



## Disciplinary policy and procedure – V2 August 2023

### 1 Introduction

- 1.1 This policy and procedure is based on a model of a basic Disciplinary process provided by ACAS (The Advisory, Conciliation and Arbitration Service).

### 2 Purpose and scope

- 2.1 This procedure is designed to help and encourage all Transom Trust staff to achieve and maintain standards of conduct, attendance and job performance. **Annex A** sets out the Standards of Behaviour that apply and must be adhered to by all Transom Trust staff. These Standards ensure that all Transom Trust staff are treated consistently and fairly.

### 3 Principles

- 3.1 Informal action will be considered, where appropriate, to resolve problems.
- 3.2 No disciplinary action will be taken against a staff member until the case has been fully investigated.

### 4 Formal Action

- 4.1 For formal action, the line manager will:
- advise the staff member of the nature of the complaint against the staff member;
  - give the staff member the opportunity to state their case before any decision is made at a disciplinary meeting;
  - provide the staff member, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- 4.2 At all stages of the procedure the staff member will have the right to be accompanied by a representative, or work colleague.
- 4.3 No staff member will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- 4.4 Staff members have the right to appeal against any disciplinary action.
- 4.5 The following procedures may be implemented at any stage if the staff member's alleged misconduct warrants this.

### PROCEDURES

#### 5 First stage of formal procedure

- 5.1 The first stage of formal procedure will normally be either:
- a "note to improve" (see para 6.1);
  - or a first warning for misconduct (see para 7.1).

## **6 Note to improve**

- 6.1 A “note to improve” is issued to the staff member for unsatisfactory performance if performance does not meet acceptable standards. This will set out:
- the performance problem;
  - the improvement that is required;
  - the timescale involved;
  - and any help that may be given to the staff member and their right of appeal.
- 6.2 The line manager must advise the staff member that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for **6** months, but will then be considered spent – subject to achieving and sustaining satisfactory performance.

## **7 First warning for misconduct**

- 7.1 A first warning for misconduct is issued to the staff member if their conduct does not meet acceptable standards. This will be in writing and set out the:
- nature of the misconduct;
  - change in behaviour required;
  - staff member’s right of appeal;
  - and also inform the staff member that a final written warning may be considered if there is no sustained satisfactory improvement or change.
- 7.2 A record of the warning will be kept, but it will be disregarded for disciplinary purposes after **6** months.

## **8 Final written warning**

- 8.1 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the staff member. This will give details of the:
- complaint;
  - the improvement required and the timescale involved;
  - warning that failure to improve may lead to dismissal (or some other action short of dismissal);
  - and the staff member’s right of appeal.
- 8.2 A copy of this written warning will be kept by the line manager but will be disregarded for disciplinary purposes after **12** months subject to achieving and sustaining satisfactory conduct or performance.

## **9 Dismissal or other sanction**

- 9.1 If there is still further misconduct or failure to improve performance by the staff member - the final step in the procedure may be dismissal or some other action short of dismissal (eg: demotion or disciplinary suspension, as allowed in the contract of employment).
- 9.2 Dismissal decisions can only be taken by appointed Trustees (leaving other appointed Trustees free to hear any subsequent appeal), and the staff member will be provided in writing with the:
- reasons for dismissal;
  - date on which the employment will terminate;

- and the right of appeal.

- 9.3 If some sanction short of dismissal is imposed, the staff member will;
- receive details of the complaint;
  - be warned that dismissal could result if there is no satisfactory improvement;
  - and will be advised of their right of appeal.
- 9.4 A copy of the written warning will be kept by the line manager, but will be disregarded for disciplinary purposes after **12** months, subject to achievement and sustainment of satisfactory conduct or performance.

