

Model employee disciplinary procedure for a co-operative

1. Introduction

The purpose of a disciplinary procedure is to help and encourage all employees of the co-operative to achieve and maintain required standards of conduct and work performance. The aim is also to ensure that the co-operative's services are maintained and effective while all staff are treated fairly and equitably.

This procedure deals with individuals as employees of the co-operative and in this instance it is important to distinguish between the role of an employee and that of a member of the co-operative. A separate policy should be drawn up that deals with breaches of a co-operative's membership agreement.

It is essential to have disciplinary and grievance procedures written down so that everyone is clear about what is required. All new employees should receive a copy or know where they can get a copy of the procedures within 8 weeks of starting their employment.

This disciplinary procedure does not need to be part of the contract of employment, which makes it easier to change it over time according to the needs of the co-operative. However, it is important to refer to the existence of this procedure and where a copy can be obtained – if not attached as an appendix to the contract.

In appropriate cases of minor misconduct or unacceptable performance or behaviour, managers should use informal action before formal disciplinary action is taken. This may include setting clear targets and expectations, monitoring progress over a reasonable time period and providing additional coaching or training.

Line managers must ensure that their staff are aware of general and specific rules, standards and procedures covering work and conduct. Employees must familiarise themselves with these standards and procedures that follow them.

The disciplinary procedure should be regularly reviewed to make sure it is relevant and effective and for the governing body and managers to receive training on how the procedure should be followed. Employers should comply with the ACAS Code of Practice for disciplinary and grievance procedures which can be downloaded from www.acas.org.uk/dgcode2009 failing to comply with these procedures could result in the employer having to pay an increased award at an employment tribunal.

2. General Principles

- No disciplinary action will be taken against an employee until the case has been promptly and fully investigated. When starting an investigation into an allegation of misconduct or poor performance there shall be no assumption that disciplinary action will automatically follow.
- Employees will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice and without payment in lieu of notice.
- At every stage in the procedure the employee will be advised of the nature of the complaint and given access to all relevant evidence.
- Employees will be given the opportunity to state his or her case before any decision is made.
- At all stages the employee will have the right to be accompanied by a trade union representative or a fellow employee.

- Disciplinary proceedings, witness statements and records relating to disciplinary proceedings must be kept confidential.
- The co-operative may implement the procedure at any of the stages set out below depending on the seriousness of the misconduct or poor performance in question.
- Where the co-operative is investigating serious misconduct the employee may be suspended from work on full pay. Such suspension will be for as short a period as possible, to allow an investigation to be conducted. Suspension in such circumstances will not be regarded as an indication of presumed guilt.

3. Who is authorised to take disciplinary action?

Line Manager: Information action/first warning or improvement note/final warning

Chief Executive or Chair of the Board or other designated Director or Directors: dismissal

[Include option for the appointment of a disciplinary panel]

4. The procedure

If informal action fails to achieve the required improvement in performance or behaviour then this procedure is followed and applies to all employees once their probationary period is completed.

a. Invitation to a disciplinary meeting

Following an investigation the employee should, without unavoidable delay, be given a letter detailing the allegation, the possible consequences and inviting them to a disciplinary meeting. The letter should be accompanied by copies of all documentation and supporting evidence to be presented at the meeting to provide the employee with reasonable opportunity to consider their response to that information. If possible, the meeting shall be held within 5 days of the date of the letter. The letter should state that the employee has the right to be accompanied by a trade union representative or work colleague at the meeting. You should also consider whether any reasonable adjustments are required for disabled employees, such as allowing a support worker or sign language interpreter to attend the meeting.

b. Disciplinary meeting

No disciplinary action will be taken until the meeting has taken place. If an employee fails to attend a disciplinary meeting, the co-operative should try and re-arrange the meeting at least one more time. If the employee continues to be absent but has a good reason such as sickness, it would be good practice to be more flexible about rearranging the meeting more than once, if possible, or an offer could be made to hold the meeting at a place or time more convenient to them, or allow them to provide their response in writing or via their representative.

