# DISCIPLINARY PROCEDURE

The Disciplinary Procedure for HAMA staff and volunteers (personnel/person) comprises the following steps:

1. Verbal warning
2. First written warning
3. Final written warning
4. Dismissal

Whilst the HAMA does not intend to impose unreasonable rules of conduct on its personnel, certain standards of behaviour are necessary to maintain good order, the ethos of the Charity, and its reputation, credibility and witness in the community. Maintaining these standards may also be in the interests and for the safety of all persons linked with the HAMA.

A disciplinary offence may be the result of the persistent failure of the person to follow HAMA's written guidance (e.g. Code of practice, Health and Safety Policy, Confidentiality Policy, Safeguarding Policy etc.)

It is preferable that discipline is voluntary and self-imposed and in the majority of cases this is how it works. From time to time, however, it may be necessary to take action towards individuals whose behaviour is unacceptable. Minor faults will be dealt with informally. However, in cases where informal discussion does not lead to improvement, or where the matter is more serious, the following procedure will be initiated by the Centre Manager, who will discuss the matter with the Chair of Trustees at each stage.

**At each stage of the process below**, the person shall be given at least 24 hours written notice of the date, time and location of a disciplinary hearing. The letter will give details of the conduct or behaviour in question, their right to state their case at the hearing and to be accompanied by a friend or colleague. These letters will be copied to the Chair of Trustees.

In the event of alleged serious misconduct, the procedure will go directly to a disciplinary hearing leading to a final written warning, without the need for steps 1 & 2.

In cases of alleged gross misconduct an employee may be immediately suspended on full pay or a volunteer may be relieved of all duties, pending investigation and a final disciplinary hearing which may result in dismissal. Suspension does not imply guilt or blame and shall be for as short a period as possible. The person shall be informed in writing of the reason for any suspension.

### *1. Verbal warning*

Following an initial disciplinary hearing, and having reflected on the response from the employee, the Centre Manager may issue a formal verbal warning. The person will be advised of the reason for the warning, the fact that this is the first stage of the disciplinary procedure, and that they have a right of appeal to the Chair of Trustees. A note of the verbal warning will be kept on record but will

be nullified after six months if there are no further instances requiring disciplinary action for whatever reason.

***2. First written warning***

If conduct or work does not improve within a reasonable time, notice will be given of a second disciplinary hearing. Following this disciplinary hearing, and having reflected on the response from the person, the Centre Manager may issue a first written warning. The person will be advised of the reason for the warning, the likely consequences if they do not comply with the terms of the warning, and that they have the right of appeal to the Trustees. A note of the warning will be kept on record but will be nullified after twelve months if there are no further instances requiring disciplinary action for whatever reason. The Trustees will be informed that a written warning has been issued.

***3. Final written warning***

Where there is a failure to improve in response to the procedure so far within a reasonable time and while a warning or warnings are still current, **or** the first instance of alleged serious misconduct, the person will be notified of a disciplinary hearing with the Centre Manager plus two Trustees (the panel). Following this disciplinary hearing, and having reflected on the response from the person, the panel may issue a final written warning. This will give details of the complaint, the length of any probationary period, notification that dismissal will probably result if they do not comply with the terms of the warning, and their right of appeal to the Trustees. A note of the warning will be kept on record but will be nullified after twelve months if there are no further instances requiring disciplinary action for whatever reason. The Trustees will be informed that a final written warning has been issued.

***4. Dismissal***

In the event of alleged gross misconduct, or where there is a failure to improve or change behaviour during the currency of a prior final written warning, the person will be given written notice of a final disciplinary hearing. The Centre Manager plus two Trustees (ideally the same two as in the previous hearing), will conduct this. Following this disciplinary hearing, and having reflected on the response from the employee, the panel may recommend dismissal. If the Panel consider it necessary they may suspend the employee on full pay pending the bringing of a recommendation to a Special Trustees' Meeting for dismissal without further notice. The person will have the opportunity to put their case at that meeting. The person will receive written notification of the reasons for dismissal, and date of termination of contract / volunteer agreement.

The following, at their worst, are examples of behaviour which could be deemed to be 'serious' or 'gross' misconduct. The list is not intended to be exhaustive.

- Abuse of a child or adult at risk.
- Other serious abuse of authority/trust
- Theft, fraud and deliberate falsification of records
- Physical violence, serious bullying, abusive behaviour or harassment of clients or other HAMA personnel.
- Deliberate damage to HAMA, HCC or personal property
- Serious insubordination
- Misuse of HAMA property or name

- Incapacity whilst working brought on by alcohol or illegal drugs
- Inappropriate use of e-mail or internet facilities
- Serious infringement of health and safety rules
- Serious breach of confidentiality

### *5. Appeals*

A person may appeal against any form of disciplinary action. Appeals should be submitted to the Chair of Trustees, in writing, within ten days of any disciplinary action being notified to the employee. At the appeal hearing the employee shall have the right to state their case and to be accompanied by a friend or colleague. The Trustees, excluding the two previously involved, will hear the appeal. The appeal shall, where reasonably practical, take place within ten days of the appeal notice being received. The outcome of the appeal shall be confirmed in writing to the person and shall be final.

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