*These procedures form part of an employee/volunteer’s written terms and conditions.*

**SECTION ONE**

**DISCIPLINARY POLICY STATEMENT**

The Pump House Project (*herein referred too as ‘the employer’)* is committed to good employment practices.  The policy and procedures provide a clear and transparent framework to deal with difficulties which may arise as part of working relationships from the employer’s perspective.  They are necessary to make sure issues are dealt with fairly and reasonably and that the Board of Trustees as an employer complies with current legislation.

The Pump House Project follows the ACAS Code of Practice for Handling Disciplinary and Grievance issues.

In most cases, when minor problems arise, it is possible to discuss the matter and overcome any difficulty with help and guidance. In these situations it is more important to understand what has led to the situation and to re-establish cooperation and understanding to prevent a recurrence rather than resorting to formal disciplinary action. In such cases, informal discussions will be used.

Where an employee/volunteer is unable to maintain standards, or disregard rules and regulations, this will result in disciplinary action.

**SECTION TWO**

**DISCIPLINARY PROCEDURES**

The procedures are designed to deal with:

* Unsatisfactory work performance including capability
* Unsatisfactory behaviour, misconduct or negligence
* Gross misconduct or gross negligence

The purpose of the disciplinary procedures are:

* To make sure an employee/volunteer knows what is expected of them in terms of standards of performance or conduct (and the likely consequences of continued failure to meet these standards)
* To identify obstacles to individuals achieving required standards (for example, training needs, lack of clarity of job requirements, additional support needed) and take appropriate action
* An opportunity to agree suitable goals and timescales for improvement in an individual’s performance or conduct
* A point of reference for an employment tribunal should someone make a complaint about the way they have been dismissed.

**Principles**

* No disciplinary action will be taken against an employee/volunteer until the case has been fully investigated
* 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 fully before any decision is made
* At all stages the employee/volunteer will have the right to be accompanied by a representative during the disciplinary interview. This person will have the same speaking rights as the employee/volunteer.
* No employee/volunteer will be dismissed for a first breach of discipline except in the case of gross misconduct or gross negligence.
* An employee/volunteer has the right to appeal against any disciplinary penalty imposed. All penalties will be fully explained.
* The disciplinary procedure consists of three possible stages. It may be implemented at any stage if the alleged misconduct or negligence warrants such action.
* The procedure will be non-discriminatory and confidential.

**Capability/Performance**

Only when all informal options have been exhausted and where there is no alternative will the employer enter a more formal disciplinary procedure.

Situations where the employee/volunteer is unable to do their job because of ill-health may also fall into this category. In these instances an employee/volunteer should be dealt with sympathetically and offered support. However, unacceptable levels of absence can still result in the employer making use of warnings.

**Conduct**

Employee/volunteer misconduct could range from continued lateness, failure to follow a reasonable instruction, abuse of the organisation’s computer system, bullying behaviour or creating a hostile work environment, through to theft, fighting and committing criminal offences. The more grave offences may constitute gross misconduct. In all cases, even gross misconduct, we will attempt to follow the statutory and the recommendations in the ACAS Code.

**Stages of the process**

If disciplinary action is to be taken it should always have three main stages:

* letter
* meeting
* appeal

There must always be a full and fair investigation to determine the facts and to decide if further action is necessary.

**Investigations**

When faced with a potential disciplinary matter, a full investigation will be carried out before any action is taken

**Disciplinary Interviews**

Anyone carrying out a disciplinary interview will have training to do so.

**Potential Outcomes**

**a. No action**

After the meeting, the employer may decide that no action is necessary. For example, if an employee/volunteer was unclear about what was expected from them and they agree to try to resolve the issue via additional support.

**b. Warnings**

Alternatively, the employer may decide to give the employee/volunteer a warning. Warnings will be given as follows:

* recorded oral warning
* first written warning
* final written warning.

Disciplinary warnings have a specified 'life' after which they are disregarded when considering any subsequent warnings. These are:

* recorded oral warning - 6 months
* first written warning - 1 year
* final written warning - 2 years.

Where misconduct has been very serious the warning will continue to be regarded indefinitely.

 **Holding a Disciplinary Hearing**

If it becomes clear during the hearing that the employee/volunteer has a satisfactory explanation for their conduct/performance the hearing should be stopped and no further disciplinary action taken. If the employee/volunteer is too distressed to continue or further investigation seems necessary the hearing should be adjourned.

