

Reviewed & Amended: June 2024

DISCIPLINARY PROCEDURE

PURPOSE

This procedure is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance. The procedure allows for disciplinary sanctions, up to dismissal, to be imposed in a fair and systematic way.

SCOPE

This procedure applies to all AUKCAP employees.

All employees and volunteers with either receive a copy of this procedure or be advised how to obtain a copy on their appointment. The procedure will also be referred to in AUKCAPs terms of employment.

PROCEDURE

An individual may become subject to this procedure starting at any stage if his/her alleged misconduct warrants this.

AUKCAP will endeavour to ensure that the disciplinary procedure is carried out in a timely manner.

1. The Investigation

Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and disciplinary action will be taken with a disciplinary hearing. The investigation will be carried out by a Manager or Trustee who has not been involved in the matter.

In some cases of alleged misconduct, we may need to suspend you from work while we carry out the investigation or disciplinary procedure. Suspension is not considered to be disciplinary action and should not be viewed as any indication of a belief in any misdemeanour.

Minor conduct or performance issues can usually be resolved informally with your Line Manager. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.

2. The Hearing

We will give you written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare. You will normally be given copies of any relevant documents, information or witness statements from the investigation where appropriate.

Employees are entitled to ask to be accompanied at all disciplinary/dismissal hearings including at appeal hearings. The companion may be a work colleague or, alternatively, an appropriate trade union representative. Details of a companion must be provided to the manager holding the hearing in good time.

Employees must take all reasonable steps to attend disciplinary hearings, and hearings may be held in their absence if they do not attend without giving good reason.

3. The disciplinary procedure

An individual may become subject to this procedure starting at any stage if the alleged misconduct warrants this.

Stage 1: Informal Warning (verbal warning)

Where minor misconduct or poor performance has occurred, the employee may be given a verbal warning. A written record of the verbal warning will be documented and kept on file for future reference, they will normally be disregarded for disciplinary purposes after 6 months.

Stage 2: First Written Warning

Where there are no other active written warnings on your disciplinary record, you will usually receive a first written warning, this will usually remain active for 12 months for disciplinary purposes.

Written warning in the case of poor performance

- ◆ Following the meeting, the employee who is found to be performing poorly will be given a written warning setting out:
 - the performance problem;
 - the improvement that is required;
 - the timescale for achieving this improvement;
 - information about the right to appeal.
- ◆ The employee will be informed that failure to improve performance within a specified timescale will lead to further disciplinary action.

Written warning in the case of misconduct

- ◆ Where, following a disciplinary hearing the employee is found to have committed misconduct, the usual first step (if an verbal warning is not appropriate) is to give a written warning. The warning will set out the nature of the misconduct, the improvement that is required and the timescale over which the improvement is to be achieved.
- ◆ The employee will be informed that any further misconduct within a specified timescale, will lead to further disciplinary action.

Stage 3: Final Written Warning

In case of further misconduct or failure to improve within specified timescale and where there is an active first written warning on your record, you will usually receive a final written warning. This warning will remain active for 12 months.

Stage 4: Dismissal or other action

Where an employee's performance fails to improve or in cases of further misconduct & where there is an active first written warning on your record the final stage in the procedure is dismissal.

You may be dismissed without warning for any act of gross misconduct or unsatisfactory performance during your probationary period.

The following are examples of matters that are normally regarded as gross misconduct:

- theft or fraud (or attempted theft or fraud);
- insubordination or refusal to carry out reasonable instructions;
- physical violence, bullying or offensive behaviour;
- deliberate damage to property;
- serious misuse of AUKCAPs property or name;
- inappropriate use of the internet, social media or computer misuse;
- an act, whether inside or outside work, which does or could bring disrepute or shame on AUKCAP;
- alcohol or illegal drug use affecting work;
- causing loss, damage or injury through serious negligence;
- serious neglect of duties, or serious or deliberate breach of your Statement of Particulars of Employment
- a serious breach of health and safety rules;
- a serious breach of confidence;
- deliberate falsification of records, including mis-statements made as part of an application for employment;
- a criminal offence outside work considered detrimental to AUKCAPs interests and making the employee unsuitable to continue work;
- an act of discrimination or harassment; or
- any other act or omission which destroys the Organisation's trust and confidence in the employee or for which summary dismissal is a reasonable consequence.

This list is intended as a guide and is not exhaustive.

No employee will be dismissed for gross misconduct without an investigation and being given the opportunity to put their case at a disciplinary hearing. If satisfied that gross misconduct has occurred, the result will normally be summary dismissal.

We may consider other sanctions short of dismissals, including demotion or redeployment to another role (where permitted by your Statement of Particulars of Employment), and/or extension of a final written warning with a further review period.

4. Appeals

4.1 An employee who wishes to appeal against any disciplinary decision must do so by writing to the Manager of the manager

that took the decision within five working days from receipt of the written confirmation of the decision. Details of the reasons for the appeal must be provided.

- 4.2 That manager may pass the appeal to be heard by another person(s). As far as possible, the appeal will be heard by a more senior manager than the manager who made the disciplinary decision, or member/s of the Board of Trustees not previously involved in the case.
- 5.3 All participants in the appeal hearing will have prior access to all relevant evidence and documentation including the notes of the original hearing.
- 5.4 The person(s) holding the appeal has the authority to quash, reduce or in exceptional cases increase the original disciplinary penalty. The decision in the appeal shall be final, and no further right of appeal will be available to the employee.
- 5.5 Disciplinary or dismissal action will take effect before the appeal hearing, including termination of employment. Where an appeal against dismissal is upheld any deficit in remuneration or continuity of employment will be restored.

5. CONFIDENTIALITY

Records of disciplinary proceedings will be kept confidential.

MONITORING

This document will be reviewed within 36 months of adoption.

Disciplinary procedure approved: July 2024 (Date)



Signed by Chair of Trustees