



DISCIPLINARY PROCEDURE

1 Introduction

INTERLINK and the Trade Union (GMB) both recognise that clearly understood rules and regulations are of benefit to the employer and the employees alike. They set standards of conduct at work and make clear to employees **and volunteers** what is expected of them.

This disciplinary procedure is the means by which our rules are observed and our standards are maintained. Its purpose is primarily corrective. It seeks to provide a structure for dealing with any shortcomings in conduct or performance, with a view to encouraging the appropriate improvement. By using a standard process it also seeks to ensure that all employees **and volunteers** are treated in a fair and consistent manner.

Some examples of the types of problem that could be dealt with under this procedure include poor attendance, breaches of INTERLINK procedures and regulations, infringement of health and safety rules, misuse of INTERLINK facilities, problems relating to work performance, e.g. unacceptable work performance or work rate.

2 General Principles

The following principles will apply in the operation of the disciplinary procedure:

- 2.1 No disciplinary action will be taken against an employee/**volunteer** until the case has been fully investigated.
- 2.2 At every stage in the procedure the employee/**volunteer** will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decisions are taken.
- 2.3 At all stages, including any investigatory interviews, employees/**volunteers** will be advised of their right to be accompanied by a union representative; or by another person, normally an INTERLINK employee, of their choice.

- 2.4 Normally the Procedure will be used progressively, but in some cases depending on the type/gravity of the offence the procedure can be entered at any stage.
- 2.5 Minutes of all disciplinary hearings, which result in disciplinary action, together with copies of any warnings issued, will be forwarded to the union representative, subject to the consent of the employee concerned.
- 2.6 No employee/volunteer will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be summary dismissal, i.e. dismissal without notice or payment in lieu of notice.
- 2.7 An employee/volunteer will have the right to appeal against any disciplinary penalty imposed.
- 2.8 In the event of alleged gross misconduct or serious breach of discipline an employee/volunteer may be suspended from employment on full pay whilst an investigation into the matter is carried out. Such a suspension, which does not imply guilt or blame, will be for as short a period as possible.
- 2.9 If it is decided that the employee/volunteer has not committed an offence all records concerning the case will be destroyed.
- 2.10 Union representatives are of course subject to the same standards as all other employees and can be accompanied by a full-time union official at any stage of the disciplinary procedure.

3 **Scope**

This procedure covers all employees and volunteers of INTERLINK. All disciplinary warnings can be linked.

4 **Pre-disciplinary Counselling**

It is the responsibility of the immediate line manager (or in the case of the Chief Executive Officer [CEO], the chairperson of INTERLINK) to clarify the tasks and role of the employee within the context of staff development and appraisal and within the agreed job description for the post. Line managers will, where necessary, make employees/volunteers aware of any improvements needed in performance or conduct. This will not form part of the formal disciplinary procedure. They may provide advice and/or encouragement to help the employee remedy any failing. Any underlying reasons for disciplinary/capability problems will be investigated and an employee's/volunteer's personal problems, where appropriate, will be taken into account. The employee/volunteer should fully understand the standards expected, what needs to be done, how performance or conduct will be reviewed, and over what period of time.

Notes kept by line managers and employees of these informal counselling discussions will be purely for reference purposes and will not be formally placed on the employee's personnel file.

However, where informal counselling does not bring about the necessary improvement or where the matter in question is more serious, then the following formal disciplinary procedure will apply.

5 **Disciplinary Stages**

Each stage will involve a disciplinary interview with the employee. Disciplinary interviews, under Stages 1 and 2, will be conducted by the line manager (normally following consultation with the Chief Executive Officer [CEO] if the CEO is not the line manager). The Chairperson of INTERLINK will be informed of any action that is taken under Stages 1 and 2. The CEO, together with a disciplinary sub group of the Executive Committee, will conduct disciplinary interviews under Stages 3 and 4. Any action taken under Stages 3 and 4 will be taken after consultation with the Chairperson. Notes of the disciplinary stages will be formally placed on the employee's personnel file.

Stage 1 - Verbal Warning

If after full discussion at the disciplinary interview a verbal warning is to be issued, then a letter confirming the decision and the improvements required, and the arrangements to review, will be issued to the employee. It is hoped that the problem will be resolved at this stage but if the required improvements are not made then a further disciplinary interview will be required.

The types of issue dealt with at this stage could include short-term absence, lateness and other relatively minor breaches of regulation.

A Stage 1 Warning will remain current for 6 months from the date of issue.

Stage 2 - First Written Warning

If after full discussion at the disciplinary interview a warning is to be issued, a letter will be sent confirming the decision, the improvements required and the arrangements for review. If however the necessary improvements are not achieved then a further disciplinary interview will be required. A stage 2 warning will remain current for 6 months from the date of issue.

Stage 3 - Final Written Warning

If after full discussion at the disciplinary interview and the Executive Committee disciplinary sub-group a final written warning is to be issued, a letter will be sent by the CEO, confirming the decision and the improvements required with a copy to the Branch Secretary. The Final Written Warning will make clear that if the required improvements are not made the employee's contract is liable to be terminated. INTERLINK hopes that dismissal action is not called for and that the employee will make every effort to redeem their situation by meeting the standards required. Where this is not the case the Final Stage of the procedure will be invoked.

