

## WOKING COMMUNITY TRANSPORT LTD DISCIPLINARY CODE

### *Policy Statement:*

*The Disciplinary Code defines a process for settling disputes and encouraging maximum performance and high standards for all employees. It ensures fair and consistent treatment throughout the organisation.*

### **Introduction**

1. This code applies to all Woking Community Transport (WCT)

The aims of the policy are to:

- ❖ Help and encourage employees to achieve and maintain high standards of conduct
- ❖ Ensure fair and consistent treatment throughout the organisation

2. Discipline in any organisation should have a positive two-way effect:

- ❖ Managers must have proper procedures to deal with employees whose performance is unsatisfactory.
- ❖ Employees should know when they have fallen below the standards expected of them

3. Disciplinary action is viewed not only as a means of imposing sanctions but also as a positive method of encouraging improvement.

4. The Disciplinary code recognises that in the course of day to day activities there will be occasions when managers will need to advise employees informally of minor breaches of discipline. Such instances are for managers to deal with. The procedure set out below applies when formal action is to be taken.

5. When an employee's competence and capability is in question it will not be treated as a disciplinary matter but rather as a need for training and support.

### **Rules**

Rules are needed in any organisation because they set standards for employees to follow. At WCT some rules are contained in the contract of employment others are advised as the need arises. They will be kept to a minimum but will include:

- ❖ Attendance
- ❖ Timekeeping
- ❖ Absence
- ❖ Avoidable vehicle accidents
- ❖ Health and Safety

- ❖ Use of WCT facilities
- ❖ Discrimination
- ❖ Harassment
- ❖ Twice yearly Driving Licence inspection (Drivers only)

**Note:** *Racial and sexual harassment will both be treated as disciplinary offences*

## **Principles**

1. No formal disciplinary action will be taken against an employee until the matter has been properly investigated and until a disciplinary hearing has taken place. A preliminary meeting may be needed with the employee as soon as the matter comes to light (but this is not part of the procedure).
2. Disciplinary hearings will be conducted in accordance with Appendix 1.
3. Only authorised managers, at the appropriate level may take disciplinary action. (Appendix 2)
4. There is a right of appeal against any formal disciplinary action taken. Appeals will be heard at a higher level. See Appendix 2.
5. Records of disciplinary action will be kept confidentially on the employee's file and disregarded for any future disciplinary purposes after the specified 'life' of the warning has elapsed.
6. Managers will be briefed on the disciplinary code and procedure. Further training will be provided as appropriate to ensure as far as possible that disciplinary matters are handled properly and fairly.

## **Disciplinary Procedure**

Where a matter is thought to need formal disciplinary action, a hearing will take place in accordance with Appendix 1. It may be necessary in serious cases to consider suspending the employee from duty while investigations take place. The formal disciplinary measures are:

### **Oral Warning Recorded**

If an individual's conduct does not meet acceptable standards, the employee will be given a formal ORAL WARNING by their immediate Manager or the Fleet Manager (see Appendix 2). A hearing will take place. The employee will be advised of the reason for the warning that it is the first formal stage of the disciplinary procedure and of their right of appeal to the appropriate Manager to be lodged in writing within five working days. A brief note of the oral warning will be kept on the employee's personal file (the employee will have a copy). It will be deleted after three months, subject to satisfactory conduct.

### **Written Warning**

If the offence is a more serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the employee by the Fleet Manager or the Managing Director. A hearing will take place. The written warning will give details of the complaint, the improvement required and the timescale. It will warn that further action will be considered if there is no satisfactory improvement and will advise of the right of appeal to be lodged in writing within five working days. A copy of this written warning will be kept on the employee's personnel file. It will be

spent after six months, subject to satisfactory conduct.

## **Final Written Warning or Warning for a Serious Breach of Discipline**

1. If there is still a failure to improve and conduct is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a FINAL WRITTEN WARNING will be given. A hearing will take place.
2. The final written warning will give details of the complaint, will warn that dismissal may result if there is no satisfactory improvement and will advise of the right of appeal to be lodged in writing within five working days. A copy of the final written warning will be kept on the employee's personal file. It will be deleted after twelve months (in exceptional cases the period may be longer) subject to satisfactory conduct.

## **Suspension**

An employee will only be suspended by the Managing Director (or in his/her absence a nominated deputy). If an employee is suspended from duty while enquiries are being made, he/she will receive full pay during the period of suspension.

## **Dismissal**

In cases of gross misconduct or for a further offence after a final warning the employee may be dismissed by the Managing Director or an Executive Director.

## **Dismissal for a Further Offence after a Final Warning**

A hearing will take place in accordance with Appendix 1. The employee will be given every opportunity to explain his or her conduct or put forward any further reasons why dismissal should not be considered. If the Managing Director decides that dismissal is justified he/she will confirm this in writing within twenty four hours of the interview stating the reason for the dismissal, the period of notice and arrangements for completion of such notice and the employee's right of appeal to the Chairman to be lodged in writing within five working days of receipt of the dismissal letter.

