

Selsey Community Forum

Disciplinary Policy



Policy Statement

Acceptable standards of conduct and behaviour are essential to Selsey Community Forum's affairs and the well-being of its employees. The Charity aims to ensure fairness, equality and consistency in the day-to-day management of matters relating to employee conduct, including the investigation of alleged misconduct and decisions regarding sanctions in cases of misconduct up to and including dismissal.

This policy applies to all staff. Section 11 refers specifically to staff during the probationary period.

The process to be followed when managing other non-disciplinary dismissals such as the non-renewal of Fixed Term Contracts of Employment and termination on the grounds of ill health is outlined in Section 10.

1. General

- 1.1 A disciplinary procedure should not be viewed solely as a means of imposing sanctions. As a corrective measure, discipline contributes to the improvement of individual conduct or performance and the Charity expects that (except in the case of serious or repeated misconduct) the first step in the process to improve performance will normally be informal counselling conducted by the employee's manager.
- 1.2 Where formal disciplinary proceedings become necessary, the Charity will ensure that this procedure is applied fairly and consistently through the involvement of the Charity's Board of Trustees. Employees will be given sufficiently clear details of the nature of the alleged misconduct, the opportunity to respond and the right of appeal if they are issued with a warning or dismissed.
- 1.3 The Managers are responsible for the management and discipline of their staff and for ensuring that all employees are made aware of the standards that are expected of them and of any rules applying to them. Equally, it is the responsibility of all employees to familiarise themselves with the policies and procedures of Selsey Community Forum and to conduct themselves in a disciplined, safe and responsible manner whilst at work.
- 1.4 It is an important principle of the procedure that details of all disciplinary allegations; investigations; hearings; decisions; documentation and any other details or data used as evidence are considered confidential and are not to be made known, discussed or revealed to anyone not entitled under this procedure to have access to that information. This does not preclude evidence from third parties being provided where relevant.
- 1.5 Whenever the policy gives the employee the right to be accompanied by a Trade Union representative or a third party their credentials and capacity should be declared in advance.

2. Disciplinary Rules

- 2.1 Although it is not possible to identify every form of misconduct, it is important for employees to be aware of the type of actions which will attract penalties, especially those that might lead to

dismissal. The general standards of conduct applying to employees are contained in their contract and job descriptions and will be supplemented from time to time by management instructions and changes in law or local policy.

2.2 In addition, the following examples of misconduct and gross misconduct are provided as illustrative of the type of actions on the part of employees which might attract the penalty shown. It is important to stress that each case will be examined on its merits and the penalty will only be determined after the manager concerned has discussed the allegations with the employee and considered his/her response to the allegations.

2.3 Examples of actions which might be construed as Misconduct:

- Failure to adhere to health and Safety requirements
- Poor timekeeping
- Breach of rules
- Inappropriate use of the internet or email
- Failure to respond to counselling or the issue of an informal management direction regarding acts of minor misconduct
- Abuse of sickness schemes
- Disregard of a reasonable instruction
- Unacceptable conduct or appearance
- Failure to adhere to operating manuals or instructions issued
- Failure to take reasonable steps to protect the Charity's equipment
- Unauthorised consumption of alcohol on Charity premises and land and property belonging to clients
- Failure to make a relevant declaration under the Code of Conduct
- Unauthorised use of Charity equipment for personal purposes.

2.4 It is important to note that depending on the severity of the action, misconduct listed in Section 2.3 may constitute Gross Misconduct and this may result in dismissal.

Similarly, repeated acts of the misconduct listed in Section 2.3 may lead to dismissal. If the employee's conduct is unsatisfactory in several of the areas listed above and they are issued with one or more warnings outlined in Section 7, this may also lead to dismissal.

Whenever an employee is issued with a formal warning it must be made clear what future disciplinary action will be taken if the employee does not improve their conduct.

