

**SORREL YOUTH CAFE  
Disciplinary Procedures**

<b>Policy History</b>	
V1	Agreed Committee Meeting 28 Sept 10
Next Review	Sept 2011

**1. Introduction**

- 1.1 This policy is written in line with ACAS Code of Practice for disciplinary and grievance procedures. The Charity will follow three key points for a fair disciplinary procedure:
- The employee should fully understand the case against him or her.
  - The employee should have an opportunity to state their case.
  - The employee should have an opportunity to appeal against the decision.
- 1.2 All new employees will receive a copy or know where they can get a copy of the procedures within 8 weeks of starting their employment. They should also refer to the Probationary Period Policy which applied during their initial employment period.

**2 Purpose and Scope**

- 2.1 The purpose of the Charity's Disciplinary Procedure is to help and encourage all employees and workers to achieve and maintain required standards of conduct, job performance and good discipline. This procedure applies to all staff except for those in their probationary period where the procedures, which also follow the ACAS Code are detailed in the probationary procedure.
- 2.2 Staff with less than one year's service cannot bring a claim of unfair dismissal to an Employment Tribunal although they can claim discrimination from day one of their employment.
- 2.3 It aims to enable the individual whose performance and/or conduct has failed to reach the required standard, to make the necessary improvement through guided instruction. The aim is also to ensure that the Charity's interests are safe-guarded while staff are treated fairly and equitably, with an emphasis on correction rather than punishment.
- 2.4 The purpose of this procedure is to clarify the rights and responsibilities of management and workers in respect of disciplinary action. Its objective is to provide a fair and consistent means by which disciplinary rules are observed and standards of work performance and conduct are maintained. It provides a method for dealing with alleged breaches of organisational policies, rules and procedures; cases of alleged misconduct; or persistent poor performance. It ensures that disciplinary action, if taken, is appropriate to the circumstances.

**3 Principles**

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- 3.1 Supervisors and manager have a responsibility to ensure that staff members for whom they are responsible are aware of general and specific rules, standards and procedures laid down for the regulation of work and conduct. Workers are required to familiarise themselves with these standards and procedures and to co-operate with their managers to ensure that they are adhered to.
- 3.2 In cases of minor misconduct or unacceptable performance or behaviour, managers should exhaust all other means of achieving the required standards before formal disciplinary action is taken. This will include setting clearly defined objectives and standards, monitoring them over a reasonable time period and providing additional coaching or training. In some cases this may also include reference to other appropriate sources of counselling and assistance such as mediation.
- 3.3 Informal approaches are encouraged in the Code. A quiet word with a staff member or asking for support from a line manager may be all that is needed.
- 3.4 Some workplace disputes can be resolved through the support of an independent third party or mediator. Mediation does not decide on who is right or wrong. Nor can the parties be forced to undertake mediation – it must be a purely voluntary process.
- 3.5 But if the issue cannot be resolved informally, formal action might be necessary.
- 3.6 No disciplinary action will be taken until a case has been thoroughly investigated. When commencing an investigation into an allegation of misconduct there shall be no assumption that disciplinary action will automatically follow.
- 3.7 At every stage of the procedure, workers will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.
- 3.8 The line manager investigating a case must decide if further action should follow and assess the level at which the disciplinary hearing should be held. S/he must ensure that it is conducted by a management representative (whether line manager, Chair, or Management Committee panel) authorised to take appropriate disciplinary action if the allegation is substantiated. A table showing the levels of management authorised to impose sanctions appears in **section 15**.
- 3.9 Disciplinary action will only take place where it is decided, following a disciplinary hearing, that misconduct had occurred and disciplinary action is appropriate.
- 3.10 Workers have the right to be accompanied by a trade union representative or work colleague of their choice at all stages of this procedure, including an investigatory, disciplinary, review or appeal hearing.

