

Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”



Discipline, Grievance and other procedures:

Deafblind Scotland expects satisfactory standards of behaviour, conduct and attendance from all its employees. The disciplinary procedure provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct. The aim is to ensure prompt, consistent and fair treatment for all employees and to assist in enabling both the employee and the organisation to be clear about the expectations of both parties. The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues in the best interests of the organisation and the employee.

It applies to all employees of Deafblind Scotland. While most issues can be resolved by discussion and compromise made to address the issues, there will inevitably be occasions when further steps require to be taken.

1. Principles

No disciplinary action will be taken until the matter has been fully investigated. An employee may be suspended on full pay during an investigation at the discretion of his or her Line Manager/Chief Executive.

Obligations:

General: **All Staff**

You undertake not to:

(a) Divulge or communicate to any person other than those with the relevant authority any confidential information or facts which you may receive or be party to whilst either in the service of the Organisation or subsequent to the termination of your employment with the Organisation unless or until such material becomes public knowledge.

(b) Embark or conduct in any spare-time activity which may be against the interests of the Organisation; in particular any activity which may reasonably be construed as competitive activity. In that connection it is required that you inform the Organisation of any other paid employment or paid occupation which you undertake.

(c) Write or in any way communicate with the press and make reference to the Organisation without prior permission.

[2] Copyright of any material written or produced by you in the course of your employment will vest in the Organisation and any invention whatsoever made by you shall be the property of the Organisation, except to the extent that Section 39 of the Patents Act of 1977 provides otherwise.

[3] You are required to keep the Organisation informed and updated of your current details, such as name, address and next of kin, particularly where it might affect the Organisation Insurance cover. Additionally, you are required to keep the Organisation

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informed of any conviction of a criminal offence - other than a motoring offence not involving endorsement of licence - providing details of the offence and penalty.

[4] Unauthorised possession of, or removal from the Organisation's premises of any Organisation or other person's property is regarded as a serious disciplinary offence and it is a necessary term of employment that - by your signature on this contract - you agree to the possibility that upon leaving the Organisation's premises at any time you may be questioned and your bags/cases searched, or your vehicle searched, by any person having authority from the Organisation to do so, to ascertain whether or not the property of the Organisation or some other person is being improperly removed.

[5] It is your obligation to ensure that you take no action or make no statement [or omit to take action or make any statement] which may constitute unlawful discrimination, or results in the Organisation being the subject of any proceedings - Civil or Criminal - before any court or Tribunal or any investigation pursuant to the Equality Act 2010 or similar legislation in respect of such act or omission. If such proceedings or such an investigation is commenced in respect of the Organisation, and the Organisation believes that you performed the act or made the statement complained of, it will point out that you alone are culpable and that you had no authority from the Organisation to act in this way.

[6] You are responsible on a personal basis for taking reasonable care for the Health & Safety of yourself and others who may be affected by your acts or omissions at work and for complying with all relevant legislation and with Organisation rules and regulations in this respect. Your attention is drawn to the fuller details of the Organisation's Health & Safety policy, and also to the fact that a 'No-Smoking' Policy within all Organisation premises.

Discipline:

Responsibility

We are obliged to ensure that there are adequate rules and procedures for maintaining discipline within the organisation. If these are to be fully effective you must understand them so that you are not in any doubt as to the likely consequence of any breach of discipline.

Our Guarantees:

The disciplinary procedure is designed to deal quickly and fairly with any allegations of unsatisfactory conduct or performance.

No disciplinary action will be taken against you until the case has been fully investigated.

You will be given a statement, in writing, of the alleged conduct, or characteristics or other circumstances, which lead us to contemplate taking disciplinary action against you.

You will be invited to a meeting to discuss the matter but not before you have had a reasonable opportunity to consider your response to the statement. You must take all reasonable steps to attend the meeting.

The meeting will take place before action is taken, except where the disciplinary action consists of summary dismissal or suspension.

