

## **The Base General Rules and Disciplinary Procedure**

The Base has an earnest wish to provide a work place where discipline is unnecessary, however, we are adequately aware that regardless of our hopes, problems can arise and in that event, rules and procedures are necessary for the promotion of fairness whenever conduct and behaviour causes concerns between staff.

It is every employee's duty to observe the following general rule and to behave in a reasonable way towards fellow employees, children, parent/carers.

### **General Rules**

- Employees are expected to achieve and maintain a good standard of workmanship and cleanliness and to show a conscientious approach to their job.
- Employees are expected to act wholeheartedly in the interests of The Base at all times. Any conduct detrimental to its interests or its relations with children, parent/carers or general public that may damage the reputation or image of The Base shall be considered to be a breach of The Base rules.
- All authorised notices displayed are expected to be read and observed.
- Employees have an obligation to ensure that they conform to the requirements of the Equal Opportunities Statement, and must not act in a manner which could be considered to be of an unlawful discriminatory nature against fellow employees, children, parent/carers or other people with whom they come into contact with in The Base working hours.
- An orderly and courteous manner must be maintained in front of parent/carers and outside visitors.
- Personal hygiene and appearance must be of an acceptable standard
- Employees at The Base should adopt a high standard of hygiene whilst dealing with food and drink during work time.

- Employees are expected to adopt good time keeping and be punctual at all times
- Employees should be expected to be approached should they have persistent lateness for work or are absent from work consistently and without authorisation.

### **Gross Misconduct**

The following acts are examples of gross misconduct offences and as such may make employees liable to summary dismissal (i.e. dismissal without notice). If an investigation is to take place then a member of staff will be suspended from duties until such a time that the investigation is complete. For investigation procedures please refer to '**Disciplinary Action**' – (Steps 2-3). This list is not exhaustive.

- Smoking in designated non-smoking areas.
- Fighting, physical assault or dangerous horseplay.
- Failure to carry out a reasonable and lawful direct instruction given by a Senior member of staff during working hours.
- Gross insubordination or the use of aggressive behaviour or excessive bad language.
- Theft, wilful damage or negligence that leads to damage to property belonging to The Base or other employees.
- Fraud or any other offence committed against The Base that would be a breach of the law of the land.
- Drunkenness, drug abuse or solvent abuse whilst on duty.
- Consumption of alcohol or non-prescribed drugs on The Base premises.
- Acts of gross negligence or misconduct involving careless or reckless driving.
- Sexual misconduct.
- Breach of safety rule or any action that seriously endangers the Health and Safety of another person whilst at work.
- Deliberately making a false entry in the written records of The Base.

- Unlawful discrimination.
- Receipt of bribes.
- Inaccurate or fraudulent recording of financial transactions.
- Falsification of timesheets.
- Disclosure of confidential information including formulations and processes.
- Breach of safety rules and/or any action which seriously endangers the health or safety of an employee or child, parent/carer whilst at work.
- Knowingly giving false information or deliberately omitting relevant information on the job application form or curriculum vitae.
- Unauthorised access to, or disclosure of, any information from whatever source including any personal data under the Data Protection legislation.
- Criminal offence causing harm to the reputation of The Base or their employees.
- This is not an exhaustive list

### **Disciplinary Procedure**

The purpose of the disciplinary procedure is to outline the recognised and consistent system to deal with any breach or alleged breach of the rules. The objective is to emphasise and encourage improvements in individual conduct. A full investigation will be undertaken into the circumstances of any disciplinary offence, prior to the implantation of any disciplinary action. It maybe necessary, dependent on the nature of the offence to suspend the employee on full pay while the necessary investigations are completed. Any such period of suspension will be as short as possible. The local LADO may also be notified as necessary in line with the NYSCB Guidance provided.

Disciplinary warnings will only be issued once the '3 step procedure' has been followed, in the exception of informal and verbal warnings. In all instances the employee will be given the opportunity to be accompanied by a fellow

employee or a trade union representative. The branch official will be involved if the disciplinary procedure involves a union representative.