Where possible a note taker, who must be uninvolved in the case will take down a record of the meeting.

The line manager (or person or persons authorised to take disciplinary action) should open the meeting with an explanation of its purpose and will read aloud the allegations.

If there are any witnesses, they should not be present throughout the meeting. They should be called in, one by one, to give evidence and asked to leave once they have done so.

The employee and their representative can ask questions including of any witnesses called.

The line manager (or person or persons authorised to take disciplinary action) will then ask the employee if they wish to take the opportunity to respond to the allegations or concerns or if

there are any mitigating circumstances to be taken into account. The line manager (or person or persons authorised to take disciplinary action) may question the employee and any witness called.

The line manager (or person or persons authorised to take disciplinary action) will summarise the main points of the discussion and ask the employee if they have anything further to say.

The line manager (or person or persons authorised to take disciplinary action) will then consider the details heard in private. They must decide whether the case against the employee has been established on the balance of probabilities, (ie) whether the misconduct is confirmed or the employee's performance is found to be unsatisfactory.

If this is the case when they are considering appropriate disciplinary action, they should consider any special mitigating circumstances, the employee's previous disciplinary or performance record, how the co-operative has dealt with similar cases in the past and whether the proposed action is reasonable in view of all the circumstances.

The line manager (or person or persons authorised to take disciplinary action) shall give the employee written confirmation of the decision, normally within five working days of the meeting. This will include notifying the employee of their right of appeal and the procedure to be followed.

c. Disciplinary Action

Following a decision to take action at a disciplinary meeting, one of the sanctions set out below may be applied:

i. Stage 1 – Written Warning

If conduct does not meet acceptable standards, the employee will normally be given a written warning by their supervisor/line manager. They will then be advised of the reason for the warning – that it is the first stage of the disciplinary procedure – and of their right to appeal. A copy of this written warning detailing the complaint, the change in behaviour required and the dates for review will be kept in the employee's personal file but will be disregarded for disciplinary purposes after a specified period.

OR

Improvement Note for Unsatisfactory Performance

If performance does not meet the acceptable standards the employee will normally be given an improvement note by his/her supervisor/line manager. The employee will be advised of the reason for the note and of their right of appeal. A copy of this note detailing the performance problem, the improvement required, the set timescale for improvement and the dates for review will be kept in the employee's personal file but will be considered spent after a specific period – subject to achieving and sustaining satisfactory performance.

ii. Stage 2 – Final Written Warning

If performance is still unsatisfactory or if a further misconduct occurs, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warnings), the employee will be given a final written warning. This will give details of the complaint, the improvement required, the set timescale for improvement and dates for review. It will warn that dismissal may result if there is no satisfactory

improvement and will advise of the right of appeal. A copy of this final written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months (in exceptional cases this duration may be longer) subject to achieving and sustaining satisfactory conduct or performance.

iii. Stage 4 – Dismissal

If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, or if the offence constitutes gross misconduct, dismissal will normally result. The employee will be provided as soon as reasonably practicable with written reasons for dismissal, the date on which their employment will terminate and be advised of the right of appeal.

d. Appeal

An employee may appeal against the decision of the disciplinary meeting taken under this procedure to the Chair of the Board (or if the Chair has already been involved in an earlier stage of the procedure to the Vice-Chair); or

where a co-operative has developed an Appeals Panel, the appeal may be made to this panel;
or

the co-operative may call a general meeting to hear the appeal of the employee.

The employee wishing to appeal against a disciplinary decision, must do so in writing within five working days of receiving written notification of the disciplinary action, stating the reason for the appeal. Any documents submitted in support of the appeal must be attached.

An appeal meeting should be held without unavoidable delay. The Appeals Panel (or the General Meeting) should investigate the application and advise the employee of the decision in writing.

The decision of the Appeals Panel (or General Meeting) is final.

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