

Mearns FM Disciplinary Procedures

For all Employees / Volunteers

Introduction

The following is the Statement of Disciplinary Procedures and is subject to periodic reviews and updating.

Disciplinary Procedures

The purpose of the disciplinary procedure is to ensure that Mearns FM behaves fairly in dealing with allegations of unacceptable conduct.

- Mearns FM / Employees / Volunteers should raise issues promptly and should not unreasonably delay meetings, decisions or confirmation of decisions.
- Mearns FM should act consistently
- Mearns FM should carry out investigations to establish facts
- Mearns FM should inform Employees / Volunteers of problem and that they be given an opportunity to put forward their case before any decision
- Employees / Volunteers are allowed to be accompanied to any disciplinary meeting
- Mearns FM should allow an appeal against any formal decision

Accordingly, Mearns FM reserves the right to depart from the precise requirements of its disciplinary procedure where it is expedient to do so and where the resulting treatment of its employees is no less fair.

All cases of disciplinary action under these procedures will be recorded and placed in Mearns FM records.

A copy of Mearns FM disciplinary records concerning the employee will be supplied to the employee at his/her request.

The following steps will be taken, as appropriate, in all cases of disciplinary action:

Investigations

Investigations by Mearns FM will be carried out to establish the facts of the complaint.

If appropriate, Mearns FM may suspend the Employee /Volunteer whilst investigation takes place. If suspended, the employee's employment will continue (including the payment of salary where applicable), this period will be as brief as possible and kept under review.

During the period of suspension the Employee /Volunteer will not be entitled access to office premises nor be allowed access to the Station except with Mearns FM's consent. Any suspension will be confirmed in writing.

This action is not an assumption of guilt or a disciplinary sanction.

Disciplinary Hearings

If Mearns FM decides to hold a disciplinary hearing, the Employee / Volunteer will be given, in advance, notification of details of the complaint and the time and venue of the hearing.

Disciplinary Hearings will normally be convened by a member of the board. At the hearing the Employee / Volunteer will be given the opportunity to state their case. The Employee / Volunteer may be accompanied by a work colleague or representative. No disciplinary penalty will be imposed without a disciplinary hearing, but a hearing may proceed in the Employee / Volunteer's absence if they fail to attend.

Appeals

The Employee / Volunteer has the right of appeal to against any disciplinary decision, the Employee / Volunteer should inform Mearns FM in writing stating the grounds of their appeal to Mearns FM, Board of Representatives. If they (the Board of Representatives) were involved at an earlier stage of the case, then the appeal should then be made to the Chairman of Mearns FM. Appeals must be made within five working days of the date of the decision which forms the subject of the appeal. Any appeal hearing will be held as soon as possible when the Employee / Volunteer will be given an opportunity to state their case. The Employee / Volunteer may be accompanied by a work colleague or representative. The decision of the appeal will be notified to the employee in writing and will be final and binding under this procedure.

Offences

Under Mearns FM disciplinary procedures fall into 2 categories, namely

- Misconduct
- Gross Misconduct

Misconduct

The following offences are examples of misconduct:

- Bad Time Keeping
- Unauthorised absence
- Minor Damage to property
- Minor breach of rules

These examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

The following procedure will apply in cases of alleged misconduct:

Verbal Warning:

This will normally be given by the Appointed Convenor for the Hearing.

The Employee / Volunteer will be advised that the verbal warning constitutes the first formal stage of this procedure. The warning will be placed on Mearns FM records. The warning, in terms of any further disciplinary action, will be disregarded after 12 months. The warning may, however, be taken into account for other decisions affecting the Employee / Volunteer such as redundancy.

Written Warning:

This will be given by the Appointed Convenor for the Hearing and confirmed to the Employee / Volunteer in writing. The warning will be placed on Mearns FM records. The warning, in terms of any further disciplinary action, will be disregarded after 12 months. The warning, however, may be taken into account for other decisions affecting the employee such as redundancy.

Final Written Warning:

This will be given by the Chairman of Mearns FM and confirmed to the Employee / Volunteer in writing. The warning will be placed on Mearns FM records. The warning will state that if the Employee / Volunteer commits a further offence of misconduct during the following 12 months, the Employee / Volunteers employment or voluntary post will be terminated. The warning, in terms of any further disciplinary action, will be disregarded after 12 months. The warning may, however, be taken into account for other decisions affecting the employee such as redundancy.

Dismissal: The decision to dismiss the Employee / Volunteer will be notified to the Employee / Volunteer in writing.

Gross Misconduct

The following offences are examples of gross misconduct:

- Theft, unauthorized possession or wilful damage to any property belonging to Mearns FM or any Employee / Volunteer
- Disclosure of Information of a sensitive or confidential nature about Mearns FM, Its Work, the Board or Employees / Volunteers, to any person other than one specifically authorized or known to be entitled to be entrusted with it.
- Serious damage to Mearns FM property.
- Falsification of reports, accounts, expense claims or self-certification forms.
- Forgery, falsification or destruction of records.
- Refusal to carry out duties or reasonable instructions.
- Serious breach of Mearns FM rules (including health and safety).
- Offences of dishonesty.
- Violent, dangerous or intimidatory conduct.
- Intoxication by reason of drink or drugs during working hours.
- Criminal offences in the workplace.
- Criminal offences out-with the workplace, if it brings bad publicity to Mearns FM.
- Sexual offences.
- Sexual, racial, or other harassment of a fellow Employee / Volunteer
- Sexual, racial, or other harassment of a third party on Mearns FM premises.
- Being on the premises out-with normal working hours without permission.
- Being absent from work without reasonable cause.
- Unauthorised use or interference with Mearns FM equipment.
- Allowing unauthorized persons to be on the premises.
- Receiving or accepting a bribe or corrupt award.
- Flagrant disregard in breach of statutory duties placed upon Mearns FM.
- Gross neglect or negligence where the results are potentially serious and might reasonably be foreseen.

These examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure. Suspicion of Gross Misconduct will result in immediate suspension, with pay (where applicable), while investigation is being carried out and a disciplinary hearing is convened as outline above. Gross Misconduct, if proven, may result in immediate Dismissal without notice or pay in lieu of notice. A dismissal will be notified to the Employee / Volunteer in writing.