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- 3.11 Under the ACAS Code of Practice, the employee has a right to be accompanied at any disciplinary or appeal meeting. This can be a fellow worker, a trade union representative or official employed by a trade union. This companion can speak at the meeting on behalf of the employee, but they cannot answer questions on the employee's behalf. The Charity extends this right to include any formal investigatory meetings even though this is not essential under the Code.
- 3.12 Whilst the Charity employs only one worker, the employee may be accompanied by a union representative or friend. Similarly they may be accompanied by a friend at any Appeal meeting, (see section 16 below).
- 3.13 Workers will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice and with or without payment in lieu of notice.
- 3.14 The procedure may be implemented at any stage if the alleged misconduct warrants such action.
- 3.15 Workers have the right to appeal against any disciplinary penalty imposed to an appeals committee.
- 3.16 At all stages of the disciplinary procedure both manager and the individual concerned must ensure the confidentiality of events and discussions. This will not preclude sharing such confidence when seeking advice. Any discussions with witnesses should be confined to the specific areas on which the witnesses may have information. Any unreasonable breach of confidence may itself be treated as a disciplinary case of misconduct.
- 3.17 All formal letters sent to a worker under the terms of this procedure shall either be handed to her/him personally or sent by Recorded Delivery. Copies of all correspondence shall be sent to his/her representative unless indicated otherwise by the worker.
- 3.18 Written warnings will cease to be 'live' following the specified period of satisfactory conduct or performance and will be disregarded for future disciplinary purposes.

#### **4 The Procedure**

- 4.1 Where discussion, coaching, training or other informal action fails to achieve the required improvement in performance or behaviour, or where the matter is more serious, the following procedure shall be undertaken
  - 4.1.1 The relevant supervisor or line manager will identify and clarify the issue by establishing the essence of the problem. The matter must be investigated in a systematic and thorough manner by gathering information promptly, establishing relevant facts and taking into account statements of witnesses if appropriate.

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4.1.2 The worker will be expected to attend any investigatory hearing called. S/he may be accompanied by a trade union representative or work colleague. The meeting will be recorded and a written statement taken.

**Notes:**

- It is important to establish the facts of any case and collect evidence such as written statements. An investigatory meeting with an employee who is facing disciplinary action should take place prior to the formal meeting.
- Ideally, the person who is investigating the issue will not be the person making the final decision, particularly in misconduct cases. However the Code recognises that this may not always be possible for some organisations with few managers.

4.1.3 In serious cases, the Chair will have the power to suspend the worker, with full pay, pending investigation of the allegations. Suspension in these circumstances does not constitute disciplinary action.

4.1.4 Following the investigation the worker should, without unavoidable delay, be given a written statement of the allegation, the possible consequences and be advised of the intention to hold a disciplinary hearing. This will state her/his rights under this procedure, including the right to be accompanied by a trade union representative or work colleague.

**Note:**

- There must be no delay when issues arise that need to be dealt with formally. This includes carrying out the investigation, setting a meeting date, making and confirming a decision, and holding an appeal.

4.1.5 At the same time the worker will be provided with copies of all documentation and supporting evidence to be presented at the hearing.

**Notes:**

- The employee should receive details about the problem in advance of any formal meeting to give her/him time to read and digest the information. It is unreasonable to suddenly produce new information or allegations about an employee at a disciplinary meeting.
- The notification letter should also explain the possible consequences such a potential warning or dismissal, state the time and place for the meeting, and their right to be accompanied.

4.1.6 The worker will be given time to prepare her/his case and the disciplinary hearing will normally be held not earlier than the fifth and not later than the tenth working day following notification. The disciplinary hearing shall be conducted in accordance with the procedure described in section 15 below.

4.1.7 If following the disciplinary hearing it is decided to institute disciplinary action, one of the sanctions below may be applied.

## **5 Disciplinary Sanctions**

**Note:**

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- The manager applying a disciplinary sanction should also give the employee specific guidance to encourage improvement. Any recorded disciplinary sanction must contain: details of actions to be taken to enable the worker to achieve improvement; a set timescale within which improvement is expected to take place; and a plan for review to monitor and discuss progress with the worker. Actions may involve training, counselling or some other form of assistance that the supervisor/line manager/others will provide. Depending on the circumstances, the following range of disciplinary sanctions may be applied:

**5.1 Stage 1**

**5.1.1 Written Warning**

If conduct does not meet acceptable standards the worker will normally be given a written warning by his/her supervisor/line manager. S/he will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A copy of this written warning detailing the complaint; the change in behaviour required; and dates for review will be kept in the worker's personal file but will be disregarded for disciplinary purposes after 6 months.

