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Policy Number:	010
Policy Title:	Disciplinary and Capability policy
Scope of this Document:	All Staff (including employees and volunteers) All contractors
Recommending Committee:	Quality and Safety Committee
Approving Committee:	First Person Project Board of Directors
Date Ratified:	17/01/24
Review Period:	2 Years
Version number:	1.0
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Progressing Together

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Published by:	<p>First Person Project CIC</p> <p>https://www.firstpersonprojectcic.co.uk/</p>

Version Control:			
Version	Reason for Change	Change Author	Change Date
1	Original Policy	MC	17/01/24

Disciplinary and Capability Policy

1. Introduction

First Person Project CIC is dedicated to fostering a positive, productive, and respectful working environment. We are committed to ensuring high standards of conduct and performance among our employees and volunteers. This policy outlines the procedures for managing disciplinary and capability issues in compliance with UK employment law, including the Employment Rights Act (1996), the ACAS Code of Practice (2015), and other relevant legislation.

At First Person Project CIC, we are dedicated to fostering a no-blame culture where the focus is on learning and improvement rather than assigning fault. We believe that mistakes and performance issues should be viewed as opportunities for growth and development. Our approach is supportive and constructive, aiming to identify underlying causes and provide the necessary resources and guidance to help our employees and volunteers succeed. By promoting openness and continuous improvement, we strive to create an environment where everyone feels safe to discuss challenges and seek assistance without fear of blame or retribution. However, this approach is balanced with the need to address serious misconduct or repeated performance issues appropriately to maintain the integrity and effectiveness of our organisation.

2. Policy Statement

Our objective is to manage disciplinary and capability matters fairly, consistently, and transparently, ensuring that all employees understand the standards expected of them and are given the opportunity to improve and succeed. We aim to address issues promptly and effectively, with a focus on resolution and improvement.

3. Scope

This policy applies to all employees and volunteers of First Person Project CIC. Contractors and agency staff may be subject to similar standards under the terms of their contracts.

4. Principles

Fairness and Consistency: All disciplinary and capability matters will be handled fairly, consistently, and without discrimination.

Confidentiality: All proceedings will respect the privacy and confidentiality of those involved.

Support and Improvement: Employees will be supported in meeting performance and conduct expectations, with a focus on improvement.

Natural Justice: Employees will have the right to a fair hearing, representation, and the opportunity to appeal decisions.

5. Disciplinary Procedures

5.1. Informal Resolution

Minor Issues: Minor conduct issues will typically be addressed through informal discussions between the employee and their line manager. The objective is to resolve issues quickly and effectively without resorting to formal procedures.

Documentation: While informal, a brief note of the discussion and agreed actions may be kept for reference.

5.2. Formal Disciplinary Process

5.2.1. Investigation

Initiation: When a potential disciplinary issue arises, an initial fact-finding investigation will be conducted to determine whether there is a case to answer.

Investigator: An impartial person, often the line manager or a designated investigator, will carry out the investigation.

Process: The investigation may include interviews with the employee and witnesses, and the review of relevant documents.

5.2.2. Disciplinary Hearing

Notification: If the investigation indicates a disciplinary issue, the employee will be notified in writing of the hearing details, including the allegations, evidence, and their right to be accompanied by a colleague or trade union representative.

Hearing: A disciplinary hearing will be conducted by a manager not previously involved in the investigation. The employee will have the opportunity to present their case, call witnesses, and respond to the evidence.

Outcome: Possible outcomes include no action, verbal or written warning, final written warning, demotion, or dismissal. The decision will be communicated in writing, with reasons and details of any right to appeal.

5.3. Gross Misconduct

Definition: Gross misconduct refers to serious breaches of conduct that may justify summary dismissal without notice. Examples include theft, violence, gross negligence, and serious breaches of health and safety.

Procedure: In cases of suspected gross misconduct, an immediate investigation will be conducted, followed by a disciplinary hearing if required. The employee will have the right to representation and to present their case.

Outcome: If gross misconduct is proven, the employee may be summarily dismissed. The decision will be communicated in writing, with reasons and details of any right to appeal.

6. Capability Procedures

6.1. Performance Management

Initial Support: When performance issues are identified, the employee will be informed and provided with support, including training, coaching, and regular feedback.

Performance Improvement Plan (PIP): A PIP will be implemented to outline clear objectives, support measures, and review dates. The employee's progress will be monitored, and adjustments made as necessary.

6.2. Formal Capability Process

6.2.1. Investigation

Initiation: If performance does not improve despite initial support, a formal review will be conducted to assess the reasons and gather evidence.

Investigator: An impartial person, often the line manager or a designated investigator, will carry out the review.

6.2.2. Capability Hearing

Notification: The employee will be notified in writing of the hearing details, including the performance concerns, evidence, and their right to be accompanied by a colleague or trade union representative.

Hearing: A capability hearing will be conducted by a manager not previously involved in the investigation. The employee will have the opportunity to present their case and respond to the evidence.

Outcome: Possible outcomes include continued support under a revised PIP, redeployment, or dismissal on capability grounds. The decision will be communicated in writing, with reasons and details of any right to appeal.

7. Appeals

7.1. Right to Appeal

Grounds for Appeal: Employees have the right to appeal against any formal disciplinary or capability decision on grounds such as procedural errors, new evidence, or the severity of the decision.

Submission: Appeals must be submitted in writing within 10 working days of the decision, clearly stating the grounds for appeal.

7.2. Appeal Hearing

Notification: The employee will be notified in writing of the appeal hearing details, including the time, date, and the manager who will hear the appeal.



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Hearing: The appeal hearing will be conducted by a manager not previously involved in the case. The employee will have the right to be accompanied and to present their appeal case.

Outcome: The appeal decision will be final and communicated in writing, with reasons. Possible outcomes include upholding, overturning, or modifying the original decision.

8. Review of Policy

This policy will be reviewed as per the date on the front sheet or following significant changes in legislation or organizational structure to ensure it remains effective, relevant, and compliant with current laws.

9. Declaration

This policy reflects the commitment of First Person Project CIC to fair and effective management of disciplinary and capability issues. It is endorsed by the senior management team.