

**DRCA**

**DODDINGTON AND ROLLO COMMUNITY ASSOCIATION**

**Conduct & Discipline Policy (for staff and volunteers)**

This policy was agreed by DRCA Trustees on 3rd December 2014. Updated 2019.

All DRCA policies are reviewed every three years (or earlier if the law changes).

This will be reviewed again in September 2022.

DODDINGTON & ROLLO COMMUNITY ASSOCIATION LTD

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Charity Number: 1093601

Company Number: 1710313

1. **About Doddington & Rollo Community Centre**

The Doddington & Rollo Community Centre is a charity that has been serving Battersea and the wider Wandsworth community since 1983. We aim to promote opportunities for education in training and employment and to provide in those areas facilities for recreation and community activities.

During this it has moved from being substantially grant aided to be financially self-sufficient for day to day running costs thus ensuring that the DRCA can plan ahead without the uncertainty of funding cuts threatening its future.

**DRCA Conduct & Discipline Policy (for staff and volunteers)**

We are committed to maintaining the highest professional standards in the way we conduct our affairs and in our relationships with members/users, volunteers, employees and third parties. The standards we set ourselves are to ensure all our affairs are conducted visibly and in a professional manner. All employees and volunteers are expected to adhere to our Code of Conduct and actively contribute to developing and maintaining a successful and positive working environment based on integrity, trust and high professional standards.

DRCA believes that our employees seek to do good, and that it is only in the minority of cases that disciplinary action is required to reinforce required standards of conduct and performance. Our objective in taking disciplinary action is to encourage improvements in conduct. Depending on the seriousness of the incident, we can give verbal, written or final written warnings, but there may be circumstances in which a dismissal from DRCA is necessary.

This policy covers all staff and volunteers at DRCA. Other organisations renting rooms or office space in the building have their own separate policies.

The policy is endorsed by the DRCA’s Trustees and will be reviewed every three years to make sure it remains relevant and appropriate to the needs of DRCA and its users/members.

This Conduct & Disciple Working Policy is freely accessible to all. This means that DRCA will share copies of this policy with staff and volunteers as part of their induction and training. All DRCA’ policies will appear on its website. Hard copies of this policy will be available upon request.

1. **Code of Conduct & Discipline**

In the event that disciplinary action is taken, the following procedures and stages will be followed.

* 1. **Disciplinary Stages**

In most cases we expect an informal discussion with your line manager to take place to understand the issues and discuss any problems before any formal stages are invoked.

Disciplinary action may take a number of forms:

* Performance improvement and review process (other than a normal appraisal process). This may accompany a warning.
* A formal verbal warning (for example for a minor or persistent misdemeanour or problems related to performance).
* First written warning (for example for more serious problems regarding behaviour or performance, where a previous offence has been repeated or where performance has not improved despite earlier warnings).
* Final written warning (for example for further repetition of minor offences, persistent failure to meet previously set performance standards or serious problems with performance or behaviour).
* Dismissal (with notice) (for example, further or more serious repetition of behaviour which has previously led to a warning or failure to improve performance standards outlined in previous warning).
* Summary dismissal (without notice) (for example, for gross misconduct - see below).
* Alternatives to dismissal (see below).

The above list is not exhaustive. In appropriate cases, more than one form of disciplinary action may be imposed.

In cases justifying dismissal (with or without notice), DRCA may, at its discretion, impose as an alternative to dismissal one or more of the following forms of disciplinary action:

* Suspension for a period of up to three months, without pay or on part pay.
* Demotion.
* Reduction in base salary or entitlement to bonus.

DRCA may also, in accordance with the terms of your contract, reduce your salary to take account of your poor performance. The fact that one person has been subject to particular disciplinary action or dismissal will not set a precedent for any other case.

Any warning will remain "active" for a specified period – unless you are notified otherwise in any letter confirming the disciplinary action, verbal warnings will remain active for six months and written warnings for twelve months. At the end of the active period of the warning, the warning will no longer be taken into account in determining any further disciplinary action against you, but a note of it will remain permanently on your personnel file.