In the case of serious allegations, it may be undesirable for you to remain in the workplace pending investigations and the arrangement for a meeting. Your immediate supervisor with the prior approval of a member of the Executive Team may require you to stay away from the workplace. During any such absence, you will receive full salary.

You will not be dismissed for first breach of discipline except in the case of gross misconduct when the action will normally be summary dismissal, i.e. dismissal without notice or wages in lieu of notice.

*Normally all cases will start at **Stage 1** for a first offence, except that procedure will start at **Stage 3** if serious misconduct is alleged.*

You will have the right to appeal against any disciplinary action taken and you must inform us if you wish to do so. If you do appeal you will be invited to attend a further meeting and you must take all reasonable steps to attend that meeting.

The appeal meeting need not take place before the disciplinary action takes effect. After the appeal meeting we will inform you of the final decision.

In appropriate cases (e.g. poor performance) you will be advised of the time allowed to improve.

Throughout the procedure, including any appeal, a fellow employee of your choice may accompany you, or a companion other than a fellow employee may accompany you. Where you wish to involve an outside person we must be notified at least 3 days beforehand.

Examples of Misconduct:

The following are various examples of the categories of misconduct, but depending on circumstances, some offences may be treated more seriously than listed. These lists are not exhaustive, nor do they imply that we will not take action in accordance with our rights and duties under criminal law.

(a) General breaches of discipline:

- (i) unauthorised absence*
- (i) poor working practices*
- (iii) poor hygiene (personal and workplace)*

(b) Serious misconduct:

- (i) threatening or abusive language*
- (ii) smoking in prohibited areas or at prohibited times*
- (iii) refusing to carry out a reasonable instruction*
- (iv) threats of violence*
- (v) sexual harassment (also may be regarded as gross misconduct)*
- (vi) breach of health and safety regulations*
- (vi) failure to conduct yourself in a careful and proper manner in all dealings with other people.*
- (vii) inappropriate use of electronic communications media, for example, Internet/e-mail. Depending on the degree of seriousness this may be treated as gross misconduct*

(c) Gross misconduct:

- (i) unauthorised possession of property belonging to the employer, third parties or fellow employees. Whatever the value or amount involved it will be treated as gross misconduct*
- (ii) assault*
- (iii) malicious damage to property*
- (iv) fraud*
- (v) falsifying records*
- (vi) being under the influence of alcohol or drugs in the work place*
- (vii) sexual harassment/discrimination*

Procedure:

Initial Action:

In all cases where the misconduct is regarded as relatively minor and/or is a first occurrence, an informal discussion will take place between you and your immediate supervisor with the opportunity being given to you to explain your action and to encourage you to improve your conduct.

If, following that discussion, there is no improvement, or, the initial misconduct is not relatively minor, then matters will be referred for further action, the application of the procedure to reflect the seriousness of the breach of conduct, namely:

Stage 1 - Verbal Warning:

If your conduct or performance does not meet acceptable standards, you will be interviewed, counselled and given an opportunity to explain your action. If the explanation is not satisfactory, you will be given a verbal warning, which will be recorded.

Stage 2 - First Written Warning:

If there is no satisfactory improvement in the conduct/performance or if there is a further breach of discipline, you will be interviewed and given an opportunity to explain your action. If a satisfactory explanation is not forthcoming, a first written warning will be issued.

Stage 3 – Final Written Warning:

If there is no satisfactory improvement in conduct or performance or if there is a further breach of discipline, you will be interviewed and given an opportunity to explain your action. If the explanation is not satisfactory, a Final Written Warning will be issued.

Stage 4 – Dismissal:

If there is no satisfactory improvement in conduct/performance or if gross misconduct is alleged, you will be interviewed and failing a satisfactory explanation will be dismissed - with or without notice as appropriate.

Authority to take disciplinary action and carry out appeals:

With the prior knowledge of the Executive team, verbal warnings, first written warnings and final written warnings will be given by your immediate Line Manager. If you are unhappy with any decision, you may appeal to the Chief Executive or appropriate senior manager, outlining the reasons in writing.

