



Disciplinary & Grievance Procedures

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Voluntary Action Shetland

DISCIPLINARY & GRIEVANCE PROCEDURES

INTRODUCTION

The directors, management and staff of Voluntary Action Shetland (VAS) agree that discipline is essential for the conduct of VAS affairs and for the safety and well being of all employees. It is further agreed that disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and in the conduct of employee relations.

The procedure takes account of the provisions contained within the various Schemes of Pay and Conditions of Service as applied to employees of VAS and the guidance contained within the Advisory Conciliation and Arbitration Service (ACAS) Advisory Handbook on Discipline at Work and the Code of Practice 1 on Disciplinary and Grievance Procedures.

The Executive Officer shall be responsible for the management and discipline of VAS employees.

Disciplinary matters must be dealt with promptly, as any unnecessary delay can exacerbate problems. In all cases, hearings should be arranged as soon as possible after the facts have been established. However it is acknowledged that each case must be dealt with on an individual basis and that some more complicated situations require time to effectively conclude.

Maintaining satisfactory standards and dealing with disciplinary issues requires firmness on the part of the Executive Officer. The Disciplinary Procedure provides a fair and consistent method of dealing with problems of conduct or work performance.

The Executive Officer must be objective, fair and consistent; however it is essential to take account of the situation(s) and people involved. **Any decision to discipline an employee must be reasonable in all the circumstances.**

STATEMENT OF INTENT

The main purpose of the Disciplinary Procedure is to encourage an employee whose standard of work or conduct is unsatisfactory, to improve. Management recognises that discipline is not merely negative producing punishment or prevention. It is intended that VAS will use the formal Disciplinary Procedures only when it is reasonably considered that there is no alternative.

PROCEDURES

These procedures will apply to all employees of Voluntary Action Shetland. No disciplinary action will be taken until the matter has been properly investigated. This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.

EMPLOYEE SUPPORT

Before taking formal disciplinary action, your supervisor/manager will make every effort to resolve the matter by offering you support by the way of informal discussions, counseling or mentoring. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

STAGE 1 - ORAL WARNING

Where an employee's work, conduct or omission is considered unsatisfactory the employee's immediate supervisor will give an oral warning to the employee. In the case of the Executive Officer the Chairperson of the Board will give the oral warning. Employees will also be issued with a written statement detailing the cause of the oral warning. Details of this warning will be recorded in the employee's personal file and initialed by the employee. Where this fails to bring about the desired improvement then further disciplinary action will be taken.

STAGE 2 - WRITTEN WARNING

Where an oral warning has been ineffective or where there have been continuous breaches. Where the possibility of serious disciplinary action, including dismissal, arises the employee will be interviewed by the Executive Officer and one Director, accompanied by his or her immediate supervisor. The employee will be given an adequate opportunity to explain or defend him or herself. In particular he or she will have the right to be accompanied during the interview by a staff colleague, trade union representative or some other person of their choice. The decision reached by the Executive Officer and one Director after the interview will be notified in writing to the employee. Any warning issued at this stage will be in writing even if it is not a final warning.

STAGE 3 - FINAL WARNING

If conduct or performance is still unsatisfactory after the period notified in Stage 2, a Final Written Warning will be given making it clear that, the employee will be dismissed if there is insufficient improvement within a further notified period of time. Details of any final warning issued will be circulated to the Board of Directors.

STAGE 4 - DISMISSAL

If there is insufficient improvement after the period notified in Stage 3 the employee will be dismissed. Dismissal must be reasonable in all the circumstances of the case. While a three-stage procedure is recommended before dismissal, namely, oral warning, written warning and final warning, this does not mean that three warnings must always be given before any dismissal is considered. Dismissal will be confirmed in writing to the employee (using recorded delivery post where otherwise unavoidable). The letter will state the grounds for dismissal.

APPEAL

The employee may appeal against the dismissal to the Board of Directors. Following consideration of the appeal the Board's decision will be final. There is no further right of appeal. An employee wishing to exercise this right of appeal must do so within fourteen working days of receipt of the dismissal notice.

Appeals must be submitted in writing to the Chairperson of Voluntary Action Shetland.

Directors of Voluntary Action Shetland who have not been involved in the initial investigation will hear the appeal.

DISCIPLINARY ACTION WITHDRAWN

Should a disciplinary action be reconsidered and withdrawn at any stage of the procedure all written reference to the matter will be removed from the employee's personal file and the employee be notified accordingly.

SUSPENSION

It shall be at the discretion of the Executive Officer and a Director of Voluntary Action Shetland at any stage of the disciplinary procedure to suspend an employee on full pay pending full investigation of the matter. Suspension will only occur in instances of gross misconduct, or, without any implication of guilt, where there is an ongoing Child Protection investigation.

GROSS MISCONDUCT

In the event of a breach of disciplinary rules constituting gross misconduct the foregoing procedure may not apply. Instead, the Board may summarily dismiss the employee without previous warning where gross misconduct is deemed to have occurred. (Examples of Gross Misconduct are detailed on page 5)

PERSONAL FILE RECORD

All reference to a breach of disciplinary rules contained in an employee's personal file will be removed after a period of six months of satisfactory conduct following an oral warning, and after one year following a written warning, but on application to the Board the reference may be removed after a shorter period.

