

DISCIPLINARY AND DISMISSAL PROCEDURES

GENERAL PRINCIPLES

1. The following general principles will apply to both the disciplinary, dismissal and grievance procedures
 - Each step and action will, as far as reasonably practicable, be taken without unreasonable delay.
 - Whenever the employee is invited by CHPC to attend a meeting, the employee must take all reasonable steps to attend.
 - At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or a work colleague of his/her choice and you must tell the person with overall conduct of the process who your chosen companion is in good time before the hearing. If your companion is unable to attend any such meeting you may suggest an alternative date, provided it is within 5 working days of the original date.
 - Meetings will be conducted in a manner that enables both CHPC and the employee to explain their case.
 - For appeal hearings following a decision, CHPC will as far as reasonably practicable, be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

DISCIPLINARY AND DISMISSAL PROCEDURES

PURPOSE

2. The Disciplinary and Dismissal procedures are designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. CHPC rules and these procedures apply to all employees. The aim is to ensure consistent and fair treatment for all in CHPC.

PRINCIPLES

3. No disciplinary action will be taken against an employee until the case has been fully investigated.
4. CHPC may suspend an employee with or without pay while an investigation takes place. Such a suspension will be reviewed as soon as is reasonably practicable.
5. An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct (when the penalty may be dismissal without either notice or payment in lieu of notice).
6. Misconduct will generally fall into one of two categories, namely "general" misconduct (in respect of which the general disciplinary action procedure described below will apply) and "gross" misconduct, which is of so serious a nature that it justifies instant dismissal for a first offence.
7. Listed below are examples which would normally be considered to be either general misconduct or gross misconduct. However, it should be recognised that neither list can be regarded as complete to meet every case, and also that action described as general misconduct may amount to, and be treated as, gross misconduct if the circumstances or the manner of the misconduct are such as to warrant serious disciplinary action. These lists should be regarded therefore as being illustrative rather than exhaustive.

Examples of “gross” misconduct:

8. Summary dismissal (dismissal without notice or pay in lieu of notice) may be necessary in cases of gross misconduct.
9. For guidance, the following are examples of the offences which may be regarded as gross misconduct and will normally result in summary dismissal. It is emphasised that this is not an exhaustive list: -
 - Unauthorised use or disclosure of confidential information or business matters relating to the CHPC, its clients, permanent and/or temporary workers or job applicants.
 - Acts of violence, including physical assault; unlawful discrimination or harassment; incapability at work brought on by alcohol; taking of non-prescribed drugs in such a way as to impair the ability to carry out work; conduct of any kind which endangers the health and safety of others.
 - A criminal charge or offence committed that in CHPC’s opinion may affect our reputation or our relationships with our staff, customers or the public or otherwise affects your suitability to continue to work for CHPC.
 - Falsification of information, written records or references on appointment.
 - Theft or fraudulent activity.
 - Unauthorised absence or gross negligence in the performance of duties.
 - Acceptance of any bribe, secret profit or unauthorised commission.
 - Any conduct tending to bring CHPC, or the employee into disrepute or conduct which results in the loss of custom of a client, temporary or applicant or a loss of business.
 - Working for or assisting a competitor of the CHPC or seeking to establish a business which is likely to compete with CHPC or divulging confidential information concerning CHPC or its business.
 - Refusal to obey a lawful instruction in connection with the employment.
 - Disclosing details of his/her salary and remuneration to other employees of the CHPC.
 - Knowingly breaching statutory rules affecting your work.
 - Deliberately accessing internet sites containing offensive or obscene material.
 - Any dishonesty whether in the course of this employment or otherwise but not limited to theft and fraud.
 - Unlawful discrimination against any of CHPC’s clients, visitors or staff.
 - Behaving in such a way as to risk the health and safety of any of CHPC’s client’s, visitors or staff.
 - Abandoning duty without authority.
 - Being under the influence of alcohol, drugs or other controlled substances whilst on CHPC’s premises or whilst carrying out work duties.
 - Being in possession of alcohol, any controlled substance or any offensive weapon whilst on CHPC’s premises or whilst carrying out work duties.
 - Negligence resulting in serious loss, damage or injury.
 - Deliberate and serious breach of confidence relating to our or CHPC’s clients’ affairs or the use for personal ends of confidential information obtained by you in the course of your employment.
 - Bringing CHPC into serious disrepute
 - Conduct violating common decency.
 - Breach of CHPC’s rules on outside communications.
 - Loss of driving licence, if your job involves driving.

