

GCUK: Grievance and Disciplinary Policy

Policy

This Policy establishes how matters will be dealt with where there is a suspected breach of the charity's policy, rules and regulations.

Objectives

GIST Cancer UK's (GCUK's) aim is to help and encourage all its trustees and representatives to achieve and maintain standards of conduct, attendance and job performance.

Representatives acknowledge their acceptance of this policy by signing of their contract with GCUK and forms part of their terms and conditions.

Definitions

Representatives means all those where the nature of their work for the charity, whether paid or unpaid, is regular and structured. This includes trustees, paid staff, Helpline volunteers, and consultants or equivalents.

Beneficiaries means all those who benefit from, engage with, or come into contact with GCUK. It includes patients, carers, family or friends who engage with the charity.

Trustee means a member of the GCUK Board of Trustees.

Volunteer means someone who supports the work of the charity, without being paid, and where the nature of the work is unstructured, ad hoc or intermittent.

Employee means a member of staff with a formal contract with the charity

Responsibilities

Responsibility for this policy and its associated procedures lies with the Board of Trustees. Individual trustees will have a responsibility for its application in the areas for which they take a lead.

Procedure

All employees and representatives will have at least one formal review each year reviews per year. Reviews may be conducted by telephone, video call or in person, as appropriate, and be carried out by any member of the Board. The reviews enable reflection on any challenges that have been faced as well as monitoring performance.

No formal disciplinary action will be taken against until a case has been fully investigated. For formal action, the person will be advised of the nature of the complaint against them and will be given the opportunity to state their case, before any decision is made. The person being investigated will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

The procedure may be implemented at any stage if the person's alleged misconduct warrants this.

Stage 1 – first written warning

If conduct or performance is unsatisfactory, the person will be given a written warning or performance note. Such warnings will be recorded but disregarded for disciplinary purposes after six months of satisfactory service. It may be justifiable to move directly to a final written warning in some cases.

Stage 2 – final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given. This will include the reason for the warning, the improvement required and the timescale.

It will also warn that failure to improve may lead to dismissal. A copy of this written warning will be kept on file but disregarded for disciplinary purposes after twelve months, subject to achieving and sustaining satisfactory conduct or performance.

Sanctions which may be imposed include:

- Removing from a case
- Requiring the person to provide a written apology

- Prohibiting the person from taking on a new case for a set period
- Requiring the person to attend further training
- Requesting that a person works under supervision for a set period

Stage 3 – dismissal/termination of a contract

If the conduct or performance has failed to improve the person’s contract may be terminated with or without notice.

Gross Misconduct

If, after the case has been fully investigated, a person is deemed to have committed an offence included in the following indicative list, then the person will have their contract terminated with immediate effect.

- Theft, fraud or act of dishonesty
- Deliberate and serious damage to property
- Fighting, physical violence or serious abusive behaviour towards people
- Incapacity for work due to being under the influence of alcohol or illegal drugs
- Failure or refusal to obey a reasonable instruction without good reason
- Transmitting confidential information outside the organisation

Version Control - Approval and Review

Policy owner: Nic Puntis Chair GCUK

Version No	Approved By	Approval Date	Main Changes	Review Period
1.0	Board	July 2024		At least annually

- Serious breach of health and safety obligations
- Serious breach of the Charity’s rules, policies and procedures
- Serious misuse of computer, email or internet facilities
- Bringing the organisation into disrepute

Whilst the alleged gross misconduct is being investigated, a representative may be asked to stay away from the workplace and to not undertake any duties on behalf of the Charity during this time.

Appeals

A person may appeal against any disciplinary decision and must do so within five working days of receiving notification of such a decision. The appeal must be made in writing and outline the grounds for the appeal. The appeal will be chaired by the Chair of the Board of Trustees or his/her nominee and must be a person who was not involved in the original disciplinary decision. The decision made at the appeal hearing will be final.

Reference points

Guidance produced by the Charity Commission