



## DISCIPLINARY AND DISMISSAL POLICY

AGREED- JULY 2023

REVIEW DATE- JULY 2024

### **Introduction**

At Food Friends our aim is to handle any issues around performance early and fairly. We will try to resolve any problems informally, however when this is not possible, this document sets out the steps we will normally take. For the purposes of this process performance includes conduct (behaviour) and performance or capability (ability to do your job).

This procedure applies to all employees who have successfully completed their probation. It does not form part of your contract of employment, and it may change and be updated at times. Any changes will be shared with you.

This policy works in conjunction with Food Friends Code of Conduct.

This policy does not apply to volunteers.

### **Investigations**

We will investigate any issue which may potentially warrant disciplinary action to establish what happened and why, before a decision about action is taken. Who investigates will be down to the CEO Anna Mantell to determine. It may be Anna Mantell herself or a trustee, or possibly someone external depending on the issue. You'll generally have an investigatory meeting with the person investigating ahead of any formal meeting taking place, so you have an opportunity to put your views forward.

In other cases, the investigatory stage will involve pulling together information for use at any disciplinary meeting. Some of this evidence may already have been presented to you in informal discussions.

In certain, rare, circumstances we may need to consider suspension. If you are suspended, it'll be for as brief a period as possible and we'll keep in touch to let you know what's happening.

If there is a disciplinary case to answer you will be notified in writing and invited to attend a formal hearing.

### **Minor Issues**

Most of the time minor issues will be resolvable through conversations to highlight the problem and what is expected of you. If this happens it is advisable that you let us know if there is anything impacting you or your work that we need to know about or can support you with.

If minor issues become problematic, repetitive and are not being resolved informally or if a more serious act of misconduct occurs, we will need to take formal steps set out below.

### **Formal Warnings**

Formal disciplinary meetings are conducted by either Anna Mantell or a trustee, sometimes with HR support. Ahead of a formal meeting we will let you know in writing of the reason(s) we think you are not in line with our expectations, either in terms of your conduct or performance. You will be sent copies of the paperwork and evidence we have ahead of the meeting.

You will be able to bring a work colleague or trade union representative to a hearing. You can't bring anyone from outside the Food Friends workforce or a solicitor – this is an internal process.

At the formal meeting, we will ask you to put forward your views about what has been said and to respond to the issues/allegations. If, following the meeting, the decision is that disciplinary action needs to be taken, you will be told either on the day or normally within 5 working days. We will follow up and confirm this in writing.

In the case of a first disciplinary issue, or if further issues have come up following an informal warning, you are likely to be given a first written warning at this stage, depending on the circumstances. The written warning will indicate that this is the first formal stage of our disciplinary procedure. It will set out:

- The nature of the misconduct or poor performance
- The change in behaviour or improvement in performance required
- The time scale for change or improvement
- How long the warning will remain current on your file for disciplinary purposes (usually 6 months)
- That you have the right to appeal against the warning
- That any further misconduct of any kind, or a failure to improve performance to a satisfactory level, will result in a further disciplinary meeting and a final written warning which may lead to dismissal with notice if the changes required are not made.

In the case of a more serious issue, or if a further issue occurs whilst a first written warning is current, or if you have failed to improve your performance to a satisfactory degree within the agreed timescale, you may be given a final written warning. Written confirmation of the warning will be as above for a first written warning although this will remain current on your file for a period of 12 months.

The final decision to dismiss can only be taken by Anna Mantell when they are satisfied with the facts, the relevance and impact of any mitigating factors and after interviewing you. Alternative disciplinary actions short of dismissal may be imposed at our discretion.

## Summary Dismissal

You may be summarily dismissed if it is established, after investigation and hearing your version of events, that there has been an act of gross misconduct, major breach of duty or conduct that brings or might bring our name into disrepute.

### Gross misconduct includes (but is not limited to):

- Serious acts of failing to follow management instructions
- Serious breaches of health and safety rules
- Theft
- Fraud and deliberate falsification of records
- Being under the influence of alcohol or drugs during working hours
- Serious negligence (even a single error where the actual or potential consequences are extremely serious), which causes, or is likely to cause, unacceptable loss, damage or injury
- Flagrant failure to follow our documentary procedures and regulations
- Breach of duty regarding non-disclosure of confidential information
- Deliberate or negligent damage to our property
- Disorderly or indecent conduct
- Fighting on the organisation's premises or threatening physical violence
- Acts of incitement or actual acts of discrimination or harassment on the grounds of sex, gender reassignment, marital status, civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability or age
- Misuse of our computer system, including misuse of e-mail and Internet access
- Breach of our IT Policy Offering or accepting bribes to influence behaviour of third parties.

## Suspension

We have the discretion to suspend employees with pay while the circumstances of any complaint or allegation are investigated.

In cases of potential gross misconduct, suspension with pay will be the norm.

Suspension is not a disciplinary sanction. We would use it to allow us to investigate serious issues only.

## Appeal

You can appeal in writing to the Chair of Trustees, Emily Lau, against any disciplinary action within 5 working days of receipt of the letter confirming the action taken. You will need to state the specific grounds for the appeal.

An appeal meeting will be held by The Chair of Trustees, Emily Lau. You have the right to be accompanied at the appeal meeting by a work colleague of your choice or a trade union official (see above) It should be noted that neither spouse/partner nor solicitor are suitable companions.

Following the meeting, the appeal decision will be confirmed in writing. The decision at the end of the appeal is final.

### **Redundancy**

If your role becomes redundant, we will meet all our statutory obligations when managing this.

If you have any questions or anything is unclear, please do not hesitate to ask.

Anna Mantell CEO [anna@food-friends.co.uk](mailto:anna@food-friends.co.uk).

Emily Lau (Chair of Trustees) [emilylau81@gmail.com](mailto:emilylau81@gmail.com)

This will be reviewed annually and updated, as necessary.