2.5 Examples of actions that might be construed as Gross Misconduct which might result in Dismissal:

- Providing false (or withholding) information for the purposes of obtaining employment with the Charity
- Dangerous, reckless or negligent acts
- Unauthorised access to computer systems
- Introducing or exposing computer viruses to the Charity's computer systems
- Unauthorised copying of software
- Unauthorised use of the Internet facility or accessing illegal or unacceptable material
- Unauthorised and intentional disclosure of confidential information
- Harassment or unlawful and intentional discrimination on the grounds of gender, ethnic origin, disability and other areas covered by the Charity's Equal Opportunities Policy
- Abusive, threatening or aggressive behaviour

- Being under the influence of alcohol or drugs at work or on Charity's premises or land and property belonging to clients
- Taking or possessing prohibited drugs or solvent abuse on Charity's premises or land and property belonging to clients
- Physical assault
- Serious insubordination
- Significant and irreparable breakdown in trust between employer and employee
- Failure to account properly for cash or other financial transactions
- Fraud including submission of false claims for overtime, expenses, etc.
- Malicious damage to Charity equipment or to other employee's possessions
- Failure to fulfil important Health and Safety requirements e.g. Child Safe Guarding
- Driving a vehicle (personal or otherwise) whilst on official duties whilst disqualified, without a licence, medically unfit, under the influence of alcohol or drugs or without insurance cover for business use of a private vehicle
- Theft
- Corruption, acceptance of prohibited hospitality or partial treatment of a contractor, job candidate, etc. as identified by the Code of Conduct
- Working for another employer in Charity time or use of Charity time or equipment for personal gain
- Omission or commission of an act likely to endanger others or to expose the Charity to prosecution, civil proceedings or significant financial loss
- Failure to declare a non-spent criminal conviction or a spent criminal conviction where the provisions of the Rehabilitation of Offenders Act 1974 do not apply
- Failure to declare a criminal conviction issued after completing the Disclosure and Barring Service process
- Actions outside work that may bring the Charity into disrepute (see Section 10).

2.6 If the actions referred to above are not considered to be sufficiently serious to be construed as gross Misconduct and do not lead to Dismissal the employee might be issued with a Warning (Formal Written Warning and Final Written Warning) and Disciplinary Sanctions.

2.7 Table 1 Disciplinary Procedure Stages

Disciplinary and Contract Termination Procedure	
Informal Stage No right to be represented No right of appeal	Informal Management Direction
Stage 1 Right to be represented Normal period valid for: 6-12 months Appeal	Formal Written Warning
Stage 2 Right to be represented Normal period valid for: 12-18 months Appeal	Final Written Warning -may be demoted with loss of pay -may in exceptional cases remain on file
Suspension	To be used where appropriate – it is not of itself a form of disciplinary sanction
Stage 3 Right to be represented Appeal	Dismissal will be with notice for Misconduct and without notice for Gross Misconduct

3. Informal Management Direction

- 3.1 It is the Manager's responsibility to communicate with and train and develop employees. In cases of minor infringements of the rules of conduct the Manager should seek to effect an improvement in conduct through informal counselling.
- 3.2 The manager may also consider it appropriate (after interviewing the employee) to issue an Informal Management Direction in response to minor breaches of discipline. The note will outline the misconduct and the corrective action to be taken by the employee together with the timescales for improvement.
- A file note containing details of the Informal Management Direction will be given to the employee and a copy placed on their personal file.
- 3.3 Counselling and Informal Management Directions are part of the normal supervisory process and do not form part of the formal Disciplinary Procedure. Therefore, the employee does not have the right to be accompanied at the meeting by a colleague, Trade Union representative or third party and there is no right of appeal in these circumstances.

