



DISCIPLINARY POLICY & PROCEDURES

Principles:

- a. This document has been drawn up following reference to guidelines for procedures for charitable organisations and for Oxfordshire County Council.
- b. It has been written in order to aid all the Let's Play Project's personnel in attaining and keeping required standards of work, conduct and attendance.

1. Policy:

- a. It is understood that guidelines and procedures are necessary for encouraging fairness in the treatment of staff at work. It is recognised that effective managerial support should reduce the need for disciplinary action.
- b. The Let's Play Project would hope that all matters could be resolved informally in discussion with the Line Manager but recognise that this may not always be the case.
- c. If the matter cannot be resolved informally then the following procedure should be adopted:

2. Procedures:

2.1. Guide:

- a. Employees of the Let's Play Project will be given a copy of this document when they accept the terms of employment as part of their induction and reminded about it before any disciplinary hearing.
- b. No disciplinary action will be taken against a person until the case has been fully investigated.
- c. All disciplinary matters relating to the process will be treated as confidential.
- d. The person will be informed that a written record of the complaint and its basis will be given at each stage and will be given the opportunity to state their views before any decision is made.

Let's Play Project. St Mary's School, School Lane. Banbury. Oxon OX16 2EG.



- e. All employees of the Let's Play Project should be made aware of their rights to be accompanied by a work colleague or friend at the hearing.
- f. Minor breaches of the requirements, including misconduct, may be dealt with informally by giving help (such as specific training) when an informal verbal warning may be given and kept on record related to the disciplinary record **for 12 months**.
- g. These procedures apply in cases of continued inefficiency or incompetence, misconduct or gross misconduct.

2.2 **Operation of the procedure:**

- a. The Manager the Let's Play Project and a Trustee will oversee any verbal and written warnings.
- b. In the case of the issue involving the Manager, two Trustees will oversee the procedure. No-one involved in the issue will be asked to oversee the procedure.
- c. **Stage 1: Informal procedure:**
 - 1) If an employee's performance is deemed unsatisfactory through inefficiency or incompetence it should normally be resolved through the normal supervision channels, unless there is evidence that the employee is incapable of maintaining a satisfactory performance. It is in the interests of everyone that issues involving competence are addressed as quickly as is reasonably practical.
 - 2) At this stage a written document will be given to the employee detailing the changes/improvements required and targets to attain, if necessary, and what training may be given, also the period in which the Let's Play Project's wish to see these happen (usually three months).
 - 3) A three monthly review will allow both parties to reflect on progress. Following the three monthly review a further three months of supervision will be put in place.
 - 4) If at the end of this time the performance is still considered to be inadequate the formal disciplinary procedure will be put in place.

Let's Play Project. St Mary's School, School Lane. Banbury. Oxon OX16 2EG.



- 5) This will be the first stage towards the formal procedure should the requirements not be met and maintained. This will be kept on record for **12 months** subject to a satisfactory outcome (when it will then be then be considered closed for disciplinary purposes).

d. **Stage 2:** **Misconduct (formal procedure) and first written warning:**

- 1) This covers any failure to comply with **Stage 1** (informal procedure) and the accepted guidelines for work and behaviour, for example:
 - I. Unauthorised absenteeism.
 - II. Persistently poor timekeeping.
 - III. Refusal or failure to carry out lawful and proper instructions.
- 2) **Note:** This list is not exhaustive and there are different levels of misconduct which may more appropriately be termed gross misconduct.
- 3) If the employee involved in **Stage 1** fails to reach the required standards then a First Written Warning will be issued. This will specify what has been observed as a failure to comply and what the employee is required to achieve within a given timescale (usually three months). It will also inform the employee that a final written warning may be given should a sustained improvement not be seen.
- 4) This first warning will be kept on record for **12 months** subject to a satisfactory outcome (when it will then be considered closed for disciplinary purposes).

e. **Stage 3:** **Final written warning:**

- 1) If the performance required in **Stage 2** does not improve in the agreed time (usually three months) following the written warning, a final warning will be issued stating that dismissal will follow any further failure to reach the targets agreed. This will specify what has been observed as a failure to comply within the timescale previously stated and what the employee is required to achieve to sustain that improvement together with its timescale (usually three months).
- 2) It will also inform the employee that action may be taken if failure occurs following on to **Stage 4**, (dismissal), but also that they have a right to appeal and to be accompanied by colleague or friend.

Let's Play Project. St Mary's School, School Lane. Banbury. Oxon OX16 2EG.



- 3) Following this meeting a written record of the discussions and the outcome will be given to all attending. This will be kept on record for 12 months subject to a satisfactory outcome (when it will then be considered closed for disciplinary purposes subject to continued satisfactory performance).

f. **Stage 4:** **Dismissal:**

- 1) No dismissal can take place without the agreement of the Chairperson and one other Trustee. The employee will be provided with:
 - I. written reasons for the dismissal,
 - II. the date on which employment will end and also of,
 - III. the right of appeal (and the right to be accompanied to any appeal hearing).

g. **Stage 5:** **Appeal:**

- 1) If the employee wishes to appeal against the decision to dismiss this must be put in writing to the Manager within five working days of the **Stage 4** meeting.
- 2) This appeal should be heard by two other Trustees (not previously involved) within five working days of the receipt of the appeal.
- 3) The appeal panel will decide whether or not to invite the member of staff to the appeal hearing. All written records at each stage of the process will be reviewed and a final decision communicated to the employee within five working days.
- 4) The Chair of the Trustees, or nominee, will communicate any decision (**which will be final**).

3. **Gross misconduct:**

- a. There may be actions by an employee which can be termed as Gross Misconduct and may be considered serious enough to justify instant dismissal.
- b. This list is neither exhaustive nor exclusive but contains some examples in addition to those specified in **Stage 2** above.

Let's Play Project. St Mary's School, School Lane. Banbury. Oxon OX16 2EG.



1) For example:

- I. Sexual misconduct whilst working for the Let's Play Project.
- II. Serious breach of Health and Safety requirements.
- III. Theft.
- IV. Verbal or physical abuse of staff, children or parents.
- V. Falsification of timesheets or expenses claims.
- VI. Serious insubordination.
- VII. Failure to disclose any criminal records.
- VIII. Being under the influence of alcohol or illegal substances when working with children/attending training or working in the office.
- IX. Smoking in a session working with children/attending training or working in the office.

2) If Gross Misconduct is alleged the employee can be suspended from work on full pay while an investigation is carried out (within ten working days).

3) If this allegation appears to be proven then a disciplinary hearing will be held where at least two persons will be on the panel (consisting of two Trustees or a Trustee and a Senior Management person with delegated authority to dismiss).

4) If the panel is then satisfied that an act of Gross Misconduct has occurred then the employee may be then dismissed without notice or payment in lieu of notice.

c. **Appeal:**

1) If the employee wishes to appeal against the decision to dismiss this must **be put in writing** to the Manager within **5** working days of the **Stage 5** meeting.

2) This appeal should be heard by two other Trustees not previously involved.

3) All written records at each stage of the process will be reviewed and a final decision communicated to the employee within **5** working days.

4) The Chair of the Let's Play Project Trustees, or nominee, will communicate any decision (which will be final).

5) Records will be kept of any meetings held, and copies issued to all concerned. They will be held on file and retained in accordance with the Data Protection Act 1998 retention time guidelines.:-

Let's Play Project. St Mary's School, School Lane. Banbury. Oxon OX16 2EG.