



# **Manchester Young Lives**

## **Disciplinary Procedures**

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# CONTENTS

<b>1</b>	Purpose & Scope
<b>2</b>	Principles
<b>3</b>	Procedure
<b>4</b>	Acas Code of Practice
<b>5</b>	Gross Misconduct
<b>6</b>	Appeals

## 1. PURPOSE & SCOPE

Manchester Young Lives' aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached.

## 2. PRINCIPLES

- a) 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.
- b) Employees will have the opportunity to state their case and be accompanied at any disciplinary or appeal hearing, if they wish by another employee/work colleague from the organisation or a trade union official or representative in accordance with the provisions of the Employment Relations Act 1999.
- c) An employee has the right to appeal against any disciplinary penalty.

## 3. PROCEDURE

### a) Informal Management Action

Informal action is appropriate in cases where conduct or performance is a cause for concern but not deemed sufficiently serious or prolonged to warrant formal disciplinary action. The line manager will let the employee know that their conduct/performance is unsatisfactory and make them aware of the standards expected without implementing the formal procedure.

The line manager will hold a confidential discussion with the employee and ensure that they understand exactly what is expected of them. This discussion will enable the manager to provide constructive feedback and the employee to express their views on the issue. Where a need for improvement is identified, the manager will explain to the employee what needs to be done, within an agreed timescale and how the conduct will be reviewed within the agreed period as appropriate. If the required achievements are not achieved or maintained, the matter will be dealt with formally. A record of informal action will be kept by the line manager.

## **b) Formal Action**

If there are concerns regarding unsatisfactory conduct or performance, an investigatory meeting will take place with the employee to establish the facts and determine if the matter should be dealt with at a formal disciplinary hearing.

### *Stage 1 - first warning*

At the disciplinary hearing if there is reasonable belief that conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after six months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

### *Stage 2 - final written warning*

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within three months, action at Stage 3 will be taken.

### *Stage 3 - dismissal or action short of dismissal*

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority or dismissal.

## **4. ACAS CODE OF PRACTICE**

If an employee faces dismissal - or action short of dismissal such as loss of pay or demotion MYL will follow the ACAS code of practice on Discipline. MYL will

- Act consistently.
- Carry out any necessary investigations, to establish the facts of the case.
- Inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Allow employees to be accompanied at any formal disciplinary or grievance meeting.
- Allow an employee to appeal against any formal discipline

The employee will be reminded of their right to be accompanied.

## **5. GROSS MISCONDUCT**

If, after investigation, there is reasonable belief that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft
- damage to property
- fraud
- incapacity for work due to being under the influence of alcohol or illegal drugs
- physical violence
- bullying
- gross insubordination
- serious safeguarding breaches
- serious safeguarding work
- discrimination

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

## **6. APPEALS**

An employee who wishes to appeal against any disciplinary decision must do so to the named person in the organisation within five working days. The employer will hear the appeal and decide the case as impartially as possible.

The named person for appeals against Gross Misconduct is the CEO. For all other appeals it is the Deputy CEO.

If the appeal is raised by the CEO it will be heard by the Chair of Trustees.