



# **Rickmansworth Waterways Trust Employee Code of Conduct Policy**

**Document Number S01**

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## **1 Policy**

- 1.1 Rickmansworth Waterways Trust requires good standards of conduct from its employees. The Trust's Conduct Procedure applies to any misconduct or serious failure to meet the required standards of performance.
- 1.2 The purpose of the Trust's Conduct Policy and Procedure is to be corrective rather than punitive. The Conduct Procedure is to help and encourage all employees to achieve and maintain acceptable standards of conduct, and to ensure consistent and fair treatment.
- 1.3 Where a decision is made, the decision-maker should be able to demonstrate a reasonable belief to support the decision made.

## **2 Principles**

- 2.1 Guidance will be offered, where appropriate, to resolve problems.
- 2.2 No disciplinary action will be taken against an employee until the case has been fully investigated.
- 2.3 At every stage in the procedure the employee 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.
- 2.4 Apart from the initial discussion seeking an explanation, at all stages of the procedure the employee will have the right to be accompanied by a companion.
- 2.5 No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct.
- 2.6 An employee will have the right of appeal against any formal discipline penalty imposed.
- 2.7 The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

## **3 Criminal Acts**

- 3.1 If an employee is charged with, or convicted of a criminal offence, this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with the Trust.
- 3.2 Employees must immediately inform their line manager if they are convicted of any criminal offence; bound over to keep the peace and be of good behaviour; have been cautioned by the Police or have been arrested and/or charged with a criminal offence, excluding a speeding offence.

## **4 Gross Misconduct**

- 4.1 The following provides examples of offences normally regarded as gross misconduct:

- theft, fraud, deliberate falsification of records
- fighting, assault on another person
- deliberate damage to Trust property
- discrimination, intentional or direct
- incapability through alcohol or being under the influence of illegal drugs
- negligence which causes unacceptable loss, damage or injury
- act of insubordination or wilful disobedience of a reasonable instruction or failure to follow procedure

## **5 Conduct Procedure – Procedural Guidance**

### **5.1 Establish the facts of the Case**

5.1.1 Carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In most cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing.

5.1.2 An investigatory meeting should not necessarily result in disciplinary action.

5.1.3 Complaints and allegations should be obtained in writing, signed and dated.

5.1.4 Once a complaint or allegation is made in writing a meeting should be held with the complainant to discuss this in detail. These discussions should be confidential and conducted in a non-threatening and non-prejudicial manner, without witnesses present.

5.1.5 Any witnesses who are likely to be in a position to give direct evidence about the alleged offence should be interviewed. The witnesses should be informed that they could be required to give evidence at a disciplinary hearing.

### **5.2 Inform the Employee of the Problem**

5.2.1 If there is sufficient substance in an allegation to warrant an investigation, and not one warranting suspension, the employee must be informed, normally within 2 working days.

5.2.2 A meeting should be arranged for the employee to respond to the allegations and to assist in establishing the facts.

5.2.3 Following the investigation, if it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct or poor performance to enable the employee to prepare to answer the case at a disciplinary meeting.

5.2.4 The notification should also give details of the times and venue for the disciplinary meeting to advise the employee of their right to be accompanied at the meeting. The employee must also be notified if no further action is to be taken.

5.2.5 Following the investigation, it may be decided not to take formal action. A discussion may be appropriate and this could provide guidance as to future conduct and/or support and reassurance.

### 5.3 Precautionary Measures

5.3.1 Where appropriate, employees may be sent off duty pending further investigations. Such an event should trigger a written warning.

### 5.4 Formal Meeting to Discuss the Problem

5.4.1 The employee should be given a minimum of 5 working days notice of the date, time and place of the interview.

5.4.2 Written details of the complaint should be provided 48 hours in advance of the interview to enable the employee to know what is being alleged about their conduct. This should also include any documentary evidence.

5.4.3 Both the Rickmansworth Waterways Trust and the employee have the right to call witnesses and/or rely on documentary evidence as appropriate.

5.4.4 A formal interview should proceed with the employee present, unless there is medical evidence that they are unfit to attend. Under these circumstances a postponement will be arranged for the interview, normally within ten working days of the original date. It is acceptable to proceed in the absence of the employee concerned, where the employee fails to attend both interviews.

