

Door in the Wall Arts Access CIC

Disciplinary Policy

We are committed to treating all employees fairly and equitably and to helping individuals to perform effectively. However, there will be occasions when it may be necessary to invoke disciplinary procedures. Should the need arise, the individual will be given the opportunity to improve throughout the stages of the procedure.

The Code of Conduct (find this [on our website](#)) and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

A disciplinary process can be stressful for everyone involved. Different people might respond differently to stressful situations. We understand the prospect of disciplinary action might cause distress and affect your mental health.

We will support you throughout to help avoid this happening to you. Please talk to Chris Hellawell, Director, about how we can support your wellbeing.

In your employee onboarding pack, you also have a list of support services you can turn to.

Principles

We will consider informal action, where appropriate, to resolve problems.

We will not take disciplinary action against you until the case has been fully investigated.

For formal action we will advise you of the nature of the complaint against you and we will give you the opportunity to state your case before any decision is made at a disciplinary meeting.

We will provide you, where appropriate, with written copies of evidence and relevant witness statements before a disciplinary meeting.

You will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the sanction is dismissal without notice and without payment in lieu of notice.

You have the right to appeal against any disciplinary action.

The procedure may be used at any stage if your alleged misconduct needs this.

Your right to be accompanied

You have a statutory right to be accompanied by a companion where a disciplinary meeting could result in:

- a formal warning
- some other disciplinary action
- confirmation of a formal warning or other disciplinary action (for example, at an appeal hearing)

The right is to be accompanied by:

- another employee in the organisation
- a trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

You should tell us as soon as possible if you would like a companion and who they will be so we can make arrangements in good time.

If you need any reasonable adjustments, for example for a disability, speak to Tzipporah Johnston or Chris Hellowell.

The procedure

First stage of formal procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance issues, the improvement that is required, the timescale, any support which the organisation will provide, and the right of appeal. We will advise you that this is the first stage of the formal procedure. We will keep a record of the improvement note for 6 months, but it will then be considered spent – as long as you achieve and maintain satisfactory performance or
- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct, the change in behaviour required and the right of appeal. The warning will also tell you that a final written warning may be considered if there is no sustained satisfactory improvement or change. We will keep a record of the warning, but it will be disregarded for disciplinary purposes after 6 months.

Final written warning

We might give you a final written warning if:

- the offence is sufficiently serious
- there is further misconduct
- there is failure to improve performance while you're still under a prior warning

This will confirm the full details of the complaint, 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.

The Executive Director will keep a copy of this written warning but it will be disregarded for disciplinary purposes after 12 months, as long as you achieve and maintain satisfactory conduct or performance.

Dismissal or action short of dismissal

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or transfer (as allowed in the contract of employment).

Dismissal decisions can only be taken by the appropriate senior manager.

You will be provided in writing with the:

- reasons for dismissal
- date your employment will end
- confirmation of all final payments you are owed, including holiday pay and notice pay
- right of appeal

If an action short of dismissal has been decided on, you will:

- receive confirmation of the full details of the complaint
- be warned that dismissal could result if there is no satisfactory improvement
- be advised of the right of appeal

Your supervisor will keep a copy of the written warning but it will be disregarded for disciplinary purposes after 6 months as long as you achieve and maintain satisfactory conduct or performance.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence
- bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- discrimination, harassment or victimisation
- bringing the organisation into serious disrepute
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence

Please see Appendix A for examples of serious breaches.

We might consider suspending you while carrying out a disciplinary investigation if there's a serious issue or situation. Suspension is when we tell you to temporarily stop working. You would be on full pay throughout any suspension period.

We will carefully consider the circumstances of each case before deciding whether suspension is appropriate. In most investigations, suspension will not be necessary. Suspension is a neutral measure and does not imply that you have done anything wrong. It will not be used as a disciplinary sanction.

We understand that being suspended can be a stressful experience. Therefore, we will:

- only consider suspension where it is necessary and appropriate, and after considering whether there are suitable alternatives
- treat suspension as a neutral act that does not imply any wrongdoing or pre-judge the outcome of an investigation
- provide support throughout the suspension period, taking your mental health and wellbeing into account and maintaining appropriate contact with you

Appeals

If you want to appeal against a disciplinary decision you must do so within 10 calendar days.

The senior manager will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

Appendix A: Illustrative Examples of Gross Misconduct

These examples are provided for guidance only and are not exhaustive. Whether conduct amounts to gross misconduct will depend on the circumstances of each case.

Serious insubordination

- Repeated refusal to carry out a lawful management instruction.
- Refusal to comply with safeguarding requirements.

Bringing the organisation into serious disrepute

- Making public statements that seriously damage the organisation's reputation.
- Misrepresenting the organisation in public or online.

Causing loss, damage or injury through serious negligence

- Failure to follow critical procedures resulting in significant financial loss.
- Ignoring safety procedures resulting in injury.

Serious breach of confidence

- Unauthorised sharing of confidential employee or beneficiary information.
- Disclosure of commercially sensitive information.