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## Discipline and Performance at Work Policy and Procedure

### **1.INTRODUCTION**

The Green Routes policy and procedure on discipline and performance at work is designed to safe guard and protect the interests of the individual, other employees, and the reputation of Green Routes, by providing a framework for management and employees to ensure that the high standards of job performance and conduct that are required are met and maintained. This procedure applies to all employees and aims to ensure consistent and fair treatment for all.

### **2.PRINCIPLES**

Disciplinary action may be necessary where expected standards of performance or behaviour are not met. Green Routes is responsible for ensuring that disciplinary action is not taken until the case has been investigated and, so far as is possible, the facts have been established.

The main object of instigating the procedure for poor performance is corrective rather than punitive and aims to assist the employee to achieve and maintain the required standards of performance.

Formal procedures will only be used when informal action has failed to produce the required improvement, or when the disciplinary matter is considered sufficiently serious as to merit such procedures.

Disciplinary matters will be dealt with in a fair and equitable manner in accordance with the procedures outlined below. Adjustments to the procedures necessary to comply with local legislation will be made and communicated to all employees concerned.

At every stage in the procedure the employee will be advised of the nature of the complaint against them, will be given time to consider the complaint, and will then be given the opportunity to state their case before any decision is made.

At any interview held under these procedures (with the exception of the Informal Procedure) the employee may be accompanied by an employee/colleague of their choice. The individual who accompanies them may address the hearing but not answer on behalf of the employee. It is the employee's responsibility to ensure that the chosen companion is willing to attend the meeting.

An individual may be suspended from work on full pay while further investigations are made. Green Routes will endeavour to ensure that such a period is no longer than reasonably necessary for the investigations to be completed. Individuals have the right to appeal against any disciplinary action taken within the Formal Procedure. The procedure may be implemented at any stage when an employee's conduct or performance justifies such an action.

All disciplinary records will be kept in accordance with the Data Protection Act 1998.



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### **3. RESPONSIBILITIES**

Each employee is required to familiarise themselves with their Employee Contract and this Discipline and Performance at Work Policy and Procedure, which together set out the conditions of employment and standards of conduct expected by Green Routes.

Managers are responsible for explaining the standards for job performance and conduct to their employees and for ensuring their employees observe them.

The non-observance of the required standards of performance and conduct may fall into the following categories. These definitions cannot always be clear cut, as the circumstances surrounding each case will be different and will invariably influence how the matter is treated. Each case will be investigated, and any action taken will depend on the merits of the case. The Informal Procedure and the different levels of the Formal Procedure are set out below in Section 4.

#### **3.1 Gross Misconduct**

Gross misconduct is misconduct so serious as to justify summary dismissal. What constitutes gross misconduct may vary according to circumstance. Gross misconduct, if proven, may result in instant dismissal without notice or payment in lieu of notice.

An employee who is accused or suspected of gross misconduct will normally be suspended from work on full pay while Green Routes investigates the alleged offence. The employee will be required to attend one or more interviews, normally within five working days.

Gross misconduct may include but is not limited to:

- Fraud or deliberate falsification of records
- Serious breaches of confidence
- Theft from Green Routes or any person on Green Routes' premises
- Serious negligence which causes unacceptable loss, damage or injury
- Serious acts of insubordination
- Fighting or assault on another person
- Wilful disregard of duties and responsibilities, particularly in relation to safety
- Deliberate damage to Green Routes' property
- Conduct violating any common decency
- Sexual, racial, disability or other discrimination (including harassment) of another employee, volunteer, agency or contract worker, or visitor to Green Routes' premises or any other third party to whom Green Routes may owe a duty to prevent such discrimination
- Being charged with and/or convicted of a criminal offence which in the reasonable opinion of Green Routes demonstrates unsuitability for further employment by Green Routes



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### **3.1 Gross Misconduct - contd**

- Serious breach of the e-mail and internet policy
- Bringing alcohol onto the site without permission of the Development Manager or a Board Member
- Bringing illegal non-prescription drugs on to the premises
- Adversely affecting the interests and reputation of Green Routes
- Any repudiatory breach of your employment agreement

### **3.2 Serious Misconduct**

An employee who is considered by Green Routes to be guilty of serious misconduct will normally be given a final written warning under Stage 3 of the Formal Procedure. Thereafter the procedure will be initiated at Stage 4 for further or repeated offences

Serious misconduct includes, but is not limited to:

- Refusal to carry out reasonable requests or instructions
- Unauthorised absence from work; and
- Unacceptable (but not serious) acts of insubordination

### **3.3 General Misconduct**

In the case of general misconduct the employee will normally be issued with a written warning under Stage 1 of the Formal Procedure for a first offence. Thereafter the procedure will be initiated at Stage 2 for further or repeated offences.

General misconduct includes, but is not limited to:

- Unsatisfactory record of attendance or reliability
- Failure to follow sickness absence notification arrangements
- Persistent lateness
- Poor work performance.

### **3.4 Criminal Offences outside Work**

An employee who is arrested for and/or charged with any criminal offence must report this fact immediately to their Manager. Failure to notify Green Routes may result in dismissal. Green Routes would normally seek to divorce an employee's external activities from internal consideration. Green Routes will not discipline employees for either criminal or social/moral reasons unless:

- (i) The nature of that offence makes an individual incapable or unsuitable for continued employment
- (ii) Continued employment is unacceptable to other employees
- (iii) The individual's action brings Green routes into disrepute



## **4. THE INFORMAL AND FORMAL STAGES OF THE PROCEDURE**

### **4.1 Informal Procedure**

Minor faults relating to performance or conduct and first offences may be dealt with informally outside the disciplinary procedure. This would not be recorded on an employee's personal file. Where the matter is more serious, however, other than in the case of serious and wilful misconduct, the following disciplinary action will be applied as appropriate.

