



The FAN Charity – Policies

Disciplinary Policy and Procedure

The FAN Charity's Disciplinary policy is designed to help promote orderly employment relations as well as fairness and consistency in the treatment of individuals.

The approach of the FAN Groups disciplinary policy is to:

- Establish the full facts quickly
- Deal with the individual and facts consistently and fairly
- Encourage improvement through informal procedures
- Support an under-performing individual to become effective
- Avoid making hasty decisions but to take actions to a set and reasonable timescale
- Provide an opportunity for appeal against the outcome of a formal disciplinary meeting

Procedure

1.1 Informal Approach

It is expected that most performance issues will be resolved through informal discussions between the line manager and the employee, which are designed to highlight any problems in the employee's performance, and to agree a course of action. Line managers should set aside regular times for staff meetings on an individual basis to ensure that any issues are not allowed to "drift", but are addressed sooner rather than later, specifying a time scale within which the improvement should take place. Serious performance issues should not wait until the next agreed meeting, but be responded to promptly. A brief note of the discussion should be held with the manager and copy shared with the individual.

The line manager will take formal action if:

- informal approach does not result in an improvement
- the unsatisfactory performance is considered too serious to be classed as minor
- it is a case of misconduct

1.2 Formal Approach

Where, after a full investigation of the facts, an employee's conduct or performance warrants being dealt with through a formal disciplinary procedure, the following 3 step process will take place:

Step 1 – Statement of grounds for action and invitation to meeting

The employee's alleged conduct or characteristics, or other circumstances which have led to disciplinary action being contemplated will be set out in writing and given/sent to the employee. The employee will be invited to attend a meeting to discuss the matter, within 10 working days.

Step 2 – The meeting

The meeting must take place before any action is taken, except in the case where the disciplinary action consists of immediate suspension due to gross misconduct (examples of gross misconduct are listed below) and can only take place once the employee has:

- been informed on what basis the disciplinary action is being contemplated (as at Step 1), and
- had a reasonable opportunity to consider their response to that information.

The employee must take all reasonable steps to attend the meeting. The employee has the legal right to be accompanied at the meeting by a fellow worker or a certified official employed by a trade union. Following the meeting the employee will be informed in writing within 5 working days of the decision and be notified of their right to appeal against the decision. The disciplinary action may take place before the appeal is heard.

Outcomes of a disciplinary meeting may include:

- verbal warning
- written warning
- final written warning
- dismissal with notice
- dismissal without notice. This should only be considered in cases of gross misconduct or where the organisation considers the situation to be so serious that any further working relationship and trust between the charity and employee is impossible and therefore the contract between employer and employee is effectively destroyed.

Examples of gross misconduct may include, but is not restricted to:

- theft or fraud;
- physical violence or bullying;
- breach of safeguarding policy, by action, omission or complicity
- deliberate and serious damage to property;
- serious misuse of organisation's property or name;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;
- serious insubordination;
- unlawful discrimination or harassment;
- bringing the organisation into serious disrepute;

- serious incapability at work brought on by alcohol or illegal drugs;
- causing loss, damage or injury through serious negligence;
- serious breach of health and safety rules;
- serious breach of confidence

Written records (notes of meetings, evidence and decisions) made during the disciplinary process, will be treated as confidential and kept in a locked file and kept no longer than necessary in accordance with the Data Protection Act 1988. GDPR 2018 / Data Protection Act 2018

Individuals (practitioners working with children or adults at risk) who are under investigation for misconduct which poses a risk of harm, or for acts of direct harm, or demonstrates their unsuitability to work with / towards a child or adult at risk, must be reported to the Local Authority Designated officer (LADO) in accordance with Section 5 of the Wales Safeguarding Procedures.

In addition, any member of staff or volunteer placed in regulated activity who is dismissed, re-deployed or chooses to resign, remove themselves due to

- a) a relevant offence
- b) harm committed towards a person in their care
- c) the harm test (actions which pose a risk of harm towards the person in their care)
- d) relevant conduct (e.g. not upholding the expected standards of practice for the role)

will, at the point of permanent removal from regulated activity, be referred to the DBS for barring consideration. All relevant information will be shared with the DBS, in the knowledge that this will in turn be shared with the individual, should they make representation on their behalf.

Step 3 – Appeal

The employee must inform the employer if they wish to appeal against the outcome of a disciplinary meeting (NB an employee should appeal in writing within a week 5 working days). The employee will be invited to attend a further meeting within 2 weeks 10 working days of the letter being received, to which the employee must take all reasonable steps to attend. The employee has the legal right to be accompanied at the meeting by a fellow worker or a certified official employed by a trade union. Following the appeal meeting, the employee will be informed in writing of the final decision.