

# Headway North Staffordshire (Head Injuries Association) Ltd

Headway House, Elder Road, Cobridge, Stoke-on-Trent, ST6 2JE  
Tel: 01782 280952



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## **Headway North Staffordshire** **Disciplinary Procedure**

### **Introduction**

This procedure applies to all employees of Headway North Staffordshire (hereafter referred to as the Organisation). It aims to ensure that disciplinary action is fairly and consistently applied and identifies management and staff who have authority to take disciplinary action in the case of unsatisfactory job performance or misconduct.

The procedure also seeks to ensure that management and employees are aware of their rights and obligations in respect of disciplinary and appeals procedure.

### **Disciplinary Rules**

These disciplinary procedures and rules apply to any misconduct or failure to meet standards of performance and attendance. The procedure is referred to in the employees Contract of Employment but is not contractual. For minor cases of misconduct or poor performance the Organisation may decide to take informal action outside of the disciplinary procedure. However, in the event of an employee failing to comply with the rules of conduct, failing to meet standards of performance/attendance or being in breach of the terms and conditions of employment the Organisation will take appropriate formal action. It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action as they may vary depending upon the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown below, a breach of other specific conditions, procedures, rules etc that are contained in the employees handbook or that have otherwise been made known to employees will also result in the procedure being used to deal with such matters.

### **Unsatisfactory Conduct and Misconduct**

#### **(these are examples only and this is not an exhaustive list)**

Employees will be liable to disciplinary action if they are found to have acted in any of the following ways:

- Failure to abide by the general health and safety rules and procedures
- Possession and /or consumption of alcohol
- Persistent absenteeism and/or lateness
- Unsatisfactory standards or output of work
- Rudeness towards members, trustees, members of the public or other employees. Objectionable or insulting behaviour, harassment, bullying or bad language
- Failure of employees to devote the whole of their time, attention and abilities to the Organisation and it's affairs during normal working hours.

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- Failure to carry out all reasonable instructions or follow rules and procedures
  - Unauthorised use or negligent damage or loss of property belonging to the Organisation
  - Failure to report, immediately any damage to property or premises caused by the employee
  - If an employee's work involves driving, failure to report immediately any type of driving conviction or any summons which may lead to conviction
  - Carrying unauthorised passengers in an employee's vehicles
  - Loss of driving license where driving on public roads forms an essential part of the duties of their post
  - Smoking in non-designated smoking area

## **Serious Misconduct**

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to extreme carelessness by an employee or has a serious/substantial effect upon the operation or reputation of Headway North Staffordshire, the employee may be issued with a final written warning in the first instance.

## **Gross Misconduct**

Occurrences of gross misconduct are extremely rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- Theft or fraud
- Physical violence or bullying
- Deliberate damage to property
- Deliberate acts of unlawful discrimination or harassment
- Possession or being under the influence of illegal drugs at work
- Breach of health and safety rules that endangers the lives of or may cause serious injury to employees or another person
- Maltreatment of members by neglect, omission and/or commission
- Failure to report an incident of abuse or suspected abuse of another member
- Abandoning duty without notification or sleeping on duty or company/client premises

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- Acceptance of gifts and hospitality in contravention of the Bribery Act 2011
- Failure to give notice of any pecuniary interest of which the employee/volunteer is aware, in a contract which has been or is proposed to be entered into by the Organisation
- Wilful misrepresentation at the time of appointment including:
  - 1) Previous positions held
  - 2) Qualifications held
  - 3) Falsification of date of birth
  - 4) Declaration of health
  - 5) Failure to disclose a criminal conviction/caution within the provisions of the Rehabilitation of Offenders Act
- Wilful misrepresentation at any time during employment in connection with qualifications held
- Deliberate disclosure of privileged confidential information to unauthorised people
- Negligent or deliberate failure to comply with the requirements of the Organisation's policy and procedure concerning medicines
- Working whilst contravening an enactment or breach of rules laid down by statutory bodies
- Any act or omission constituting serious or gross negligence or dereliction of duty
- Consumption of alcohol on client or company premises prior to and/or during hours of duty
- Failure to attend or gain access to visits and not report to the Manager on call
- Conviction for a criminal offence which clearly indicates unsuitability for the role employed to undertake

The above examples are illustrative and do not form an exhaustive list.

## Disciplinary Procedure

Disciplinary action taken against an employee will be based on the following procedure:

<b>Offence</b>	<b>1<sup>st</sup> Occasion</b>	<b>2<sup>nd</sup> Occasion</b>	<b>3<sup>rd</sup> Occasion</b>	<b>4<sup>th</sup> Occasion</b>
<b>Unsatisfactory Conduct</b>	Formal verbal warning/improvement letter	Written warning	Final written warning	<b>Dismissal</b>

Reviewed April 2019

Charity Registration No: 1077770  
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<b>Misconduct</b>	Written warning	Final written warning	<b>Dismissal</b>	
<b>Serious Misconduct</b>	Final written warning	<b>Dismissal</b>		
<b>Gross Misconduct</b>	<b>Dismissal</b>			

The Organisation retains discretion in respect of the disciplinary procedure to take into account the length of service of employees and to vary procedures accordingly. If an employee has a short amount of service they may be in receipt of any warnings before dismissal, but they will retain the right to a disciplinary hearing and they will have the right to appeal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning or dismissal and full details will be given to the employee.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

### **Disciplinary Authority**

The operation of the disciplinary procedure contained in the previous section is based on the following authority at the various levels of disciplinary action.

	<b>Person Authorised To Take Disciplinary Action</b>	
Formal verbal Warning	Trustees	Chief Officer
Written Warning	Trustees	Chief Officer
Final written warning	Trustees	Chief Officer
Dismissal	Trustees	Chief Officer

### **Periods of Warnings:**

**1) Formal verbal warning**

an improvement note will normally be disregarded for disciplinary purposes after a 3 month period.

**2) Written warning**

a written warning will normally be disregarded for disciplinary purposes after a 6 month period.

**3) Final written warning**

a final written warning will normally be disregarded for disciplinary procedures after a 12 month period.

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Demotion to a lower status may be considered as an alternative to dismissal for employees in a supervisory or managerial position except in cases of gross misconduct.

In exceptional circumstances, suspension from work without pay for up to 5 days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.

Gross misconduct offences will result in dismissal without notice.

All employees have the rights to appeal against any disciplinary action.

## **Appeal Procedure:**

Anyone wishing to exercise their right of appeal should apply in writing to the person indicated in their individual statement of Main Terms of Employment. An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe or unfair in the circumstances.

The appeal procedure will normally be conducted by Trustees not previously connected with the process so that an independent decision into the severity and appropriateness of the action taken can be made.

If the appeal is on the grounds that the employee has not committed the offence, then their appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal. Employees may be accompanied at any stage of the appeal hearing by a fellow employee of their choice. The result of the appeal will be made known to them in writing, normally within 5 working days of the hearing, or as soon as is practicable.

Related Policies:

Confidentiality Policy

Sickness/Absence Policy

Trustee Code of Conduct

Data Protection

Privacy Policy

Social Media Policy

**I have read and understood the Disciplinary Procedure and I understand that by signing the following declaration I am agreeing to abide by the statement.**

*A copy of this signed statement will remain on my personal file in the Chief Officers office.*

**Signed:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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