DISCIPLINARY ACTION PROCEDURE

10. The following is the disciplinary action that may be taken against an employee in cases of misconduct or unsatisfactory performance. The disciplinary and dismissal procedure may be implemented at any one of the following stages if the seriousness or repetitive nature of the employee's misconduct or unsatisfactory performance warrants such action:

STAGE 1 – INFORMAL ACTION: ORAL WARNING

11. If an employee's conduct or performance is unsatisfactory, they will be given an informal oral warning. However, this will be recorded in writing on their personnel file. The warning will be disregarded after 6 months' satisfactory service.

STAGE 2 – FORMAL WRITTEN WARNING

12. If the offence is serious, or if there is no improvement in standards after informal action has been taken in cases of minor misconduct or unsatisfactory performance or there has been further misconduct within 6 months of any informal action, a written warning will be given. This written warning will include the reason for the warning and a note that, if there is no improvement after a specified period, a final written warning will be given.
13. A copy of the written warning will be given to the employee and a copy will be placed on their personnel file. The warning will usually remain active for, and be disregarded after, 6 months satisfactory service unless CHPC considers that a different period is appropriate

STAGE 3 – FORMAL FINAL WRITTEN WARNING

14. If following a written warning, further misconduct or unsatisfactory performance occurs and there is an active written warning on your record, or if CHPC considers an incident to be sufficiently serious to warrant a final written warning even though there are no active written warnings on your record, a final written warning will be given making it clear that any recurrence of the offence or other serious misconduct within a specified period will result in dismissal.
15. A copy of the written warning will be given to the employee and a copy will be placed on their personnel file. The warning will usually remain active for, and be disregarded after, 12 months satisfactory service unless CHPC considers that a different period is appropriate including for an indefinite period. CHPC may review your conduct at the end of a warning's active period and if it has not sufficiently improved may decide to extend the active period.

STAGE 4 – DISMISSAL OR OTHER SANCTION

16. If there is no satisfactory improvement or if further serious misconduct occurs where there is an active final written warning on your record, or you have committed a gross misconduct, the final step in the procedure may be dismissal, without notice or payment in lieu of notice.
17. In some cases, and only by agreement as an alternative to dismissal, CHPC may at its discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:
- Demotion
 - Transfer to another department or job
 - A period of suspension without pay
 - Loss of seniority
 - Reduction in pay

- Loss of future pay, increment or bonus
- Loss of overtime

MINIMUM STATUTORY PROCEDURES

STANDARD PROCEDURE

18. The standard dismissal and disciplinary procedures are set out below. The standard procedure will be used when CHPC contemplates taking formal disciplinary action against an employee:

Step 1 – Investigation

19. The purpose of an investigation is for CHPC to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. The employee does not normally have the right to bring a companion to an investigative interview. However, CHPC may allow the employee to bring a companion if it helps the employee to overcome any disability, or any difficulty in understanding English.

Step 2 - Written Statement

20. If CHPC decides to proceed with a disciplinary hearing it, CHPC will set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead the CHPC to contemplate dismissing or taking disciplinary action against the employee. The CHPC will send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

Step 3 - Meeting

21. The meeting will take place before any action is taken, except in the case where the disciplinary action consists of a suspension on full pay, to consider and discuss the allegation.
22. The meeting will not take place unless:
- The CHPC has informed the employee of the ground or grounds for contemplating disciplinary action or dismissal in the form of a written statement; and
 - The employee has had a reasonable opportunity to consider his response to that information.
23. The employee has the right to be accompanied at the meeting by a work colleague or a Trade Union representative. After the meeting, the CHPC will inform the employee in writing of its decision and notify him/her of the right to appeal against the decision if he/she is not satisfied with it.

Step 4 - Appeal

24. If the employee does wish to appeal, he must inform the CHPC within 5 working days of receiving the decision, and on doing so the CHPC will invite him to attend a further meeting. The appeal meeting may not necessarily take place before the dismissal or disciplinary action

takes effect but it will be arranged within a reasonable period of time. Where possible, the appeal will be dealt with by a more senior manager than at the Step 3 meeting and who has not previously been involved in the case. Where this is not practicable, the CHPC will hear the appeal and decide the case as impartially as possible. You have the right to be accompanied at the appeal by a work colleague or Trade Union representative. After the appeal meeting, the CCHPC will inform the employee of its final decision. CHPC may:

- Confirm the original decision; or
- Revoke the original decision; or
- Substitute a lesser penalty.

25. There will be no right to a further appeal.