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## **Staff disciplinary and grievance procedure**

### **Purpose of this procedure**

The Jericho Community Association requires good standards of behaviour from its employees, together with satisfactory standards of work. These disciplinary and grievance procedures apply to any misconduct or failure to meet standards of performance or attendance.

The purpose of the procedure is to bring about improvement rather than to punish, and it should be recognised that the existence of procedures such as these is to encourage employees to achieve and maintain acceptable standards of conduct, attendance and job performance and to ensure consistent and fair treatment for all employees. This procedure sets out the action that will be taken when the employer's rules are breached.

### **Principles**

If an employee is subject to disciplinary action:

- 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.
- At every stage the employee will be advised of the nature of the complaint, and be given the opportunity to state his/her case, and be accompanied by a fellow employee of his/her choice or by an officer of a trade union of which the employee is a member, who will have the right to address the interview panel, but not to answer questions on his/her behalf.
- The employee will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- The employee has the right to appeal against any disciplinary action taken against him/her.
- The procedure may be initiated at any level depending on the degree of the alleged misconduct.

### **Informal discussion/counselling**

Before taking formal disciplinary action, the Chair of the Management Committee will make every effort to resolve the matter by informal discussions with the

employee concerned. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

### **Formal verbal warning**

If, despite informal discussions, his /her conduct or performance does not meet acceptable standards, the Chair of the Management Committee will give the employee a formal verbal warning. The employee will be told:

- the reason for the warning;
- that this warning is the first stage of the disciplinary procedure;
- that the employee has a right of appeal.

A brief note of the warning will be kept but it will lapse after 6 months, subject to satisfactory conduct and/or performance.

### **Written warning**

If there is no improvement in standards, or if a further offence occurs, a written warning will be given. A copy of this first written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

The warning will:

- state the reason for the warning and note that, if there is no improvement after one month, a final written warning will be given; and
- invite the employee to attend a meeting to discuss the matter.

The meeting will take place only if:

- a. the Association has informed the employee of the basis for including in the written warning grounds given in it; and
- b. the employee has had a reasonable opportunity to consider his/her response to that information.

The employee must take all reasonable steps to attend the meeting.

### **Final written warning**

If his/her conduct or performance remains unsatisfactory or if the misconduct is sufficiently serious to warrant only one written warning, then a final written warning will be given. This will state that any recurrence of the offence or other serious misconduct within a period of one month will result in dismissal. A copy of the warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

### **Dismissal**

If there is no satisfactory improvement or if further serious misconduct occurs, the employee will be dismissed.

## **Gross misconduct**

If, after investigation, it is deemed that the employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal:

- Theft, fraud, deliberate falsification of company documents
- Fighting, assault on another person
- Deliberate damage to Association property
- Sexual or racial harassment
- Being unfit for work through alcohol or illegal drugs
- Gross negligence
- Gross insubordination

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time the employee will be paid the normal hourly rate. Such suspension is not to be regarded as a form of disciplinary action and will be for as short a period as possible. Any decision to dismiss will be taken only after a full investigation. If the employee is found to have committed an act of gross misconduct, the employee will be dismissed without notice or payment in lieu.

## **Appeals**

If the employee wishes to appeal against any disciplinary decision, the employee must appeal in writing to the Community Association Secretary within five working days of the decision being communicated to him/her. Members of the Management Committee who have not previously been involved in consideration of the matter will hear the appeal and decide the case as impartially as possible. The appeal meeting need not take place before the dismissal or disciplinary action takes effect. The employee will be invited to an appeal meeting and the employee must take all reasonable steps to attend the meeting. The employee may be accompanied at any meeting by a fellow worker of his/her choice or by an officer of a trade union of which the employee is a member, who will have the right to address the interview panel, but not to answer questions on his/her behalf. After the appeal meeting, the Management Committee will inform the employee in writing of its final decision.

## **Grievance procedure**

The Association will resolve employee grievances as quickly and as fairly as possible. This will involve the following procedure:

### *Informal discussions*

If a member of staff has a grievance he or she can first discuss this informally with the Chair of the Association. Hopefully the majority of concerns can be resolved in this manner.

### *Official notification*

If the matter is not resolved it should be raised with the Chair officially in writing. When the Chair has had a reasonable opportunity to consider this, he or she will meet

formally with the member of staff. Subsequently the Chair will respond in writing, which will include notifying the staff member of the right to appeal.

### *Appeal*

If the staff member is not satisfied with the Chair's decision, he or she can appeal in writing to the Secretary of the Management Committee. The staff member will be invited to attend a meeting with members of the Management Committee who have not previously been involved in consideration of the matter. The meeting will take place only if:

- (a) the staff member has informed the Management Committee Secretary of the basis for the grievance in writing; and
- (b) the Management Committee has had a reasonable opportunity to consider its response.

The staff member may be accompanied at this meeting by a fellow worker of his or her choice, or by an officer of a trade union of which the staff member is a member. These people will have the right to address the Management Committee, but not to answer questions on behalf of the staff member. After the appeal meeting, which the staff member must take all reasonable steps to attend, the Management Committee will inform the staff member in writing of its final decision.

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Version 1.2

Agreed at the JCA Management Committee, 12<sup>th</sup> September, 2016

Signed

*Charlotte Christie.*

Charlotte Christie

Chair