**Informing the worker of a disciplinary decision**

Following a disciplinary hearing, the employer will inform the employee/volunteer as soon as possible in writing of:

* the result of the hearing and the reason behind the decision
* the consequences of repeating the offence and what specific improvement is required, if any
* how long the warning is going to remain in force
* the likely consequences of repetition of the misconduct
* their right of appeal and how this should be done

**Dismissal**

The Pump House Project will make sure that any decision to dismiss an employee/volunteer will be seen as ‘reasonable’ by an employment tribunal. The employer must have followed the statutory procedures and the ACAS Code prior to any dismissal and also have been fair overall, for example by complying with internal procedures, treating the employee/volunteer consistently and carrying out a proper investigation.

**Suspension**

For certain serious offences The Pump House Project will suspend a worker whilst a full investigation takes place.  The employee will continue to receive full pay. *NB: This does not apply to volunteers*

**Gross Misconduct**

If an employee/volunteer is accused of gross misconduct the matter will be investigated as soon as reasonably possible. Where it is not possible to carry out an immediate investigation, the employee/volunteer may be suspended, normally on full pay (*in the case of an employee only)*, while the investigation is taking place.

The following are considered to be gross misconduct and may result in instant dismissal:

* Serious criminal offence including murder, rape or child abuse
* Being under the influence of alcohol or illegal drugs whilst at work or performing any duty on behalf of Action4Youth or dealing in drugs whilst at work, including on the premises
* Theft
* Breach of confidentiality or health and safety

**Dismissal**

These are the grounds on which dismissal will take place:

* A reason related to the employee/volunteer’s conduct
* A reason related to the employee/volunteer’s capability for the job
* Because the employee/volunteer is redundant
* Because a statutory duty or restriction prohibits the employment being continued
* Some other substantial reason of a kind which justifies the dismissal

In all cases The Pump House Project will act reasonably in treating that reason as sufficient for dismissal.

**Appeals**

If an employee/volunteer is dissatisfied with the outcome of any stage of the disciplinary procedure, he/she may appeal in writing within 5 working days of the disciplinary decision to the a Trustee, or if the Trustee has taken the disciplinary decision, to the Chair of the Board of Trustees. The decision of any appeal hearing is final.

**SECTION THREE**

**GRIEVANCE POLICY STATEMENT**

The purpose of the grievance procedure is to enable individual employee/volunteers to raise grievances about their employment either by themselves or with a representative.

The aim of the procedure is to settle grievances fairly and as quickly as possible.  Most routine complaints and grievances are resolved informally in discussions with the Board of Trustees.

Any employee/volunteer having concerns or complaints about their work, employment terms, working conditions or relationships with others can bring these to the attention of one or more Trustees.  The aim is at all times to resolve grievances and deal with them before they develop into more serious problems that can affect performance, morale or discipline.

When listening to a grievance the Trustee/s will make sure the following takes place:

* Listen to any conflicting points of view
* Listen carefully to the explanation of the problem and consider if there are any deeper issues might be the root cause of the grievance
* Weigh up all evidence to see if there is an issue that needs to be addressed
* Decide on action that balances fairness to the person without compromising the organisation or other employees/volunteers
* Keeping the process as confidential as possible

Where grievances concern other employees/volunteers or involve unfair treatment such as discrimination, bullying or harassment, other policies and procedures will also apply.

**SECTION FOUR**

**GRIEVANCE PROCEDURES**

If you have a grievance or concern relating to your employment/volunteer position you should use the following procedure:

**Stage One**

In the first instance speak to the Project Manager. Should he/she be satisfied that the complaint is genuine then he/she will take action to resolve this and report his/her action back to you.  We hope that the majority of concerns will be resolved at this stage.

**Stage Two**

If you are not satisfied and it is not resolved you may raise the matter in

writing with one or more of the Trustees who will discuss the matter

with you and give a response within 5 working days. You have the right

to be accompanied to this meeting or represented by a fellow employee of

your choice or by a union official.

**Stage Three**

If you are not satisfied with this decision, you should put your grievance

in writing to the Chair of the Board of Trustees or his/her

authorised deputy.   You will be invited to attend an appeal meeting and

you have the right to be accompanied.  After the appeal meeting you will

be informed of the decision. This decision will be final and will be

confirmed in writing to you within 7 working days.

**APPEALS AGAINST GRIEVANCE DECISIONS**

**Hearings Policy**

* Hearings will be held at a reasonable time for the employee/volunteer and give 7 days notice so they can inform and consult with any representatives
* The individual conducting the hearing is responsible for collecting all relevant facts and documents available
* Witnesses will be informed if they need to attend.
* Someone will take notes so hearings are recorded.

Appeal hearings will consider any reasoningbehind the appeal and any new evidence since the earlier decision.  The person hearing the appeal will act impartially and make sure they review carefully the original decision.   The employee/volunteer will receive a decision as soon as possible and no later than 10 days after the hearing.  The decision is final.