



## DISCIPLINARY POLICY

### 1. PURPOSE OF THE POLICY

The aims of this policy are to:

- The purpose of this policy is to ensure the maintenance of the safe and effective operation of Mind in Croydon and its various services, and the fair treatment of individual employees.
- The procedure sets out the action which will be taken when conduct or job performance are unsatisfactory or when disciplinary rules are breached.
- Explain when the Charity will discipline an employee for misconduct
- Outline the stages of the disciplinary procedure
- Ensure all employee discipline is fair and consistent

### 2. SCOPE OF THE POLICY

This policy applies to employees who work full-time, part-time and on fixed term contracts.

It does not apply to:

- agency workers
- self-employed contractors
- employees in their probation period. Their performance will be managed using the probation process

This policy does not form part of any employee's contract of employment. Mind in Croydon may amend this policy at any time.

### 3. ROLE AND RESPONSIBILITIES

- senior managers have overall responsibility for the content of this policy
- line managers are responsible for familiarising themselves with the contents of this policy and for applying it fairly
- employees are responsible for following this policy
- HR is responsible for reviewing this policy once a year

### 4. EMPLOYEE MISCONDUCT

Mind in Croydon will apply this policy in cases of employee misconduct or gross misconduct.

Misconduct is when an employee's inappropriate behaviour breaks workplace rules.

Examples of misconduct are: *This list is non exhaustive.*

- refusing to do work (insubordination)
- being absent without permission
- persistent lateness

Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

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

- bullying
- harassment
- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of the 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

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

## **5. DISCIPLINARY ACTION AGAINST THE CHIEF EXECUTIVE**

Should disciplinary action against the Chief Executive be necessary it will be implemented initially by the Chair. If a disciplinary interview is held the interview panel will consist of the Chair and one or more trustees. In the event of an appeal against a decision to dismiss the Chief Executive an independent person will be appointed to chair the appeal panel which will consist of the independent person and two trustees not previously involved in the disciplinary action

## **6. DISCIPLINARY PROCEDURE**

### **Step 1. Investigate misconduct**

When the organisation becomes aware of alleged employee misconduct, the matter will be thoroughly investigated.

If an investigation meeting is held, this will be solely for the purpose of fact-finding. No disciplinary action will be taken without a formal investigation having taken place.

There is no contractual right to be accompanied at an investigation meeting.

Mind in Croydon is not obliged to provide any notice of the investigation meeting.

In some cases of alleged misconduct, we may need to suspend an employee from work while we carry out the investigation. While suspended, employees should not:

- visit our premises
- contact any of our clients, customers, suppliers, contractors or staff, unless authorised to do so

Suspension is not considered to be disciplinary action and will be kept under review.

### **Step 2. Informal resolution**

Minor conduct issues can usually be resolved informally by line managers. However, where this is not appropriate or possible the formal steps outlined in this policy will be used.

### **Step 3. Formal disciplinary hearing**

We will give you at least 48 hours written notice of a disciplinary hearing. The notice will include enough information about the alleged misconduct and its possible consequences so you can prepare. You will be given copies of relevant documents and witness statements.

Employees may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as a companion.

You should let us know as early as possible if there are:

- any relevant witnesses you would like to attend the hearing, or

- any documents or other evidence you wish to be considered

We will inform you in writing of our decision, usually within one week of the hearing.

Employees who are involved in the disciplinary procedure, including those who accompany employees to meetings, must not disclose information about the proceedings to any party. Failure to adhere to this may result in disciplinary action.

Employees may not digitally or otherwise record any part of the proceedings, unless permission is given by all parties involved.

#### **Step 4. Disciplinary outcome**

The usual penalties for misconduct are:

- **Verbal Written Warning.** If there has been a minor breach of company policies, a verbal or informal warning might be appropriate. Verbal warnings remain active for 6 months
- **First Written Warning.** Where there are no other active written warnings on your disciplinary record, you will receive a first written warning. It will remain active for 6 months
- **Final Written Warning.** In case of further misconduct or failure to improve where there is an active first written warning on your record, you will receive a final written warning. This may also be used without a first written warning for serious cases of misconduct. The warning will remain active for 12 months
- **Dismissal.** You may be dismissed without warning for any acts of misconduct in your probationary period. You may also be dismissed if you have an active final written warning on your record and:
  - you fail to improve on the points required and stated within the final written warning
  - there are further acts of misconduct or gross misconduct
  - The employee may be dismissed on the grounds of lack of capability to do the job or on the grounds that absence levels are unacceptable
  - actions short of dismissal. We may consider other sanctions, such as:
  - demotion or redeployment to another role (where permitted by employment contracts), and/or
  - extension of the active period of a final written warning

#### **Dismissal on the grounds of incapacity for or absence from work on grounds of ill health**

This is covered in a sickness absence policy under long-term sickness.

#### **Step 5. Appeal**

Employees may appeal the outcome of the disciplinary process in writing within 5 days of being told of the decision.

The appeal hearing will, where possible, be held by someone more senior than the person who held the original hearing. Employees may bring a colleague or trade union representative to the appeal hearing.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There are no further internal stages of appeal.

*Reviewed and Updated by the Board of Mind in Croydon – May 2023*