

PORTCHESTER CREMATORIUM JOINT COMMITTEE

DISCIPLINARY PROCEDURE

Scope and Application

The Joint Committee's disciplinary procedure applies to all employees of the Joint Committee including part time and temporary employees. The formal procedures outlined in this document will be conducted without undue delay by the Crematorium Manager and Registrar or, in appropriate circumstances, the Clerk to the Joint Committee. **Every individual has the right to be accompanied by a trade union representative or colleague at any point during the formal disciplinary process.** Appropriate confidentiality will be observed regarding proceedings, witness statements and records pertaining to the formal disciplinary process.

All stages within this procedure will be carried out within a reasonable timescale. Investigations of offences will be carried out within 3 working days of the offence occurring. Letters of warning will be sent out within 5 working days of completion of any investigations or hearings. Hearings will be convened at mutually agreed times and dates to allow for all parties to attend but should be within 10 working days if possible.

At Stage 1.1 the Line manager will be the Crematorium Manager and Registrar. If this post is the subject of the disciplinary proceedings the Clerk will investigate and initiate proceedings up to Stage 2.0 at which point two other chief officers¹ will continue any action.

These procedures have been formulated with the benefit of guidance from ACAS.

The following is a list of offences that may result in disciplinary action, however this list is not exhaustive:

MINOR MISCONDUCT

- Poor timekeeping including excessive breaks
- Absenteeism
- Failure to comply with the Joint Committee's Leave and Sickness Policy regarding notification of absence
- Failure to keep records where required to do so

MORE SERIOUS MISCONDUCT

- Bullying or harassment
- Negligence which may result in loss or damage to property
- Insubordination
- Unreasonable refusal to carry out an instruction which is compatible with the individual's job description and which would be seen to be in the Joint Committee's interests

¹ Throughout all stages of this procedure any reference to 'chief officer' shall mean the Clerk, Treasurer, Engineer and Surveyor, Horticultural Consultant and their deputies

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- Failure to observe Joint Committee rules, regulations or procedures as laid out in the staff manual, byelaws etc
- Misuse of the Joint Committee's property or name

GROSS MISCONDUCT

- Unauthorised removal, possession or theft of property
- Fraud, including false accounting
- Misuse of the internet for accessing, downloading or being in possession of offensive material
- Acts of violence including fighting, assault or using threatening behaviour
- Serious incapacity through alcohol or being under the influence of illegal substances

All incidents of misconduct will be fully investigated before action is commenced. Certain acts of gross misconduct may result in the employee being placed on precautionary special leave (suspension) whilst investigations are undertaken. The employer may in such cases proceed directly to Stage 3.

1.0 Disciplinary Procedure – Stage 1

- 1.1 Informal Warning Where an employee is not performing their duties satisfactorily or his/her conduct is causing concern to their line manager an informal meeting will be arranged to discuss the issue. This informal meeting will be between the Line manager and the employee. A note of the meeting will be taken detailing the date of the meeting, the issues discussed and any action required. The note must be countersigned by the employee as a true record of the meeting and will then be kept on a separate file in the personnel filing cabinet for a period of 6 months.

If the offence is sufficiently serious this step may be omitted and action will be taken as detailed in step 2.1.

2.0 Disciplinary Procedure – Stage 2

- 2.1 Formal Warning If the informal warning given at 1.1 above proves ineffective or the offence warrants a more formal approach the employee will be invited to attend a meeting with the Line manager (the Manager and Registrar) and the Deputy Clerk to the Joint Committee. The employee will be informed in writing of the grounds for the meeting, the format of the meeting and possible action that may result from the meeting. The employee is entitled to be accompanied by a colleague or trade union official. An investigation will normally be undertaken prior to the issue of a written warning and that investigation

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may comprise of the meeting referred to in this paragraph although normally an investigation will comprise other elements in addition.

- 2.2** Following the meeting a letter will be sent setting out the details of the offence, the action required to correct the situation and the timescale for improvement. The employee will also be advised of what the next stage of disciplinary action will be should any misconduct continue. This letter will be considered to be the “first written warning”. Two copies of the letter will be sent to the employee so that one may be passed to their representative. A copy of the letter will be placed on the file and kept for a period of 1 year.

If the offence is sufficiently serious step 2.2 may be omitted, action will then be taken as detailed in step 2.3.

- 2.3** Final Written Warning If no improvement results from a first written warning or the initial misconduct is sufficiently serious then a final written warning will be issued. If the final written warning is the first step in the disciplinary procedure a full investigation will be carried out prior to any action being taken. The employee will be invited to a hearing to be conducted by either the Crematorium Manager and Registrar or Clerk to the Joint Committee depending on who conducted any previous hearing under 2.1 above together with one other Chief Officer unconnected with the case. The employee is entitled to be accompanied by a colleague or trade union official. If the offence is deemed to be sufficiently serious the employee may be placed on precautionary special leave prior to the hearing. Following the hearing the employee will be informed of the outcome in writing. This letter will be considered to be the “final written warning”. The letter will set out the details of the offence, any previous warnings issued and what must be done to rectify the situation. The employee will be advised that failure to comply may result in dismissal and that he/she may appeal against the warning. Two copies of the letter will be sent to the employee so that one may be passed to their representative. A copy of the letter will be placed on the file and kept for a period of 1 year.

Any appeal must be lodged in writing within 10 working days. If an appeal is lodged it will be heard by an Appeals Sub Committee.

- 2.4** If all of the above steps fail to result in an improvement in behaviour then the procedure will progress to stage 3.0.

3.0 Dismissal Procedure – Stage 3

- 3.1** Written Statement The Crematorium Manager and Registrar or other appropriate Chief Officer will prepare a written statement setting out the

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allegation, any previous action already taken as set out above and details of the next stage to be undertaken. The statement will also detail any investigations undertaken. A copy of the statement will be sent to the employee and a hearing convened to discuss the matter.

- 3.2** Hearing The hearing will be convened at a mutually agreed date to give the employee sufficient time to consider the contents of the written statement and to arrange for a union representative/colleague to attend.

Following the hearing the Crematorium Manager & Registrar/Chief Officer will inform the employee of the result and give details of the appeal process.

- 3.3** Appeal The employee must inform the Crematorium Manager & Registrar/Chief Officer that he/she wishes to appeal in writing within a reasonable time following the hearing. An appeal hearing will then be convened. The employee will have the right to be accompanied by a union representative/colleague. The appeal will be heard by an Appeals Panel of the Joint Committee and not the Chief Officer who conducted the previous hearing. The Appeals Panel will hear all the details of the offence, previous steps taken and call witnesses as appropriate.

4.0 Gross Misconduct

- 4.1** Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. But a fair disciplinary process will be followed, before dismissing for gross misconduct
- 4.2** Examples of acts of gross misconduct include: theft or fraud, physical violence, gross negligence or serious insubordination.
- 4.3** Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the employer will make a decision on the evidence available.

Following an appeal the employee will be informed of the decision of the Appeals Panel in writing by the Chairman of the Panel. The decision of the Panel will be final.

In rare cases it may be unavoidable that both Grievance and Disciplinary proceedings overlap. The appropriate procedures will be followed in all cases and one will not prejudice the outcome of the other.