



1. Purpose and Scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all. This applies to all Pyramid of Arts employees (including sessional workers) and, if it is deemed appropriate, to unpaid members who undertake specific tasks within the organisation.

2. Principles

- a) The employee is made fully aware of the standards of performance, action and behaviour required of them.
- b) The correct procedure is used when disciplinary action is instigated to ensure a fair and consistent approach.
- c) No disciplinary action will be taken against an employee until the case has been fully investigated.
- d) At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given an opportunity to state his or her case before any decision is made.
- e) At all stages (except an informal 'off the record' reprimand) the employee will have the right to be accompanied by employee representative or work colleague during the disciplinary interview.
- f) On some occasions, temporary suspension on full pay may be necessary in order that an uninterrupted investigation may take place. This must not be regarded as disciplinary or a penalty of any kind.
- g) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be dismissal without notice or payment in lieu of notice.
- h) An employee will have the right of appeal against any finding against them and/or disciplinary penalty imposed.
- i) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

3. The Procedure

Minor faults will be dealt with informally but where the matter is more serious the following procedure will be used:

Stage 1 – Oral warning

If conduct or performance does not meet acceptable standards the employee will normally be given a formal oral warning. He or she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of his or her right of appeal. A brief note of the oral warning will be kept but it will be spent after 6 months, subject to satisfactory conduct and performance.

Stage 2 – Written warning

If the offence is a serious one, or if a further offence occurs, a written warning will be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will warn that action under stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept, but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.

Stage 3 – Final written warning

If there is a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is serious enough to warrant a first and final written warning, a final written warning will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal.

A copy of this final warning will be kept, but will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

Stage 4 – Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, dismissal will normally result. Only a representative panel of the Trustees can take the decision to dismiss. The employee will be provided as soon as reasonably practical, with written reasons for dismissal, the date on which the employment will terminate and the right of appeal.

4. Gross Misconduct

The following list provides examples of offences that are normally regarded as gross misconduct:

Theft, fraud, deliberate falsification of records, fighting, assault on another person, deliberate damage to company property, incapability through alcohol or being under the influence of illegal drugs, serious negligence which causes unacceptable loss, damage or injury, serious act of insubordination, deliberate disregard of company policy (particularly equal opportunities).

If you are accused of gross misconduct, you may be suspended from work on full pay, normally for no more than 5 working days, while the company investigates the alleged offence. If, on completion of the investigation and the full disciplinary procedure, the company is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

5. Appeals

An employee who wishes to appeal should inform the chair of the Trustees within 5 working days.

An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair under the circumstances.

At the appeal any disciplinary penalty imposed will be reviewed, but it cannot be increased.

The employee has the right to be accompanied at any appeal hearing, as outlined in point 1E.

A panel of Trustees will hear all appeals and their decision is final. The employee will be informed of the decision, in writing, within 5 working days. This is the final stage of the appeal process.

6. General notes

If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate of pay may be considered as an alternative to dismissal, except in cases of gross misconduct.

In exceptional cases, suspension from work without pay for up to five working days may be considered as an alternative to dismissal, except in cases of gross misconduct.

An employee's length of service may be taken into account and the procedure varied accordingly. Employees with a short amount of service may not be in receipt of any warnings before dismissal but will have the right of appeal.