PEMBROKE DOCK HERITAGE TRUST

DISCIPLINARY POLICY AND PROCEDURES

2022 EDITION

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PEMBROKE DOCK HERITAGE TRUST DISCIPLINARY POLICY AND PROCEDURES

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1. INTRODUCTION

1.1 Pembroke Dock Heritage Trust is the official body which manages the town's Heritage Centre (hereby referred to as the 'Museum') in the restored Royal Dockyard Chapel opened by Her Majesty the Queen in 2014. The Museum is the culmination of a long and successful series of heritage initiatives which brought the military connections with the town and area into local, national and international focus. The Trust's aim is to advance education for the benefit of the public through the establishment and maintenance of a museum pertaining to the history, heritage and culture of Pembroke Dock and the surrounding area.

1.2 This policy sets out the Trust's procedure for the handling of disciplinary matters. The policy is designed to help and encourage all employees and volunteers to achieve and maintain standards of conduct, attendance, and job performance. The aim is to ensure consistent and fair treatment. It does not form part of the employment contract, and management reserve the right to amend this procedure at any time.

1.3 These procedures apply to all employees and, where appropriate, volunteers (hereafter collectively referred to as 'staff') once they have completed any initial probationary period. They are designed to ensure fairness and consistency in the way people are treated.

2. PRINCIPLES

2.1 No disciplinary action will be taken against staff until a thorough investigation has been completed. In some cases, it may be desirable that staff do not remain at work during the investigation, and they may be suspended on full pay until the investigation is complete. In these circumstances, suspension is not a disciplinary action.

2.2 At every stage the individual should be advised of the nature of the complaint, be given the opportunity to state their case or call witnesses and be represented or accompanied by a fellow staff member or union representative of their choice, at formal dismissal, disciplinary or appeal hearings.

2.3 Staff would not normally be dismissed for a first breach of discipline, except in the case of gross misconduct when the resulting action may be dismissal without notice or pay in lieu of notice.

2.4 A member of staff will have the right of appeal against any disciplinary action taken, except where an informal warning has been given.

2.5 The procedure may be implemented at any stage if the alleged misconduct warrants such action.

3. DISCIPLINARY PROCEDURES

3.1 The Discipline Procedures are divided into two sections:

- Section 1 – Informal. This section deals with the procedures used for less serious issues which can be dealt with by informal advice and counselling. This may include performance, attendance or minor disciplinary issues.
- Section 2 – Formal. This section deals with the procedures where an allegation is to be investigated that could lead to the awarding of a formal disciplinary sanction, such as a warning or a decision to dismiss the staff member. These procedures will be used for more serious misconduct / disciplinary issues, not covered by the Informal Process.

4. SECTION 1 – THE INFORMAL DISCIPLINARY PROCESS

4.1 Where the employer has concerns about a staff member's performance, attendance or conduct they should bring those concerns to the attention of the member of staff concerned, at a discussion, out of the hearing of others.

4.2 The objective of the discussion is to encourage the member of staff to improve. The discussion will typically include:

- An opportunity for the member of staff to put forward an explanation for the perceived shortcomings
- Constructive criticism of shortcomings
- Information on the improvement in conduct required and how this might be achieved
- Any review period during which the member of staff will be monitored

4.3 If, following the discussion, the manager feels that the explanation offered by the member of staff shows that no further action is required this should be made clear to the member of staff.

4.4 Where earlier discussions have not had the desired effect or when there are other reasons to believe that further misconduct might occur, an informal warning can be issued. This

informal warning will state that 'further misconduct may lead to more formal disciplinary action'. There is no right of appeal against informal warnings.

4.5 It is important that an informal discussion does not turn into a formal dismissal or disciplinary hearing as this may unintentionally deny the individual certain rights. If, during the course of an informal meeting, it becomes obvious that the matter is more serious, the meeting will be adjourned, and it will be made clear that the matter will be pursued under the formal disciplinary procedure.

5. SECTION 2 – THE FORMAL DISCIPLINARY PROCESS

5.1 Where an allegation of misconduct is to be made, which cannot be dealt with under the Informal Process, i.e. one where a decision could lead to a formal disciplinary sanction or dismissal, the formal disciplinary process must be followed. The formal process has a number of key elements that are detailed in the following paragraphs.

5.2 The employer will investigate any suspected breach of its policies or procedures. This may include asking the member of staff to give an account of their actions, obtaining statements from any witnesses, or gathering any documentary evidence. The purpose of this initial "fact finding" is to determine whether there appears to be any grounds for undertaking the formal disciplinary process.

5.3 If the employer decides that there are no grounds for undertaking a formal disciplinary process, the member of staff should be notified accordingly.

5.4 If the employer decides that the breach of conduct is only minor, then they may choose to utilise the informal process. If the employer decides that there are grounds to formally investigate they will then write to the member of staff, setting out the allegations and inviting the member of staff to attend a meeting to discuss the situation. The letter should set out the member of staff's right to be accompanied at that meeting by a fellow member of staff or a representative from a recognised Trade Union.

5.5 The meeting will take place, where both the employer and the member of staff will have the opportunity to discuss the issue and make appropriate representations. If the member of staff has been accompanied by a fellow member of staff or a representative from a recognised Trade Union, that person may make representations on behalf of the member of staff but may not answer direct questions on the member of staff's behalf.

5.6 Following the meeting, the employer will consider the points put to them by the member of staff or their representative and make a decision. That decision will be put to the member of staff in writing. Details of the type of penalties that may be awarded are detailed below, including the type of gross misconduct that would normally result in dismissal.

