

Hinckley Homeless Group

Disciplinary Procedure

Definitions

- 'Group' – Hinckley Homeless Group
'Worker' – employees or volunteers who work for the Group
'Member' – a member of the Management Committee of Hinckley Homeless Group

Status

This procedure is the current procedure for the Group. It will be subject to review and may be amended in light of good practice and legislative changes. This procedure will be followed for all disciplinary actions, including dismissals. Dismissals take place at any time when the contract or agreement between the Group and the Worker ends. Dismissals may be on the grounds of conduct, capability, redundancy, failure of probation or the expiry of a fixed term contract, although this list is not intended to be exhaustive.

Informal Procedure

These will be undertaken where appropriate prior to the initiation of formal procedures.

Conduct matters – coaching or counselling will be undertaken by the Project Manager or a Member and a record of this will be made and retained for 1 year.

Capability (Poor Performance) matters – coaching or counselling will be undertaken by the Project Manager or a Member. Standard setting will take place and performance targets set to be achieved over a period of up to 3 months.

Capability (Medical) matters – coaching and counselling will be undertaken by the Project Manager or a Member. Medical advice will be sought and this will be used to set attendance/performance targets. Consideration will also be given to any reasonable adjustments, which may be necessary under the Disability Discrimination Act 1995 as amended.

Formal Procedure

The Project Manager or Member will inform the worker in writing of the worker's conduct / capability / other circumstance which may lead to the worker facing disciplinary action. If the matter is one of gross misconduct the worker may also be suspended on full pay by the Project Manager or Member.

An investigation will take place into the matter by the Investigation Officer who will be the Project Manager or a Member. A Worker may raise any relevant grievances

during the investigation stage and these will also be considered by the Investigation Officer. The investigation will include an investigation interview with the Worker at which he / she can be accompanied by a friend, colleague or trade union official.

The Worker will be invited to a meeting / hearing chaired by Member(s). The worker will be given reasonable notice of the meeting / hearing including the reason for it and it will be adjourned once if requested on the grounds of unavailability. The Worker can be accompanied by a friend, colleague or trade union official. The Investigation Officer and the Worker will present all of the information / evidence relevant to the matter in question and the Worker may also raise any relevant grievances. The decision of the chair of the meeting will be given to the Worker in writing and he / she will be informed of their right to appeal against the decision.

If the Worker wishes to appeal, he / she must request this in writing within 28 days of notification of the decision. An appeal will be held if requested by the Worker and will be chaired by Member(s) who were not present at the original decision-making meeting / hearing. It will review the fairness of the original decision but not rehear the matter. The Worker can be accompanied by a friend, colleague or trade union official and the appeal will be adjourned once if requested on the grounds of unavailability. Both the original decision maker and the Worker will present all the relevant information / evidence to allow the appeal to reach a decision.

N.B. Disciplinary procedures relating to the Project Manager will be undertaken by a Member under the direction of the Chair of the Management Committee.

Outcomes

Conduct Disciplinary Matters

~ Verbal warning - for minor matters and will be kept in writing for up to 1 year.

~ Written warning – for serious matters either following a verbal warning or for a first offence and will be kept in writing for up to 2 years.

~ Dismissal – for gross misconduct or following a written warning. Gross misconduct is a matter so serious that it destroys the trust and confidence the Group needs in the Worker to carry out their job.

~ *Capability Matters* – The same sanctions apply as for conduct disciplinary matters. Any dismissal would be on the grounds of capability or business reasons. Reasonable adjustments under the Disability Discrimination Act 1995 as amended must be considered for medical capability prior to dismissal.

~ *Redundancy, Fixed Term Contract termination and other dismissals* – Recommendation other than dismissal – for example a reassessment of the redundancy criteria used.

~ Dismissal – this may be on the grounds of redundancy or business reasons.