### **4.2 Formal Procedure**

#### **4.2.1 Disciplinary interviews**

Before any warning is given or disciplinary action or decision to dismiss is taken by Green Routes, an interview will be held with the employee at which they will have every opportunity to comment on the complaint(s) against them. During such interviews, the employee may be accompanied by another employee or colleague. Similarly Green Routes will normally have present another person to take notes of the proceedings. The employee has the right to be given an explanation for any decision that has been made and consideration would always be given to such employee's disciplinary and general record as well as any mitigating circumstances.

Depending on the nature of the circumstances, the procedure to be adopted will be as follows:

- (i) First Level Warning
- (ii) Second Level Warning
- (iii) Final Warning
- (iv) Dismissal

#### **4.2.2 Validity of warnings and review meetings**

In order that an employee is aware of the period that the warning is valid, this will be clearly stated at the disciplinary hearing. It is appreciated that disciplinary action against an employee should not be allowed to count indefinitely, and therefore, after a specific period of time, warnings will cease to be valid.

Other than in exceptional circumstances, warnings will be valid for periods within the following range:

First Level warnings	-	6 - 12 months
Second Level warnings	-	9 - 18 months
Final warnings	-	1 - 3 years



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#### **4.2.2 Validity of warnings and review meetings - contd**

The manager conducting the disciplinary interview will state what period of validity the warning will have. During the validity period, performance will be reviewed by the manager with the employee, either at 3 or 6 monthly intervals. Following each satisfactory review, the individual will be informed that a note of this review will be appended to their personal record.

If the review is unsatisfactory, it may be necessary to continue to progress the issue through the disciplinary procedure.

The review meetings will also consider whether the initial statement regarding validity is still appropriate.

#### **4.2.3 Stages of The Formal Disciplinary Procedure**

##### **Stage 1-First Level Warning**

If an employee's conduct or performance does not meet acceptable standards they will be interviewed as soon as possible by their Manager. They will be told why the interview is necessary and will be entitled to state their case. The interview should be arranged by appointment stating the reason for the meeting and giving both parties time to prepare. If the Manager believes it to be justified, the employee will be given a written warning that continued or repeated misconduct or poor performance may result in dismissal. A copy of this warning together with a written summary of the discussion will be kept on the employee's personal file.

##### **Stage 2 -Second Level Warning**

If misconduct or performance is sufficiently serious or if it continues or is repeated or the employee's disciplinary record warrants it, they will be interviewed by their Manager. If the Manager believes it to be justified, the employee will be given a Second Level written warning.

This letter should state formally the outcome of the meeting including performance issues, corrective measures, training if appropriate, and the timeframe over which performance or conduct must improve to an acceptable level. They should be made aware that if their performance or conduct does not improve during the period specified in the warning, further disciplinary action will take place which could result in their dismissal. A copy of this warning together with a written summary of the discussion will be kept on the employee's personal file.

#### **4.2.3 Stages of The Formal Disciplinary Procedure - contd**

##### **Stage 3- Final Warning**

If misconduct or performance is sufficiently serious or if it continues or is repeated following a written warning or if performance has not improved to the standard required, or the employee's disciplinary record warrants it, such employee will be interviewed by the Board Member responsible for HR and/or the Chairman who will decide on the action to be taken. Such employee may be given a final written warning which will give details of the complaint and will warn that dismissal will result if there is either no satisfactory improvement or any further misconduct of any kind. Other disciplinary action may include demotion or transfer to any available position ( which Green Routes in its discretion considers is suitable ) as well as suspension ( with or without pay), or reduction in holiday entitlement ( for unauthorised absences):such forms of disciplinary action may also be considered by Green Routes at any other stage of the disciplinary process.

A copy of this warning together with a written summary of the discussion will be kept on the employee's personal file.

##### **Stage 4- Dismissal (including summary dismissal)**

If misconduct is sufficiently serious or if conduct or performance is still unsatisfactory following a final written warning and the employee fails to reach the required standard or if their disciplinary record warrants it they will normally be dismissed, with or without notice. The decision to dismiss will be taken by the most senior manager in conjunction with the Board Member responsible for HR and must be approved by the Chairman.

## **5 SUSPENSION**

At the time of receiving a written warning or when dismissal is being contemplated or recommended or if the alleged misconduct is sufficiently serious, the employee may be suspended from work on full pay while further investigations are made. The suspension will normally last for no more than five working days initially but may be extended at the discretion of Green Routes or where necessary to ensure that there is sufficient time to allow for a full investigation to be carried out. Suspension must be authorised by the relevant Manager in discussion with the Board Member responsible for HR.

An employee who is suspended is required to co-operate fully with any investigation and to be available for interview during normal office hours. They must also comply with any instruction not to communicate with clients, other Green Routes' employees, volunteers or other third parties who deal with Green Routes.



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## **6.APPEALS**

In the event an employee feels that they have been unjustly disciplined, they may appeal at each stage of the Formal Procedure. The grounds for appeal should be made in writing within three working days of being advised of the action and addressed to the Board Member responsible for HR who will make the necessary arrangements. Appeals will normally be heard initially by someone (a Board Member) not previously involved in the proceedings. The appeal decision will be advised to the Chairman within seven days of the appeal being lodged or as soon as practicable thereafter and will be final. The outcome of the appeal will be relayed to the employee in writing as soon as possible after the appeal has been heard.

Signed and date of adoption by Board of Trustees: 19/10/2011 \_\_\_\_\_

Signed and date of review: 30/11/2022 \_\_\_\_\_