

Disciplinary Policy

| Date | Review Date | Chairman | Vice-Chair | Centre Manager |
|----------|-------------|------------|--------------|----------------|
| 01.08.18 | 01.08.19 | Neil Jones | Anne Everitt | Sally Mills |

The following are important telephone numbers that must be kept up to date:

| Contacts | Home | Mobile |
|------------------------------------|--------------|--------|
| Chairman of Trustees Neil Jones | | |
| Vice-Chair Anne Everitt | | |
| Centre Manager Sally Mills | 01483 813846 | |

The purpose of this document is to communicate the procedure in place to deal with a disciplinary issue and the action plan to be followed in such circumstances.

1. Policy Statement

The Therapy Garden is committed to helping and encouraging all employees to achieve and maintain a high standard of conduct and job performance. However, it sometimes may be necessary to take action towards individuals whose behaviour or performance is not acceptable. This procedure applies to all employees.

2. Disciplinary Rules

The following rules are in place to ensure the best interest of The Therapy Garden and employees and ensure:

- The correct procedure is used in the case of a disciplinary hearing
- Employees are aware of the standards of performance, action and behaviour required of them
- Disciplinary action is taken speedily in a fair, uniform and consistent matter
- Disciplinary action will only be taken after careful investigation, employees can present their side of the case
- Temporary suspension on contractual pay may be necessary to undertake a fair investigation. This should not be seen as disciplinary action or penalty of any kind
- Employees have the right to be accompanied at all stages of the formal disciplinary process
- Employees will receive an explanation of the penalty imposed along with the right to appeal if disciplinary action is taken

3. Rules for Unsatisfactory Conduct, Misconduct and Serious Misconduct

The following disciplinary offences/rules are examples – this list is not exhaustive:

- Failure to abide by general health and safety procedures
- Rudeness to clients, support workers, other employees or members of the public including objectionable/insulting behaviour, harassment, bullying or bad language
- Failure to follow instructions or follow rules/procedures
- Unauthorised use, negligent damage or loss to company property
- Failure to report damage to company property
- Smoking in non-designated areas
- Unsatisfactory standards or work output

4. Rules for Gross Misconduct

The following disciplinary offences/rules are examples – actions not listed below may still cause a disciplinary procedure to take place.

Serious instances of –

- Theft or fraud
- Physical violence or bullying
- Deliberate damage to property
- Deliberate acts of unlawful discrimination or harassment
- Possession, or being under the influence of illegal drugs or alcohol
- Breach of health and safety rules that endangers lives or causes serious injury
- Mistreatment of clients by neglect, omission and/or commission
- Failure to report an incident of abuse or suspected abuse of a client
- Abandoning duty without notification
- Acceptance of gifts and hospitality in contravention of the Bribery Act 2010
- Failure to give notice of any financial interest, of which you are aware, in a contract that has been made or proposed to be made, by the organisation
- Wilful misrepresentation at the time of appointment including –
 - Previous positions held
 - Qualifications held
 - Falsification of date of birth
 - Declaration of health
 - Failure to disclose a criminal conviction/caution within the Rehabilitation of Offenders Act
- Deliberate disclosure of privileged confidential information to unauthorised people
- Any act or omission constituting serious or gross negligence or dereliction of duty
- Conviction of a criminal offence

5. Disciplinary Procedure

Minor issues will be dealt with informally through discussion, counselling and training. When an informal discussion does not lead to an improvement in conduct or performance, or where the matter is considered too serious to be classed as minor, the below procedure will be followed.

| Offence | 1 st Occasion | 2 nd Occasion | 3 rd Occasion | 4 th Occasion |
|------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Unsatisfactory Conduct | Formal verbal warning | Written warning | Final written warning | Dismissal |
| Misconduct | Written warning | Final written warning | Dismissal | |
| Serious Misconduct | Final written warning | Dismissal | | |
| Gross Misconduct | Dismissal | | | |

The Therapy Garden retains the right to use discretion in the respect of disciplinary procedures to take into account length of service and to vary procedures accordingly. If an employee has a short amount of service, they may not be in receipt of any warnings before dismissal. They will retain the right to a disciplinary hearing and the right to appeal.

The disciplinary procedure will be managed by the Centre Manager who may consult with the Chairman/Trustee Board at any time.

Written warnings will be disregarded after a 6 month period and final written warnings disregarded after a 12-month period.

6. Procedure for Unsatisfactory Conduct and Misconduct

A verbal warning will be given in the first instance that the employee's conduct/performance is not satisfactory.

A written warning will be given including reason for warning and how conduct/performance is to be improved over a certain timescale if situation hasn't changed since verbal warning was given. Consequences of non-compliance with the warning will also be included.

A final written warning will be given if conduct/performance does not improve within the given timescales with further details of improvements to be made and a warning that dismissal may occur if changes in behaviour are not seen.

7. Procedure for Serious Misconduct

A final written warning will be given immediately for situations that are deemed too serious for verbal warnings or first written warnings. The warning will include details of changes to conduct/performance to be made within set timescales and that dismissal may occur if this is not achieved.

8. Gross Misconduct Procedure

The Therapy Garden reserves the right to dismiss employee's immediately without notice of termination or payment in lieu of notice if they commit an act of serious misconduct, examples of which are included in this policy.

Employees may be suspended on full basic pay whilst a full investigation is carried out.

9. Appeals

Employees have the right to appeal against the decision made and should be made in writing to the Centre Manager. The process will be passed from the Centre Manager to the Chairman who will conduct the procedure.

- An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances
- If the appeal is on the grounds that the offence was not committed, then the appeal may take the form of a re-hearing and reappraisal of all matters. This will allow the Chairman to conduct their own investigations before making a decision on the outcome
- Employees may be accompanied at any stage of the appeal by a fellow staff member
- The result of the appeal will be given in writing within 5 days of the hearing
- The Therapy Garden reserves the right to allow third parties to chair any formal hearing
- The Therapy Garden decision on the appeal will be final

10. Linked Policies

- Complaints Policy
- Whistleblowing
- City & Guilds Malpractice Procedure
- Recruitment Policy

11. Raising Awareness of this Policy

The Therapy Garden will raise awareness of this policy via:

- The Therapy Garden policy folder located in the Centre Manager's office containing all the charity's policies. Clients and third parties can request a copy of the policy if required. Staff and volunteers are to be informed when policies are updated.
- During staff and volunteer induction
- Through emails to staff and volunteers when policies are updated
- The Therapy Garden policies are also available to view on the charity's website

12. Policy Reviews

Any questions regarding the policy should be directed to the Centre Manager. The policy may be amended at any time.

The policy should be reviewed in the light of any trends or new legal changes and at least once every two years.

This policy was adopted on the 01 August 2018 by:

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|---------------------------------|--|-------|--|
| Chair of Trustees Neil Jones | | Date: | |
| Vice-Chair Anne Everitt | | Date: | |
| Centre Manager Sally Mills | | Date: | |