*Or*

**5.1.2 Improvement Note for Unsatisfactory Performance**

If performance does not meet acceptable standards the worker will normally be given an improvement note by his/her supervisor/line manager. S/he will be advised of the reason for the note and of their right of appeal. A copy of this note detailing the performance problem; the improvement required; the set timescale for improvement; and dates for review will be kept in the worker's personal file but will be considered spent after 6 months – subject to achieving and sustaining satisfactory performance.

**5.2 Stage 2**

**5.2.1 Final Written Warning**

If performance is still unsatisfactory or if a further misconduct occurs, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warnings), the worker will be given a final written warning. This will give details of the complaint; the improvement required; the set timescale for improvement; and dates for review. It will warn that dismissal may result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months (in exceptional cases duration may be longer) subject to achieving and sustaining satisfactory conduct or performance.

**5.3 Stage 3**

**5.3.1 Dismissal**

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If conduct or performance is still unsatisfactory and the worker fails to reach the prescribed standards, or if the offence constitutes gross misconduct, dismissal will normally result. The worker will be provided as soon as reasonably practicable with written reasons for dismissal, the date on which his/her employment will terminate and be advised of the right of appeal.

- 5.3.2 Under the Employment Rights Act 1996, employees with one year's continuous service or more have the right, on request, to have a written statement of particulars of reasons for dismissal.
- 5.3.3 In a case of dismissal the employee must be informed of the reasons for dismissal as soon as possible, in writing.

## **6 Disciplinary Offences Guideline**

6.1 Misconduct is defined as failure in personal conduct, persistent poor performance or deliberate infringement of policies, rules and procedures. The decision to take disciplinary action or the sanction imposed may vary according to the exact circumstances of the case. Reasons for disciplinary action may include but are not limited to:

- dishonesty;
- breach of confidentiality;
- negligent use, misuse or unauthorised use of the Charity's property, including equipment, materials and information;
- health and safety issues, for example:
  - threatened physical assault;
  - abusive behaviour, offensive or obscene language or gestures directed at employees; members of the Management Committee; members of the public;
- deliberate or reckless damage to the Charity's property;
- failure to observe established health, fire and safety rules and to report accidents or injuries whilst on duty;
- smoking in any other than designated areas;
- creating or contributing to unsanitary conditions;
- entering or leaving the Charity's property except by designated entrances and exits;
- performance related issues, for example:
  - serious neglect of duty which undermines the organisation;
  - failure over a period of time to perform work to satisfactory standards;
  - failure to carry out duties effectively while under the influence of alcohol or drugs, other than medically prescribed;
- refusal to carry out a reasonable order of a manager;
- misuse of the individual's employed position towards a fellow employee or a member of the public, including oppressive or abusive conduct; bullying, harassment or victimisation;
- infringement of terms and conditions of service, for example:
  - persistent lateness;
  - absence from duty without permission of supervisor, line manager or Chair;
  - excessive sickness absences with no appropriate certificates or authorisation;

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- failure to comply with policies, procedures and regulations as laid down by the Charity from time to time;
- engaging in or knowledge of activities on or off the premises which could be considered a discredit to the Charity or its employees;
- undertaking additional employment which would counter the interests of the Charity or would conflict with the employee's own position;
- making unauthorised statements to the press or news media relating to the Charity's business;
- making a false statement of any kind within the realms of the Charity's employment, knowing it to be false or having reckless regard as to either the validity or falseness of the statement.
- deterring someone from using the whistleblowing procedure
- victimising or bullying anyone who uses the whistleblowing policy in good faith
- maliciously raising false concerns
- concealing or destroying information about wrongdoings

## **7 Gross Misconduct**

7.1 Gross misconduct is defined as misconduct serious enough to destroy the employment contract between the Charity and the employee/worker which makes further working relationship and trust impossible. Gross misconduct is normally restricted to serious offences. The principal reasons for summary dismissal could include but are not limited to:

- criminal offence which affects the individual's ability to carry out his/her job;
- physical assault by an employee on any other person;
- theft, misappropriation or unlawful destruction of property: the Charity's, employees' or others';
- serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury;
- supplying security access codes or keys to any unauthorised person;
- unauthorised disclosure of information or misuse of trust of a serious nature;
- making malicious or unfounded allegations of a serious nature;
- deliberate falsification of any documents or claims, including time sheets, overtime or expense forms;
- misconduct at work or away from work of such a serious nature as to bring into disrepute either the employee's position or the organisation;
- sexual/racial discrimination;
- harassment of a serious nature;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;
- persistent alcohol or drug abuse;
- engaging in unauthorised employment during hours when contracted to work for the Charity or during periods of designated leave, for example annual or sick leave, time off for training, etc.;
- failure to disclose unspent criminal conviction(s) or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975;
- providing false information on a job application form.