5.3.5 The interview may also be re-scheduled, on one occasion only, if the chosen representative or companion is not available at the time being proposed for the interview. This will be re-arranged within ten working days of the original date.

5.4.6 The name of the Trustee hearing the case will be provided to the employee ahead of the meeting and also the range of penalties that may be imposed.

5.4.7 The employee will be provided with a warning that recovery of any financial loss to the Rickmansworth Waterways Trust, usually by deductions from pay, will be made should misconduct be proven.

5.4.8 Any evidence, gathered by either party should be exchanged with the other party, at least 2 working days before the meeting.

## **6 Outcomes**

6.1 If conduct does not meet acceptable standards the line manager will hold an informal interview. A note of the interview and the agreed actions will be provided, this will set out the problem, the improvement required, the timescale and any help that may be given. This will form the first stage of the formal procedure. A record will be kept for 12 months and will then be considered spent. Any previous warnings given, or disciplinary action taken within the previous 12 months will be considered when deciding what penalty to impose.

6.2 **Written Warnings:** If the conduct still does not meet an acceptable standard, the employee will be given a written warning setting out the nature of the misconduct and the change in behaviour required. The employee will be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. If the offence is sufficiently serious or there is failure to improve during the prior warning, for the same type of offence, a final written warning may be given to the employee. This will outline details of the complaint, the improvement required and the timescale. A copy of this written warning will be kept by the line manager, but will be disregarded for

disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct.

### 6.3 Dismissal or action short of dismissal

6.3.1 Disciplinary action will be taken and employment terminated without pay in lieu of notice if the Trust forms the genuine belief, after a fair and reasonable investigation, that gross misconduct has occurred.

6.3.2 Gross misconduct includes any breach of duty, conduct which brings the name or reputation of the Trust into disrepute or action inconsistent with the relationship of fidelity, trust and confidence required between employer and employee.

6.3.3 The Trust is not required in law to prove allegations, but is required to properly investigate all allegations before forming an opinion as to guilt or innocence.

6.3.4 Dismissal will not normally take place without the disciplinary procedure being completed. Exceptions include abuse of any member of the Trust's educational programmes, physical abuse of any person and theft of the Trust's property or where continuation in employment could endanger others or pose an extreme risk to property.

## 7 Appeal

7.1 The employee can appeal against the Trust's decision to issue a formal written warning or against dismissal. The appeal must be made in writing to the line manager within 5 working days of receiving the decision in writing.

7.2 The appeal panel will be made up of the Chair of Trustees and two Trustee board members, excluding the line manager. Notes will be taken of the hearing and the employee is entitled to a copy of these notes.

7.3 The panel hearing the appeal should give a decision about the outcome within 10 working days. This decision is final and no further internal appeal is permitted.

7.4 The appeal process to be followed will be similar to that for the disciplinary hearings, and will not address the conduct of the Trust as an employer.

7.5 When raising a grievance the employee will be given a full opportunity to state their case and they may be accompanied by a companion who is not a volunteer for the Rickmansworth Waterways Trust. The Trust should be informed of the name and position of the person acting as companion.

7.6 The employee must submit their case in writing in advance of the appeal hearing.

7.7 The employee has the right to make one appeal against any finding and wherever possible a Trustee not involved in the original proceedings will hear the appeal.

## 8 Statutory Procedures

8.1 This procedure complies with the ACAS code of practice. Instant dismissal without a disciplinary procedure will only take place if the Trust believes that an employee is a



threat to the safety and well-being of the Trust, its volunteers, Trustees or any other person.

- 8.2 This action will only be used in exceptional circumstances and there will be a right of appeal against the dismissal.
- 8.3 Queries relating to the procedures outlined in this document should be raised in the first instance with the line manager, and then if necessary in writing to the Chairman. The Trust will endeavour to reply to the query either in writing or in a meeting within 10 days and in any event no more than 20 days of receiving it.
- 8.4 At all times during the disciplinary process, the employee has a right to be accompanied by a companion.
- 8.5 An adjournment to the meeting may be requested at any time to allow advice to be taken.

### **Retention of Warnings**

Action:	Period of time the warning will remain on an employee's personal record:
Guidance Notes	12 months
First written warning	12 months
Final written warning	12 months
Action short of dismissal	24 months