



## DISCIPLINARY PROCEDURES

Action	Name	Role	Date
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## Purpose and scope

This procedure is designed to help and encourage all Board Members, staff and volunteers to achieve and maintain acceptable standards of conduct, commitment and performance. And to ensure that fair, consistent and reasonable action is taken where acceptable standards of conduct or performance are not maintained.

All Board Members, staff and volunteers within EMMAA are expected to have read and understood the Code of Ethics and Code of Conduct to ensure they have a full understanding of the behaviour and conducted expected of them whilst representing EMMAA. Failure to adhere to these policies may result in disciplinary action and/or dismissal.

## Principles

- Informal action will be considered, where appropriate, to resolve problems.
- No disciplinary action will be taken against a board member, staff member or volunteer until the case has been fully investigated.
- At all stages of the procedure the person concerned will have the right to be accompanied by a representative.
- The person concerned will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the alleged misconduct warrants this.

## Informal Discussions

Most disciplinary problems can be solved by informal discussions. Before taking formal disciplinary action, the Board will make every effort to resolve the matter by informal discussions, which may include mediation, additional training, or support for the person concerned. This would not be recorded as disciplinary action and would be seen as a process of constructive dialogue.

Only where this fails to bring about the desired improvement or the disciplinary problem is deemed as serious enough will the formal disciplinary procedure be implemented.

## Formal Procedure

### 1. Formal Verbal Warning

If, despite informal discussions or training, the conduct or performance still does not meet acceptable standards, the person concerned may, following an appropriate disciplinary meeting, be given a formal verbal warning by the Board. The person will be told:

- the reason for the warning
- what they need to do to improve the situation
- a time frame within which the conduct or performance needs to be improved
- any support or training that EMMAA might provide to support them
- that the verbal warning is the first stage of the disciplinary procedure

A brief note of the warning will be kept but it will lapse after 6 months, subject to satisfactory conduct and/or performance.

### 2. Written Warning

If there is no improvement in standards within the prescribed time, or if a further offence occurs, the person concerned will receive a letter from the Board. The letter will contain:

- details of what the person has alleged to have done wrong
- the reason why the current behaviour or performance is unacceptable
- an invitation to attend a disciplinary meeting with a Board representative at which the problems can be discussed
- information about the right to be accompanied at the disciplinary meeting
- copies of any documents that will be referred to at the disciplinary meeting

The disciplinary meeting should take place as soon as is reasonably possible but with sufficient time for the person concerned to consider their response to the information contained in the letter. The meeting will be an opportunity for both the person concerned (with their representative) and the Board member to talk about the allegations being made, review the information with a view to establishing whether to progress the disciplinary action.

Where, following the disciplinary meeting, it is decided that no further action is warranted, the person concerned will be informed in writing.

Where, following the disciplinary meeting, the person concerned is found to be performing unsatisfactorily or their behaviour is deemed unsatisfactory, they will be given a written warning which will set out:

- the performance and/or behaviour problem
- the improvement that is required
- the timescale and date for achieving the improvement
- any support that EMMAA will provide to assist the person concerned
- a statement that failure to improve could lead to a final written warning and ultimately dismissal
- a review date

A copy of the written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

### **3. Final Written Warning**

If the conduct or performance still remains unsatisfactory by the stipulated date, or if the misconduct is sufficiently serious to warrant only one written warning, a further disciplinary meeting (where the President of the Board will be present) will be called with the person concerned and their representative. The disciplinary meeting will be an opportunity for the person concerned to answer the issues raised by EMMAA.

Where this meeting establishes that there has been a failure to improve or change behaviour, then a final written warning will be given to the person concerned. The final warning will:

- give details of and the grounds for the complaint
- set out the improvement that is required and a time frame
- make it clear that any recurrence of the offence, lack of improvement or other serious misconduct within the stipulated period of time will result in dismissal for the staff member or the end of the volunteers association with EMMAA.

A copy of the final written warning will be kept on file but the warning will lapse. after 12 months subject to satisfactory conduct and/or performance.

### **4. Dismissal**

If the person's conduct or performance still fails to improve or if further serious misconduct occurs, the final stage in the disciplinary process may be instituted. For a staff member this will mean dismissal and for a volunteer, the end of their association with EMMAA. This decision will be taken by the Board. Following the decision the person concerned will be informed as soon as possible as to the outcome and of relevant the reason.

## **Gross Misconduct**

Where a Board Member, staff member or volunteer is found guilty of gross misconduct, they would normally be subject to summary dismissal (instant dismissal without notice) and the above procedures regarding progression of warnings should not apply.

Examples of gross misconduct might include:-

- deliberate falsification of expenses claims
- disclosure of confidential information (see confidentiality policy)
- convictions of a criminal offence that undermine a person's suitability for volunteering
- provision of false information relevant to a person's volunteering position
- consistently poor attendance on a project, without appropriate notification
- use of abusive or offensive language or behaviour
- bullying or harassment
- being under the influence of alcohol or drugs
- theft of property or misuse of equipment or materials

- failure to abide by policies and procedures
- failure to satisfactorily perform assigned duties
- serious misuse of an organisation's property or name
- bringing the organisation into serious disrepute

## **Appeals**

If a Board Member, staff member or volunteer wishes to appeal against any disciplinary decision, this should be made in writing within five working days of the decision being communicated to them, to the relevant person on the board. The President of the Board will hear all appeals and his/her decision is final.