

THE GIRLS BRIGADE IN SCOTLAND (the “Employer” or “GBS”)

DISCIPLINARY POLICY AND PROCEDURE

1 Purpose and Scope

This procedure is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct and job performance. The aim is to ensure consistent and fair treatment for all employees of the Employer.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

No part of this policy applies to volunteers. Volunteers will be managed in accordance with GBS's Managing Volunteers Policy.

2 Principles

- The procedure is designed to establish the facts **promptly** and to deal **consistently** with disciplinary issues.
- The employee will be advised in writing of the nature of the complaint against them and will be given the opportunity to **state their case** before any decision is made.
- The employee will have the right to be **accompanied** by a certified trade union representative, an official employed by a trade union or a work colleague during the disciplinary meeting and any appeal hearing.
- No employee will be dismissed for a first breach of discipline, except in the case of **gross misconduct**, when the penalty may be dismissal without notice or payment in lieu of notice.
- An employee will have the right to **appeal** against any disciplinary decision or penalty imposed.

3 The Procedure

Minor cases of misconduct or unsatisfactory performance will normally be dealt with informally, but where the matter is more serious, the following procedure will normally be adopted:

3.1 *Confidentiality*

The Employer's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

The employee, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

The employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless we believe that a witness's identity should remain confidential.

3.2 *Investigation*

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The Employer will carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. This could include, for example, the collation of evidence or, in some cases, the holding of an investigatory meeting.

3.3 *Suspension*

An employee may be suspended from work on full pay while the Employer investigates an alleged act of misconduct or poor performance. The period of suspension shall be as brief as the Employer deems appropriate and kept under review. Suspension is not a disciplinary action or sanction.

3.4 *Criminal Allegations*

Where conduct is the subject of a criminal investigation, charge or conviction the Employer will investigate the facts before deciding whether to take formal disciplinary action.

The Employer will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Employer may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Employer considers that it is relevant to your employment.

3.5 *Inform the Employee*

Following an investigation, if it is decided there is a disciplinary case to answer, the employee will be notified of this in writing. The notification will contain sufficient information about the alleged misconduct and/or poor performance and its possible consequences to enable the employee to prepare a case to answer at the disciplinary meeting. The notification will also contain details of the time, date and venue at which the disciplinary hearing will be held and details of the employee's right to be accompanied.

If the employee has difficulty at any stage of the disciplinary procedure because of a disability or for some other reason, they should discuss the situation with their normal contact in the organisation or an appropriate person as may be determined by the Chief Executive as soon as possible.

3.6 *Disciplinary Meeting*

The meeting will be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case. All parties, including the employee's companion, should make every effort to attend the meeting. At the meeting, the representative of the Employer will explain the complaint against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. The employee will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses and be given an opportunity to raise points about any information provided by witnesses. Where the Employer or the employee intends to call relevant witnesses they should give advance notice of their intention to do so. The Employer may adjourn the disciplinary hearing if needed to carry out any further investigations.

3.7 *Decide on Appropriate Action*

After the meeting, the representative of the Employer will decide whether or not disciplinary

action is justified and notify the employee of this in writing. Forms of disciplinary action that may be taken are provided below. The employee will be informed of their right to appeal in writing.

3.8 *Appeal*

An employee who wishes to appeal against any disciplinary action imposed must do so in writing within five working days of receipt of notification of the disciplinary action, clearly stating the grounds for the appeal. The employee will then be invited to a meeting by the Employer to consider the appeal without unreasonable delay. Appeals will be heard by the National President or such other person as they may nominate at their discretion. Within a reasonable period after the appeal meeting, the employee will be informed of the decision. The decision of the appeal manager hearing the appeal is final. There is no further right of internal appeal.

4 Disciplinary Action

4.1 *Written Warning*

Where misconduct or poor performance is confirmed, the employee will normally be given a written warning. This warning will set out the precise nature of the misconduct or poor performance and will specify what change in behaviour or improvement in performance is required and over what period. The written warning will be retained on the employee's personnel file, but will be considered to have expired after 12 months in the absence of further misconduct or upon a satisfactory improvement in performance within the specified time limit. The employee will also be told of the likely consequences of further misconduct or poor performance.

4.2 *Final Written Warning*

If the misconduct or poor performance is sufficiently serious, if there is a failure to change behaviour or improve performance over the required period or if a further offence occurs whilst a previous warning remains 'live', a final written warning may be given. The warning will set out the precise nature of the misconduct or poor performance or the failure to improve giving rise to the warning. If appropriate, the warning will state what improvement in performance is required and over what period. The final written warning will be retained on the employee's personnel file, but will be considered to have expired after 12 months in the absence of further misconduct or upon a satisfactory improvement in performance within the specified time limit. The final written warning will contain a statement that any recurrence of misconduct or failure to improve within the time limit specified could lead to dismissal.

4.3 *Dismissal*

If the misconduct or poor performance is sufficiently serious or if there is no satisfactory improvement in conduct or performance over the required period, dismissal may result. The employee will be informed of the reasons for their dismissal, the date on which their employment will terminate and their right of appeal.

4.4 *Summary Dismissal*

This means dismissal without notice or payment in lieu of notice and will normally be the disciplinary penalty imposed where the employee is found to have committed gross misconduct. This penalty will only be imposed after the conclusion of a disciplinary hearing. The employee will be informed of the reasons for their dismissal, that their employment is terminating with immediate effect, and their right of appeal.

5 Examples of Gross Misconduct

The following is a non-exhaustive list of examples of offences, which may, depending on the relevant circumstances, amount to gross misconduct and could result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal):

- Theft, fraud, or dishonesty;
- Falsification of Employer records (including self-certification of absence forms);
- Failure to comply with relevant statutory or regulatory requirements;
- Serious insubordination;
- Serious misuse of the Employer's property or name;
- Violent, abusive or intimidating conduct;
- Deliberate damage to Employer property;
- Unlawful discrimination, victimisation or harassment;
- Bringing the organisation into serious disrepute;
- Breach of the Employer's Equal Opportunities policy;
- Unauthorised use or disclosure of confidential information;
- Attending work under the influence of alcohol or non-medically prescribed drugs;
- Reckless or serious misuse of an Employer vehicle;
- Rudeness to members;
- Any action likely to bring the Employer into disrepute;
- Sleeping on duty;
- Breach of Health and Safety rules which endanger the health and safety of others;
- Failure to disclose correct information on your application form;
- Conviction for any serious criminal offence while an employee of the Employer.