for disciplinary action

(a) Misconduct

- Unauthorised absence from work
- Bad time keeping
- Breach of confidentiality
- Discriminatory conduct (other than that deemed as gross misconduct)
- Incompetence or failure to perform to satisfactory standards of work where normal supervisory measures have failed to bring an improvement
- Wilful disobedience of a lawful and reasonable instruction from a supervisor
- Failure to follow recognised safe systems of work

- Misconduct during working hours or on the employer's premises, including negligent damaging of the employer's property.

(b) Gross misconduct

- Dishonesty of any type
- Bringing Powys Challenge into disrepute
- Threatening or abusive behaviour
- Sexual harassment, racist activity or other discriminatory conduct of a serious nature
- Sexual misconduct with clients
- Drunkenness or other alcoholic excess during working hours or drug abuse
- Conviction of a criminal offence after the commencement of employment or before commencement of employment if not previously disclosed to the employer

4 The procedure

(a) Informal Meeting

If your work or conduct is considered unsatisfactory, your line manager, or the Chief Officer or the Chair of Powys Challenge or other appointed person, as part of normal supervision, will explain any shortcomings and suggest ways of overcoming them. From time to time matters may arise between supervision sessions and your line manager will call an additional meeting.

When your line manager raises such matters with you, they will be minuted along with the timescale of expected improvement. If you feel that these minutes do not reflect your discussion accurately, you must raise this with your line manager in writing. This process does not form part of any formal disciplinary process, but would usually precede such a process.

(b) Formal Procedure

If the formal procedure is invoked there are four possible outcomes:-

- No further action taken
- Verbal warning
- Written warning
- Dismissal

If you are called to a disciplinary meeting you will be advised of this in writing. You will be given a date, time and place for the meeting and advised of your right to bring a trade union representative*, a fellow employee or a non-lawyer friend with you. The supporter may attend to observe the fairness of the meeting, not as an advocate.

If, during this meeting you wish to take 'time out' with your supporter, this will always be allowed. The letter advising you of the meeting will also stipulate what part of your performance or conduct is causing concern, so that you have the opportunity to collect documentation which you feel supports your case. The letter to you will also enclose a copy of this procedure and any other relevant documentation. After receipt of this letter you should advise the Chair of the meeting (your line manager or the Chief Officer or the Chair of Powys Challenge or other appointed person) of the name of your supporter, if any, and supply copies of the documentation you wish to be considered. Your supporter will also be sent copies of the procedure.

Should you choose not to attend the meeting you should be aware that decisions might be made in your absence?

The Chair of the meeting may make a decision on the outcome at the end of the meeting. Alternatively, you will be advised of the decision in writing after the meeting. If this decision is to take formal action, then you will be advised at what level, the length of time that the record will stay on file and the appeals procedure

that you may use. You will receive this decision within ten working days of the meeting.

If after investigation and an interview with you, your conduct or performance is found to be unsatisfactory, you line manager, or, in her/his absence another appointed person, may give you a formal verbal or written warning.

(c) Suspension

Suspension from work is not in itself a disciplinary action. While any alleged misconduct other than gross misconduct is being investigated, you may be suspended and will be paid your usual salary. In case of alleged gross misconduct, you may be suspended at your usual pay or at reduced pay or without pay during the investigation. Staff who are suspended are expected not to visit any Powys Challenge offices but must remain available to attend any meeting that may be called by either the Chief Officer or the Chair of Powys Challenge or other appointed person. A period of suspension will be confirmed in writing.

5 Outcomes of Disciplinary Meetings

(a) No Further Action

The Chief Officer or the Chair of Powys Challenge or other appointed person decides during or subsequent to the disciplinary meeting not to proceed.

(b) Verbal Warning

If, after investigation, and an interview with you, your conduct or performance is found to be unsatisfactory, the Chief Officer or the Chair of Powys Challenge or other appointed person might give you a formal warning. A written record will be kept of the discussion, actions agreed, and when the situation will be reviewed. You will be given a copy of this. You will also be advised how long the warning will remain on your personal file.

(c) Written Warning

If an investigation and interview with you about a disciplinary matter indicates that it is too serious to be dealt with through a verbal warning, you may receive a written warning as your first warning. You may also receive a written warning if a review after a verbal warning or a previous written warning shows that there has been inadequate improvement in your conduct or work, or if an incident of unsatisfactory work or conduct occurs after a verbal warning or previous written warning. You will receive confirmation of a written warning as above. In addition, the written warning will state that if your work or conduct does not improve within a specified time, you may be liable to dismissal without further warning. A written warning will stay permanently on your file. When you leave Powys Challenge, it will be destroyed along with other non-financial records after two years.

(d) Dismissal

If conduct or performance does not improve satisfactorily, or further misconduct occurs, you may be dismissed. Dismissal will not occur unless it is authorised by the Board of Trustees of Powys Challenge.

6 Gross Misconduct

Examples of gross misconduct are given in Section 3 above. The list given is not exhaustive. If, after investigation, it is found that you have committed an act or acts of gross misconduct, the normal consequence will be dismissal without notice and without pay in lieu of notice.

7 Appeal

You are entitled to appeal against any disciplinary warning or other disciplinary decision. To do so, you must notify the Chief Officer or the Chair of Powys Challenge or other appointed person in writing within five working days of receiving the warning or other written notification of the

penalty. The Chief Officer or Chair of Powys Challenge or other appointed person may at her/his discretion, extend this period. Your notice must specify the issues you wish to appeal or contest.

The Chair of Powys Challenge or other appointed person will appoint an appeal panel made up of Trustees. Wherever possible, these will be people who have not been directly involved in the disciplinary procedure at any previous stage. If the Chair wishes, an independent external person may replace one trustee.

A meeting of the panel will be convened as quickly as is reasonably practicable. You will be given at least two working days' notice of the meeting. You are entitled at the appeal meeting to be accompanied or represented by a trade union representative*, a fellow employee or a non-lawyer friend. You will be given the decision of the meeting in writing. The decision is final.

* Powys Challenge does not currently recognise a Trade Union. Should Powys Challenge give formal recognition to any Trade Union, staff would be entitled to be represented by that Trade Union.