



PACTO

Pembrokeshire Association of Community Transport Organisations
Cymdeithas Mudiadau Cludiant Cymunedol Sir Benfro

Disciplinary and Grievance Policy

1. Scope

This policy applies to staff and volunteers working *directly* for the charity known as Pembrokeshire Association of Community Transport Organisations. Staff and volunteers working for other community transport services and schemes which operate within Pembrokeshire are governed by their own policies and procedures.

2. Disciplinary Procedure

Principles

If you are subject to disciplinary action:

- the procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated. While the matter is being investigated, it may be deemed appropriate to suspend you from your duties. This decision will be taken by the Trustees. The decision to suspend a member of staff does not imply guilt but will help protect all those involved whilst the matter is under investigation;
- at every stage you will be advised of the nature of the complaint, be given the opportunity to state your case and to be represented or accompanied by a fellow employee of your choice;
- you will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice;
- you have a right to appeal against any disciplinary action taken against you;
- the procedure may be implemented at any stage if your alleged misconduct warrants such action.
- if you request you have the right to be accompanied at a disciplinary hearing by a fellow worker or other representative.

2.1. Informal discussions

Before taking formal disciplinary action, your Line Manager will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

2.2. First warning

If conduct or performance is unsatisfactory, the employee or volunteer will be given a written warning or performance note. Such warnings will be recorded, but disregarded after six months of satisfactory service. The employee or volunteer will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

2.3. Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within three months, action as set out below will be taken.

Dismissal or action short of dismissal If the conduct or performance has failed to improve, the employee or volunteer may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

2.4. Statutory discipline and dismissal procedure

If an employee or volunteer faces dismissal - or action short of dismissal such as loss of pay or demotion - the minimum statutory procedure will be followed. This involves:

- step one: a written note to the employee setting out the allegation and the basis for it
- step two: a meeting to consider and discuss the allegation
- step three: a right of appeal including an appeal meeting

The employee or volunteer will be reminded of their right to be accompanied.

2.5. Gross misconduct

If, after investigation, it is proven that an employee or volunteer has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

While the alleged gross misconduct is being investigated, the employee or volunteer will be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the Trustees only after full investigation.

2.6. Appeals

If you wish to appeal against any disciplinary decision, you must appeal, in writing within five working days of the decision being communicated to you, to the Chair of Trustees. If possible, Trustees not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.

3. Grievance Procedure

This policy applies when a member of staff or volunteer has a grievance against another of PACTO's staff members or volunteers or against the organisation in general.

3.1 Step 1 – Statement of Grievance

The employee or volunteer must set out the grievance in writing and send the statement or a copy of it to their Line Manager.

If the grievance concerns their Line Manager, the employee or volunteer may, if preferred, send the statement to the Chair of Trustees.

3.2 Step 2 – Meeting

The employer will invite the employee or volunteer to attend a meeting to discuss the grievance.

The meeting must not take place unless:

- the employee/volunteer has informed the employer of the basis of their grievance, in accordance with Step 1; and
- the employer has had a reasonable opportunity to consider their response to that information

The employee or volunteer must take all reasonable steps to attend the meeting.

After the meeting, the employer must inform the employee or volunteer of their response to the grievance, and notify them of their right to appeal against the decision if they are not satisfied with it.

Employees and volunteers have the right to be accompanied to the meeting by a colleague or representative.

3.3 Step 3 – Appeal

If the employee or volunteer does wish to appeal, they must inform the employer.

If the employee/volunteer informs the employer of their wish to appeal, the employer must invite them to a further meeting.

The employee or volunteer must make all reasonable steps to attend the meeting.

After the meeting, the employer will inform the employee/volunteer of their final decision.

Where reasonably practicable, the appeal will be dealt with by Trustees not involved with the original Grievance Meeting.

Employees and volunteers have the right to be accompanied to the meeting by a colleague or representative.

4. Monitoring and Review

This policy will be reviewed at least every two years, or more frequently if necessary to take account of changes in the organisation or legislation.

Signed: _____ *[Signature]*

Signed: _____ *[Signature]*

Date: 10/2/23