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**8 Suspension**

- 8.1 Suspension is not a disciplinary action and shall be on full pay. It will only take place where the allegation being investigated would, if substantiated, constitute gross misconduct or where it was considered in the best interest of all parties if the worker was not to remain at work. Such suspension will only be imposed after careful consideration and will be reviewed to ensure it is not unnecessarily protracted.
- 8.2 Normally the worker will be informed of his/her suspension at an interview with the Chair and transport to the worker's home will be arranged. S/he is entitled to have a union representative or work colleague present at the meeting. In any case, the Chair will inform the worker in writing that s/he is to be suspended immediately: stating the nature of the alleged offence, the purpose of suspension, and its anticipated duration. A copy of this letter will be provided to the worker's representative.
- 8.3 Suspension in these circumstances should normally be for a period of no more than five working days. However, in exceptional circumstances, the period may be extended. The worker will be informed in writing specifying the duration of the extension and the reasons for it. In cases of alleged gross misconduct suspension may continue until the appeal process, if pursued, has been concluded.
- 6.4 If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

**9 Criminal Offence**

- 9.1 A worker will not be dismissed or otherwise disciplined simply because s/he has been charge with or convicted of a criminal offence. The consideration will be whether the conduct warrants action because of its employment implications. However, where the conduct requires the Charity's prompt attention, there will be no need to await the outcome of the prosecution before taking reasonable action.
- 9.2 Where the police are called in, they will not be asked to conduct any investigation on the Charity's behalf; nor will they be present at any disciplinary hearing or interview.

**10 Trade Union Representative**

- 10.1 No disciplinary action shall be taken against a trade union representative until the circumstances have been discussed with a full-time official of the trade union concerned.

**11 Failure to attend a Disciplinary Hearing**

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- 11.1 If a worker is unable to, or decides not to take part in any of the meetings under this procedure, s/he must notify the manager responsible for conducting the meeting in writing, specifying the reasons for non-attendance. This must be done 48 hours in advance of the meeting.
- 11.2 If sickness prevents a worker from attending, then normal procedures for informing sickness absence apply.
- 11.3 If a worker does not attend a disciplinary hearing and does not provide prior written explanation giving reasonable justification of non-attendance, the disciplinary officer will send the worker a recorded delivery letter. The letter will instruct him/her to attend a hearing at a new date which may include an additional charge of failure to attend and inform.
- 11.4 If the worker does not attend the disciplinary hearing at this new date and time and does not provide prior written explanation giving reasonable justification for non-attendance, the disciplinary officer will proceed to hold the hearing at the set date inviting the worker's representative to be present. Such a hearing will normally include the additional charge of failure to attend and inform.
- 11.5 If an employee fails to attend a disciplinary meeting, you should try and rearrange the meeting at least one more time. However, ultimately if the employee continues to fail to turn up at the meeting, and they do not have a good reason, the employer can make a decision based on the information they have.
- 11.6 The employee should be warned that this will happen should they not turn up again.

## **12 Appeal**

- 12.1 A worker may appeal against any formal disciplinary action taken under this procedure to the Charity's Appeals Committee. An appeal may be lodged against the decisions of the disciplinary hearing as regard to the finding and/or outcome. It may also be lodged against failure to follow this procedure adequately.
- 12.2 A worker wishing to appeal against a disciplinary decision, must do so in writing to the Chair within ten working days of receiving written notification of the disciplinary action, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.
- 12.3 Arrangements for the appeal hearing will be made by the Chair. The appeal shall be conducted in accordance with the procedure detailed in section 16 below.
- 12.4 Ideally the manager or Management Committee members who will deal with the appeal, should not have undertaken the original investigation or made the original disciplinary decision. But this may not always be possible for small organisations.

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12.5 The decision following the appeal meeting should be given in writing to the employee.

### **13 Employment Tribunal**

13.1 Nothing in this procedure shall affect a worker's right to make a complaint to an Employment Tribunal in accordance with relevant employment legislation. It is recommended that before taking such action the worker seeks appropriate legal advice.

