

CITIZENS ADVICE REIGATE AND BANSTEAD DISCIPLINARY POLICY AND PROCEDURE

1. Introduction

This policy applies to all permanent and fixed term employees of Citizens Advice Reigate and Banstead who have satisfactorily completed their probationary period and been confirmed in post.

The purpose of this disciplinary policy is to help and encourage all employees to achieve and maintain required standards of performance and conduct.

2. Responsibilities

Your manager has a responsibility to:

- ensure that all employees are aware of the disciplinary policy
- ensure that disciplinary issues are dealt with as soon as they become apparent
- respect the need for confidentiality in relation to disciplinary issues
- offer positive advice, assistance and guidance to encourage you to achieve and maintain proper standards of conduct and behaviour
- inform you of the risk of a formal disciplinary proceeding if you fail to meet any requirements for future behaviour.
- ensure that the investigation/disciplinary/appeal is dealt with in a fair and appropriate manner
- ensure you are aware of your right to be accompanied by a work colleague or trade union official at all meetings except the formal investigatory interviews.

You have a responsibility to:

- behave in an appropriate manner in your day to day work
- familiarise yourself with all Citizens Advice Reigate and Banstead's organisational policies and procedures
- cooperate with disciplinary investigations,
- arrange if you wish to be represented and advise management within the set time frame

4. Misconduct

Misconduct is behaviour that falls below the standards expected from Citizens Advice Reigate and Banstead employees. It is usually deliberate, although an employee's negligence may amount to misconduct. Examples of misconduct include (but not limited to):

- minor breaches of Citizens Advice Reigate and Banstead equality and diversity policy
- minor failure to carry out a reasonable instruction from management
- minor failure to take care of any property or money which comes into your possession or area of responsibility
- minor failure to follow health and safety guidelines or give enough attention to the health and safety of others
- persistent absence or late attendance at work
- conduct or behaviour which falls below standards, for example, rudeness or abusive behaviour
- negligence which results in minor loss, damage or injury.

5. Gross misconduct

Gross misconduct is misconduct of such a serious nature that Citizens Advice Reigate and Banstead may, following investigation, choose to dismiss you from your post. Examples of gross misconduct may include (but not limited to);

- Discrimination, harassment or verbal abuse against employees, clients, volunteers or members of the public on grounds of race, colour, ethnic/national origin, disability, age, sex, sexual orientation, religion/belief or marital status;
- Discrimination and harassment include the production, distribution, display or communication of material which may cause offence on any of these grounds. 'Material' includes posters, magazines and other publications, cartoons, cards, advertisements, calendars, photographs, emails or other forms of electronic communication.
- Theft of property belonging to the organisation, an employee, volunteer, client or member of the public.
- Violence, including the physical assault of a fellow employee, volunteer, client or member of the public.
- Misrepresentation of qualifications or other personal information officially requested by Citizens Advice Reigate and Banstead.
- Deliberate damage to the reputation or interests of Citizens Advice Reigate and Banstead.
- Deliberate damage to Citizens Advice Reigate and Banstead's property and/or equipment.
- Dishonesty or fraud, including the falsification of attendance sheets, subsistence or expense claims.
- Acceptance of bribes or other corrupt practices.
- Disclosure of highly confidential matters, or the unauthorised breach of Citizens Advice Reigate and Banstead confidentiality, information assurance or ICT usage policies from which individuals can be identified.
- Criminal convictions which may be unconnected with Citizens Advice Reigate and Banstead but which may result in a fundamental breakdown of trust and/or make it impossible for you to fulfil your contract of employment.
- Serious breaches of safety rules, including deliberate damage to, or misuse of, safety equipment.
- Carrying out unauthorised paid employment during paid working time for Citizens Advice Reigate and Banstead.
- Serious insubordination, including repeated refusal to comply with a reasonable management instruction.
- Gross incompetence / negligence which causes, or potentially causes, unacceptable loss, damage or injury
- Threatening or committing any verbal or physical assault on Citizens Advice Reigate and Banstead's employees, volunteers or clients or been under the influence of alcohol or drugs at work (other than those prescribed by a medical practitioner).

6. The disciplinary process

6.1 Informal action

In cases of minor misconduct line managers should deal with matters informally by discussing the issues with you and encouraging you to achieve the required standards. Your line manager will follow up the discussion with a letter specifying;

- the standards required
- how they will be monitored

- the review time frame period which improvements should be achieved and sustained.

If you fail to meet and/or sustain the standards required, despite being given appropriate support to do so, your line manager may extend the review period or progress towards the formal disciplinary procedure.

6.2 Formal disciplinary procedure

6.2.1 Investigation

If formal disciplinary action is being considered the matter will be investigated. In misconduct cases the investigator shall obtain a statement from any witnesses they consider to be relevant. This will depend on the facts of the case.