Stages of the Formal Disciplinary Procedure

4. Preliminary Investigations

- 4.1 In cases of alleged misconduct management will normally undertake a preliminary investigation to determine whether or not it is appropriate to invoke the Disciplinary procedure. If the employee who is the subject of the investigation is required to attend an investigatory meeting, they should be given adequate advance warning of this to allow them time to prepare. Such an investigation does not constitute disciplinary action but is designed to determine whether an allegation of misconduct is sufficiently substantiated to justify a Disciplinary Hearing and gather further information for consideration at a Hearing.
- 4.2 The manager carrying out the preliminary investigation will not normally be a member of any subsequent disciplinary panel but will usually attend to present the management's case.
- 4.3 The Charity expects preliminary investigations to be thorough and impartial and conducted speedily while recollections are still fresh. A biased approach must be avoided; for example if the investigation stems from complaints by the employee's colleagues or clients, then other employees and clients who have not made complaints should be interviewed and their views recorded.

5. Suspension Pending Investigations

- 5.1 Whilst Suspension is not a form of disciplinary action itself and it does not follow that a Disciplinary Hearing will inevitably follow a period of suspension; it might be appropriate to suspend the employee if for example their continuing presence at work may be prejudicial to the satisfactory operation of the Charity's services or the gathering of information including investigations by the Police or other agencies. Similarly in cases of alleged serious misconduct, it may not be appropriate for the employee to be at work.
- 5.2 In cases pending investigation, suspension will be on normal pay except where the employee is receiving less than full pay (or no pay) under his or her contract of employment in which case that entitlement (or lack of it) shall continue during the period of suspension. Where normal pay is variable, any payments made during suspension will be calculated with reference to average pay during the preceding 12 weeks.
- 5.3 The Manager has the authority to suspend employees for a maximum period of two working days. Members of the Board of Trustees may suspend employees for a longer period and the

suspension must be confirmed in writing within 48 hours.

- 5.4 Employees who are suspended are not permitted to attend their normal place of work or other Charity premises or client's land and premises or to contact other employees, without express authority from the Manager.
- 5.5 If suspended employees wish to have access to documentation they must be referred to the Board of Trustees.
- 5.6 Suspension will not necessarily lead to Dismissal and an employee may be dismissed for continuing Misconduct or Gross Misconduct without having been suspended.

6. Disciplinary Hearing

- 6.1 Disciplinary action under the formal elements of this procedure will not be taken without a formal hearing, organised by the manager, and all disciplinary hearings will be conducted by the Chairman of the Trustees, here after referred to as the Hearing Officer. The Charity reserves the right to contract a third party to be the Hearing Officer and the employee must be made aware of the contract and details, of said third party before the Hearing takes place.
- 6.2 A Disciplinary Hearing for an issue likely to result, if proven, in a Formal Written Warning or Final Written Warning will normally be carried out by Board of Trustees or nominated Trustees or a third party contracted by the Board of Trustees.
- 6.3 A Disciplinary Hearing for an issue likely to result, if proven, in dismissal will normally be carried out by the Board of Trustees or nominated Trustees or a third party contracted by the Board of Trustees.
- 6.4 Unless a shorter period of time is mutually agreed, the employee shall be given not less than two working days' notice in writing of the Hearing arrangements. The letter shall be accompanied by a copy of this Policy along with all relevant documentation, evidence and witness statements if appropriate, along with the hearing arrangements and an instruction to attend.
- 6.5 The letter shall remind the employee of their right to be accompanied by a work colleague or a Trade Union representative and must clearly state the allegations to be considered at the hearing. In line with the provisions of the Employment Relations Act 2004 the employee's work colleague or a Trade Union representative may address the Hearing to put the employee's case; sum up the employee's case; respond on the employee's behalf to any view expressed at the hearing and confer with the employee during the Hearing.
- 6.6 The representative does not however have the right to answer questions on the employee's behalf or represent the employee in their place or act on behalf of the employee in the absence of the employee.
- 6.7 The Hearing Officer must act reasonably in considering any request for a postponement of the hearing if the employee considers that more time is needed for the preparation of their response.
- 6.8 In the event of the employee advising the Charity of illness which prevents their attendance on the stated date for a Disciplinary Hearing or the non-availability of a Trade Union representative, the Charity will consider deferring the hearing. In these circumstances the employee will be notified that further requests for deferment may be refused and that, in the absence of the employee at the re-arranged hearing, the Hearing Officer may need to proceed to hear the evidence and to make a judgement on the information available to them at that time.

