

# Disciplinary procedure

This is a non-punitive version of a disciplinary procedure, designed to encourage dialogue through structured opportunities to discuss and learn from mistakes. It has been written to follow the guidelines set out in the Acas Code of Practice on Disciplinary and Grievance Procedures, without the punishment-based approach of issuing warnings.

01.08.22

## Info



### Overview

This is a accountability / conflict policy that's been used for 0–1 years by a self-managed / flat co-op with 01–04 people and a turnover of £0–£50k.

### Policy details

<b>Type:</b>	Policy
<b>Used for:</b>	0–1 years
<b>Policy areas:</b>	<ul style="list-style-type: none"><li>Accountability</li><li>Conflict</li></ul>
<b>Related policies:</b>	-
<b>Known Legal issues:</b>	Yes
<b>Legal issue info:</b>	

*For policies that move away from the standard Acas Code of Practice and substitute alternative mechanisms for written warnings and performance notes, it is important to make it clear that the alternative mechanisms still sit within a staged process in line with the Acas Code, with dismissal as the ultimate option. This is because you need to ensure that your alternative approach constitutes formal action. If this is unclear you risk your procedure being read as part of your informal approach, which would be problematic should any employee decide to take legal action for unfair dismissal.*

## Organisation info

<b>Name:</b>	<b><u><a href="https://peoplesupport.coop/">People Support Co-op</a></u></b>
<b>Type:</b>	Co-op
<b>Structure:</b>	Self-managed / Flat
<b>People:</b>	01–04
<b>Turnover:</b>	£0–£50k

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## Policy



### Purpose and scope

People Support Co-op's aim is to encourage and support all members to achieve any identified improvements in individual conduct or performance.

In the first instance we will seek to resolve tensions around accountability and conduct through open discussion in our co-op meetings. We will always aim to keep an open mind about how any one individual member's difficulties may well relate to collective responsibilities and accountabilities that we may need to address together.

We will hold regular sociocratic performance reviews to offer appreciation and constructive feedback for each other's work, and any member may request a performance review meeting at any time.

We recognise that the prospect of disciplinary action may well be upsetting and cause stress and anxiety. We encourage regular wellbeing check-ins with one another, and will seek to identify appropriate support (within the co-op and externally) to the best of our ability and financial means.

We accept the need to balance our desire to meet the needs of our members with our legal responsibility as employers. This procedure sets out the action required to be taken in line with the Acas Code of Practice for any disciplinary issues that we are unable to resolve informally.

## **Principles**

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.

You will be informed in writing of what is alleged and have the opportunity to state your case at a disciplinary meeting. You have the right to be accompanied by a trade union representative, a work colleague, a friend or family member.

You have the right to appeal against any disciplinary decision.

## **Procedure**

The co-op may choose a third party person who will deal with the process if this is necessary. The person will be from the co-operative sector.

### **Step one: first facilitated conversation and improvement plan**

- If your conduct is found to be unsatisfactory, we may invite you to a first facilitated conversation to discuss what happened in detail and work with you to create an improvement plan. Notes of this meeting will be kept on file for six months. You will be supported to achieve the actions listed in your improvement plan with regular check-in meetings.
- If conduct of a similar nature or any other unacceptable conduct is repeated within the six-month term of this improvement plan, we may proceed to step two.
- We may agree to suspend formal action in cases where the investigation highlights that alcohol and/or drug misuse is a factor, and where you agree to a suitable course of action in line with our drugs and alcohol policy. If you do not adhere to the agreed course of action, formal proceedings may recommence.

### **Step two: three-month urgent action plan**

- If your conduct is sufficiently serious, or if there is no improvement from step one, we may invite you to a session to draw up a three-month urgent action plan. You will be asked to attend regular check-ins at agreed intervals. If at the three month point there has been insufficient improvement, you may be at risk of dismissal.

## **Dismissal**

Where we find that the misconduct is sufficiently serious to justify dismissal or if your conduct or performance has failed to improve

despite following improvement and action plans, you may be dismissed. You will be provided with the reason for your dismissal in writing, including the date on which your employment will terminate, and notified of your right to appeal.

## **Gross misconduct**

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If we are satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

We consider offences of the following nature to constitute gross misconduct (the list is not exhaustive):

- Theft from the co-op
- Fraud
- Physical violence
- Bullying or harassment
- Serious breaches of mutual trust and confidence between you and the co-op
- Serious breaches of trust and confidence between you and any of our clients.

## **Appeals**

If you wish to appeal against any disciplinary decision you must do so in writing to the person who conducted the facilitated conversation or urgent action plan meeting within five working days. An independent co-op sector member (chosen by the co-op) will hear the appeal and decide the case impartially.

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