

DISCIPLINARY RULES & DISCIPLINARY PROCEDURE



1. Introduction

The purpose of the disciplinary procedure is to ensure that any concerns over employees' conduct or performance are handled in a fair, consistent and timely manner with the intention of bringing about an improvement, and to protect the proper operation of Dudley Counselling Centre/Dudley Community Church's business and the health and safety of its employees.

This procedure may be reviewed and updated from time to time. Any amendments will be notified to employees in writing, following consultation and/or notice where appropriate.

2. Rules and Application

The following are some examples of types of conduct that will normally be addressed through implementation of Dudley Counselling Centre/Dudley Community Church's disciplinary procedure:

- Unsatisfactory work performance;
- Breaches of Dudley Counselling Centre/Dudley Community Church's policies and procedures;
- Inappropriate behaviour (e.g. fighting, drunkenness, etc.);
- Bullying, harassment or victimisation;
- Persistent lateness or poor timekeeping;
- Unacceptable levels of absence, especially when unauthorised;
- Serious or repeated failure to follow reasonable requests or instructions;
- Abuse, misuse or neglect of Dudley Counselling Centre/Dudley Community Church's property or facilities.

The disciplinary procedure does not apply to:

- Termination of employment during or at the end of a new employee's probationary period (including any extended probationary period)
- Termination of employment by reason of redundancy
- Termination of employment by mutual consent.

Where time limits are referred to in this procedure, they may be shortened or extended by mutual consent.

Disciplinary matters will be handled with as high a degree of confidentiality as is practicable, particularly when the issue is of a sensitive nature.

Confidential records of disciplinary matters will be kept in the employee's personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee, although Dudley Counselling Centre/Dudley Community Church reserves the right to withhold certain information (e.g. to protect a witness).

Dudley Counselling Centre/Dudley Community Church reserves the right to suspend an employee from work on full pay, normally for no more than five working days, while a disciplinary offence is investigated.

Dudley Counselling Centre/Dudley Community Church reserves the right to monitor employees' activities including telephone calls, email messages and internet use at any time, whether as part of a disciplinary investigation or otherwise. Employees should therefore not consider such activities and methods of communication to be confidential when conducted at work.

Dudley Counselling Centre/Dudley Community Church reserves the right to search an employee's desk, bags, pockets, vehicle or other Dudley Counselling Centre/Dudley Community Church property or personal possessions where such action is considered necessary in the opinion of Dudley Counselling Centre/Dudley Community Church. A search will only be carried out by an appropriate person in the presence of a witness and employees may request the presence of a work colleague.

Minor disciplinary offences and general issues of poor performance will be handled informally in the first instance, through discussion/counselling and informal warning(s). Where an informal approach fails to bring about the desired improvement, or where the offence is more serious, the formal disciplinary procedure will be followed.

3. Formal Disciplinary Procedure

There will be a careful investigation of any alleged offence before disciplinary action is taken against an employee. If Dudley Counselling Centre/Dudley Community Church concludes that there are reasonable grounds to believe that the employee may have committed an act of misconduct, he/she will be asked to attend a disciplinary hearing. In the event of poor performance by an employee, disciplinary hearings will usually be undertaken only where informal approaches have failed to produce a satisfactory improvement.

In the event of a disciplinary hearing, Dudley Counselling Centre/Dudley Community Church will:

- give the employee a minimum of 24 hours' advance notice of the meeting in writing, making it clear that the meeting is being held under Dudley Counselling Centre/Dudley Community Church's formal disciplinary procedure and detailing the alleged misconduct;
- remind the employee of their right to be accompanied at the meeting by a work colleague or trade union official;
- give the employee, at the meeting, a full explanation of the case against them;
- give the employee, at the meeting, every opportunity to challenge allegations against them, state their case and put forward an explanation of their conduct and any mitigating factors;
- take all relevant factors into account before reaching decisions about any disciplinary action;
- confirm the outcome of the disciplinary hearing in writing within five working days, specifying the reason for any disciplinary action, the standards of conduct or work performance expected, details of any objectives and timescales agreed, the consequence of failing to achieve acceptable improvements, and the period after which any warning will be disregarded for disciplinary purposes;

- remind the employee of their right to appeal against any disciplinary action;
- maintain appropriate records on the employee's personal file.

The stages of the formal disciplinary procedure shall be as follows:

- Stage 1 - formal verbal warning
- Stage 2 - first written warning
- Stage 3 - final written warning
- Stage 4 - dismissal (or other penalty)

If a warning does not bring about the desired level of improvement in the employee's conduct or performance, or for repeated minor offences, then the employee will normally progress to the next stage of the formal procedure. Dudley Counselling Centre/Dudley Community Church reserves the right to implement the procedure at any stage, taking into account the nature and severity of the disciplinary offence. For example, where conduct is sufficiently serious to justify only a single written warning but insufficiently serious to justify dismissal, an employee may be given a final written warning for a first offence. Employees will not be dismissed for a first disciplinary offence (except for gross misconduct).

Where appropriate, Dudley Counselling Centre/Dudley Community Church reserves the right to impose disciplinary penalties as an alternative to dismissal. Such penalties may include, for example: unpaid suspension for up to 10 working days, demotion, transfer, loss of seniority, or loss of pay/benefits.

Decisions to dismiss or impose penalties must be approved by the Chairperson before being communicated to the employee.

4. **Gross Misconduct**

In the event that an employee commits an act of gross misconduct, Dudley Counselling Centre/Dudley Community Church is entitled to summarily terminate the employee's contract of employment without notice or pay in lieu of notice. The following non-exhaustive list gives examples of offences that Dudley Counselling Centre/Dudley Community Church will normally regard as gross misconduct:

- Theft, fraud, dishonesty or deliberate falsification of records;
- Fighting, assault or other violent behaviour;
- Deliberate damage to, or misuse of, Dudley Counselling Centre/Dudley Community Church property;
- Deliberate use of internet and/or email to access or distribute material of a pornographic, offensive, obscene or inappropriate nature;
- Incapability at work due to the effect of alcohol or drugs;
- Possession, custody or control of illegal drugs on Dudley Counselling Centre/Dudley Community Church premises;
- Serious breach of Dudley Counselling Centre/Dudley Community Church's rules, policies and procedures;
- Serious negligence which causes loss, damage or injury;
- Conviction of a criminal offence that is relevant to the employee's employment with the Dudley Counselling Centre/Dudley Community Church and renders them unsuitable for their work;
- Conduct likely to bring Dudley Counselling Centre/Dudley Community Church's name into disrepute;

- Bullying, harassment, victimisation or discrimination;
- Serious acts of insubordination.

5. **Appeal**

Employees have the right to appeal against any formal disciplinary action. An appeal should be made in writing within five working days. An appeal meeting will be arranged and the outcome confirmed in writing within five working days of the meeting. Decisions made at this stage will be final. Where possible, the appeal will be handled by a different (preferably more senior) manager than the one involved in the disciplinary hearing. However, where this is not practicable, the same manager may handle both the disciplinary and the appeal meetings and he/she will act as impartially as possible.

Dudley Counselling Centre uses the the working name

Lighthouse Courncelling
and works from The Lighthouse Centre Salop St
Dudley DY1 3AT