Suspension pending investigation:

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In cases of alleged gross misconduct, it may be necessary to suspend you whilst enquiries are pursued. During such suspension you will continue to receive your normal pay.

Duration of Warnings:

If conduct/performance remain satisfactory for the period noted below, the warning will be deleted from your record and not used in future disciplinary proceedings. If anyone is found to be abusing these limits, any further breach of discipline may be treated as more serious.

<i>Verbal Warnings</i>	<i>6 months</i>
<i>First Written Warning</i>	<i>9 months</i>
<i>Final Written Warning</i>	<i>12 months</i>
<i>Where a final Written Warning is substituted for dismissal</i>	<i>24 months</i>

Grievances & Disputes Procedure:

If there is a problem which affects your working life, we will do our best to help resolve it.

*To ensure that any grievances relating to employment are settled fairly, speedily and as near to the point of origin as possible, the **undernoted procedures should be followed, and although the procedure suggests time-scales for issues to be addressed, it must be recognised that there will be instances where it will not be practical or desirable to adhere to them.** Similarly, it must always be recognised that there may be times when an informal/common-sense solution to an issue will be preferable.*

Stage 1

If you are aggrieved on any matter, you must set out the grievance in writing and give/send the statement to your immediate supervisor. This statement should be brief and to the point. Your immediate supervisor will invite you to a meeting to discuss the matter. The meeting will not take place until your immediate supervisor has had a reasonable opportunity to consider the response to the statement. You must take all reasonable steps to attend the meeting.

At this, or indeed any subsequent meeting, you will be entitled to be accompanied (but not represented) by a colleague.

After the meeting your immediate supervisor must inform you of the response to the grievance as soon as possible and in any case within about 5 working days. It may be shorter or longer, depending, for example, whether or not further information is required. When this response is given you will be advised how you can appeal against the decision if you are not satisfied with your response. (See stage 2).

If your grievance concerns your immediate supervisor you should contact the next line manager. Normally, this would result in your grievance being directed to the person who is responsible for your supervisor.

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If you are taking out a grievance and this co-exists or closely follows on from a disciplinary matter which concerns you, we would normally – but not always – suspend any disciplinary matters until the grievance has been aired and brought to a conclusion. However, irrespective of that, in all circumstances if it transpires that the grievance ultimately proves to be bogus/spurious this may result in disciplinary action being taken against you.

Stage 2 (first appeal)

If you are dissatisfied with the response from your supervisor you can appeal within 5 working days - send a copy of the original written statement of the grievance to next line manager, along with a brief summary of why you are still dissatisfied. You should keep at least one copy of this.

As soon as is practicable the manager will discuss your grievance with you. You should be aware that any investigation(s) preceding this discussion, or, indeed following it, may involve detailed discussions with you and / or others, and may give rise to wider issues that have to be considered. Also, if it appears that this process will take more than 20 working days you will be kept informed.

At an appropriate time the line manager shall come to a decision and communicate this in writing to you. As before, this could be subject to appeal (see Stage 3).

With respect to the person(s) about whom the grievance was raised, the outcome of the grievance will also be communicated to them in writing via their manager/supervisor, along with any appropriate recommendations.

Stage 3 (final appeal)

If still aggrieved you will have the right for the matter to be considered by the Chief Executive. Such a request should be made in writing within 5 working days, and, as before, should be accompanied by a copy of the original grievance, together with any response(s) and your reason(s) for continued dissatisfaction.

You will be invited to attend a meeting (and/or submit further written material to the meeting) as and when it has had a reasonable opportunity to convene, and this will normally be within 20 working days from the receipt of the final appeal.

Having heard the matter from you the Chief Executive will then carry out any necessary further investigation(s) and will determine a response, which will be communicated to all interested parties in writing. This will be as soon as circumstances allow. This is the final stage of the grievance procedure within Deafblind Scotland.

General:

There are no collective agreements affecting the terms of your employment