The Charity may require the employee to produce a medical certificate or GP letter confirming

that they are unfit to attend a Disciplinary Hearing (for which the fitness criteria may be different from that required for attendance at work). Where appropriate, an Occupational Health Service contracted by the Charity, may also be required to provide an assessment. Likewise, the employee may submit health related assessments that they may have had in a private capacity.

6.9 Before any Disciplinary Hearing is held, the Hearing Officer must be satisfied that the employee has received in writing an explanation of the alleged misconduct or other issue in sufficient detail to consider and prepare their response.

6.10 Where the Hearing Officer or the employee intend to rely on witness statements made by other employees or clients; documents; CCTV footage; data collected from electronic recording systems or other evidence, copies of the witness statements; documents and other materials should be prepared and issued to the other party in good time, normally at least two days in advance of the hearing. The employee will not be charged for copies of this material.

Except in circumstances outlined below, employee witnesses will normally be requested to be on hand at the Disciplinary Hearing to answer questions from either side. The requirements of the Regulation of Investigatory Powers Act (RIPA) must be met if applicable.

6.11 Either side may provide a witness statement from a non-employee but the decision to invite or allow a non-employee witness to attend the Disciplinary Hearing and give evidence and either side will be a decision made by the Hearing Officer.

6.12 Where either side intends to call witnesses, they must normally give two working days advance notice that they intend to do this, unless otherwise agreed between the parties or exceptional circumstances apply.

6.13 Where the Hearing Officer considers it essential to introduce statements made either anonymously or in circumstances where the witness justifiably wishes to preserve their anonymity, the Hearing Officer must make every effort to provide the employee with such part of the statement as can be released without revealing the identity of the individual. It is also essential in such cases for the Hearing Officer to make efforts to find corroborative evidence which can be presented to the employee in a way that allows him/her to respond.

6.14 At the Disciplinary Hearing, the Hearing Officer must ensure that all the evidence is aired, and that the employee and their representative have every opportunity to question the management representative/s and to present their own evidence to the Hearing Officer together with any points of mitigation, if appropriate. The Hearing Officer must allow reasonable opportunities for comfort breaks and for the employee to confer with their accompanying representative. The Hearing Officer must ensure that as far as possible all the factors which might be considered in their decision are disclosed during the hearing. The Hearing Officer may call whomever they choose to give evidence at the Hearing, irrespective of whether or not they have previously been involved in the investigation or the disciplinary process in order to ensure that all relevant factors are considered before reaching a decision.

6.15 Where the alleged misconduct involves two or more employees who face separate disciplinary hearings (e.g. after a fighting incident or co-conspiracy) the Hearing Officer will normally conclude both or all Disciplinary Hearings before announcing their decision on either.

7. Disciplinary Outcomes and Measures

7.1 At the conclusion of the Hearing, the Hearing Officer will adjourn the proceedings to consider the evidence and explanations presented. They will then reconvene the Disciplinary Hearing to announce their decision which may constitute one of the actions in the following list below (Section 7.3). Every effort will be made to reach a decision on the day of the Hearing but if this

is not possible the Hearing will be adjourned to allow sufficient time for a decision to be reached. The adjournment will be as brief as possible, and the Hearing reconvened at the earliest opportunity. In exceptional circumstances further information may become available that needs to be examined by the panel, in which case a full resumption of the Disciplinary hearing would be required.

- 7.2 The various stages in the disciplinary process do not represent a sequence that has to be always followed. The decision to issue a Stage 1, 2 or 3 Warning will be based on the nature of the misconduct; the need to act reasonable; the employee's work record and the need to manage disciplinary issues consistently and fairly.
- 7.3 If the employee can provide a satisfactory explanation, no formal action will be taken. However, if disciplinary action is considered appropriate the possible outcomes are as follows:

Stage One Formal Written Warning

The warning will be confirmed in the form of a letter sent to the employee within seven working days of the conclusion of the disciplinary proceedings and will state:

