

CAAT's Disciplinary procedure

The aim of this disciplinary procedure is to deal fairly, consistently and speedily with any employee who is accused of misconduct, while carrying out their duties at work, whether in breach of CAAT's rules and procedures, poor performance or unacceptable actions due to a failure to maintain adequate standards of behaviour or reliability. The emphasis of this policy should be on correction and improvement rather than punishment.

1 Introduction and general principles

1.1 It is the responsibility of the non-staff Steering Committee (SC) Disciplinary and Grievance Panel (hereafter referred to as the Panel) to undertake the tasks outlined in the formal aspect of this policy, except the appeal procedure. At least three members of the Panel should attend each formal meeting. It is the responsibility of the whole of SC to monitor the implementation of this policy.

1.2 At all stages of the disciplinary procedure both the SC representative(s) and the individual concerned must not deliberately stall proceedings and should ensure appropriate confidentiality of all events and communications. Any breach of this by anyone involved may be treated in itself as a disciplinary case of misconduct.

1.3 At any stage of the procedure CAAT may seek mediation to assist with the process, or the process could be adjusted if it is shown to be impacting on the individual's mental health.

1.4 Minor Misconduct includes minor failures in personal conduct, low standards of work due to behaviour or unreliability without due reason, poor time keeping, a week or more of absences without due reason, disregard for safety or others' well-being, minor misuse of CAAT's property or name, a one-off breach of CAAT's equal opportunities policy or a one off incident of insolence or verbal abuse to others.

1.5 Major Misconduct (procedure starts at the formal stage, from verbal warning onwards) This includes, but is not limited to:

- minor theft
- a one-off breach of confidence
- major misuse of CAAT's property or name
- one-off incident of discrimination
- causing injury to others through negligence
- a serious or ongoing breach of CAAT's health and safety rules
- a serious or ongoing breach of CAAT's equal opportunities policy
- unacceptable standards of work due to behaviour, unreliability and/or alcohol or recreational drugs

1.6 Gross Misconduct (procedure starts at the disciplinary hearing stage) This includes, but is not limited to:

- major theft or fraud
- spying on CAAT
- a serious breach of confidence
- one-off incident of bullying or physical violence
- deliberate serious damage to CAAT's property
- deliberately accessing internet sites containing offensive or obscene material (reasons not justified at work).
- ongoing verbal abuse or disrespectful behaviour to others
- ongoing discrimination or harassment
- bringing the organisation into disrepute
- causing serious injury to others through negligence
- deliberately stalling or sabotaging a disciplinary or grievance procedure

2 Procedure for staff

Issues relating to an employee's skills, aptitudes or competence should be dealt with through CAAT's capability procedure.

2.1 Informal procedure

2.1.1 In cases of suspected minor misconduct staff should try to resolve the issue informally. A member of staff should talk confidentially to the employee they, or another person(s) from the organisation, have issue with. This should be a two-way discussion aimed at discussing possible failures in conduct and finding ways to aid change. Suggestions should be constructive, with the emphasis being on finding ways for the employee to alter their behaviour and for the improvement to be sustained. If helpful these discussions could involve the employee's Static Reviewer, or another member of staff if the SR is instigating the procedure. Confirmation of what was agreed at the informal discussion(s) should be put in writing by the person instigating the procedure and circulated to everyone who attended.

2.1.2 It is up to CAAT to facilitate relevant training for staff and SC to ensure all are skilled and feel empowered to bring up issues with each other in a fair and considerate way. The document 'best mechanisms by which to approach staff' saved in the CAAT workarea should be referred to and kept up to date by the Office Coordinator when new members of staff join CAAT.

2.2 Verbal warning (managed by the Panel)

2.2.1 If informal discussions between staff don't result, according to the person instigating the procedure, in any or acceptable improvement then the Panel will need to get involved. They should start by:

- informing the employee of the suspected misconduct.
- investigating the suspected misconduct to establish the facts.
- meeting the employee to discuss their action or behaviour, giving the employee the opportunity to give their point of view.
- deciding whether misconduct has occurred.

These steps should be carried out as speedily as possible. If the Panel decides no misconduct has occurred then the relevant parties will be informed in writing and no further action is necessary.

2.2.2 If the Panel decides that misconduct has occurred they will:

- decide on appropriate action and time-scales for improvement.
- meet with the employee to give them a verbal warning and inform them of expected future behaviour, action to remedy/improve the situation and the period for review. The employee has the right to trade union representation or be accompanied by a friend at this meeting if they wish.
- provide a written record including: the reason for their decision, details of the review period and how it will be conducted, consequences of further misconduct and their right to appeal. This will be added to the employee's locked personal file, by the Office Coordinator, for six months. Copies of which must be sent to the employee by the Panel as soon as possible.