## 10 Gross misconduct

- 10.1 The following list provides some examples of offences which are normally regarded as gross misconduct:
- inappropriate relationships or abuse of position of trust with Transom Trust residents;
  - theft or fraud;
  - physical violence or 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;
  - unlawful discrimination or harassment;
  - bringing the organisation into serious disrepute;
  - serious incapability at work brought on by alcohol or illegal drugs;
  - causing loss, damage or injury through serious negligence;
  - a serious breach of health and safety rules;
  - a serious breach of confidence.
- 10.2 If a staff member is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated.
- 10.3 If, on completion of the investigation and the full disciplinary procedure, Transom Trust is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

## 11 Appeals

- 11.1 A staff member who wishes to appeal against a disciplinary decision must do so within **5** working days. Appointed Trustees (not involved in making prior disciplinary decisions relating to the staff member) will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

The Trustees will review the policy every 2 years.

Approved by the Trustees on: 01/08/23

Signature (on behalf of Sue Worthing, Chair of Trustees): 

Next review date: 01/08/25

**Standards of Behaviour**  
**that apply and must be adhered to by all Transom Trust staff**

## **1 Principles**

- 1.1 As an adult working in Transom Trust (“the Trust”) – whether as a member of staff or a volunteer – you have a responsibility to ensure that everyone attending the Trust’s activities, particularly children and vulnerable adults, are protected from harm.
- 1.2 It is the responsibility of each staff member or volunteer to ensure that:
- their behaviour is appropriate at all times;
  - they observe the rules established for the safety and security of children and vulnerable adults;
  - they follow the procedures following suspicion, disclosure or allegation of abuse;
  - they recognise the position of trust in which they have been placed;
  - and in every respect, the relationships they form with the vulnerable adults in their care are appropriate.
- 1.2 All persons who wish to work in Transom Trust, must:
- accept and understand these Standards of Behaviour;
  - also agree to put the Trust’s policy on Safeguarding Vulnerable Adults into practice.

## **2 Meeting your responsibilities**

- 2.1 To give positive guidance, the Standards of Behaviour (below) provide a list of DO’s and DO NOT’s to help staff members ensure that:
- the welfare of vulnerable adults for whom you have a duty of care is safeguarded;
  - you avoid compromising situations or opportunities for misunderstandings or allegations.

## **3 Code of behaviour**

- 3.1 The DO’s are as follows.
- DO put this code into practice at all times.
  - DO treat everyone with dignity and respect.
  - DO set an example you would wish others to follow.
  - DO treat all people equally - show no favouritism.
  - DO plan activities that others are aware of.
  - DO keep other members of staff/volunteers informed of where you are, who you are with, how long for, and what you are doing – see the Trust’s Lone Working policy for more details on safe working practices).
  - DO respect the vulnerable adult’s right to personal privacy – see the Trust’s GDPR policy for more details on the appropriate confidentiality issues).
  - DO avoid unacceptable situations within a relationship of trust - eg: a sexual relationship with a vulnerable adult.
  - DO allow vulnerable adults to talk about any concerns they may have.
  - DO encourage others to challenge any attitudes or behaviours they do not like.
  - DO avoid being drawn into inappropriate attention seeking behaviour.
  - DO follow the Trust's “no alcohol” practice.

- DO make everyone aware of the Trust's procedures for Safeguarding Vulnerable Adults.
- DO remember this code even at sensitive moments - eg: when responding to bereavement or abuse.
- DO remember someone else might misinterpret your actions, no matter how well-intentioned.
- DO take any allegations or concerns of abuse seriously and refer to the appropriate person immediately – see the Trust's Lone Working and Safeguarding Vulnerable Adults policies for more details on safe working practices).

### 3.2 The DO NOT's are as follows.

- DO NOT form any inappropriate relationship, or abuse your position of trust, with a vulnerable adult.
- DO NOT trivialise abuse.
- DO NOT permit abusive peer activities - eg: initiation ceremonies, bullying.
- DO NOT engage in inappropriate behaviour or contact - physical, verbal, sexual.
- DO NOT play physical contact games with vulnerable adults.
- DO NOT make suggestive remarks or threats to anyone, even in fun.
- DO NOT use inappropriate language - writing, phoning, email or internet.
- DO NOT let allegations, suspicions, or concerns about abuse go unreported.
- DO NOT just rely on your good name to protect you.