
**DISCIPLINARY PROCEDURE**

A guide for staff on NAPA’s Disciplinary Procedure

This policy will be reviewed on an ongoing basis, at least once a year. NAPA will amend this policy, following consultation, where appropriate.

Where possible NAPA will follow the ACAS Code of Practice on Grievances and Disciplinary Action which can be found here:
<https://www.acas.org.uk/sites/default/files/2021-03/discipline-and-grievances-at-work-the-acas-guide.pdf>

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Purpose
The disciplinary procedure applies to all employees, freelance, and voluntary staff working for NAPA, except during an individual’s probationary period. The object of the procedure is to attempt to correct a failure to meet the standard of conduct and performance and, thereby, allow employees an opportunity to improve.

Whilst NAPA is not required to follow the disciplinary procedure during an employee’s probationary period, every effort will be made to ensure treatment has been fair and reasonable before a decision to dismiss is taken. The authority to dismiss as outlined in this policy still applies.

Four key points for a fair disciplinary procedure are:

1. The employee should fully understand the case against him or her.

2. The employee should have an opportunity to state their case.

3. The employee should have an opportunity to appeal against the decision.

4. The employee should have the opportunity to be accompanied at any formal meeting if they wish.

Examples of acts subject to disciplinary procedure
This list is not exhaustive but is indicative of the types of behaviour which are unacceptable whilst representing/working for NAPA.

Misconduct

Lateness

Absenteeism

Failure to maintain required performance standards

Poor attitude to work

Refusing supervision/required training

Leaving the place of work without permission

Refusing a reasonable instruction from superiors

Insubordination

Gross Misconduct

Any form of dishonesty at work

Violence/fighting

Being under the influence of alcohol, prohibited drugs and any other substances

Serious neglect of duties

Any action which harms NAPA’s good name

Deliberate breaches of health and safety legislation or rules

Divulgence of confidential information (see “Confidentiality”)

Wilful damage to NAPA’s property

Assault
Breach of Safeguarding duty

In appropriate cases of minor misconduct or unacceptable performance or behaviour, managers should use informal action before formal disciplinary action is taken. This may include setting clear targets and expectations, monitoring progress over a reasonable time period and providing additional coaching or training.

If a concern regarding performance or misconduct is raised, there will be an initial assessment of the facts by the Head of Department/line manager, and a decision will be made as to the urgency of the concern.

If the concern is considered urgent, the matter will be referred directly to the Chief Executive who will assess the facts and confirm the urgency of the issue. A recommendation to proceed with an investigation of the facts will be initiated.

If the initial assessment of the facts by the line manager is that the issue is not urgent, then it will be discussed in full in supervision with the member of staff concerned. If the issue can be resolved at this stage, then no further action need be taken. If, however, there can be no resolution in supervision or the concerns continue, the matter will be referred to the Board of Trustees who will either recommend a formal investigation or an alternative solution.

No disciplinary action will be taken until a case has been thoroughly investigated. When starting an investigation into an allegation of misconduct or poor performance, there shall be no assumption that disciplinary action will automatically follow.

Procedure

1. When disciplinary action may be required, the Chief Executive must be informed, and he/she will make sure that following procedures are applied. The Board of Trustees must be notified of any disciplinary action or investigation taking place within NAPA.
2. There should be an investigation to establish the facts of the case and to obtain any documentary evidence, which may be relevant. In exceptional circumstances, it may not be appropriate to conduct investigations while the employee is at work; the employee may then be suspended with pay, for a period at the discretion of the Chief Executive.
3. A disciplinary hearing will be arranged at a time/date agreeable.
4. At the disciplinary hearing the employee should be advised of the complaint and the facts supporting it: the individual should be given an opportunity to state her/his case before any decision is reached.
5. At all stages in the procedure the Chief Executive should be accompanied either by a colleague or member of the Trustees Personnel Committee; the employee will have the opportunity to be accompanied by a third party if they so wish.
6. Where a warning is given, the employee must be made aware of the action which will be taken if there is a further incident of misconduct or poor performance continues.
7. In the case of a verbal warning, the employee should be advised that a note recording the discussion would be placed on the personnel file. Where a written warning is involved, a letter confirming the warning should be given to the employee and a copy retained on file.
8. The employee must be advised of the length of time the warning will remain on the file.
9. The employee must be advised of the right of appeal and how to invoke the appeal procedure.
10. The procedure regarding who may give warnings and dismiss employees, and to whom appeal may be made, is contained in this document.
11. Following dismissal, the employee will be given, in writing, the reasons for dismissal.

Section A: Verbal and written warnings, dismissal and right to appeal

1. Verbal Warning

If an employee commits misconduct or fails to meet the required standard of performance, a verbal warning should be given. A verbal warning will normally remain in force for six months.

1. First Written Warning

A first written warning may be given where an employee has either:

1. Committed misconduct of any nature while a verbal warning, relating to conduct, is in force, or
2. Failed to meet the required standards of performance within agreed time limit, and while a verbal warning, relating to performance, is in force

A first written warning will normally remain in force for six months.

1. Final Written Warning

A final written warning may be given where an employee has either:

1. Committed misconduct of any nature while a first written warning relating to conduct is in force, or
2. Failed again to meet the required standard of performance within the agreed time limit, while a first written warning, relating to performance is in force, or
3. Committed misconduct or failed to meet performance standards in a more serious way, so as to warrant a warning without a verbal warning being in force.

A final written warning will normally remain in force for six months. If, after a period of six months, but less than one year from the warning, further misconduct is committed or work performance is gain below required standard, the same level of warning will be repeated.

1. Dismissal

Dismissal will occur where the employee has either:

1. Committed misconduct of any nature while a final written warning related to conduct is in force, or
2. Failed again to meet required standard of performance while a final written warning relating to performance is in force.
3. Committed misconduct so serious that it is regarded as gross misconduct.

Employees will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice and without payment in lieu of notice.

1. Right of Appeal

At any stage in the disciplinary procedure the employee has the right to appeal.

A disciplinary hearing will be arranged to be dealt with by a selection of the Board of Trustees, and the appeal will be dealt with by other Trustees not involved in the hearing.

Where the person(s) to whom appeal is to be made have been involved in the situation at an earlier stage, the appeal should be made to the appropriate alternative body as shown below.

In order to exercise the right of appeal the employee must write within fourteen days of the warning or dismissal to the individual who carried out the warning or dismissal, stating that she/he wishes to appeal against the decision; the appeal should take place as soon as possible and be within twenty-eight days of receipt of the appeal letter.

At the appeal hearing the employee will be entitled to make representations verbally or in writing. In addition, any report prepared by the individual who carried out the disciplinary action or any other circumstances relating to the matter may be considered.

The decision reached through the appeal will be final.

Where dismissal is by notice rather than summarily, the period of notice may be extended pending determination of the appeal procedure.