

DISCIPLINARY POLICY AND PROCEDURE

1. PURPOSE AND SCOPE

This policy and procedure is designed to help and encourage all workers to achieve and maintain standards of conduct, attendance and job performance. Standards required are outlined in Solon's Policy and Procedure Guide and this policy and procedure forms part of that Guide. It applies to all workers. The aim is to ensure consistent and fair treatment for all. The Personnel Worker has responsibility for ensuring that disciplinary matters are dealt with fairly and consistently and that proceedings are fully documented.

2. PRINCIPLES

- No disciplinary action will be taken against a worker until the case has been fully investigated.
- The panel which carries out the investigation will then conduct the disciplinary hearing, if they decide that the result of the investigation merits it.
- The worker must be advised of the nature of the complaint against him or her and given the opportunity to state his or her case before any decision is made.
- The worker will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.
- No worker will be dismissed for a first breach of discipline except in cases of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice.
- A worker has the right of appeal against any disciplinary penalty imposed.
- The procedure allows for different levels of disciplinary action and any level may be imposed if the worker's misconduct warrants such action.
- The investigation, disciplinary hearing and decisions about any disciplinary action should be carried out as quickly as possible, whilst ensuring that undue haste does not prejudice the outcome.
- Not all circumstances will be covered by this procedure and the panel carrying out any investigation or disciplinary hearing should act reasonably at all times.

3. THE PROCEDURE

1. Occasional minor faults will be dealt with informally within Sections.
2. When the matter is more serious and a worker, a Section, the Operations Group (OG), the Collective Administration Team (CAT), the Workers' Meeting or the Management Committee has a complaint against a worker which cannot be resolved informally, this complaint shall be notified to the CAT and to the worker concerned as soon as possible.
3. The CAT shall meet as soon as possible to select a panel to investigate the matter and take disciplinary action if necessary.
4. The panel will consist of no fewer than three workers and will be selected from members of the CAT by the CAT. If there are insufficient CAT members available, the CAT will appoint additional workers as necessary. The CAT may decide that it would be inappropriate for certain workers to be on the panel and exclude them from the process. The Personnel Worker will act as advisor, convenor and note-taker, but will not participate in the decision making of the panel.
5. A member of the Management Committee will be asked to join the panel if the matter is considered to be serious enough to warrant it or if the worker under investigation requests it.
6. The panel should meet as soon as possible to gather all the relevant facts (promptly before memories fade), take statements and collect documents. Tape recorders may be used if there is a lot of detail to record.
7. The worker under investigation may be required to participate in the investigation, before the formal disciplinary hearing is held.
8. When the panel is satisfied that they have conducted as full an investigation as possible, they must decide whether the case warrants continuing with the disciplinary procedure. If so, the worker under investigation will be asked to attend a disciplinary hearing.
9. The panel must ensure that the worker is aware of the nature of the complaint and of their right to be accompanied. The worker must be given no fewer than ten working days to prepare their case, unless the worker consents to a shorter length of time.
10. The hearing will start with an explanation of the nature of the complaint and the supporting evidence.

11. The worker will then have the opportunity to state his/her case.
12. If any new facts emerge, the panel must decide whether any further investigation is required. If it is, the hearing will be adjourned and reconvened when the investigation is completed.
13. The panel can question any explanations put forward by the worker and consider any mitigating circumstances.
14. The panel should adjourn before reaching a decision. They must come to a clear view about the facts and, if they are disputed, decide on the balance of probability what version of the facts is true.
15. When deciding what disciplinary action to take, the panel must consider the gravity of the offence and whether the procedure gives guidance, the penalty applied in similar cases in the past, the worker's disciplinary record, any mitigating circumstances and whether the proposed action is reasonable in all the circumstances.
16. The hearing should be reconvened and the worker clearly informed of the decision and the penalty, if any. In the case of a warning, what improvement is expected, how long the warning will last and the consequences of failure to improve must all be explained. The right of appeal must also be pointed out.
17. The disciplinary action must be confirmed in writing to the worker concerned and a record of it will also be put into their personal file.
18. If it is decided to dismiss a worker under this procedure, the dismissal cannot take place until any grievance raised under the grievance procedure has been dealt with.

4. DISCIPLINARY ACTION

The following disciplinary action may be taken:

Level 1 - Verbal Warning

If it is found that conduct or performance does not meet acceptable standards, the worker will normally be given a FORMAL VERBAL WARNING. He or she will be advised of the reason for the warning, and that further misconduct may lead to further disciplinary action, and of his or her right of appeal. A brief note of the verbal warning will be kept in the worker's personnel file but it will be disregarded after six months, subject to satisfactory conduct and performance.

Level 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the worker. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Level 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept in the worker's personnel file but it will be disregarded for disciplinary purposes after one year subject to satisfactory conduct and performance.

Level 3 - Final Written Warning

If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a FINAL WRITTEN WARNING will normally be given to the worker. This will give details of the complaint, the improvement required and the timescale, will warn that dismissal may result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on the worker's personnel file but it will be disregarded after one year (in exceptional cases the disciplinary panel may impose a longer period) subject to satisfactory conduct and performance.

Level 4 - Dismissal

If conduct or performance is still unsatisfactory and the worker still fails to reach the prescribed standards, DISMISSAL will normally result. Dismissal must be authorised by the Management Committee. The worker will be provided, within two weeks, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

5. GROSS MISCONDUCT

Gross misconduct is usually described as behaviour which constitutes a fundamental breach of contract, and the following list provides examples of offences which are normally regarded as gross misconduct:

- theft, fraud
- fighting, battery on another person
- deliberate damage to Association property

- serious incapability through alcohol or through being under the influence of illegal drugs
- serious negligence which causes unacceptable loss, damage or injury.

If a worker is accused of an act of gross misconduct, he or she will be suspended from work on full pay while the alleged offence is investigated. This suspension does not imply guilt or blame and will be for as short a time as possible. If, on completion of the investigation and the full disciplinary procedure, the Association is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

6. APPEALS

A worker who wishes to appeal against a disciplinary decision should write to the Chair of the Management Committee within 10 working days of the panel's decision. The Management Committee will set up an Appeal body, which will normally consist of three Management Committee members, to hear the appeal in accordance with the Appeal Procedure for Workers detailed in the Policy and Procedures Guide. At the appeal any disciplinary penalty imposed will be reviewed.