1. **Disciplinary Procedure**
   1. **General Principles**

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, demonstration of DRCA values, attendance and job performance. DRCA standards and expectations and this procedure applies to all employees. The aim is to ensure consistent and fair treatment for all in the organisation. This procedure does not apply to cases involving genuine sickness absence or proposed redundancies.

Minor conduct or performance issues can often be resolved informally between you and your Line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Formal steps will be taken under this procedure if the matter is not resolved or if informal discussion is not appropriate.

You will not normally be dismissed for a first act of misconduct unless DRCA decides it amounts to gross misconduct [or you have not completed your probationary period].

DRCA will make reasonable adjustments to this procedure and its operation to cater for employees (or their companions) who have a disability [or because English is not their first language]. If you think that such adjustments are required in your case, you should let the persons chairing the meeting know.

This procedure does not form part of your terms and conditions of employment with DRCA.

* 1. **Confidentiality**

DRCA's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

* 1. **Suspension and Investigation**

At any stage of a disciplinary procedure or before it begins, DRCA may suspend you on full pay, if appropriate. The suspension will be for no longer than is necessary to investigate the complaint against you and we will confirm the arrangements in writing. Suspension of this kind is not a disciplinary penalty and does not imply any assumption of guilt. Full pay means the basic rate of pay to which you are contractually entitled at the start of the suspension. Your contractual benefits will continue during any such suspension.

The purpose of an investigation is for DRCA to establish a fair and balanced view of the facts relating to any complaint against you, before deciding whether to proceed with a disciplinary meeting. The amount of investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses and reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary meeting has been held. You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

1. **Procedure**
   1. **Notification**

Following any investigation, if DRCA considers there may be grounds for disciplinary action, you will be required to attend a disciplinary meeting.

You will be informed in writing of the nature of the complaint against you which has led DRCA to consider disciplinary action, the basis for the complaint, for example, the detail of the conduct in question that DRCA has taken into account, and the possible consequences if DRCA decides after the meeting that the complaint against you is well founded.

DRCA will, if appropriate, provide you with a copy of the following:

* A summary of relevant information gathered during the investigation.
* A copy of any relevant documents which will be used at the disciplinary meeting.
* A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

You will be given reasonable notice of the time and place of the disciplinary meeting, which, in a case where a final written warning or dismissal is a possible outcome, will usually be a minimum of 48 hours' notice. The purpose of the meeting will be to consider the complaint against you and to allow you to state your case.

* 1. **Disciplinary Meeting**

The meeting will be conducted by your manager and the Chief Executive. DRCA may require other persons to attend the meeting as appropriate, for example as a note taker or as a witness.

You must make every effort to attend the meeting. You are entitled to be accompanied at the meeting if you wish - further details of this right are set out in the section below entitled "Right to be accompanied".

At the meeting, the person conducting it will explain the complaint against you and will go through the evidence that has been gathered (for example the concerns regarding your conduct or performance). You will then have the opportunity to set out your case (including where appropriate, to answer any allegations that have been made, ask questions, present evidence and raise points about any information provided by witnesses) and to respond to the matters raised. You may also make any other statements or observations relevant to the issues. You may put these in writing if you wish but, if you do, you must provide a copy to the person chairing the meeting in good time before the meeting. Failure to do so may result in the meeting being delayed. You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will not normally be permitted to cross examine witnesses unless, in exceptional circumstances, DRCA decides that a fair hearing could not be heard otherwise.

DRCA may adjourn the disciplinary meeting if it needs to carry out any further investigations such as re-interviewing witnesses in light of any new points you have raised at the meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Following conclusion of the meeting, the person conducting it will consider what action, if any, will be taken. You will be notified of the decision in writing as soon as practicable. In most cases this will be within five working days of the disciplinary meeting. You will also be notified of your right to appeal against the decision if you are unhappy with it.