- The severity of the warning
- The reason for issue and its duration, normally up to 12 months but exceptionally up to 18 months
- The details of any remedial action or improvement required
- The consequences if the employee's conduct fails to improve
- Details of the employee's right of appeal

Stage Two Final Written Warning

The warning will be confirmed in the form of a letter sent to the employee within seven working days of the conclusion of the disciplinary proceedings and will state:

- The severity of the warning
- The reason for issue and its duration, normally up to 18 months but exceptionally up to 24 months
- The consequences, i.e. dismissal, if the employee's conduct fails to improve
- Details of the employee's right of appeal

Expired Warnings

- When warnings have expired they will be removed from the employee's file and disregarded unless the warning was issued for a matter related to Health and Safety or Young Persons or Vulnerable Persons

Disciplinary Sanctions

If an employee is issued with a Final Written Warning, one or more of the following Disciplinary Sanctions may be imposed:

- A financial fine which may or may not be used as compensation to an injured third party
- Recovery of a specified and quantifiable amount of pay relating specifically to the reason for the issue of the Final Written Warning
- A period of enforced unpaid leave not to exceed 5 working days
- Transfer to another post with or without a reduction in one or more of the following: grade, salary or benefits
- Adjustments to their existing post and their authority within that post, with or without a reduction in one or more of the following: grade, salary or benefits

The notification of Disciplinary Sanctions imposed when an employee is issued with a Final Written Warning must make clear whether the sanctions are permanent or subject to review and if the latter, the corrective action required and the timescales involved.

Stage Three Dismissal

Dismissal with Notice

If the Hearing Officer concludes that dismissal with notice is appropriate, see below for Gross Misconduct, the letter to confirm dismissal will be despatched within seven working days of the conclusion of the Disciplinary Hearing and will confirm whether the notice period is to be worked or not. The employee's appeal rights must be described. Dismissal with notice may occur when the employee's action fall within the definition of Misconduct (see Section 2.3) and the employee has previously been issued with one or more formal Warnings and the Warnings are still valid.

Dismissal without Notice

If the employee's acts or omissions constitute Gross Misconduct (see Section 2.5), the employee will normally be summarily dismissed without notice. The letter of confirmation will be despatched within five working days of the conclusion of the disciplinary hearing and must confirm Gross Misconduct as the reason for dismissal. The employee's appeal rights must be described.

Dismissal letters will be prepared by the Chairman of the Trustees.

8. Appeals

8.1 Should an employee wish to appeal against a Warning, Disciplinary Sanction or dismissal, they must write to the Chairman of the Trustees within ten working days of the date of receipt of written notification of disciplinary action. The letter requesting an appeal must state the grounds of appeal under one or more of the following headings:

- Severity of the disciplinary action / disciplinary sanctions
- The findings of the disciplinary hearing on a point of fact which is pertinent to the decision of the hearing
- A failure to adhere to the disciplinary procedure or
- Some other stated reason

An appeal Hearing will take place as soon as possible, but normally no more than 28 working days after receipt of the letter of appeal. The employee may be accompanied by a work colleague or Trade Union representative.

8.2 For disciplinary action up to and including a Final Written Warning and Dismissal, the Appeal Panel shall consist of Trustees not involved in the original Hearing and an impartial person, deemed competent to hear the Appeal, from a contracted third party which may include other members of staff from the contracted third party who heard the Hearing; a local authority member of staff. Members of the original panel that issued the Warning being appealed against cannot be members of the Appeal Panel.

8.3 In exceptional circumstances a Legal representative may be contracted to provide legal advice to the Appeal Panel.

8.4 The employee and their representative should present their grounds for making the Appeal to the Appeal Panel. The Appeal Panel must ensure that both parties are provided with the opportunity to present their views to the panel about all the issues raised. Either side may raise any issue relevant to the case. It is the Panel's responsibility to ensure that it sufficiently tests the evidence presented to it prior to making its decision. New evidence can be presented but no new allegations unconnected with the Appeal may be made. New documentation or evidence to be introduced at the Appeal must normally be made available by both sides to all parties at least two working days before the Appeal hearing.