EMPLOYMENT TRIBUNAL

Any employee may appeal to an Employment Tribunal against his or her dismissal if he or she so qualifies under current employment legislation.

DISCIPLINARY STAFF RULES

These rules apply to all employees of Voluntary Action Shetland whether full or part-time.

GENERAL

Employment legislation requires all employers to make available to employees a formal set of disciplinary rules.

Where a number of people work together it is necessary to have a code of behaviour for the effective and safe performance of work and for the maintenance of good relations among staff and between staff and employers.

MISCONDUCT

It is not possible to specify every act or omission that will constitute misconduct. However, every employee is required to behave in a manner that will not endanger or inconvenience fellow employees, members of Voluntary Action Shetland, neighbours or visitors or bring discredit to Voluntary Action Shetland.

An employee who is guilty of misconduct renders himself or herself liable to disciplinary action.

The disciplinary action taken in relation to the act or omission depends upon whether it amounts to 'misconduct' or 'gross misconduct'.

Some examples of misconduct are:

1. Failure to meet Voluntary Action Shetland's requirements regarding hours of duty.
2. Causing a serious nuisance.

3. Discourteous or oppressive behaviour.
4. Discriminatory behaviour whether by gender, age, marital status, race, sexual orientation, religion or disability.
5. Minor acts of neglect of duty where the duties are normally performed by that employee and are known to be within the capabilities of that person.
6. Breach of confidence not amounting to gross misconduct.
7. Falsehood prevarication.
7. Uncleanliness which fellow employees might reasonably consider to be offensive.
8. Being absent without leave or reasonable excuse.
9. Malingering.

GROSS MISCONDUCT

There are certain matters of a serious nature that do not require to be exhaustively listed but which, in the absence of mitigating circumstances might result in dismissal. Some examples are-

1. Malicious mischief resulting in danger to fellow employees or other persons, or a danger to, or destruction of, Voluntary Action Shetland's property or equipment.
2. Disclosure of information about Voluntary Action Shetland, or its work, which is known by the employee to be confidential, to any person other than specifically authorised or known to be entitled to be entrusted with it,
3. Improper removal of a document from Voluntary Action Shetland's custody or knowingly altering, destroying or mutilating such a document.
4. In the course of employment inflicting bodily injury on another person.
5. Failing to account for money or other property received on behalf of Voluntary Action Shetland.
6. Stealing from Voluntary Action Shetland, a client or member of Voluntary Action Shetland staff while on the premises or engaged elsewhere in Voluntary Action Shetland's work.
7. Corruption in the course of employment.

8. Committing a criminal offence other than one which clearly has no bearing on the employee's suitability for employment.
9. Failure to comply with the provisions of any statutory notice served on Voluntary Action Shetland and notified to staff.
10. Repeated acts of misconduct of the kind that, if considered singly, would be less serious.
11. Willful refusal to perform duties which are known to be within an employee's capabilities and which can be required under his or her contract of employment.

GRIEVANCE PROCEDURE

A Statement Made Under The Employment Protection (Consolidation) Act 1978

As an employee of Voluntary Action Shetland you have a right to express any grievance relating to your employment, including the right to express dissatisfaction with any disciplinary action taken against you.

You may at all stages in this procedure be advised or accompanied by a staff colleague, staff representative, or trade union representative, or you may elect to have this person present the complaint on your behalf.

The time limits stated in Stage One and Stage Two may be extended by mutual agreement.

Acknowledgement of receipt of a complaint at Stage Two and Stage Three will be made immediately in writing.

INFORMAL DISCUSSIONS

If you have a grievance about your employment you should discuss it informally with your immediate supervisor. We hope that the majority of concerns will be resolved at this stage

STAGE ONE

Discussion About The Grievance Between Members Of Staff

Initial action to redress the grievance between members of staff should be taken within twenty-four hours but if for justifiable reasons this is not possible, within three working days. If agreement has not been reached within a further five working days Stage Two of the procedure will be invoked, unless staff agree to extend the period under Stage One. All parties must be given a written copy of the grievance before the invocation of Stage Two of the procedure.

STAGE TWO

Discussion of the Grievance with the Chairperson

If agreement has not been reached at Stage One the complaint must be made in writing to the Chairperson who will discuss the complaint with the parties and seek a mutually acceptable solution. In the event that agreement is not reached the Chairperson will issue his/her decision which will be conveyed in writing to the parties involved. Initial action must be taken by the Chairperson within five working days of complaint being received by him or her in writing. If a mutually satisfactory decision has not been reached within ten working days of the complaint being received by the Chairperson Stage Three of the procedure will be invoked.

STAGE THREE

Discussion of the Grievance by the Board

In the event that the employee is dissatisfied with action taken under Stage One and Stage Two of this procedure an appeal in writing may be made to the Board of Directors.

A special meeting of the Board will be convened at the earliest possible date to deal with the appeal.

The decision of the Board is final and will be confirmed in writing to all parties involved within seven working days of the meeting.