### **14 Disciplinary Sanctions Table**

<b>Sanction</b>	<b>Lowest Level of Management Authorised to Impose Sanction</b>
Informal Action	Supervisor/line manager
Suspension	Chair
Extension of Suspension period	Chair
Written Warning	All line managers
Final Warning; dismissal of probationary employees	Chair
Dismissal; Action short of dismissal: disciplinary transfer, disciplinary demotion	Disciplinary Panel (2-3 members of the Management Committee not previously involved in the case)

### **15 The Disciplinary Hearing**

15.1 The Disciplinary Officer (as authorised within the structure described above) will conduct the disciplinary hearing.

15.2 The worker's line manager who has conducted the investigation will be the Presenting Officer responsible for presenting the case against the employee.

15.3 The worker has the right to be accompanied and assisted by a trade union representative or work colleague.

15.4 Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the proceedings.

15.5 Witnesses should not be present throughout the hearing. They should be called in, one by one, to give their evidence and asked to withdraw once they have done so.

15.6 The Disciplinary Officer (or Chair of the Disciplinary Panel) will open the proceedings with an explanation of the purpose of the hearing and the procedure to be followed, introducing those present. S/he will read aloud the allegations and ask the worker if he/she wishes to take the opportunity to admit or deny them.

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- 15.7 If the worker admits the allegations, s/he will be asked if they or their representative wish to offer any explanation for the misconduct or to have any mitigating circumstances taken into account.
- 15.8 The hearing will then proceed to stage 15.20 below.
- 15.9 If the worker denies the allegations, the following steps will take place:
- 15.10 The Presenting Officer will state the case against the worker in the presence of the worker and his/her representative.
- 15.11 The worker or his/her representative shall be given an opportunity to reply to the allegations and ask questions of the Presenting Officer.
- 15.12 The Presenting Officer may call witnesses.
- 15.13 The worker or his/her representative shall have the opportunity to question any witnesses called by the Presenting Officer.
- 15.14 The Disciplinary Officer (or Panel) may ask questions for clarification of the Presenting Officer and any witnesses.
- 15.15 The worker or his/her representative shall put the worker's case in the presence of the Presenting Officer.
- 15.16 The Presenting Officer shall have the opportunity to ask questions of the worker, his/her representative and of any witnesses called by the worker.
- 15.17 The Disciplinary Officer (or Panel) may ask questions for clarification of the worker, his/her representative and any witnesses called by the worker.
- 15.18 The Presenting Officer shall have the opportunity to sum up the case against the worker, but may not introduce any new material.
- 15.19 The employee or his/her representative shall have the opportunity to sum up the worker's case, but may not introduce any new material.
- 15.20 The worker, his/her representative, the Presenting Officer, and note-taker shall withdraw.
- 15.20 If recall is necessary, both parties are to return regardless of the point giving rise to doubt.
- 15.21 The Disciplinary Officer (or Disciplinary Panel) shall consider the case in private:
- S/he (they) must first decide whether on the balance of probabilities, taking due regard of all the facts, the case against the worker is proven.

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- If the case against the worker is proven, and before imposing a disciplinary penalty s/he (they) must consider:
    - the level of disciplinary penalty indicated by the procedure;
    - any special, mitigating circumstances which might make it appropriate to lessen the penalty;
    - the worker's disciplinary record, general record, position and length of service;
    - whether there are any other 'live' warnings;
    - how the Association has dealt with similar cases in the past;
    - whether the proposed penalty is reasonable in view of all the circumstances.
- 15.22 The Disciplinary Officer (or Chair of the Disciplinary Panel) shall inform the worker of the decision at the conclusion of the deliberations, if practicable. In any case, s/he shall provide the worker with written confirmation of the decision within five working days of the hearing. This will include notifying the worker of his/her right of appeal and the procedure to be followed.
- 15.23 The employee should be informed in writing of any decision on whether disciplinary action is appropriate and how long the penalty will last, the improvement expected, the time period for improvement, and the procedure and time limits for appeal.
- 15.24 If the decision is to be dismissal, the employee should be notified as quickly as possible, explaining the reasons for the dismissal and the date when the employment will end.
- 15.24 If at any time during the proceedings it becomes apparent that there is no case for the worker to answer, an immediate adjournment may be called by the Presenting Officer.
- 15.25 The hearing may be adjourned by either side or by the Disciplinary Officer (or Chair of Panel), if it is considered necessary to gather further information or evidence or clarify any issue. The hearing will be reconvened as soon as possible.