* 1. **Appeal**

If you feel that the disciplinary action taken against you is wrong or unjust, you should appeal in writing stating your full grounds of appeal to the Chief Executive within five working days of DRCA's notification of its decision.

An appeal meeting will normally be arranged within five working days of receipt of your written appeal. Where possible, the appeal meeting will be conducted by a manager / trustee not previously involved in the disciplinary matter.

The purpose of the appeal meeting will be to reconsider the outcome of the disciplinary meeting in order for the person conducting the appeal meeting to judge if the matter was properly considered and (where relevant) any sanction properly imposed. Any evidence that has subsequently come to light may also be taken into account and if you become aware of such evidence you should provide details of it to the person hearing the appeal as soon as practicable.

You must make every effort to attend the appeal meeting. You are entitled to be accompanied at an appeal meeting – for full details of this right, see the section below entitled "Right to be accompanied".

Following the appeal meeting, the person conducting it will decide what, if any, action will be taken. You will be notified of the appeal decision in writing as soon as practicable. In most cases this will be within five working days of the appeal meeting. There is no further right of appeal beyond this stage and the appeal decision is final.

* 1. **Conduct of Meetings**

Meetings under this procedure will be arranged at reasonable times and locations. Electronic recording, by you or any companion, of the proceedings of any meeting is not permitted under any circumstances.

If you cannot attend the disciplinary or appeal meeting you should inform your line manager immediately and an alternative time will be arranged. Failure to attend a hearing without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example, for health reasons), DRCA may have to take a decision based on the available evidence. If this is the case, DRCA will inform you of its intention to do so.

1. **Disciplinary Action**
   1. **Misconduct**

Some examples of misconduct for which disciplinary action may be taken are:

* Being uncooperative or disrespectful to colleagues or members/users
* Refusing to comply with a reasonable management request to perform an activity
* Leaving work without permission or good reason
* Failing to comply with DRCA policies or procedures
* Being persistently late
* Failing to report your absence from work correctly
* Persistent short periods of absence from work without good reason
* Intoxication at work
  1. **Gross Misconduct**

Offences which, in DRCA's view, amount to gross misconduct may result in summary dismissal. This means that regardless of your previous disciplinary record, you may be dismissed without notice or payment in lieu of notice. If you are suspected of gross misconduct you will be informed of this and of the potential outcome at the time that you are notified of the disciplinary meeting.

Gross misconduct includes, but is not limited to:

* Theft or fraud
* Falsification of documents
* Physical assault / violence or threat of assault
* Harassment, discrimination or bullying of any kind
* Deliberate damage to DRCA's property
* Persistent unwarranted absence
* Abuse of DRCA's computer system and/or a serious breach of DRCA's communications and email policy
* Dishonesty
* Serious professional misconduct
* Any behaviour damaging or potentially damaging to DRCA's reputation, whether this takes place at or outside work
* Breach of confidentiality
* Serious breach of your contract of employment
* Insubordination
* Serious breach of any of DRCA's policies or of the rules of anybody which regulates DRCA
* Serious negligence
* Breach of Health and Safety rules and regulations
* Use of illegal drugs or incapacity at work due to alcohol or other substances

This list is not exhaustive.

* 1. **Right to be Accompanied**

Where you are required or invited to attend a meeting under this procedure you have a right, if you choose, to be accompanied at that meeting.

Your companion may be either (1) a work colleague; or (2) a full-time officer employed by a trade union, or a trade union official who has been reasonably certified in writing by their union as having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings. You are not entitled to legal representation at the meeting.

Before the meeting takes place you should notify the person who is to conduct the meeting of the identity of your companion. If your choice of companion is unreasonable, for example, because of a conflict of interest or because their presence may prejudice the meeting, we may ask you to choose someone else.

