

ORKNEY ALCOHOL COUNSELLING & ADVISORY SERVICE DISCIPLINARY PROCEDURES FOR EMPLOYEES

Introduction

1. This agreement is designed to ensure that disciplinary matters are dealt with thoroughly, promptly, speedily and equitably. The agreement is detailed below and comprises:-

Section 1 – The Disciplinary Procedure

Section 2 – The Employee's Appeal Rights

Section 3 – Suspension Provisions

Section 4 – Withdrawal of Records

2. At every stage of the disciplinary procedure an employee shall have the right to be accompanied by an individual of their choice to assist them in explaining their actions. An employee must be informed of this right before every disciplinary interview.

- 2.1. Whenever a disciplinary investigation is necessary, it will be conducted by the Manager, if the Manager is to be investigated it will be conducted by the Chairman.

3. It is accepted by Orkney Alcohol Counselling & Advisory Service (OACAS) that this procedure should be viewed as a means of encouraging an improvement in an individual's conduct or performance and not as merely a method of applying sanctions. In this respect it is further accepted that the Manager plays an important role in the day-to-day management of employees and should seek to deal with minor lapses in conduct via informal means in the first instance.

4. The formal disciplinary procedure is described in stages of increasing seriousness to avoid ambiguity about an employee's position. It must be noted however that some misconduct is so serious that it will immediately need to be considered under Stages 2 or 3. An employee must be notified of the level at which any disciplinary action is to be considered.

- 4.1. Gross misconduct i.e. conduct so serious that it may result in dismissal is heard under Stage 3. Examples of gross misconduct include:

- Theft
- Fundamental breach of contract
- Intentional and/or negligent damage to property
- Inability to carry out duties as a result of being under the influence of alcohol/drugs
- Fighting or verbal assault on others
- Acts contrary to OACAS's Equal Opportunities Policy
- Harassment

5. Managers are authorised to take disciplinary action as follows:

Stage 1 - Manager.

Stage 2 - Manager & Chairman.

Stage 3 - Chairman & Board of Management

And should always consider obtaining independent legal advice before any action is taken.

A disciplinary hearing shall not be convened until the circumstances of the case have been fully investigated, and presented to the Manager, who will then decide in consultation with the Chairman whether a disciplinary hearing is required.

In the event of disciplinary action against the Manager it will be handled by the Board of Management as follows:

Stage 1 - Chairman.

Stage 2 - 2 members of the Board of Management and the Chairman.

Stage 3 - Chairman and full Board of Management.

Section 1 – Disciplinary Procedure

Informal Procedure

Before invoking the formal procedure, managers and supervisors should make every attempt to resolve disciplinary matters on an informal basis by discussing the situation with the employee to avoid the necessity of formal warnings.

Formal Procedure

Stage 1

- a) Where an employee's work, conduct or omission, warrant disciplinary action the Manager should give written warning to the employee.
- b) This first written warning will only be issued after the employee has been given the opportunity to state their case at a disciplinary hearing. The employee should be given 5 working days notice of the hearing in writing and a warning letter will be issued within 3 working days of the hearing and must specify:-
 - a. The nature of the complaint and the improvement expected;
 - b. The employee's appeal rights as detailed in Section 2 of this document.

Stage 2

- a) The repetition of the act(s) considered under Stage 1, or subsequent but different act(s) of commission or omission may result in further warning(s) which may be final, according to the circumstances. The employee will be invited to a hearing (timescales as for Stage 1), given the opportunity to explain their actions and then informed at the end of the hearing of its result.
- b) This warning must be confirmed in writing within 3 working days of the hearing and the letter must specify the information detailed in Stage 1, Section (b) (i) & (ii).

Stage 3

- a) In the event of a continued failure to meet required standards within the time specified in Stage 2, or in case of gross misconduct, an employee may be dismissed by the Chairman & Board of Management. Dismissal will take place only after the employee has been given the opportunity to explain their actions at a hearing with the Chairman & Board of Management.
- b) Notice of a hearing at which dismissal is being considered must be in writing with at least 5 working days notice. It must specify the reasons for the hearing, remind the employee of their rights of representation, and inform them that dismissal is being considered.
- c) The result of a hearing at which dismissal has been considered must be notified to the employee at the end of the hearing. The Chairman must confirm it in writing within 3 working days of the interview. All dismissal letters must specify the reasons for dismissal and notify the employee of their rights of appeal inside OACAS and to an Employment Tribunal, mentioning the specific time limits for each appeal course.

At each stage of the disciplinary procedure, if a hearing is adjourned for whatever reason, the hearing should be reconvened for a verbal decision, and that decision followed up in writing within the agreed timescales.

Section 2 – Appeal Rights

1. The right to appeal against disciplinary applies to every stage of this procedure.
2. To appeal against any form of disciplinary action the employee or chosen representative must write to the Chairman, within 10 working days of the notification of disciplinary action, requesting a further hearing to review the earlier decision. The Chairman will arrange for the appeal to be heard by him/herself and the Board of Management within 10 working days of receiving such a request. The employee will be informed of the decision at the end of the hearing, and the decision will be confirmed within 3 working days in writing.

Section 3 – Suspension

An employee may be suspended on full pay to enable investigations to be made where the possibility of serious disciplinary action arises. A period of suspension of this nature should not normally exceed 2 working weeks. If it is necessary to extend the period of suspension, the employee will be informed of the reason for extension. Whenever suspension is a consideration legal advice must always be sought.

Section 4 – Withdrawal of Records

1. Should any disciplinary action be reconsidered and withdrawn at any stage of the procedure, all written reference will be removed from the employee's personal file.
2. All written reference to a warning as issued under stage 1 of the procedure will be removed 6 months after the warning was issued, unless a second written warning for the same offence has been issued within that 6-month period.
3. All written reference to a written warning issued under stage 2 of the procedure will be removed 12 months after the warning was issued.
4. In all the above cases, the employee will be notified as soon as the relevant reference has been expunged and the employee will have access to their personal file.

Adopted by the Board of Management on March 19th 2003

Amended on September 9th 2004