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Disciplinary Procedure

This policy has been established in consultation with the Board of Trustees and Management Board of the Wycombe Arts Centre (WAC).

1. Overview

- 1.1. WAC Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.
- 1.2. An employee can discuss any part of this policy with their Manager. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation by a colleague or trade union representative at any point during the disciplinary process.

2. Suspension

- 2.1. Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the Manager in charge of that individual, at that time or their superior, have the authority to suspend an individual.

2.2. An employee suspended from duty will receive written confirmation within three days of:

- the reason for the suspension
- the date and time from which the suspension will operate.
- the timescale of the ongoing investigation.
- the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 days

3. Informal Stage

3.1. This stage is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:

- what is expected in terms of improving shortcomings in conduct or performance
- the time scales for improvement
- when this will be reviewed
- the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

3.2. A record of the Informal Stage should be given to the employee and a copy retained in their personnel file. It is imperative that action points should be recognised, recorded and followed up

3.3. Once the objectives have been met, any record of the Informal Stage will be removed from the employees file.

3.4. If during the Informal Stage it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

4. Formal Stage

4.1. Formal investigations should be carried out by the manager or designated Investigating Officer who is not directly involved with the incident being investigated. The manager or Investigating Officer may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.

- 4.2. A report should be prepared which outlines the facts of the case. This should be submitted to the Chair of the Board of Trustees. Where appropriate, this report may be made available to the individual and their representative.
- 4.3. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate Trustee and the investigating manager/Officer would be asked to present his/her findings. Witnesses should be called at this stage, and the employee (or their representative) allowed to question these witnesses. The employee has a right of representation at this hearing.
- 4.4. Following the full presentation of the facts, and the opportunity afforded to the employee to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the senior manager / Director hearing the case, and the other manager. They would discuss the case and decide which of the following options was appropriate:
- take no further action against the employee
 - recommend counselling for the employee
 - proceed to a disciplinary hearing
- 4.5. All parties should be brought back, and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:
- the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that he has the right of representation
 - he has been told in advance what the nature of the complaint is, and had time to consult with a representative
 - all the facts have been produced at the investigatory hearing, and the manager/ Trustee is in a position to decide on disciplinary action. The manager should inform the employee and their representative that the hearing would now become a formal disciplinary hearing and invite them to say anything further in relation to the case.
- 4.6. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require it's continuance. The subject of the discipline may also request that the disciplinary action continue.

5. Examples of Minor Misconduct

- 5.1. Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not

exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor time-keeping.
- Absence from work, including going absent during work, without valid reason, notification or authorisation.
- Smoking within unauthorised areas.
- Failure to work in accordance with prescribed procedures.
- Unreasonable standards of dress or personal hygiene.
- Failure to observe WAC regulations and procedures.

6. Verbal Warning

6.1. A Verbal Warning is appropriate when it is necessary for the manager in charge to take action against an employee for any minor failing or minor misconduct.

7. First Written Warning

7.1. A First Written Warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

8. Examples of Gross – Misconduct

8.1. Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning, Demotion or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.

- Theft, including unauthorised possession of Company property.
- Breaches of confidentiality, prejudicial to the interest of WAC,
- Being unfit for duty because of the misuse/consumption of drugs or alcohol.
- Refusal to carry out a management instruction which is within the individual's capabilities and which would be seen to be in the interests of WAC.

- Breach of confidentiality / security procedures.
- Physical assault, breach of the peace or verbal abuse.
- False declaration of qualifications or professional registration.
- Failure to observe WAC rules, regulations or procedures.
- Wilful damage of property at work.
- Incompetence or failure to apply sound professional judgement.
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe.

9. Final Written Warning

9.1. A Final Written Warning is appropriate when:

- an employee's offence is of a serious nature falling just short of one justifying dismissal.
- an employee persists in the misconduct which previously warranted a lesser warning.

10. Dismissal

10.1 Dismissal is appropriate when

- an employee's behaviour is considered to be Gross Misconduct.
- an employee's misconduct has persisted, exhausting all other lines of the disciplinary procedure.

11. Time Scales for the expiry of Warnings

11.1. Warnings issued to employees shall be deemed to have expired after the following periods of time:

- Verbal Warnings: 6 months
- First Written Warnings: 12 months
- Final Written Warnings: 18 months (or as agreed and recorded at the hearing)

11.2 These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

12. Warning Letter

12.1. All Warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the employee for improvement.
- The employees right to appeal to the manager directly above that of the one issuing the warning.
- A copy of the warning and any supporting documentation must be attached to the individuals file.
- The employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to who they can make that appeal.

12.2. The letter confirming dismissal will contain the following information:

- The reason for dismissal and any administrative matter arising from the termination of their employment.
- The employees right of appeal and to whom they should make that appeal

13. Appeals

13.1. Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that the Company's' Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding disciplinary action has arisen

13.2. An appeal should be put in writing to the manager who issued the disciplinary warning / dismissal. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

13.3. An appeal will be arranged within 20 working days of receipt of the appeal letter.

14. Appeals against Final Warnings and Dismissal

- 14.1. The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Trustee, if possible not previously involved with the case.
- 14.2. When dealing with an appeal against a Final Warning or Dismissal the appellant may submit a written statement for consideration by the person(s) hearing the appeal
- 14.3. The person(s) hearing the appeal may consider the appeal based on the information previously available including the investigation report, and any submissions made by the appellant. They may at their discretion seek any further information which they feel would help them to come to a fair conclusion. The decision of the person(s) hearing the appeal are final and no further right of appeal is available.