



World Land Trust Disciplinary Procedure

1. Purposes and aim

- a) To ensure consistent and fair treatment of disciplinary issues.
- b) To help and encourage employees to achieve and maintain appropriate standards of conduct.

The aim of this procedure is to bring about improvements in work and conduct. It is not simply a mechanism to dismiss employees, although in some cases this may be an outcome of the procedure.

2. General principles

The purpose of this document is to set out the current procedure and rules for the handling of disciplinary matters. It does not confer any contractual rights.

- a) WLT will not dismiss any employee for a first offence, unless the offence amounts to gross misconduct (see section on gross misconduct paragraph 88 below) in which case the employee will be dismissed without notice or pay in lieu.
- b) WLT will not take any formal disciplinary action under this procedure without first having carried out a prompt investigation and without giving the employee an opportunity to put his or her case in respect of the allegations made.
- c) Employees have the right to appeal against any formal action taken against them under the procedure.
- d) Depending on the seriousness of the misconduct or the employee's disciplinary record taken as a whole, the Written Warning and Final Written Warning stages (see paragraph 66 below) of the procedure may be omitted.
- e) WLT has other policies which are relevant to disciplinary matters and this procedure should be read as incorporating provisions relating to discipline in any other WLT policies.
- f) WLT will keep records of any formal disciplinary action taken under these procedures. These will be treated as confidential.

3. The Procedure

In instances where an employee fails to meet the standards of performance required by the Trust or in minor cases of misconduct, WLT may initially choose to treat the matter informally, by way of counselling, guidance, or instruction or by informally cautioning the employee. This will not be recorded on the employee's record.

If the problem continues or management judges it to be sufficiently serious, the formal procedure set out below will apply.

4. Disciplinary meeting

If the employee's performance is judged to be unsatisfactory or allegations of misconduct are made, the employee will be required to attend a disciplinary meeting.

5. Conduct of meetings under the procedure, including appeals

- a) The employee will be informed in writing, whether the meeting concerns the employee's performance or conduct, whether it is investigative or disciplinary, the nature of any allegation and the possible outcome of the hearing. The employee will be provided with any relevant evidence.
- b) At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague. The companion may address the hearing, and may confer with the employee during the hearing, but does not have the right to answer questions on his or her behalf. This right does not extend to meetings which are purely investigative.
- c) Sufficient notice will be given to allow the employee and their selected companion to prepare their case.
- d) Disciplinary hearings will be conducted by the CEO or appointed deputy.
- e) If matters come to light during a disciplinary hearing which require further investigation, WLT may at its discretion, adjourn the hearing to enable further investigation to be carried out.
- f) Depending on the circumstances, it may be appropriate to suspend the employee from work on full pay to enable the investigation to take place. Suspension does not amount to a disciplinary sanction.

6. Possible outcomes of a disciplinary hearing

- a) If WLT is satisfied as an outcome of the disciplinary hearing that the employee has committed Gross Misconduct, WLT will normally dismiss the employee without notice or pay in lieu (see further details below).
- b) In other cases coming within the ambit of this procedure, there will be no dismissal for a first offence. Instead, WLT may issue a formal warning to an employee, which may be a Written Warning or Final Written Warning, as appropriate.
- c) The Written Warning or Final Written Warning will normally be issued by the CEO or nominated deputy. Where, at the conclusion of the disciplinary hearing, a warning is to be issued, the employee will be advised in writing as follows:

The reason for the warning;

- What stage it is in WLT's disciplinary procedure;
 - The action or improvement (if any) required of the employee;
 - If appropriate, the timescale for implementing any such action;
 - i) The consequences for the employee of not implementing required action or of further misconduct;
 - How long the warning will remain on file, subject to satisfactory conduct.
- d) The right of appeal.
 - e) All of these matters will be confirmed in writing.
 - f) Written Warning: will normally remain on the employee's personnel file for six months but a longer period may be stated in exceptional cases.
 - g) Final Written Warning: may be issued if:
 - The required improvement is not achieved within any timescale stated in a Written Warning; or
 - The seriousness of the misconduct merits it.

The Final Written Warning will normally remain on the employee's personnel file for twelve months but a longer period may be stated in exceptional cases;

7. Dismissal

- a) WLT may dismiss any employee where:
 - The required improvement is not achieved within any timescale stated in a Final Written Warning; or
 - Further misconduct takes place during the currency of a Final Written Warning – whether or not involving a repetition of conduct which was the subject of a previous warning; or
 - It is reasonably believed that he or she has committed an act of gross misconduct.

- b) Unless dismissal is for gross misconduct, the employee will be dismissed with notice.
- c) Only the CEO or appointed deputy may dismiss the employee. If practical the employee will be informed at the end of the disciplinary hearing of the decision to dismiss him or her: he or she will be told the reason, the date on which the dismissal takes effect and of his or her right to appeal. These matters will be confirmed in writing.
- d) In exceptional circumstances, WLT may seek the employee's agreement to demotion or suspension without pay or other penalty as an alternative to dismissal. Where it is deemed appropriate, a Final Written Warning may also be issued or continued in force.

8. Gross Misconduct

- a) If WLT is satisfied, following investigation and a disciplinary hearing, that the employee has committed gross misconduct, WLT will normally dismiss the employee without notice or pay in lieu.
- b) The following are examples of conduct falling within the definition of gross misconduct and which entitle WLT to dismiss without pay or payment in lieu:
 - Refusal to accept and act on reasonable instructions from an employee's supervisor or other member of management.
 - Fighting, assault or threatening, indecent or bullying behaviour.
 - Theft, fraud, falsification of WLT records or any dishonesty involving WLT, its employees, customers or authorised visitors or attempts to commit such offences.
 - Deliberate or reckless damage to the property of WLT, its employees, customers or authorised visitors.
 - Being unfit to work through alcohol, stimulants or illegal drugs.
 - Serious negligence resulting in loss or damage.
 - Unauthorised disclosure of confidential information.
 - Any action likely seriously to endanger the health and safety of the employee or any other person.
 - Acts of incitement to or actual acts of discrimination on grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

The above list is not exhaustive. It illustrates the type of conduct that normally merits dismissal for a first offence. Other types of offence such as harassment or computer misuse may be treated as gross misconduct, depending on the seriousness of the particular facts.

9. Appeals

- a) Any employee who is dissatisfied with a disciplinary decision taken in respect of him or her may appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal and should be delivered to the Chair of the Trustees within ten working days of notification of the disciplinary decision. The Chair or his/her appointed deputy will normally hear the appeal within seven working days.
- b) Following the hearing the Chair or deputy will consult with the Trustees.
- c) The decision on the appeal will be communicated to the employee in writing within five working days of the hearing.

The decision is final.

Policy Owner	Trustees
Policy Lead	CEO/COO
Adopted By	Board of Trustees
Date	November 2021
Next Review	March 2024

Alteration Sheet

Issue Number	Detail	Reason for update	Date
09	First registered review.	Annual review	November 2021