Any investigation will be independent and you will have the opportunity to fully respond to any allegations put to you and there is no pre-judgement of the issue(s).

At the end of the investigation the manager will recommend whether it is necessary to proceed with disciplinary action in which case you will be invited in writing to a disciplinary hearing to be heard by a different manager.

Note: There is no right for employees to be accompanied at a formal investigatory interview

6.2.2 Suspension

In instances of alleged gross misconduct it may be appropriate to place you on suspension on full pay until the investigation has been completed and a disciplinary hearing is held (where appropriate). All periods of suspension will be as brief as possible and never used as a sanction against you prior to a decision of any disciplinary action.

During this period, you must keep matters strictly confidential and not contact or attempt to contact / influence anyone in connection with the investigation or organisation excluding your line manager. A breach of this may lead to further disciplinary action.

However, as you remain an employee of Citizens Advice Reigate and Banstead you should be available for contact during your normal working hours.

6.2.3 Disciplinary hearing

If the matter progresses to a disciplinary hearing the hearing manager will write to you to inform you. You will be given a minimum of five working days' notice specifying the allegations and details of the hearing. All related documents which will be referred to in the meeting will be sent to you along with the invitation letter. The letter will also advise you of your right to be accompanied at the hearing by a workplace colleague or a recognised trade union official at any stage. The responsibility for the arrangement of the representation will be yours.

You must take all reasonable steps to attend any meeting arranged under this procedure. If you (or your companion) fails to attend the meeting or gives notice that they are unable to attend, a new date will be set. If you fail to attend on a second occasion the hearing may proceed in your absence.

You will have the opportunity to state your case at the disciplinary hearing. The manager may adjourn disciplinary proceedings if it appears necessary to do so (for example if they need to investigate further). You will be informed of the period of any adjournment.

If you wish to provide evidence for your case you must send any information to the hearing manager at least 2 working days before the hearing, including the names of any witnesses you intend to call.

Following the hearing, the manager will decide whether to impose a disciplinary sanction which will be confirmed in writing. You will receive this letter within five working days of the hearing or informed if there is to be any delay.

Note: You have the right to be accompanied at a formal disciplinary & appeal hearing.

6.3 Appeal

You have the right to appeal against any formal sanction you receive. If you wish to appeal against a disciplinary sanction you must do so in writing within five working days of the decision being taken. You should set out the full grounds for appeal prior and your appeal will be heard by the next level of management to who issued the sanction.

Where it is practical, the appeal meeting will take place within 15 working days of your appeal being received. You have the right to be accompanied at the appeal meeting by a workplace colleague or trade union official.

Any decision made at appeal will be final and you will be informed of the decision in writing within five working days of the appeal hearing or informed of any delay.

7. Formal disciplinary sanctions

7.1 Level of Sanction

Following disciplinary meeting(s), a sanction may/will be given dependent on the nature of the allegations against you.

A sanction is a consequence of allegations that are substantiated following investigation. It should be noted that for cases of minor misconduct, Citizens Advice Reigate and Banstead will normally go through each stage in turn, however in more serious misconduct the procedure may start at stage 2 or stage 3 if deemed appropriate.

7.2 Stage 1 First written warning for misconduct

If the informal action has not achieved improvement in conduct, or if your conduct is considered sufficiently serious, a written warning will be given following the disciplinary hearing. This will outline the details of the misconduct and a caution that, if there is insufficient improvement after a reasonable period of time, a final written warning may be given. This sanction will remain on file for 6 months.

7.3 Stage 2 Final written warning

If your conduct is still unsatisfactory after the period notified in stage 1, or if the misconduct issue in question is considered sufficiently serious, a final written warning will be given following the disciplinary hearing. This sanction will remain on file for 12 months. Please note, should there not be insufficient improvement within a further period of time, you may be dismissed.

7.4 Stage 3 Dismissal (with notice)

If there is insufficient improvement after the period notified in stage 2 you will be dismissed with the appropriate notice following the disciplinary hearing. A letter will be sent to you detailing the reasons for the dismissal, the date on which your employment will terminate and the arrangements for the notice period.

7.5 Gross misconduct: dismissal without notice

If, following an investigation and a disciplinary hearing, it is confirmed that you have committed an offence of gross misconduct during the course of your employment the normal consequence will be dismissal without notice.

7.6 Alternative sanctions

As an alternative (or in addition) to one of the above disciplinary sanctions, you may be demoted with a corresponding reduction in pay.

8. Disciplinary action against the CEO

Where disciplinary action may be taken against CEO they will be subject to the procedure set out in this policy. Further information for CEOs and trustee boards is available on BMIS to ensure a fair, robust and consistent process is employed at this level.

9. Further information

Contact your line manager or Citizens Advice for more guidance and support.