



Version history	
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Transition Town Worthing CIC Disciplinary policy and procedure

Purpose and scope

Transition Town Worthing CIC (TTW)'s aim is to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees and sets out the action which will be taken when rules and procedures are breached. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated. For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting. Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At the disciplinary hearing, the employee will have the right to be accompanied by a trade union representative, or work colleague. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice. An employee will have the right to appeal against any disciplinary penalty.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

Stage 1 – first written warning

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded but disregarded for disciplinary purposes after six months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

Stage 2 – final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will include the reason for the warning, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by on the employees personnel file but will be

disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

Stage 3 – dismissal or action short of dismissal

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

Gross misconduct

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft, fraud or act of dishonesty
- deliberate and serious damage to property
- fighting, physical violence or serious abusive behaviour towards people
- incapacity for work due to being under the influence of alcohol or illegal drugs
- failure or refusal to obey a reasonable instruction without good reason
- transmitting confidential information outside the organisation
- serious breach of health and safety obligations
- serious breach of organisation's rules, policies and procedures
- serious misuse of computer, email or internet facilities
- bringing the organisation into disrepute

While the alleged gross misconduct is being investigated, the employee may be suspended from work, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against any disciplinary decision must do so within five working days of receipt of the letter outlining the grounds for the appeal. The appeal hearing will be chaired by a director who was not involved in the original disciplinary hearing. They will review any disciplinary penalty imposed and their decision is final.

Related documents

Please refer to Redundancy policy and procedures for redundancy dismissals and the non-renewal of fixed term contracts.

Transition Town Worthing **Grievance Policy and Procedure**

Dealing with grievances informally

If an employee has a grievance or complaint to do with work or the people they work with, they should, wherever possible, start by talking it over confidentially with a director or the Chairperson of Transition Town Worthing CIC (TTW). They may be able to agree a solution informally between themselves and wherever possible this should be the aim. The Chairperson (or in the absence of the Chair the Director who has dealt with the matter) has a duty to inform the TTW Board of the matter but there will be no further disclosure outside of TTW at this stage and the matter is confidential within the Board.

Formal grievance

If the matter is more serious and/or the employee wishes to raise the matter formally, they should set out the grievance in writing, as soon as possible, to a director or the Chairperson of TTW. The employee should stick to the facts and any relevant dates and avoid language that is insulting or abusive. Where the grievance is against the line manager (or the Chairperson of TTW) and the employee feels unable to approach him or her, they should talk to another Director of the Board. Conflicts of interest e.g. where there are social relationships involved between the complainant and a Director should be avoided so that objectivity at Board level is maintained.

Grievance hearing

The manager or Chairperson (or another Director) will call the employee to a meeting, normally within five days of receiving the formal written complaint, to discuss the grievance. The employee has the right to be accompanied by a colleague or trade union representative at this meeting, if this is reasonable. Notes of the meeting will be taken by a person who is not involved in the complaint and these will be shared with the Board and the employee. The manager, Chairperson (or other Director) may decide to adjourn the meeting for any investigation that may be necessary. After the meeting they will notify the employee of the decision in writing, without unreasonable delay (e.g. within ten days of the meeting) and, where appropriate, should set out what action the employer intends to take to resolve the grievance. The employee will be informed that they can appeal if they are not content with the action taken.

Appeal

Where an employee feels that their grievance has not been satisfactorily resolved, they should appeal. They should outline their grounds for appeal without unreasonable delay and in writing.

Employees will be invited to an appeal meeting, normally within five days, and the appeal will be heard by a manager (or Director) who has not previously been involved in the complaint that led to the case. Employees have the right to be accompanied by a colleague or trade union representative at this meeting if this is a reasonable request.

The outcome of the appeal meeting should be communicated to the employee in writing without unreasonable delay. The appeal decision is final.