

## Disciplinary Procedures

All staff should familiarize themselves with Dyslexia Cornwall's rules and procedures, including the statutory procedures concerning dismissal, discipline and grievance. This procedure is not intended to be part of your contract of employment.

### **Purpose**

Dyslexia Cornwall's aim is to encourage all members of the team to achieve and maintain standards of conduct, attendance and job performance. This procedure sets out the action which will be taken when the charity's standards for conduct and performance are breached. The purpose of this procedure is to ensure that if standards are believed to be lacking or a breach of conduct is believed to have occurred, there should be a fair and systematic approach to investigating these matters and to taking appropriate corrective action.

Dyslexia Cornwall's disciplinary procedures apply to all workers.

Expectations in respect of performance will normally be identified through job descriptions, appraisals and, where appropriate, targets related to individuals' responsibilities.

### **Principles**

Before taking disciplinary action every effort will be made to resolve the matter by informal discussions. However, where this fails or is inappropriate, formal disciplinary action will be taken. This procedure is designed to establish facts quickly and to deal consistently with disciplinary issues. Disciplinary action will not be taken until the matter has been fully investigated.

If your conduct or performance does not meet the standard expected, you will be notified of the nature of the complaint and be given the opportunity to state your case. You can be accompanied at the hearing by a colleague or friend of your choice.

You will not be dismissed for a first offence except in a case of gross misconduct where the penalty will normally be dismissal without notice or pay in lieu of notice. You have the right of appeal against any disciplinary action taken against you. This procedure may be implemented at any stage if your misconduct warrants such action.

At any of the hearings, in addition to the line manager and, where required, a colleague to take notes, the charity may elect to involve another manager if it considers the inclusion of another party to be desirable.

## **The Procedure**

### **Informal**

If an employee's standard of conduct or performance is considered lacking, or a breach of conduct is believed to have occurred, his or her immediate line manager shall draw the matter to the employee's attention in a private and informal way.

The employee shall be allowed to state his or her views and if, after consideration, the line manager believes there is no case to answer, further action will not be taken. In most cases this informal discussion is likely to resolve any difficulties identified. If the employee fails to improve or sustain improvement, the formal procedure will be commenced.

### **Formal**

#### *Stage 1 – First Written Warning*

The matter will be investigated by the employee's immediate line manager who will record the details of his or her investigation. The employee will be notified in writing by the line manager of the need to attend a hearing at Stage 1 of the formal procedure.

The notification will specify the date and time of the hearing and the nature of the issue of concern, and will inform the employee of his or her right to be accompanied by a friend or colleague.

The employee will be invited to state his or her views at the hearing. Notes will be taken of the discussion, either by the line manager or by a colleague who will accompany him or her for the purpose of taking notes.

The hearing may be adjourned to allow matters raised at the hearing to be considered and if, after due consideration, the line manager is satisfied that the issue of concern is well founded and that there are no relevant or acceptable mitigating circumstances, he or she shall issue a First Written Warning. This will state the nature of the issue in relation to conduct or performance, and the standard of conduct or performance required in future.

All records of the procedure shall be retained on the employee's personal file.

The employee will have a right of appeal against this First Written Warning and can choose to raise the matter with a more senior manager.

### *Stage 2 – Final Written Warning*

If the employee's performance or conduct continues to be less than satisfactory (even though this poor performance or conduct may not be related to the earlier issue), or if a more serious breach is believed to have occurred, Stage 2 of the procedure will be invoked.

The employee will be notified in writing by his or her line manager of the need to attend a hearing at Stage 2 of the formal procedure. The notification will specify the date and time of the hearing and the nature of the issue of concern, and will inform the employee of his or her right to be accompanied by a colleague or friend.

The employee will be invited to state his or her views at the hearing. Notes will be taken of the discussion, either by the line manager or by a colleague who will accompany him or her for the purpose of taking notes.

The hearing may be adjourned to allow matters raised at the hearing to be considered and if, after due consideration, the line manager is satisfied that the issue of concern is well founded and that there are no relevant or acceptable mitigating circumstances, he or she shall issue a Final Written Warning. This will state the nature of the issue in relation to conduct or performance, and the standard of conduct or performance required in future.