A counselling process should precede these, especially when considering capability and time keeping issues.

### **STEP 1**

- 1) The employer must set out in writing the employees alleged conduct or characteristics, or other circumstances, which lead to contemplate dismissing or taking disciplinary action against the employee.
- 2) The employer must send the statement or a copy to the employee and invite them to attend a meeting to discuss the matter.

### **STEP 2**

- 1) The meeting must take place before action is taken, except in the case where the disciplinary action consists of suspension.

Suspension is not to be regarded as a disciplinary sanction prior to the hearing. It is a precautionary measure to protect the integrity of the investigation and the interest of the employee or the employer.

- 2) The meeting must not take place unless
  - a) The employee has received the statement of grounds for action and the invitation to the meeting, and
  - b) The employee has had a reasonable opportunity to consider their response to that information.
- 3) The employee must take all reasonable steps to attend the meeting this meeting should take place as soon as is possible to enable all parties involved in the investigation a speedy conclusion. Minutes will be taken of the meeting and a draft will be shown to all parties before agreed to show a true account of events. A copy of these minutes will be kept on the individual's personal file as a record of events. The employee will be entitled to be accompanied by a representative of

their choice at this meeting (either a Union Rep or an impartial individual).

- 4) After the meeting, the employer must inform the employee of the decision, the reason for it and what is then required of the employee in the future indicating the time period and consequences of any repeat or failure and notify him/her of the right to appeal against the decision if he/she is not satisfied with it.

### **STEP 3**

- 1) If the employee does not wish to appeal, he/she must inform the employer with reasons in writing within an agreed period of time.
- 2) If the employee informs the employer of his/her wish to appeal they must put their grounds for appeal in writing to the Senior Play Worker in the first instance, the employer must invite him/her to attend a further meeting after receiving the written appeals notice from the employee. The employee is once again entitled to be accompanied to the 'Appeals Meeting'.
- 3) The employee must take all reasonable steps to attend the meeting.
- 4) After the appeal meeting the employer must take reasonable steps to investigate the contents of the employees appeal. After this the employer must inform the employee of the final decision, in writing.
- 5) The appeal meeting need not take place before the dismissal or disciplinary action takes effect.

**Allegations against a Senior member of staff** – would be investigated by the Voluntary Management Committee using the same principles set out in the above agreement.

### **DISCIPLINARY ACTION**

Disciplinary action may take one of the following forms (*1&2 may be given without following the procedure*):

- 1) **Informal warning** (following counselling)
  
- 2) **A verbal warning** (*will be given should the individual breach The Base rules and after informal warning*)

A record of the verbal warning will be placed in the employee's personal file giving reason, future requirements, time period and consequences of failure. Usually valid for 6 months.

- 3) **A written warning** (*will be implemented after step 1&2 see above*)

A written warning will be issued to the employee and a copy placed in the employees personnel file giving full reasons, future requirements, time period and consequences of failure. Usually valid for 12 months.

- 4) **A final written warning** (*will be implemented after step 1-3 see above*)

A final written warning will be issued to the employee and a copy placed in the employees personnel file giving full reasons, future requirements, time period and consequences of failure. Usually valid for 12 months.

- 5) **Dismissal**

Dismissal maybe with or without notice depending on the circumstances, for example **gross misconduct**.

**Stages 1-3** will be issued by the Senior Play Worker.

**Stage 4** will be issued by the Senior Voluntary Management Committee member

**Stage 5** will be issued by the Senior Voluntary Management Committee member and Senior Play Worker.

Employees are entitled to appeal against any disciplinary decision taken against them. Please see step 3 for details.

At any time during the first 12 months of employment, disciplinary action including dismissal may be taken without resort to this disciplinary procedure (*see employment rights within the first year of employment*).

**Signed** \_\_\_\_\_ **(Manager)** \_\_\_\_\_ **(Date)**

**Signed** \_\_\_\_\_ **(Chairperson)** \_\_\_\_\_ **(Date)**