

Disciplinary Procedures

The following stages apply where the Malvern Special Families management committee has a complaint about a member of staff's work or conduct. At each stage you have the right to be assisted by a representative. At each stage there is the right of appeal to the management committee of Malvern Special families.

An attempt should first be made to resolve the problem informally.

1) Purpose and Scope

Disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and to assist the organisation to operate effectively. Rules set standards of conduct at work; procedure helps to ensure that the standards are adhered to and provides a fair method of dealing with alleged failures to observe them. This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance.

The organisation rules and this procedure apply to all employees.

2) Responsibilities

- All members of Malvern Special Families management committee are responsible for explaining rules, standards of conduct and expected performance levels to their employees, and for ensuring that they are followed with the intention to avoid disciplinary action.
- All employees are expected to familiarise themselves with their Job Description, Health & Safety Document and Disciplinary Procedures.

3) Principles

- No disciplinary action will be taken against an employee until the case has been fully investigated.
- At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- At all stages the employee will have the right to be accompanied by a friend or work colleague during the disciplinary interview.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary penalty imposed.
- The procedure may be implemented at any stage depending upon the seriousness of the employee's alleged misconduct or performance.

4) Procedure

Minor faults will be dealt with informally *through counselling* by the appropriate supervisor but where the manner is judged to be more serious the following will apply:

Stage 1 - Verbal Warning

If after a full disciplinary hearing it is decided that conduct or performance does not meet acceptable standards the employee will normally be given a formal VERBAL WARNING. He or she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of his or her right of appeal. A brief note of the verbal warning will be kept, but it will be spent after 6 months, subject to satisfactory conduct and performance.

Stage 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the employee by the Malvern Special Families management committee. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is not satisfactory improvement and will advise of the right of appeal.

A copy of this written warning will be kept by the committee but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.

Stage 3 - Final Written Warning

If the offence is considered to be particularly serious or if there is still a failure to improve and conduct or performance is still unsatisfactory a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement after 5 days and

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will advise of the right of appeal. A copy of this final written warning will be kept by the Committee but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

Stage 4 - Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, DISMISSAL will normally result. Only the Malvern Special Families management committee can take the decision to dismiss. The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

Disciplinary Suspension

In appropriate circumstances a period of suspension without pay (not exceeding days) will be considered as an alternative to dismissal and will normally also include a final written warning.

5) Gross Misconduct

The following list provides examples of offences which are normally regarded as gross misconduct (the list is not exhaustive):

- 1) Abuse of children; (for further details refer to the Child Protection policy).
- 2) Theft, Fraud or deliberate falsification of MSF documents;
- 3) Assault on another person;
- 4) Being unfit to work due to being under the influence of alcohol, drugs or any other substance which may affect their ability to care for children.
- 5) Disregard of Health & Safety standards; or serious infringement of health and safety
- 6) Wilful damage to property;
- 7) Unauthorised disclosure of confidential information
- 8) Persistent bullying, sexual or racial harassment.
- 9) Gross negligence that either causes or might cause injury, loss or damage to persons/ property.
- 10) Being an unfit person under the terms of Care Standards Act 2000 or the Children's Act 89

If you are accused of an act of gross misconduct you may be suspended from work on full pay (normally for no more than 7 working days) while the organisation investigates the alleged offence. If, on completion of the investigation and a full disciplinary hearing, the organisation is satisfied that gross misconduct has occurred, the penalty will normally be summary dismissal without notice or pay in lieu of notice.

6) Appeals

An employee who wishes to appeal against a disciplinary decision should inform Malvern Special Families chairperson within two working days. The chairperson will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed can be reviewed but it cannot be increased.