

**RENFREWSHIRE YOUTH VOICE  
DISCIPLINARY POLICY  
DRAFT VERSION**



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# INTRODUCTION

## 1. Introduction

- 1.1. The purpose of this policy is to ensure that members of the organisation behave in a way that upholds the values of the charity. This document has been created in order to ensure that anyone going through this process is treated equally and is given opportunity to contest any accusations brought against them.
- 1.2. This course of action is only to be used as a last resort, it is intended as a final measure for individuals who have failed to improve to the standard expected of our office holders. It may also be used in the case that the individual's conduct has been serious enough to warrant immediate formal action.
- 1.3. This policy only applies to office holders within the organisation, i.e. members of the board, staff, and trustees of the organisation. Normal members of the organisation can have their membership revoked as laid out in the constitution, however, this does not apply to board members.
- 1.4. This policy does not replace votes of no confidence, votes of no confidence will take priority in the eventuality that the individual is subject to both a disciplinary action and a vote of no confidence at the same time. Disciplinary action will not be taken against the individual if they resign as a result of the vote of no confidence, or of their own accord prior. Unless, it is deemed unanimously by the board of trustees - excluding any with declared interests - that a disciplinary action is necessary to uncover information which may be deemed essential to the charity - for any reason.



# PRINCIPLES

## 2. Principles

- 2.1. Where appropriate we will consider informal action before using the formal procedure.
- 2.2. This procedure may be implemented at any stage if the office holder's alleged misconduct warrants it.
- 2.3. In the eventuality of formal action, the individual will be informed of the nature of the complaint and an investigation will be undertaken, there may then be a disciplinary hearing if deemed necessary.
- 2.4. If formal action is brought against an individual they may choose to be accompanied by a trade union representative or another member of the charity throughout the formal stages of the procedure.
- 2.5. Before a disciplinary hearing, the individual in question will be provided written copies of evidence and relevant witness statements.
- 2.6. Appeals may be made against any formal disciplinary action.
- 2.7. All information will be retained on a confidential basis.
- 2.8. If an individual raises a grievance against any disciplinary action in relation to them, they must first wait until the conclusion of any disciplinary action currently being taken against them unless it is deemed appropriate to hear the grievance first by the trustee chairing the hearing. Due consideration will be given as to whether in these particular circumstances the grievance should be dealt with before proceeding with the disciplinary matter and/or whether another trustee should deal with the disciplinary case. Where it has been decided to deal with the disciplinary matter first, any penalty from the disciplinary hearing is normally confirmed after the grievance has been heard.



- 2.9. Where the employee has taken out a grievance against the complainant, and it has been decided to hear the grievance first, the formal letter of notification of a disciplinary hearing will be sent within five working days of the outcome of the grievance procedure. If, in light of the grievance outcome, it is decided not to proceed with the disciplinary hearing, the employee will be informed within five working days.
- 2.10. This policy and procedure is not appropriate for issues of capability or poor performance.



# GROSS MISCONDUCT

## 3. Gross Misconduct

3.1. An allegation of gross misconduct is very serious. It represents a fundamental breach of the contractual relationship between the individual and the charity, this potentially justifies summary dismissal (without notice).

3.2. If the investigation confirms an individual has committed an offence of gross misconduct, the normal consequence will be immediate dismissal.

3.3. The following are some examples of gross misconduct, this list is not exhaustive

3.3.(a) Theft ( Including lying about hours worked )

3.3.(b) Gross negligence

3.3.(c) Serious insubordination

3.3.(d) Physical Violence

3.3.(e) Damage to property

3.3.(f) Incapability brought on by the consumption of alcohol or drugs

3.3.(g) Conviction of a criminal offence that is relevant to the individual's position

3.3.(h) Discrimination of another person on the grounds of sex, sexual orientation, race, disability, age or religion or belief

3.3.(i) Bringing the organisation into serious disrepute

3.3.(j) Possession, custody or control of illegal drugs on the charity's premises

3.3.(k) Falsification of records

3.3.(l) Any other serious breach of the member or trustee's conduct (as appropriate) as laid out in the constitution

3.3.(m) Breach of the Bribery Act 2010

3.3.(n) Failure to disclose any substantial interest



# **REPRESENTATIVES OF RECOGNISED TRADE UNIONS**

## 4. Representatives of Recognised Trade Unions

- 4.1. Should any investigation or disciplinary hearing involve a representative from a recognised trade union, a full time official of that union will normally be notified with the permission of the individual in question.

# **CRIMINAL CONVICTIONS AND POLICE INVOLVEMENT**

## 5. Criminal Convictions and Police Involvement

- 5.1. If any individual is charged, arrested for, or convicted of a criminal offence, it need not necessarily in itself be reason for disciplinary action. However, the charity may choose to suspend the individual for unsuitability due to the charity's work with young people and children, or for bringing the charity into disrepute.



# INFORMAL ACTION

## 6. Informal Action

- 6.1. Informal action may be taken in the case of minor misconduct. Every effort will be made by the charity to avoid formal disciplinary action, minor lapses in the standards expected of an office will often be discussed with the individual privately with the chairperson or trustee of the organisation.
- 6.2. The chairperson or trustee will let the individual know that their conduct is unsatisfactory and make them aware of the standards expected without recourse to formal procedure
- 6.3. If deemed necessary an action plan may be created at this point to monitor the work of the individual in question to ensure standards are met. If the matter has been dealt with by the chairperson up until this point, a trustee should be brought in to assist in this stage of the process. This action plan should be kept confidentially between the individual and the trustee and chairperson if appropriate, and a timescale should be set to discuss of the improvement of the individual. If the required standards still fail to be met, formal action may be brought against the individual in question.



