



ANGEL COMMUNITY CANAL BOAT TRUST



Policy:	Disciplinary and Grievance Policy
Effective Date:	April 2022
Related Policies:	Equality, Diversity and Inclusion Policy
Relevant Legislation:	Employment Act 2008 ACAS Code of Practice

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1. Purpose

Our Disciplinary Policy is designed to help and encourage employees of ACCT to achieve and maintain the required standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment.

Our Grievance Procedure is intended to ensure that any complaints an employee has are resolved informally in the first instance, but where this cannot be achieved, are dealt with quickly and fairly.

2. Policy Scope

This policy applies to employees of ACCT.

3. Disciplinary Policy

3.1 Principles

Our policy is designed to ensure our high standards of performance are maintained and is based on the following principles:

- Informal discussion and action will be adopted, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated.
- For formal action, we will advise the employee of the nature of the complaint against him/her and be given the opportunity to state his/ her case before any decision is made at a disciplinary meeting.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages of the procedure, the employee will have the right to be accompanied.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

3.2 Disciplinary Procedure

In the first instance we will aim to deal with issues informally if they are not of a sufficiently serious nature to warrant formal action.

First Stage of the Formal Procedure

This will normally be either:

- Written details of improvement(s) required where performance does not meet acceptable standards. This will set out the nature of the performance issue, the improvement required, the timescale to achieve this improvement, any help that may be given and the right of appeal against the disciplinary decision. The employee will be advised that this constitutes the first stage of the formal disciplinary procedure. A record of the improvement note will be kept on file for 12 months, but will then be considered spent, subject to achieving and sustaining satisfactory performance; or
- A first formal warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept on file, but it will be disregarded for disciplinary purposes after 12 months.

Final Written Warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee.

The final written warning will detail the complaint against the employee, the improvement required and the timescale in which the improvement is to be achieved. It will also warn the employee that failure to improve may lead to dismissal (or some other action short of dismissal) and will set out the employee's right of appeal.

A copy of this written warning will be kept on file by the Chair of ACCT, but will be disregarded for disciplinary purposes after two years, subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or Other Sanction

If there is still further misconduct or failure to improve performance, the final step in the procedure may be dismissal or some other action short of dismissal, including disciplinary suspension without pay.

A decision about dismissal can only be taken by the Chair of ACCT and would normally be taken in consultation with at least one other member of the Management Committee. The employee will be provided with a written statement of the reason(s) for dismissal, the date on which employment will terminate and the employee's right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and be advised of their right of appeal.

A copy of the written warning will be kept on file by the Chair of ACCT but will be disregarded for disciplinary purposes after two years, subject to achievement and sustainment of satisfactory conduct or performance.

Gross Misconduct

The following list provides examples of offences which we regard as gross misconduct, but is not exhaustive:

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of an organisation's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Unlawful discrimination or harassment
- Bringing ACCT's reputation into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety or safeguarding rules
- A serious breach of confidence.

Where accused of an act of gross misconduct, we reserve the right to suspend an employee from work on full pay, normally for no more than five working days, while we investigate the alleged offence. If on completion of the investigation and the full disciplinary procedure, ACCT is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so in writing to the Secretary of ACCT's Management Committee within five working days of receiving written details of that decision.

The Chair of ACCT, or nominated Trustee, and one other member of the Management Committee, will hear all appeals at the earliest opportunity and his/her decision is final. At the appeal hearing any disciplinary penalty imposed will be reviewed in the light of the evidence.

4. Grievance Procedure

Where an employee has a grievance or complaint against a member of staff or ACCT, he/she is encouraged to raise this in the first instance with the Chair of ACCT with a view to agreeing a solution informally.

Formal Grievance

If the matter is of a more serious nature and/or the employee wishes to raise the matter formally, he/she should set out the details of the grievance in writing to the Secretary of the Management Committee. If the complaint concerns the Secretary, the employee should submit the grievance to the Chair of ACCT.

Grievance Hearing

The Secretary will arrange a meeting with the employee to hear the grievance with two members of ACCT's Management Committee. This meeting will normally take place within five working days of receipt of written details of the grievance from the employee. If this is not practicable, the employee will be advised.

The employee has the right to be accompanied at the hearing and to present their complaint. The employee will be informed of the outcome of the hearing in writing, normally within five working days of the meeting.

If it is necessary to gather further information before making a decision, the Secretary or Chair will inform the employee of this and the likely timescale involved.

Appeals

Should the employee be unhappy with the decision, he/she has the right to appeal. Any appeal should be submitted to the Secretary of ACCT within five working days of receiving notification of the hearing decision and should state in writing the reason(s) for the appeal.

The employee will be invited to an appeal meeting, normally within five days of receipt of the written notice of the intent to appeal. The appeal will be heard by the Chair of ACCT. The employee will be advised of their right to make representation at an appeal hearing and will be informed in writing, normally within five working days of the hearing, unless not practicable to do so. In this case, the employee will be kept informed of progress and timescales.

5. Policy Review

We will review this policy and procedure every year and update it as appropriate.

Date policy approved by ACCT Management Committee:

Signed

ACCT Chair

Signed

Appendix A: Policy Compliance for ACCT Staff, Trustees and Volunteers

Any Trustee, employee, volunteer or other person working with ACCT in any capacity is required to read and understand ACCT's *Disciplinary and Grievance Procedure* and sign that they have done so. We will use this form to ensure compliance.

Name:	
Role with ACCT:	

I confirm that I have read and understood ACCT's *Disciplinary and Grievance Procedure* and agree to comply with all aspects of it.

Signed:	
Date:	Name (Capitals):