## **Dismissal for Gross Misconduct**

1. Gross misconduct is defined as conduct of such a nature that the employer is justified in no longer tolerating the continued presence at work of the employee concerned.
2. In cases where gross misconduct is suspected or alleged, suspension on full pay may apply while further enquiries take place. A decision to suspend may have to be taken quickly but the action will be confirmed in writing by the Managing Director (or in his/her absence a nominated deputy) within two working days giving the reason for the suspension and what further action is contemplated.
3. When investigations have been completed a hearing will be convened in accordance with Appendix 1. The employee will be given every opportunity to explain his/her conduct. If the

Managing Director (or in his/her absence a nominated deputy) considers that dismissal is justified and unavoidable the employee will normally be told immediately at the end of the hearing, to be confirmed in writing within twenty four hours of the hearing. At the same time the employee will be notified of his/her right of appeal to the Chairman to be lodged in writing within five working days of receipt of the dismissal letter.

## **Appeals**

An appeal should be put in writing in the form of a letter. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 5 days of receipt of the warning / dismissal letter. An appeal will be arranged within 20 working days of receipt of the appeal letter.

An appeal hearing will be convened in accordance with Appendix 3.

## **Criminal Action**

If at any stage criminal behaviour is suspected or alleged, an appropriate officer of Woking Community Transport Ltd will notify the police. Disciplinary action will not necessarily have to be delayed whilst the Police make their investigations.

## **APPENDIX ONE**

### **Disciplinary Hearing**

1. The intention of the hearing is to give the employee every opportunity of stating his/her case and to allow management to gather all relevant information before making a final decision.
2. The employee will be notified in writing at least two working days before the hearing takes place. This notice may be extended to allow an employee to be represented adequately.
3. The notification will include the:
  - a) reason for the hearing;
  - b) date, time and place of the hearing;
  - c) right of the employee to be represented;
4. The hearing will be conducted by the appropriate manager.
5. The employee shall be informed as to the reason why their conduct is thought to warrant disciplinary action supported by any documentary evidence and witnesses.
6. The employee or representative will be entitled to ask questions and to put their case and to call witnesses.
7. The employee and witnesses may be questioned.

8. Where the appropriate manager considers that further information or discussion is required the meeting will be adjourned for a specific period.
9. At the conclusion of the hearing the employee will be informed of the decision verbally in the presence of their representative. The decision will be confirmed in writing.
10. Where the decision is to give a formal warning the employee will be advised of the date from which the warning will be disregarded and the right of appeal.

## APPENDIX TWO

### Officers Authorised to: 1 - Take Disciplinary Action      2 - Hear Appeals

#### MINIMUM LEVELS \*

	<b>ACTION BY</b>	<b>APPEAL HEARD BY</b>
Informal Warning (Not recorded)	Any level of Manager	Not applicable
Formal Oral Warning (Recorded)	Line Manager or Fleet Manager	Managing Director or Chairman
First Written Warning	Fleet Manager or Managing Director	Managing Director or Chairman
Final Written Warning	Managing Director or another WCT Director	Chairman
Dismissal	Managing Director/Company Secretary	Chairman and Nominated Executive Director

\*Action may be taken by an officer at a higher level. But if so, the right of appeal must be heard at a higher level also.

The chairman will advise on, and have the final say, on any confusion or dispute over the authority of an officer to take formal disciplinary action.

To assist in understanding this process a flow diagram is attached below



Disciplinary process  
flowchart.doc



Disciplinary  
Procedure Flow.xlsx

## APPENDIX THREE

### Disciplinary Appeal Hearing Procedure

1. Disciplinary appeals will be heard by the Chairman, and if required, one other Executive Director. The employee shall be given notice in writing at least five days in advance of the time and place of the hearing and that he/she shall be allowed to be represented and shall be enabled to call witnesses and produce documents relevant to his/her defence at the hearing. This notice may be extended to allow an employee to be adequately represented
2. This hearing shall be private and no persons shall at any time be present except the Chairman, an Executive Director, the management representative, the employee and his/her representative and, whilst giving evidence only, the witnesses.
3. The management representative shall put the case in the presence of the employee and his/her representative and may call witnesses.
4. The employee and his/her representative shall have the opportunity to ask questions on the evidence given and of any witnesses called.
5. The Chairman may ask questions of the management representative and witnesses.
6. The employee (or his/her representative) shall put his/her case in the presence of the management representative and shall call such witnesses as he/she wishes.
7. The management representative shall have the opportunity to ask questions of the employee and his/her witnesses.
8. The chairman may ask questions of the employee and his/her representative and witnesses.
9. The management representative and the employee or his/her representative shall have the opportunity to sum up their case if they so wish.
10. The management representative and the employee and his/her representative shall withdraw.
11. The Chairman and an Executive Director will deliberate in private, only recalling the management representative and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
12. The decision of the Chairman, is final and shall be announced to the parties personally at the hearing and the decision confirmed in writing within two working days.



NB: This Disciplinary process may not apply if you are under two years of service with WCT.

*Policy updated – 25<sup>th</sup> May 2021*