8.5 The Appeal Panel may confirm or reverse the action taken by management, trustees or the Hearing Officer; impose a lower-level Warning or Disciplinary Sanction or reduce the period for which the Warning is valid.

8.6 The Appeal Panel's decision will be notified to the employee in writing within ten working days (five working days if an Appeal is against a Dismissal) of the conclusion of the Appeal Hearing. The Panel's decision will be final subject to an employee's statutory rights.

8.7 If following an appeal against Dismissal the employee is re-instated, they will be re-instated without a break in service.

9. Criminal Charges or Convictions

9.1 An employee charged with, or convicted of, a criminal offence may be subject to disciplinary action, including dismissal, where management (including the Board of Trustees) believes the conduct leading to the charge or conviction affects the employee's ability or suitability for continued employment or where the employee requires clearance from the Disclosure and Barring Service to perform their role.

9.2 Any decision to instigate disciplinary proceedings will be based on a reasonable belief following a reasonable investigation into the circumstances of the case. Action will not necessarily be deferred because the outcome of the prosecution is not known.

9.3 In assessing any disciplinary action, the Charity will consider the nature of the offences in relation to the employee's post and position within the Charity and the possible reaction of other employees and clients of the Charity's services to the continued employment of the employee.

10. Non-Disciplinary Dismissals

10.1 The process to be followed when managing the termination on the grounds of ill health and other non-disciplinary dismissal is as follows:

Step One

The Charity will outline in writing the reasons why the employee's contract of employment may be terminated.

Step Two

The Charity will arrange a formal meeting to be held to discuss the reasons why the employee's employment may be terminated; they will be given no less than 2 working days' notice of the meeting. The meeting will be conducted by the employee's line manager and/or the Chairman of the Trustees. At the meeting the circumstances of the case will be discussed and reviewed. After the meeting the employee will be told the decision. The decision and the reasons for the decision will be confirmed in writing within 10 working days. The employee will receive contractual notice unless otherwise agreed with the employee.

Step Three

There is no right to appeal the decision of dismissal, subject to the employee's statutory rights.

10.2 Termination of Fixed Term Contracts

Fixed Term Contracts are agreed at the outset by both parties for a fixed term. Fixed term contracts must specify a given date for the contract conclusion or a given period for the contract to run or completion of an agreed task. Where a given period for the contract to run is agreed (i.e. x number of months), the termination date is inferred as being the date (i.e. x number of months) after the start date.

11. Probationary Disciplinary and Contract Termination Procedure

11.1 All new employees are required to work through a probationary period during which their suitability, performance and level of attendance are assessed.

11.2 Probationary periods are stipulated in the contract of employment but may be extended if deemed appropriate by the manager or Board of Trustees.

11.3 Examples of actions which might be construed as Misconduct and which might attract dismissal are listed in Section 2.3.

11.4 Examples of actions that might be construed as Gross Misconduct which might result in dismissal are listed in Section 2.5.

11.5 The following steps will be taken when terminating an employee's contract during the probationary period:

Step One

The Charity will outline in writing the reasons why the employee's contract of employment is to be terminated, including a date for termination and final pay details where possible.

Step Two

The Charity will arrange a meeting to be held with the employee, the manager and a Trustee of the Board.

11.6 There is no right to appeal the decision of dismissal, subject to the employee's statutory rights.

12. Equality Impact Assessment

This Policy applies equally to all staff whether they are full or part time and the provisions of the policy will be implemented to ensure that staff will not be the subject to discrimination, directly or indirectly, on grounds of gender, ethnicity, religious belief, sexuality or unjustifiably on grounds of age or disability.

13. Other Matters

This policy should be read in conjunction with Selsey Community Forum's Staff Handbook and is applicable to all the activities in which Selsey Community Forum is or becomes involved; it is to be reviewed and updated as necessary at least annually.

Reviewed and Approved by Trustees: November 2025

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Mike Nicholls, Chair, Selsey Community Forum