# INVESTIGATION

## 7. Investigation

- 7.1. Before any formal action is pursued, an investigation must be undertaken into the allegation(s) levied against the individual, this may take into account any statements from witnesses as appropriate.
- 7.2. The investigation should be conducted by a trustee of the organisation, trustees should follow guidance regarding declarations of interest and suggest another trustee take their place if appropriate. The individual should be informed of the decision to start an investigation into them.
- 7.3. During the investigation the trustee may wish to interview other staff members, board members, or members of the charity, these individuals are entitled to be accompanied should they so desire.
- 7.4. Witness testimony are to be given voluntarily and their statements should be agreed with the trustee.
- 7.5. Proceedings should be kept confidential in order to ensure fairness.
- 7.6. The trustee may decide that no further action is necessary, in this case they write to the individual in question to confirm that this is the case.
- 7.7. The trustee may also decide that formal action is considered necessary and should therefore follow procedure below.

# SUSPENSION

## 8. Suspension

- 8.1. Suspension is not to be considered an indicator of guilt. Individuals involved with the allegations may be suspended with any pay they would normally receive. If alternative working arrangements are possible, they should be considered. The length of this suspension should be confirmed to the individual in writing and it should be kept under review by the board of trustees as appropriate.



# DISCIPLINARY HEARING

## 9. Disciplinary Hearing

- 9.1. If there are reasonable grounds to believe an individual may have committed misconduct following an investigation, a disciplinary hearing will be called. The individual is normally required to attend this, but can waive this right. All information provided at this hearing is to be kept confidential.
- 9.2. The lead trustee will chair the hearing whenever possible, otherwise another trustee will chair the hearing. A note taker, relevant witnesses, up to two other trustees and the chairperson of the organisation are entitled to be present. At least one trustee must remain uninvolved entirely in the process in case an appeal is made.
  - 9.2.1. Should the lead trustee or chairperson of the organisation be the subject of the disciplinary hearing, their positions in the hearing should be replaced by a trustee and the vice chair respectively. In the case there is no vice chair, the board should conduct a vote to nominate a board member to serve on the hearing.
- 9.3. The individual will be given at least one week's notice of the hearing. They will be sent a letter detailing the individual's alleged misconduct or behaviour which has led the charity to consider taking disciplinary action against the individual. Included with this should be copies of any witness statements and an investigation report written by the trustee leading the investigation.
- 9.4. Every effort will be made to support the individual at the hearing, if necessary alternative venues can be sought in the case of accessibility needs.
- 9.5. The individual is able to reschedule the date of the hearing with consent of the trustee investigating the issue, only once. If the individual does not attend, a decision will be made on the evidence already gathered and the individual will be informed of the decision by writing.
- 9.6. During the hearing the individual should be given the opportunity to set out their case, go through any evidence presented, ask questions, present their own evidence, and call any relevant witnesses. They should be given an opportunity to raise points following the testimony of any witness statements. The chair should be notified of intention to call any witness so suitable arrangements can be made

- 9.7. The decision of guilt should, where possible, be made by the chairperson of the organisation, the lead trustee and at least one other trustee. The decision should be communicated to the individual in writing at following the end of the hearing.
- 9.8. The chair may adjourn the meeting at any point if they deem that further investigation is necessary.



# ACTION FOLLOWING A HEARING

## 10. Action following a hearing

### 10.1. Written Warning

10.1.1. A written warning will be issued if the seriousness of the offence is not sufficient to warrant further punishment, but it remains serious enough that it cannot be dealt with through informal means. If insufficient improvement is seen the individual may then be issued a final written warning. We will keep a copy of this warning, however, after 6 months of satisfactory conduct it will be disregarded.

### 10.2. Final Written Warning

10.2.1. The final written warning will give a detailed explanation of the issues found with the conduct of the individual, it should include timescales of when improvement must be achieved by and informs the individual that should this not be met or should they receive any further written warnings, they will likely be dismissed. A copy of this will be kept for the remainder of the time the individual is involved with the charity and will be considered in all future disciplinary procedure.

### 10.3. Dismissal

10.3.1. Dismissal for gross misconduct will occur immediately without notice, any other dismissal will, if applicable, include the contractual notice for dismissal. In the case a board member or trustee is dismissed, they will be given one week of notice.

10.3.2. If dismissal occurs, the board should meet to discuss the replacement of that individual in their office

# APPEALS

## 11. Appeals

- 11.1. Appeals must be made within one week to the board of trustees. These must be done in writing
- 11.2. Appeals must clearly state the basis for the appeal, and must state if there is any additional evidence to be considered.
- 11.3. Upon receiving an appeal request a hearing will be convened and all normal hearing procedure applies, although the board involved in dealing with the procedure will consist of a new set of trustees. In the eventuality that we do not currently have more than 3 trustees, alternative staff members may be nominated by Renfrewshire Council Youth Services to serve on this board.

# DATA PROTECTION

## 12. Data Protection

- 12.1. As part of this process we may store information regarding individuals being investigated, all individuals have agreed to the storing of this data and it will all be kept confidentially. Inappropriate access to this information constitutes a data breach and should be reported immediately.