5.7 If the decision is to continue with a dismissal, or award a formal disciplinary sanction, the letter will also contain the right of appeal and detail the procedure for any appeal undertaken. The appeal procedure is shown below.

6. DISCIPLINARY APPEALS PROCEDURE

6.1 As part of the Trust's Disciplinary Procedure a member of staff will have the right of appeal against any decision to dismiss them or award a formal disciplinary sanction.

6.2 The individual should notify their intent to appeal against any decision to dismiss them or award a formal disciplinary sanction within five working days. They will have been informed as to who this notification should be sent to in the letter advising them of the sanction.

6.3 Appeals will be dealt with speedily, particularly those involving suspension or dismissal. The appeal, wherever possible, will be heard by someone senior in authority to the person who took the original decision and, if possible, who was not involved in the original hearing or decision. Where the decision was made by the most senior employee of the Trust, the appeal will be heard by a Trustee.

6.4 The person hearing the appeal will be able to consider any new information provided, as well as hear representations about any aspect of the original hearing.

6.5 The Trust reserves the right to utilise an independent HR professional to hear the appeal, where this will significantly increase the objectivity of the process.

6.6 The individual has the right to be accompanied at any appeal hearing. They may bring a single companion who should be either a work colleague or a trade union official. The companion is allowed to make a statement at the hearing, discuss matters with the worker but not answer questions on the worker's behalf.

7. OUTCOMES

7.1 The person hearing the appeal will consider all new information raised at the hearing before making their decision. That decision could be to:

- Confirm that the original sanction stands
- Substitute a different sanction
- Overturn the original sanction

7.2 The formal decision will be communicated to the individual in writing, and that decision is final.

8. FORMAL DISCIPLINARY SANCTIONS

8.1 There are three levels of formal sanctions under the Trust's disciplinary procedure.

Formal Warning

8.2 Where, following a disciplinary meeting, a member of staff is found guilty of misconduct, the usual first step would be to give them a written warning. The member of staff will be notified that failure to change their behaviour could lead to a Dismissal Warning or Dismissal.

8.3 A record of the warning will be kept on file but will normally be disregarded for disciplinary purposes after six months.

Dismissal Warning

8.4 Where there is a failure to improve or change behaviour in the timescale set at the first formal stage, or where the offence is sufficiently serious, or where there is a further breach in conduct, the member of staff should normally be issued with a Dismissal Warning.

8.5 The Dismissal Warning should give details of, and grounds for, the complaint. It should warn the member of staff that failure to improve or modify behaviour may lead to dismissal. There is a right of appeal against the decision.

8.6 A record of the warning will be kept on file but will be normally disregarded for disciplinary purposes after twelve months.

Dismissal

8.7 If the member of staff's conduct or performance still fails to improve, or where the offence is serious misconduct, the member of staff will normally be dismissed.

8.8 A dismissal decision may be with, or without, notice, or pay in lieu of notice. A dismissal decision will include the date on which the employment contract will terminate and, where applicable, the appropriate period of notice. There is right of appeal against the decision.

8.9 Where a member of staff's behaviour fails to improve, the employer will follow the appropriate disciplinary steps before awarding any further sanction.

9. EXAMPLES OF GROSS MISCONDUCT LEADING TO IMMEDIATE DISMISSAL

9.1 The following examples of Gross Misconduct are intended as a guide and should not be viewed as an exhaustive or exclusive list.

9.2 Acts which constitute gross misconduct are those resulting in a serious breach of contractual terms. Examples are:

- Theft, fraud, deliberate falsification of any of the Trust's documents
- Any dishonesty involving the Trust, its staff members, customers or suppliers
- The making of untrue statements to the Trust with intent to deceive
- Fighting, harassment or assault on another person
- Deliberate damage or misuse of Trust property
- Unlawful discrimination or harassment
- Bullying
- Being unfit for work through alcohol or non-prescribed drugs
- Gross negligence which causes unacceptable loss, damage or injury
- Gross insubordination
- Deliberate or serious breach of the Trust's equal opportunities policy
- Unauthorised entry to computer records
- Unauthorised disclosure of confidential information

- Serious misuse of the Trust's time, property or name
- Bringing the Trust into disrepute
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of confidence
- Grossly indecent or immoral behaviour
- Undertaking private work on the premises and/or in working hours

9.3 If, after investigation, it is deemed that the member of staff has committed such an offence the normal consequence will be immediate dismissal.

10. EXAMPLES OF OFFENCES NOT LEADING TO IMMEDIATE DISMISSAL

10.1 The following offences are regarded as being of a less serious nature but will still be investigated under the disciplinary procedures. This should not be viewed as an exhaustive or exclusive list.

- Absence without prior agreement
- Failure to notify the Manager of absence on the first day on which unplanned absence occurs
- Failure to notify the Manager of absences via telephone. (Texting / emails are not acceptable).
- Failure to report damage to Trust property and equipment as soon as possible
- Failure to meet the Trust's general standards of effort and conduct in their jobs
- Persistent poor timekeeping. (The Trust reserves the right to reduce a member of staff's pay for such days).
- Failure to comply with dress code.
- Repeated offences of the above nature may lead to dismissal.

11. REVIEW

11.1 These plans and policies were last reviewed in May 2022, and they should be reviewed every three years.

Signed

Name GK Clarkson

Appointment Chair of Trustees on behalf of the Board of Trustees

Date May 2022