

# Disciplinary and Grievance Policy



## Revision History

Date	Details	Author	Review date
Mar 2013	New policy	Vicky Wyer	February 2015
Feb 2015	Reviewed	V Wyer	Feb 2018
Feb 2018	Reviewed	V Wyer	Feb 2021
Jun 2022	Reviewed	A Stones	Jun 2025

### 1. Purpose of the procedure

The Employer requires good standards of behaviour from its employees, together with satisfactory standards of work. These disciplinary procedures apply to any misconduct or failure to meet standards of performance or attendance.

The purpose of the procedure is to bring about improvement rather than to punish, and it should be recognised that the existence of procedures such as these is to encourage employees to achieve and maintain acceptable standards of conduct, attendance and job performance and to ensure consistent and fair treatment for all employees.

This procedure sets out the action which will be taken when the Employer's rules are breached.

### 2. Principles

If you are subject to disciplinary action:

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated
- At every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and have the right to be accompanied by a colleague or by a trade union rep of which you are a member, who will have the right to address the interview panel, but not to answer questions on your behalf
- Your disciplinary meeting will be chaired by your line manager, a trustee or a chair.

- You will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice;
- You have a right to appeal against any disciplinary action taken against you;
- The procedure may be implemented at any stage if your alleged misconduct warrants such action.

### **3. Informal Discussions/Counselling**

Before taking formal disciplinary action, your Line Manager will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

## **The Procedure**

### **4. Written Warning**

If, despite informal discussions, your conduct or performance does not meet acceptable standards, you will be invited to a formal meeting and you may be given a written warning by your Line Manager. You will be told:

- the reason for the warning
- that this warning is the first stage of the disciplinary procedure
- that you have a right of appeal.

A brief note of the warning will be kept but it will lapse after 6 months, subject to satisfactory conduct and/or performance.

### **5. Final Written Warning**

If there is no improvement; or your misconduct is sufficiently serious to warrant only one warning; or if a further offence occurs; you will be invited to a meeting and you may be given a final written warning. This will -

- state the reason for the final written warning and a note that, if there is no improvement you may be dismissed.
- A copy of this final written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

You must take all reasonable steps to attend the meeting. After the meeting, you will be informed of our decision and we will notify you of the right to appeal against the decision if you are not satisfied with it.

### **6. Final Written Warning**

If your conduct or performance remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning, then a final written warning will be given. This will state that any recurrence of the offence or other serious misconduct within a period of one month will result in dismissal. A copy of the warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

## 7. Dismissal

If there is no satisfactory improvement or if further serious misconduct occurs, you will be dismissed.

## 8. Misconduct and Gross Misconduct

**8.1 Misconduct** (a failure to abide maintain appropriate levels of conduct and/or performance) may lead to formal disciplinary action being taken. Examples of misconduct include (this list is not exhaustive):

- Misuse of charity's email, internet or internal mailing facilities
- Persistent absenteeism
- Poor effort or sub-standard work
- Absence without authorisation
  
- Failure to follow absence reporting procedures
- Non-serious failure to comply with health and safety requirements
- Misuse of charity equipment
- Failure to comply with a reasonable management instruction
- Incapacity through drink or drugs
  
- Sleeping on the premises
- Foul or abusive language
- Abusive, objectionable or insulting behaviour
- Disorderly conduct
- Bullying, harassment or intimidation
  
- Wilful or excessive wastage of charity time or materials
- Damage to plant, equipment or material caused by carelessness
- Misrepresentation of fact – lying

**8.2 Gross misconduct** is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between employer and employee. Examples include (this list is not exhaustive):

- theft, fraud, falsification of documents, etc;
- serious incapability through alcohol/illegal drugs;
- physical assault of a colleague/line manager;
- arson or malicious damage to HCG property;
- serious neglect of duty resulting in injury/danger to anyone;
  
- flagrant breach of HCG procedures/policies;
- serious act of insubordination.
- bringing the organisation into serious disrepute.

While the alleged gross misconduct is being investigated, you may be suspended, during

which time you will be paid the normal hourly rate. Such suspension is not to be regarded as a form of disciplinary action and will be for as short a period as possible. Any decision to dismiss will be taken only after a full investigation. If you are found to have committed an act of gross misconduct, you will be dismissed without notice or payment in lieu.

## **9. Appeals**

If you wish to appeal against any disciplinary decision, you must appeal, in writing within five working days of the decision being communicated to you by your Line Manager. The Trustees who have not previously been involved in consideration of the matter will hear the appeal and decide the case as impartially as possible. You will be invited to an appeal meeting and you must take all reasonable steps to attend the meeting. The appeal meeting need not take place before the dismissal or disciplinary action takes effect.

## **10. TCG Project Manager:**

If the formal procedure is invoked against the TCG Project Manager, the investigation and disciplinary hearing will be carried out by an appointed panel of trustees. The appeals procedure remains as above.

## **11. Grievance Procedure**

### **11.1 Introduction**

It is the Employer's policy to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

### **11.2 Informal Discussions**

If you have a grievance about your employment you should discuss it informally with your Line Manager. We hope that the majority of concerns will be resolved at this stage.

### **11.3 Stage 1**

If the matter is not resolved you may raise the matter, in writing, with the Chair of Trustees. You will be invited to attend a meeting with the Chair of Trustees to discuss the grievance. You may be accompanied by work colleague or trade union representative.

After the meeting, the Chair of Trustees will inform you of the decision as to his/her response to the grievance and notify you of the right to appeal against the decision if you are not satisfied.

### **11.4 Appeal**

If the matter is not resolved to your satisfaction, you may appeal in writing to the Trustees. You will be invited to attend a meeting with the Trustees who have not previously been involved in consideration of the matter to discuss it.

After the appeal meeting, the Trustees will inform you of their final decision. You must take all reasonable steps to attend any meeting.

You may be accompanied by a work colleague or trade union representative who will have the right to address the interview panel, but not to answer questions on your behalf.

## 12 Publication

- This policy will be available at Ransom's Pavilion and on the Triangle Garden website: [www.trianglegarden.org](http://www.trianglegarden.org). It is available on request in hard copy – please email [liz@trianglegarden.org](mailto:liz@trianglegarden.org) or write to Triangle Community Garden, c/o Hitchin Initiative, 1A Churchyard, Hitchin SG5 1HR.
- Current and new members of staff and trustees will be made aware of its existence and any revisions made.