Your companion may:

* address the meeting in order to do any or all of the following:
* put your case
* sum up that case
* respond on your behalf to any view expressed at the meeting
* confer with you during the meeting

DRCA is not obliged to allow your companion to:

* Answer questions on your behalf.
* Address the meeting if you indicate that you do not wish your companion to do so.
* Use the rights set out above in a way that prevents DRCA's representative from explaining DRCA's case or that prevents any other person at the meeting from making his contribution to it.

If your chosen companion is not available at the time proposed for the meeting, we will postpone the meeting to a time when you and he/she are available, provided that you propose an alternative time for the meeting which is reasonable and which is no later than five working days after the date originally set for the meeting.

If your chosen companion is a colleague employed by DRCA, they will be given reasonable time off work to prepare for and attend the meeting(s). No person who acts or seeks to act as a companion as set out above will be subject to any detriment by reason of doing so.

* 1. **Summary Dismissal**

Cases of gross misconduct may lead to summary dismissal, i.e. immediate dismissal.

Some examples of gross misconduct are:

* Deliberately breaking a regulation or failing to follow a policy or procedure, e.g. smoking in an office.
* Behaving in such a way that the relationship of trust and confidence between DRCA and the employee is destroyed, e.g. discriminating against a colleague, fighting with a colleague, being under the influence or in possession of illegal drugs.
* Committing a dishonest or fraudulent act, e.g. stealing, misuse of discount, falsifying expense claims.
* Committing criminal acts outside of work.
  1. **Appeal Process**

The appeal process is there for those who feel that the outcome of a disciplinary hearing is unfair. The purpose of this process is to examine the circumstances and procedures leading to the disciplinary action to determine whether it was fair and reasonable.

The appeal will:

* Establish whether disciplinary procedures were followed.
* Check that a full investigation was carried out and that the employee’s explanations were fully considered.
* Evaluate the fairness and reasonableness of the disciplinary action applied.

Following formal disciplinary action an employee who wishes to appeal will have their case heard by a manager who has the authority to uphold, vary or overturn the decision.

The process is as follows:

* Notify the nominated manager/trustee in writing within five working days that you wish to appeal, stating the written reasons for appeal.
* You will have a formal discussion with the manager/trustee at which you have the right to be accompanied by a fellow worker or a Trade Union representative.
* The manager/trustee investigates the facts and reviews all the issues and relevant information available.
* The manager/trustee decides to vary, uphold or overturn the decision.
* The manager/trustee writes to you confirming the details of their investigation and the reasons for their decision.

1. **Grievance Procedure**

Everyone’s working life should be enjoyable and rewarding. However, there may be times when someone may feel they wish to discuss a grievance or employment problem. This may, for example, concern terms & conditions, health & safety, organisational change, fair treatment and difficulties in working relationships. We will always endeavour to resolve internally any issues that may arise during your employment with us.

Your first approach should be to informally discuss any grievances with your line manager. This has the advantage of allowing grievances to be resolved quickly with someone who is known to you.

If your grievance cannot be resolved by this informal method, you may invoke the formal grievance procedure.

* 1. **What to do to bring a formal grievance**

If you have any grievances or employment problems, the formal procedure is as follows:

* Write to your line manager clearly settling out your grievance and detailing your areas of concern.
* The manager will then invite you to a meeting to explain your grievance so we can fully understand the details. After this meeting we will investigate and consider all the facts and notify you of the decision we have reached in writing.
* In the event that your grievance remains unresolved you have the right to appeal against the decision. This appeal should also be set out in writing within 5 working days of the outcome of your grievance, outlining the reasons why you disagree with the decision taken and giving any additional information you wish to be considered.

You will then be required to attend a further meeting with an appeal hearer who was not previously involved in your grievance, when the facts will again be considered and a final decision reached. The decision reached is final; there is no further right of appeal.

If you wish to appeal a decision under DRCA's Grievance Policy the person to whom your grievance should be addressed will be identified to you by your line manager. You will have the right to be accompanied by a fellow worker, or a Trade Union representative at any grievance hearing.