



London Sustainability Exchange

London Sustainability Exchange Disciplinary Procedure

Supported by:



Partners:



MAYOR OF LONDON



Set out below are London Sustainability Exchange's current disciplinary procedures. These do not form part of the contract but represent LSx's current practice, which may vary from time to time.

1. Purpose and Scope

The employer's aim is to encourage improvement in an individual's conduct, attendance and job performance. This procedure sets out the action that will be taken when disciplinary rules are breached. These procedures conform to the standard statutory disciplinary procedures implemented on 1 October 2004, as a result of the Employment Act 2002.

2. Reasons for Disciplinary Action

It is important that management and staff understand the type of conduct that may give rise to disciplinary action. Breaches of discipline normally fall within the following broad categories.

- a) *Poor performance / inefficiency*
This occurs where a member of staff fails to achieve or maintain performance at an acceptable level appropriate to their current role or duties, or where there is evidence of negligence or inadequate attention to the performance of their duties.
- b) *General Misconduct*
Misconduct is any wilful breach, infringement or non-observance of the standards of conduct expected of members of LSx's staff. Some examples are: failure to carry out reasonable written or verbal instructions of a more senior member of staff; improper behaviour to partners and colleagues; unacceptable behaviour arising from drinking or taking of drugs; harassment or victimisation; misuse of company facilities including computer facilities (eg. Email and the Internet) poor time-keeping and unauthorised absences. This list is not exhaustive.
- c) *Financial Misconduct*
Mismanagement of financial affairs through failure to observe rules and procedures for the operation of accounts, loan arrangements, etc.
- d) *Gross Misconduct*
Gross misconduct is a serious breach of the LSx's rules and procedures or of the recognised and accepted standards of conduct which can result in the breakdown of the relationship of trust and confidence between LSx and the member of staff concerned. The more obvious examples of gross misconduct are as follows.
 - i) theft, fraud and deliberate falsification of records

- ii) physical violence
- iii) serious bullying or harassment
- iv) deliberate damage to property
- v) serious insubordination
- vi) misuse of an organisation's property or name
- vii) bringing the employer into serious disrepute
- viii) serious incapability whilst on duty brought on by alcohol or illegal drugs
- ix) serious negligence which causes or might cause unacceptable loss, damage or injury
- x) serious infringement on Health and Safety rules
- xi) serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

As indicated this list is not intended to be exhaustive.

3. Principles

- a) 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.
- b) At every stage the employee will have the opportunity to state his or her case and be accompanied, if they wish, at the disciplinary by a fellow employee or non-lawyer friend. The manager will convene a meeting at a reasonable time and place for this purpose, and the employee must take all reasonable steps to attend this meeting.
- c) Prior to a disciplinary hearing the employee will be told the nature of the alleged offence, the nature of the evidence of the offence, the range of possible outcomes and reminded of his or her right to be accompanied.
- d) There is a right to appeal against any disciplinary action.
- e) Where appropriate, a warning may contain a date after which it will be disregarded in any further disciplinary hearing.
- f) 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.

4. The Procedure

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

Stage 1 - First Warning - Oral

If conduct or performance is unsatisfactory, the member of staff will be given a formal **ORAL WARNING**, which will be recorded. The employee 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 to appeal. A note of the

oral warning should be kept but should be disregarded for disciplinary purposes after six months.

Stage 1 – First Warning - Written

If the offence is more serious, the worker should be given a formal **WRITTEN WARNING** which will include the reason for the warning, the improvement or change in behaviour required, the time-scale allowed for this and the right of appeal. A **FINAL WRITTEN WARNING** will be considered if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after twelve months.

Stage 2 - Final Written Warning

If the offence is very serious or if conduct or performance is still unsatisfactory, a **FINAL WRITTEN WARNING** will be given. This will give details of the complaint, warn the worker that failure to improve or modify behaviour may lead to dismissal or to some other action short of dismissal and will remind the worker of his or her right of appeal. The **FINAL WRITTEN WARNING** will be kept on file and disregarded for disciplinary purposes after twelve months.

Stage 3– Dismissal or other Sanction

If the worker's conduct or performance still fails to improve the final step might be disciplinary transfer, disciplinary suspension without pay, demotion, loss of seniority or dismissal. The decision to dismiss should be taken by the appropriate manager and the worker will be informed as soon as is reasonably practicable of: the reasons for the dismissal; the date on which the contract between the parties will terminate; the appropriate period of notice or pay in lieu of notice and information on the right of appeal (including how to make the appeal and to whom). The decision to dismiss will be confirmed in writing. Employees with one year's continuous service or more have the right, on request, to have a "written statement of particular reasons for dismissal."

Gross Misconduct

In the event of gross misconduct, the final stage of the procedure may be invoked. Human Resources must be consulted in all cases where a Stage 3 warning is contemplated. The member of staff must be given a minimum of three working days' notice of the date of the interview. The letter must state that the interview is of a disciplinary nature and the member of staff must be advised of their rights.

The worker may be suspended from work on full pay while LSx investigates the alleged offence.

If, after investigation and disciplinary hearing, it is confirmed that the worker has committed gross misconduct as stated in Section 2d, the normal consequence will be dismissal without notice or payment in lieu of notice.

5. Appeals

A member of staff has the right to raise appeals on a number of grounds that could include unfairness of the judgement, the severity of the penalty, new evidence coming to light or procedural irregularities. The member of staff also has the right to be accompanied at any of these hearings.

If a member of staff wishes to appeal against any disciplinary decision s/he must notify the Partnership and Communications Manager in writing within 5 working days. The notice must specify the issues s/he wishes to appeal or contest. If the appeal is not made within 5 working days, it is assumed that the consequences of the disciplinary action have been accepted.

An appeals committee comprising at least one Senior Manager and at least one member of the LSx board of trustees will hear the appeal and decide the case as impartially as possible.

6. Exceptions and further advice

In certain exceptional cases this disciplinary procedure will not apply, or the modified statutory disciplinary procedure will apply. Please contact the Partnership and Communications Manager or the ACAS Code of Practice on Disciplinary and Grievance Procedures for further advice.

7. Confidentiality and Data Protection

Disciplinary procedures are confidential. The associated records should be treated as confidential records and kept in accordance with the Data Protection Act 1998.