



TASBURGH VILLAGE HALL
DISCIPLINARY & DISMISSAL POLICY & PROCEDURE

REVIEWED: 11/10/16

DATE OF NEXT REVIEW: 11/10/17

TVHMC PERSON RESPONSIBLE: TONY LACEY

INTRODUCTION

This policy is designed to meet the requirements of the Statutory Dismissal & Disciplinary Procedures in N. Ireland; with the Statutory Dismissal & Disciplinary Procedures in England, Scotland, and Wales up to 6th April 2009; and with the ACAS Code of Conduct in England, Scotland and Wales with effect from 6th April 2009.

TVHMC expects all its employees to behave reasonably at work and to respect and abide by TVHMC Employment Policies. This Disciplinary & Dismissal Procedure will be applied in cases where an employee's behaviour is unsatisfactory, where the Employment Policies are breached, or where dismissal is necessitated.

Cases of poor work performance will be dealt with using the Poor Work Performance Policy.

APPLICABILITY

This Policy applies to all employees. The Policy also applies in principle to other people who work at or for TVHMC.

POLICY

Any examples of unsatisfactory conduct by an employee, or breach of an Employment Policy or Procedure, will be investigated

No disciplinary action will be taken against an employee until the matter has been fully investigated

Disciplinary hearings will be held at each stage of the Procedure. The timings and location of the hearings must be reasonable to both parties

At disciplinary hearings, any documents relating to the case will be made available to both parties in good time

The employee will be told the nature of the complaint against him/her

The employee will be given the opportunity to state his/her case before any decision is made

The employee has the right to be accompanied by a fellow employee, an employee representative who has been nominated/appointed to act on behalf of other employees in negotiations with TVHMC or a trade union official [*Note: not a family member, friend, solicitor or any one acting in a legal or professional capacity*]

Hearings may be adjourned with the consent of both parties

An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be dismissal without notice

An employee has the right to appeal against a disciplinary decision or penalty

TVHMC reserves the right to search staff, their workspaces or their vehicles if, in the course of an investigation, it is necessary to seek evidence relating to a disciplinary matter

Any disciplinary actions should not be delayed unreasonably by either party

PROCEDURE

A. INFORMAL WARNINGS

(N.B. Stages 1-2 do not form part of the Statutory/recommended Dismissal & Disciplinary Procedures, and the right to accompaniment does not apply)

An investigation should be carried out and an informal meeting convened prior to giving a stage 1 or stage 2 warning.

Stage 1 – Oral Warning

If your conduct does not meet acceptable standards, you will be given an oral warning by your employer

You will be told the reason for the warning, the change of behaviour required, and a timescale for improvement

A note of the oral warning will be kept on your personnel file, but will be removed after 6 months if your conduct has been satisfactory

Stage 2 - Written Warning

If your misconduct is more serious, or if there has been no improvement following an oral warning, you will be given a formal written warning, giving details of the offence, the change of behaviour required and the timescale for improvement

You will be informed that if there is no improvement within the timescale, action under Stage 3 will be initiated

A signed copy of the written warning will be kept on your personnel file, but will be removed after 12 months if conduct has been satisfactory

B. FORMAL PROCEDURE

(N.B. Stages 3-5 comply with the Statutory Dismissal & Disciplinary Procedure in England, Scotland and Wales up to 6th April 2009; and with the ACAS Code of Conduct in England, Scotland and Wales with effect from 6th April 2009)

Stage 3 - Statement of grounds for disciplinary action or dismissal

Where warnings have not resulted in improvement, in cases serious misconduct or gross misconduct, or in cases of dismissal, you will be given a written statement of your alleged conduct/characteristics/other circumstances which have led TVHMC to contemplate taking disciplinary action or dismissing you

You will be invited to attend a meeting to discuss the matter

Stage 4 - Formal meeting

You must make every effort to attend the meeting

You will have the opportunity to give your response to the statement given to you under Stage 3

After the meeting, you will be informed of the decision and notified of your right to appeal against the decision if you are not satisfied with it

Stage 5 - Appeal

If you wish to appeal against a disciplinary or dismissal decision, you should notify TVHMC's Secretary within 5 working days.

You will be invited to an appeal meeting, you must make every effort to attend the meeting

After the appeal meeting, you will be informed of the final decision within 10 working days of the meeting. The decision of TVHMC will be final

NOTES

Timescales may be changed by agreement of all parties

If you are dismissed without notice (for example in a case of gross misconduct), the above process will be shortened. You will be sent a written statement of the alleged misconduct that has led to the dismissal, and the evidence for the decision to dismiss you. You will have the right to appeal as set out in Stage 5 above.

EXAMPLES OF GROSS MISCONDUCT (this list is indicative but not exhaustive)

Theft, fraud and deliberate falsification of records

Physical violence or assault

Serious bullying or harassment

Deliberate damage to property

Serious insubordination

Misuse of TVHMC property or name

Bringing TVHMC into serious disrepute

Serious incapability whilst at work 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

Direct or indirect comments or actions in breach of Discrimination Laws or Policies