The procedure for appeal is below.

2.2.3 If, according to the Panel, there is no further misconduct of the same or a similar kind during the review period, a meeting between the Panel and the employee should take place to recognise this. A record written by the Panel will be given to confirm this and added to the employee's locked personal file by the Office Coordinator for six months.

2.3 Written warning (managed by the Panel)

2.3.1 If the Panel decide:

- following thorough investigation there has been insufficient improvement by the end of the verbal warning review period and misconduct continues to occur, or;
- following an investigation the employee is accused of major misconduct

then the process moves to a written warning. This involves:

- deciding on appropriate and lawful action and time-scales for improvement.
- meeting with the employee to give them a written warning and informing them of expected future behaviour, action to remedy/improve the situation and the period for review. The employee can be accompanied by a friend or trade union representative at this meeting if they wish.

- provide a written record including; the reason for their decision, details of the review period and how it will be conducted, consequences of further misconduct and their right to appeal. This will be added to the employee's locked personal file for one year. Copies of which will be sent to the employee. The procedure for appeal is below.

2.3.2 If there is no further misconduct of the same or a similar kind during the review period, a meeting between the Panel and the employee should take place to recognise this. A record written by the Panel will be given to confirm this and added to the employee's locked personal file by the Office Coordinator and kept for one year.

2.4 Disciplinary hearing following a final written warning or an alleged gross misconduct (managed by the Panel)

2.4.1 If there has been insufficient improvement by the end of the written warning review period and misconduct continues to occur the case will be considered gross misconduct and move to a disciplinary hearing. Or if the employee is accused of gross misconduct initially the process will move to a disciplinary hearing.

2.4.2 The Panel will decide whether the employee should be suspended on their current pay pending the result of the disciplinary hearing (it must be made clear that any suspension is not an assumption of guilt), and inform the employee of the disciplinary hearing date (which must be as soon as possible) and the process it will involve.

2.4.3 The Disciplinary hearing will be conducted by the Panel. The employee will have the opportunity to comment on and refute the allegation(s), all will be able to ask questions to establish the facts and the Panel can call witnesses. The employee can be accompanied by a friend or trade union representative at this meeting if they wish.

2.4.4 Within two working days of the hearing, the Panel will decide whether gross misconduct occurred and the penalty (see penalties section below) imposed (if any), and inform the employee of their decision in writing. The written record will include:

- nature of gross misconduct
- dates/period of misconduct
- the findings of the Panel
- the penalty to be imposed (if any)
- the employee's right to appeal and the date by which they must appeal

2.4.5 A copy of this will be placed in the employee's locked personal file by the Office Coordinator for two years. The employee has the right of appeal, the procedure of which is below.

If the employee does not attend or cooperate at the hearing then the Panel can decide on the appropriate penalty and will inform the employee of any decision in writing.

2.5 Penalties

If after a disciplinary hearing the Panel finds that gross misconduct has occurred then the following penalties could be invoked:

- a copy of the record stating that the employee has committed a gross misconduct on the employee's locked personal file. The Panel has the right to extend the length of time the record remains in force to longer than two years.
- suspension without pay (for a limited period)
- suspension with pay (with agreed actions to change)
- dismissal with notice (as per contract)
- dismissal without notice (summary dismissal)

2.6 Appeal (managed by the Appeals Panel)

2.6.1 An employee has the right to appeal against the decision taken at each of the three stages of the above disciplinary procedure. Appeals can be raised if there is new evidence, issue with the process or its quality, or to review the disciplinary sanction. An Appeals Panel will consist of three non-staff Steering Committee members not on the Disciplinary and Grievance panel. An individual outside of SC may be brought onto the Appeals Panel if all other non-staff SC members have either been involved in the case before in some way or are not available. This individual will be chosen by the Appeals Panel.

2.6.2 An employee who wishes to appeal should lodge a notice of appeal in writing with SC within five working days of receiving notification of the decision, and should state what the appeal is against. The appeal must be heard as soon as reasonably possible. The employee has the right to trade union representation or be accompanied by a friend at this meeting if they wish.

2.6.3 At the appeal the employee will have the opportunity to state their case, all will be able to ask questions and the Appeal Panel can call witnesses.

2.6.4 Within two working days of the appeal, unless the nature of the appeal or the evidence requires further time for analysis, the Appeal Panel will decide whether or not to uphold the decisions of the Panel and the penalty imposed. They will inform the employee of their decision in writing, with a copy kept on the employee's locked personal file by the Office Coordinator.

The decision of the Appeals Panel will be final.