

Music & Arts for the Shepway Community (MASC)



**Disciplinary & procedure Policy
2022**

MASC Disciplinary Policy & Procedure

The aim of this policy is to

- Establish the full facts quickly
- Deal with the employee/practitioner/volunteer & facts consistently & fairly
- Encourage improvement through informal procedures
- Support individuals to become effective
- Avoid making hasty decisions and to take actions in a responsible manner
- Provide opportunities for appeal against the outcome of a formal disciplinary meeting

Procedure

Informal Approach

It is expected that most issues will be resolved through informal discussions between the Employee/practitioner/volunteer and representation for the MASC Board or relevant Committee Team Leader. The discussions will highlight any problems & agree a course of action for improvement. Regular meetings will ensure that any issues are dealt with in a timely manner. A brief note of the discussion should be kept by both parties.

MASC will take formal action if

- The informal approach does not result in an improvement
- The unsatisfactory behaviour is considered too serious to be classed as minor
- It is a case of misconduct

Formal Approach

Where, after a full investigation of the facts, an individual's conduct or performance warrants being dealt with through a formal disciplinary procedure, the following 3 step process will take place.

Step 1 - Issue of a statement of grounds for action & an invitation to a formal meeting.

The alleged conduct or circumstances which have led to disciplinary action will be set out in writing & given to the individual. They will be invited to attend a meeting to discuss the matter.

Step 2 – The meeting.

The meeting must take place before any action is taken except in the case of gross misconduct where immediate suspension is deemed necessary. The meeting can only take place once the individual has

- Been informed of on what basis the disciplinary action is being considered
- Had reasonable opportunity to consider their response.

They must make every effort to attend the meeting & have the right to be accompanied to the meeting by a fellow worker or other representative. Following the meeting, they will be informed in writing within 7 days of what decision has been made & of their right to appeal. Disciplinary action may, in some cases may be taken before the appeal is heard.

Outcome of a disciplinary meeting may include

- Verbal warning
- Written warning
- Final written warning
- Dismissal with notice
- Dismissal without notice – this will only be considered in cases of gross misconduct where MASC considers the situation to be so serious that any future working relationship between the charity & the individual is impossible.
- Theft or fraud
- Physical violence or bullying

- Breach of safeguarding policy by action, omission or complicity
- Deliberate damage to property
- Serious misuse of MASC's property or name
- Unlawful discrimination or harassment
- Bringing MASC into serious disrepute
- Incapacity due to use of alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- Serious breach of confidentiality

Written records made during the disciplinary process will be treated as confidential & kept in accordance with the Data Protection Act.

Individuals working with children or vulnerable adults

Individuals working with children or vulnerable adults, who are under investigation for misconduct which poses a risk of harm, for acts of direct harm or who demonstrate their unsuitability to work with a child or adult at risk, will be reported to the Local Authority Designated Officer (LADO).

In addition, any individual who is dismissed or chooses to resign or remove themselves due to a relevant offense, harm committed to a person in their care, actions which pose a risk of harm towards persons in their care or does not uphold the standards of practice expected of their role, will, at the point of removal from that role, be referred to the DBS for barring consideration.

Step 3 – The Appeal

The individual must inform MASC in writing, that they wish to appeal against the outcome of the disciplinary meeting within 7 days. They will be invited to attend a further meeting within 14 days of their letter being received. They must take all reasonable steps to attend & may be accompanied by a fellow worker or other representative.

Following the appeal meeting, they will be informed in writing of the final decision.

*For the purposes of this policy, an individual may be an employee, volunteer or practitioner & the representative of MASC may be a Committee Team Leader, Trustee or Chair.