**16 Appeals Procedure**

- 16.1 A worker may appeal against any formal disciplinary action taken under this procedure to the Charity's Appeals Committee. An appeal may be lodged against the decisions of the disciplinary hearing as regard to the finding and/or outcome. It may also be lodged against failure to follow this procedure adequately.
- 16.2 Where a probationary employee is dismissed, s/he shall have the right of appeal against this decision.

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- 16.3 A worker wishing to appeal against a disciplinary decision, must do so in writing to the Chair within ten working days of receiving written notification of the disciplinary action, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.
- 16.4 Arrangements for the appeal hearing will be made by the Chair who will ensure that a minute-taker is present. The appeal shall be conducted in accordance with the procedure set out below.
- 16.5 The Appeals Panel is the Management Committee of the Association, excluding those who were members of the Disciplinary Panel who made the decision which is subject of the appeal, or the Chair where s/he has been involved at an earlier stage of the disciplinary procedure. Three members of the Management Committee will constitute an Appeals Panel, one of whom will be the panel's Chair.
- 16.6 The worker may be accompanied by a union representative or a work colleague of his/her choice at any appeal hearing.
- 16.7 The management representative at the appeal hearing will be the Disciplinary Officer responsible for the decision which is subject of the appeal. Depending on the stage of the disciplinary procedure implemented in the relevant case, this may be the line manager, Director, Chair, or the Chair of the Disciplinary Panel.
- 16.8 The appeal will be heard as soon as possible but not later than 20 working days from the date of receiving the employee's request for appeal.
- 16.9 The date and time of any appeal hearing shall be agreed between the employee, the union representative/work colleague, the management representative and the Panel members.
- 16.10 The appeals process provides the opportunity for the Appeals Panel to consider any new evidence not previously presented; whether the decision of the disciplinary hearing was reasonable in the circumstances; or whether the disciplinary procedure was followed adequately.

**17 Conduct of Appeal Hearings**

- 17.1 The Chair of the Appeals Panel will conduct the hearing as below.
- 17.2 The Chair of the Panel will open the proceedings with an explanation of the purpose of the hearing and the procedure to be followed, introducing those present. S/he will read aloud the employee's reason for lodging an appeal as submitted in writing to the Chair.
- 17.3 The employee and/or his/her representative will put his/her case in the presence of the management representative outlining the grounds for the appeal and the reasons why they feel the original decision was incorrect. The employee or his/her representative shall call any witnesses or refer to any

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documents as necessary. Witnesses shall be called in turn and for each witness the procedure shall be:

- (a) the employee or representative question the witness
- (b) the management representative questions the witness
- (c) the Appeals Panel question the witness

- 17.4 The management representative will ask questions of the employee and/or representative.
- 17.5 The Appeal Panel will ask questions of the employee and/or representative.
- 17.6 The management representative will put the case for disciplinary action in the presence of the employee and his/her representative calling witnesses and referring to documents, as necessary. Witnesses shall be called in turn and for each witness the procedure shall be as in (ii) above.
- 17.7 The employee and/or representative will ask questions of the management representative.
- 17.8 The Appeal Panel will ask questions of the management representative.
- 17.9 The management representative and the employee and/or his/her representative will sum up their respective cases and then withdraw.
- 17.10 The Appeals Panel will consider the case in private. The decision of the Panel shall be notified to the employee verbally at the end of the Hearing in the presence of the management representative and shall be confirmed in writing within five working days of the hearing.
- 17.11 The decision of the Appeals Panel shall be final.

## **18 Records**

- 18.1 Records will be kept detailing:
  - the nature of any breach of disciplinary rules or unsatisfactory performance;
  - the worker's defence or mitigation;
  - the action taken and the reasons for it;
  - whether an appeal was lodged and its outcome;
  - any grievances raised during the disciplinary procedure;
  - any subsequent developments;
  - copies of all correspondence relating to this procedure including recorded written warnings; and
  - notes of any formal meetings.
- 18.2 These records will be kept confidential and retained in accordance with this disciplinary procedure and the Data Protection Act 1998. Workers will be entitled to have access to their own records in accordance with the Act. Copies of any hearing records will be given to the worker concerned. In certain circumstances (for example to protect a witness) the employer might withhold some information.