



Enhancing children's
quality of life
through mentoring

Disciplinary Procedure

The Island's policies set out the standards of behaviour and conduct expected of employees. The Disciplinary procedure provides a mechanism for maintaining those standards and behaviours fairly, sensitively, objectively and consistently.

The Island firmly believes that in most cases, a carefully considered conversation at the right

time between the manager and an employee is all that is necessary and is often a more appropriate way to encourage employees to achieve and maintain required standards of conduct, performance and behaviour than immediate formal disciplinary action. Accordingly, minor cases of misconduct and poor performance will, in the first instance, be dealt with informally. This may involve any one or a combination of counselling, coaching, training and mediation. This informal approach is not part of the formal disciplinary procedure.

The disciplinary procedure should not be viewed primarily as a means of applying sanctions or as potentially leading to dismissal. It is an aid to good people management and is designed to be fair, impartial, consistent and equitably applied to all. Disciplinary processes are used as a very last resort to resolve conduct and performance matters, and other informal avenues should be used wherever possible. Employees need to be clear about processes in the event of unacceptable behaviour, and where issues arise they should be investigated and resolved quickly.

Informal procedure

Minor cases of misconduct and most cases of poor performance will be dealt with by informal advice, coaching, and counselling. An informal oral warning may be given, which does not count as part of the formal disciplinary procedure. No formal record of this type of warning will be kept. However, there will be a written action plan agreed between the parties to demonstrate

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progress. Progress measured against the action plan will be reviewed at an agreed date to see whether there is an acceptable level of improvement.

Formal procedure

Matters which will be dealt with under the formal disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- misconduct
- sub-standard performance
- harassment, bullying, including cyber bullying, and victimisation
- misuse of the employer's facilities including computer facilities (e.g. e-mail and the internet)
- poor time-keeping
- unauthorised absences

These matters will be dealt with by the organisations HR Officer.

Suspension

Where the alleged misconduct is sufficiently serious, the manager, or HR Officer together with the CEO may consider suspension. Suspension is not a disciplinary penalty and should not be viewed as such. Suspension should only be used if it is deemed that the employee's presence at the workplace will be of detriment or a risk to either:

1. the investigation and/or
2. effective service delivery and/or
3. any party, including themselves and only after considering if the employee could be placed in an alternative role.

It is imperative all efforts are made to ensure suspension is kept to a minimum. Prior to taking the decision to suspend, an employee must be given an opportunity to explain themselves and their response should be listened to and considered by their manager. In exceptional circumstances where this has not been possible, the reasons for the suspension need to be fully explained to the Chair of Trustees who will then endorse or otherwise the decision to suspend.

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The employee will be suspended from work on full pay. In most situations the suspension will remain in effect until the disciplinary process has been concluded. Whilst suspended the employee should refrain from work related contact with young people and other colleagues. If they wish to do, they may approach their trade union representative or a workplace colleague not involved in the matter under investigation to support them at any investigatory meetings or disciplinary hearing. It is the responsibility of the manager to maintain regular contact with the employee during the course of the investigation and keep them advised of progress/developments.

Process of formal procedure

If there has been no improvement through the informal disciplinary process, within a defined period, as agreed between the parties, or if the matter is sufficiently serious in the opinion of the line manager, then an independent person will be appointed to investigate the issue(s) raised and decide whether there are grounds for a hearing. The investigation will be completed within 20 working days unless the issue is complex or there are exceptional circumstances which make this timeframe inappropriate, such as a key witness being unavailable. A procedural timetable will be drawn up and agreed appropriate to the circumstances. If there are insufficient grounds for a Disciplinary hearing, there will be no further action, or the informal disciplinary process will continue.

Otherwise; the following provisions will apply:

1. The Independant person and Line Manager, as appropriate, will conduct a hearing (The Chair of Trustees will be appropriate, where the Mentoring Manager or CEO is involved).
2. A work colleague or trade union representative can be invited for support and advice to the meeting.
3. At least 5 working days' notice will be given of the Hearing.
4. The Investigating Manager and the employee will have opportunity to state their case.
5. Records will be kept of all meetings and decisions and be kept confidential.
6. The outcome of the hearing will be communicated to both parties, which will be one of the following:
 - A. *Formal oral warning in the case of minor infringements.* An action plan will be shared and together with a note of the oral warning will be kept on file for six months.

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B. *Written warning in the case of more serious infringements or if there is no improvement in performance after a formal oral warning.* The warning will include:

- details of the complaint
- the improvement or change in performance required
- the timescale allowed for this
- an action plan for improvement to be shared with both parties
- the right of appeal

A copy of the written warning will be kept on file for 12 months.

C. *Final written warning.* Where there is a continued failure to improve performance or where the infringement is sufficiently serious, a final written warning will be given. This will:

- give details of the complaint
- warn that failure to improve will lead to dismissal
- provide an action plan for improvement to be shared with both parties
- refer to the right of appeal.

The final written warning will be kept on file for 12 months. This could be extended to 18 months for serious cases of misconduct.

D. *Dismissal.* Where performance or conduct still fails to improve, the final step will be dismissal, or demotion. Dismissal can occur in one of two ways:

b) Incrementally, following a series of warnings for misconduct

Dismissal may follow a series of breaches in conduct which have been considered at disciplinary hearings and for which the employee has received formal warning/s. The misconduct for which the warnings were given do not have to be linked. Such a dismissal would be given with the standard notice reflecting the employee's contract, either given or paid in lieu.

c) Gross misconduct

Where a disciplinary panel concludes that the employee's conduct amounts to gross misconduct i.e. a fundamental breach of trust of confidence which results in a breach of contract, then they may be summarily dismissed. This would be with immediate effect (i.e. notice not given or paid in lieu).

In the event of dismissal:

- a written statement will be issued

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- the statement will include details of poor performance or misconduct
- the employee will be advised of their right of appeal

Appeals

Grounds for appeal

An employee has a right of appeal against any level of written warning or dismissal. An appeal hearing is not a rehearing of the case; it is a review of the disciplinary sanction imposed and process followed.

An appeal may be made on one or a number of the following grounds:

- a serious procedural error that resulted in significant detriment to the employee
- new evidence that has only come to light after the disciplinary meeting
- the decision reached at the disciplinary hearing was unfair and unreasonable in the circumstances having due regard to the severity of the allegations and any mitigating circumstances.
- The appeal should be notified as soon as possible to the line manager, but no later than 10 days from the decision communicated.
- The appeal will be conducted by a trustee or trustees, not previously involved.
- An advocate may attend.
- The decision will be communicated in writing within five working days.

Gross Misconduct

Instant dismissal will result from any of the following:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name

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Thompson

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Services

- bringing the employer into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes, or might cause, unacceptable loss, damage, or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

Reporting to the trustees

It is the responsibility of the line manager or Chair of Trustees to keep the trustees informed of all disciplinary matters at a level appropriate to the issue(s).

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