



Nadder Community Land Trust Ltd.

Disciplinary Procedure

EDITION 1

1st December, 2021

Disciplinary Procedure

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1 Introduction

- 1.1 Nadder Community Land Trust (“NCLT”) is committed to maintaining high standards of conduct in all its work and in all its contacts with the local community and its stakeholders. To this end it has established policies and procedures on matters such as volunteering, health and safety, bullying, conflict of interest and other matters, which apply to all those acting on its behalf.
- 1.2 This procedure applies to all volunteers, employees, directors or officers who act on behalf of NCLT.
- 1.3 For ease of reference, each of those mentioned in paragraph 1.2 above is referred to as an “Officer” in the remainder of this document.
- 1.4 Volunteers acknowledge their agreement to abide by this and NCLT’s other policies when completing their Membership or Supporter form, whilst Employees and Directors acknowledge their agreement or by signing their contract or appointment form.

2 Policy

- 2.1 The fundamental objective of this Policy is to ensure that no Officer is placed in a position in which their conduct could result in:
 - a) harm;
 - b) damage to NCLT’s reputation or its ability to achieve its charitable objects;
 - c) an unreasonable burden being placed on other Officers;
 - d) threat to NCLT’s work arising from a failure to complete reasonable requests without good cause; or
 - e) a material breach of NCLT’s policies or codes of conduct.
- 2.2 In dealing with a complaint or concern relating to an Officer, NCLT is committed to balance the interests of NCLT, the person who has complained and those of the Officer in a fair manner which as far as reasonably possible ensure that:
 - a) informal action is considered where appropriate;
 - b) no action is taken until the circumstances have been properly investigated;
 - c) the Officer has the opportunity to understand the nature of the complaint against them and to state their case before any decision is made;
 - d) written copies of evidence and relevant witness statements are made available to the Officer before any final decision is made;
 - e) at all stages of the procedure the Officer will have the opportunity to be accompanied by a representative, another NCLT Officer or work colleague; and
 - f) an appropriate appeals process is provided.

3 Disciplinary Procedure

- 3.1 Following a complaint or investigation, NCLT may implement the procedure set out below where it determines that action is required to support the fundamental objectives defined in paragraph 2.1 above.
- 3.2 The procedure set out below involves a number of sequential steps, as set out in this section and may be commenced **at any one of these steps**, depending on the nature of the complaint or concern.

Improvement Note

- 3.3 An Improvement Note will be sent to the Officer setting out:
- a) the nature of the concern or complaint;
 - b) the improvement that is required;
 - c) any mitigating measures which must be applied until the improvement is achieved;
 - d) the timescale required;
 - e) any help that may be given; and
 - f) the right of appeal.
- 3.4 Mitigating measures may include changes to the Officer's workload, requiring them to provide a written apology to any person affected by their conduct, a requirement to attend further retraining or a requirement that the Officer works under additional supervision.
- 3.5 A record of the Improvement Note will be kept for six months but will then be considered spent – subject to the sustained achievement by the Officer of the improvement requested.

First Written Warning

- 3.6 If the concern or complaint is sufficiently serious, or if the requirements set out in the Improvement Note are not fully achieved within the timescale required, a First Written Warning may be given or sent to the Officer.
- 3.7 The First Written Warning will provide the information described in paragraph 3.3 above and will also inform the Officer that a Final Written Warning may be considered if there is no sustained satisfactory improvement or change.
- 3.8 A record of the First Written Warning will be kept, but it will be regarded as spent after a specified period (set out on the First Written Warning itself) subject to the sustained achievement by the Officer of the improvement or change in behaviour requested.

Final Written Warning

- 3.9 If the concern or complaint is sufficiently serious, or if the requirements set out in the First Written Warning are not fully achieved within the timescale required, a Final Written Warning may be given or sent to the Officer

- 3.10 The Final Written Warning will provide the information described in paragraph 3.3 above, and will also include a clear statement that failure to achieve the improvement or change in behaviour set out may lead to dismissal.
- 3.11 A record of the Final Written Warning will be kept, but it will be disregarded after 12 months subject to the sustained achievement by the Officer of the improvement or change in behaviour requested.