A Stage 3 Warning will remain current for 6 months from the date of issue.

Stage 4 - Final Stage

This final discussion will be carried out as at Stage 3. This stage will also be the single stage for dealing with alleged Gross Misconduct.

After full investigation by the Executive Committee disciplinary subgroup and discussion at the disciplinary interview, the employee and the Branch Secretary (or deputy) will be notified of the proposed action. This could be termination of employment (as indicated in Stage 3)

6 Gross Misconduct

In cases of proven Gross Misconduct the action will normally be dismissal, i.e. without payment in lieu of notice.

Offences, which will normally be viewed as Gross Misconduct include:

- Theft
- Unauthorised possession of INTERLINK property,
- Fraud
- Deliberate falsification of records
- Causing serious or wilful damage to INTERLINK property
- Actual or threatened violence against another person
- Wilful unauthorised absence from duty during working hours
- Refusal to carry out a reasonable instruction
- Serious negligence of duty
- Serious disruptive or abusive behaviour
- Breaches of agreed confidential/secret information
- Any wilful or reckless act or omission constituting a serious danger to the health and/or safety of any person
- Sexual offences or misconduct committed at work

Falsifying or giving misleading information on application forms
Abuse of ICT facility

This list is not exhaustive, nor will it be used automatically. Racist conduct or sexual harassment will also be regarded as Gross Misconduct (see Annex One: Harassment at Work Procedure). Each case will be viewed carefully as an individual case.

7 Investigatory Suspension

Circumstances of alleged gross misconduct will involve the suspension of an employee from duty whilst investigations take place. Decisions about investigatory suspensions, with pay, will normally only be made by the senior manager on site, after consultation with an Officer. This will be confirmed in writing within two working days.

8 Disciplinary Suspension

Occasionally, for example where an employee's actions do not match a previously good record and where it is felt that there are particularly extenuating circumstances, INTERLINK may decide upon suspension without pay as an alternative to dismissal. Such suspension will be accompanied by a Stage 3 Final Written Warning.

9 Appeals

At all stages of the procedure an employee has the right to appeal against any warning that has been issued. Appeals against action taken under Stages 1 - 3 will be heard by an Appeals Panel comprising of Executive Committee members of INTERLINK appointed for this purpose who have not been directly involved in the issue. The panel hearing the appeal will normally need the opportunity at the appeal to hear the case first hand from the Director and, if applicable, the employee's line manager. It is however acknowledged that special cases may arise, where it may be inappropriate for the person who issued the warning to be present throughout the appeal.

Appeals against dismissal must be made in writing to the CEO within five days of the decision. INTERLINK recognises that a Full Time Union Official may be called in at the dismissal appeal stage if required. The reasons for the appeal must be clearly stated. Appeals against dismissal will be heard by a panel of members of the Executive Committee who have not been directly involved in the issue. The appeal hearing will be conducted as at Stage 4 and any subsequent reinstatement will involve no loss of service. Sometimes the appeal decision may amend summary dismissal (in Gross misconduct cases) to dismissal with notice, or reinstatement after a period of suspension without pay.

Disciplinary Procedure Annex One

Harassment at Work Procedure

Policy Statement :

- 1 INTERLINK affirms that harassment at work in any form is wholly unacceptable. This statement applies to clients, visitors, all staff (paid and unpaid) and officers and members of the Executive Committee and other committees, who are all responsible for their own behaviour under this policy.
- 2 Harassment can take many forms and may be directed in particular against women and ethnic minorities or towards people because of their age, sexual orientation, physical or mental disability, or some other characteristic. It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised; and it can create an intimidating work environment.
- 3 As well as contravening INTERLINK's policy, harassment may also in certain circumstances be unlawful, e.g. under Sex Discrimination Act and Race Relations Act.

The Procedure

- 4 Any incidence of harassment will be treated as a disciplinary offence and may lead to dismissal.
- 5 Anyone experiencing harassment should first discuss the matter informally with their immediate line manager. All allegations will be treated seriously. This discussion will be confidential but the line manager may seek advice from the CEO or INTERLINK's Chairperson, the complainant shall be informed and consulted about any such action. If the complaint is against the person's immediate line manager they should go direct to the CEO. If the complaint is against the CEO they should go direct to the Chairperson of INTERLINK.

If the matter cannot be satisfactorily resolved informally a formal complaint should be made. The matter is then reported to the CEO or Chairperson of INTERLINK who will ensure a full investigation.
- 6 Throughout the procedure at formal and informal stages great sensitivity and respect for the rights of both complainant and accused will be observed. Both may be supported by a person of their choice including a trade union representative or staff representative or friend.
- 7 INTERLINK will not victimise anyone for making a complaint, or for helping someone to make a complaint; and may take disciplinary action against employees responsible for victimisation.