All records of the procedure shall be retained on the employee's personal file. The employee will have a right of appeal against this Final Written Warning and can choose to raise the matter with a more senior manager or Dyslexia Cornwall trustee.

### *Stage 3 - Dismissal*

If the employee's performance or conduct continues to be less than satisfactory (even though this poor performance or conduct may not be related to the earlier issue), or if a more serious breach is believed to have occurred, Stage 3 of the procedure will be invoked.

### Step 1

The employee will be sent a written statement giving details of the allegation, and inviting the employee to attend a formal hearing at the dismissal stage of the Association's disciplinary procedure. The notification will specify the date and time of the hearing and the nature of the issue of concern, and will inform the employee of his or her right to be accompanied by a colleague or friend.

### Step 2

The hearing will be held at a reasonable time and location, and the employee may be accompanied by a colleague or friend if he or she wishes.

The employee will be invited to state his or her views at the hearing. Notes will be taken of the discussion, either by the line manager or by a colleague who will accompany him or her for the purpose of taking notes.

The hearing may be adjourned to allow matters raised at the hearing to be considered and after due consideration the line manager will notify the employee in writing of his or her decision, and of the employee's right of appeal.

### Step 3

If the employee wishes to appeal against the decision made at Step 2, he or she shall notify the employer in writing requesting a further meeting, to be attended by a different or more senior manager than the employee's line manager or trustee.

The appeal hearing will be held at a reasonable time and location, and the employee may be accompanied by a colleague if he or she wishes.

Notes will be taken of the discussion, either by the manager or by a colleague who will accompany him or her for the purpose of taking notes.

The hearing may be adjourned to allow matters to be considered. After due consideration, the employee will be notified in writing of the final decision made by the appeal hearing.

## **The Statutory modified dismissal procedure**

Exceptionally, a modified dismissal procedure may be applied where the employee has been instantly dismissed for gross misconduct. The modified procedure omits Step 2 of the standard procedure, and is as follows.

## Step 1

The employee will be sent a written statement giving details of the reasons for dismissal, and notifying the employee of his or her right to appeal against dismissal.

## Step 2

If the employee wishes to appeal against the dismissal, he or she shall notify the employer in writing requesting an appeal hearing.

## **Gross Misconduct**

Gross misconduct is a serious offence which will lead to dismissal without notice or pay in lieu of notice. The following are examples of gross misconduct; this list is not exhaustive:

- Theft, fraud, falsification of documents
- Misuse of the charity's name or property
- Bringing the charity into disrepute
- Fighting, assault on another person
- Deliberate damage to charity's property
- Serious infringement of health and safety rules
- Serious bullying or harassment
- Reporting for work whilst unfit through alcohol or illegal drugs
- Gross insubordination
- Gross negligence

## **Suspension**

During an investigation into serious misconduct you may be suspended, during which time you will be paid your normal salary. This suspension is not a form of disciplinary action.

## **Criminal action**

In the event of an employee being arrested, or charged with a criminal offence, Dyslexia Cornwall will consider whether or not the alleged offence has any implications for the employee's employment.

Dyslexia Cornwall reserves the right to suspend the employee from duty on full pay pending the outcome of any legal proceedings or to take disciplinary action before any judgment of the courts takes place, depending on the circumstances of the matter.

In any event, an employee convicted of a criminal offence may be dismissed by Dyslexia Cornwall, if in the considered opinion of Dyslexia Cornwall; the conviction renders the person unsuitable for further employment with Dyslexia Cornwall. In appropriate circumstances, the employee may be offered an alternative post as an alternative to dismissal.

## **Appeals**

If you wish to appeal against any disciplinary action you must do so in writing, to Dyslexia Cornwall's Chairperson, within 5 working days of the decision being received, giving your reasons for appealing. Dyslexia Cornwall Trustees' decision on the appeal will be given in writing, stating reasons for the decision.

## **Monitoring and review**

The Board of Trustees, will regularly review the operation of this procedure.

**This procedure has been approved and authorised by the Trustees of Dyslexia Cornwall.**

Signed:



Name: Barbara Hewett-Silk

Position: Chairperson

Date: 4<sup>th</sup> May 2018

Next review due: May 2019