Dismissal, Demotion, Suspension or Transfer

- 3.12 If the concern or complaint is sufficiently serious, or if the requirements set out in an Final Written Warning are not fully achieved within the timescale required, a decision may be made to dismiss, demote, transfer or suspend the Officer with or without prior notice.
- 3.13 Any decision will be taken by NCLT's Board, who will make all reasonable efforts to ensure that the Officer has the opportunity to state their case, accompanied (if they wish) by another NCLT Officer, representative or work colleague.
- 3.14 The Board's decision will be communicated to the Officer in writing, setting out:
- a) the nature of the concern or complaint;
 - b) the reasons and effects of the decision;
 - c) the nature of the transfer or demotion, or alternatively the date on which employment or volunteering will terminate or be suspended
 - d) the right of appeal.
- 3.15 If the decision does not involve dismissal:
- a) the Officer will be warned that dismissal could result if there is no satisfactory improvement;
 - b) a record of the decision will be kept, but it will be regarded as spent after 12 months subject to the sustained achievement by the Officer of the improvement or change in behaviour requested.

4 Gross Misconduct

- 4.1 Gross misconduct involves behaviour which is unlawful or prejudices NCLT's ability to achieve its charitable objects, including:
- a) theft or fraud;
 - b) bullying, harassment or unlawful discrimination;
 - c) causing loss or damage to property or personal injury with intent or through negligence;
 - d) misuse of NCLT's property or name;
 - e) accessing internet sites containing pornographic, offensive or obscene material;
 - f) intentionally or carelessly frustrating the work of NCLT or other NCLT Officers;
 - g) conduct which brings NCLT into disrepute;
 - h) acting on behalf of NCLT when under the influence of alcohol or illegal drugs;
 - i) a material breach of NCLT's Safeguarding, Health & Safety policies which placed others at risk; or

- j) unauthorised disclosure of confidential information disclosed to or held by NCLT.
- 4.2 Gross misconduct warrants immediate action and any concerns relating to Gross Misconduct are therefore subject to the procedure set out below.
- 4.3 An Officer who is the subject of a complaint or a concern relating to Gross Misconduct as defined in this Policy may be suspended for a reasonable period (which shall generally be no more than five working days) while the concern is investigated.
- 4.4 The results of the investigation will be considered by the Board, who will make all reasonable efforts to ensure that the Officer understands the concern or complaint which has been made against them and has the opportunity to state their case, accompanied (if they wish) by another NCLT Officer, representative or work colleague.
- 4.5 If the Board determine that a reasonable person would conclude that Gross Misconduct has taken place it may decide to dismiss, demote, or transfer the Officer with or without prior notice. The decision will normally be summary dismissal without notice.
- 4.6 NCLT may also inform the Police, local authority or other statutory body as required by law.

5 Appeals

- 5.1 An Officer who wishes to appeal against an Improvement Note, warning or decision as set out in this Policy must do so in writing to the Secretary at Info@NadderCommunityLandTrust.org within five working days (commencing from the date shown on the Improvement Notice, warning or decision notice).
- 5.2 An appeal does itself not change the effect of any previous warning or decision which has been issued.
- 5.3 On receipt of an appeal, the Board will if possible (provided it considers it reasonable and lawful to do so) arrange a meeting with the Officer, normally within five days, to allow them to set out their case, at which the Officer may be accompanied by another NCLT Officer or work colleague where reasonably requested.
- 5.4 All appeals will be considered by the Board, which may request additional evidence from the Officer or others and will use its reasonable discretion either:
- a) to confirm the previous warning or decision; or
 - b) to amend or rescind the previous warning or decision.
- 5.5 The Board's decision will be final and will be communicated in writing to the Officer.

6 Review

- 6.1 This policy is effective from 1st December 2021 and will be reviewed every three years.