



Disciplinary Procedure

For Staff on their Probationary Period

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Purpose

The maintenance of satisfactory standards of work and conduct are essential if Fair Deal is to maintain good standards of service provision and ensure the wellbeing of staff and people who use Fair Deal' services. The purpose of the disciplinary procedure is to provide a framework within which fair disciplinary action can be taken by Fair Deal.

This procedure is applicable to all employees from their first day of employment up to the end of their probationary period which is normally 6 months but which may in exceptional circumstances be extended to 9 months. Thereafter, the standard Fair Deal disciplinary procedure for employees who have completed a successful probationary period will apply unless the probationary period has been extended in which case this policy applies.

Principles

The following principles will apply in the operation of the Disciplinary Procedure:

- a) The most important objective of the disciplinary procedure is to encourage an employee whose conduct or standard of work performance is unsatisfactory to raise his/her standards of work to a satisfactory level, as per standards required by Fair Deal. Further Information can be found in Fair Deal's Conditions of Service.
- b) No decision on disciplinary action will be taken until there has been a full investigation of the facts, including giving the individual the opportunity to state his/her point of view.
- c) At each formal stage of the disciplinary procedure a staff member will have the right to be accompanied by a fellow employee or trade union representative.

Offences

Fair Deal accepts that no set of rules can cover all the circumstances concerning discipline or performance of duties. However, as a general guide breach of rules are divided into two categories:

Offences:

Examples of an offence are:

- Insubordination
- Regular late coming
- Pattern of absenteeism without justifiable reason
- Incompetence
- Culpable negligence

Serious offences which could result in instant dismissal:

- Gross Insubordination
- Theft or unauthorised removal of property from Fair Deal's premises
- Violence at work
- Possessing or taking alcohol or drugs at workplace or reporting for work under the influence of alcohol or drugs
- Gross negligence or malpractice
- Gross insubordination, refusing to obey reasonable instruction, leaving the workplace during work hours without authority

The examples given above should not be regarded as exhaustive but are only intended to act as a guide for staff.

Disciplinary Process During Probationary Period

First Stage

Informal action:

In the event of unsatisfactory conduct, performance or attendance, this will be discussed with the employee during the support and supervision meeting and recorded within the support and supervision notes, signed by the employee. If the employee refuses to sign the minute, this will be noted.

Second Stage

Formal action:

If an employee's conduct, performance, or attendance shows no improvement, or if a further offence occurs, an enquiry will be held. The employee, his/her immediate line manager, or member of the Senior Management Team will attend this enquiry, which will be a formal meeting, to which the employee will receive a letter of invitation and will be entitled to be accompanied by a colleague or a trade union representative. The letter will state the allegations and the employee will also be entitled to copies of all evidence considered in the case. Following the formal meeting the panel may decide to dismiss the employee. The outcome of the meeting will be confirmed in writing.

Appeal

Following formal disciplinary action being taken by Fair Deal an employee may lodge an appeal within 5 working days. The appeal should be lodged by the employee to the Chief Executive of Fair Deal, in writing, setting out the grounds for the appeal. In turn we will ensure that an appeal meeting is arranged within a further two weeks. If possible, a person or persons who have had no direct involvement in the disciplinary action being appealed will hear the appeal. We will write to you after the hearing confirming our decision on your appeal. Employees should note that an appeal hearing is not intended to repeat the detailed investigation of the disciplinary hearing, but to focus on specific factors which the employee feels have been dealt with unfairly or which have received insufficient consideration, such as:

- an inconsistent, inappropriate, or excessively harsh penalty
- extenuating circumstances
- bias of the disciplining manager
- unfairness in the conduct of the hearing
- new evidence subsequently coming to light

Where an appeal against dismissal fails, the effective date of termination will be the date on which the employee was originally dismissed.

End Of Policy

Document Information

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Amendment History

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