

## **WEST WALES ISLAMIC CULTURAL ASSOCIATION**

### **DISCIPLINARY RULES AND PROCEDURE**

#### **DISCIPLINARY RULES**

- 1) These Disciplinary Rules should be read in conjunction with our Disciplinary Procedure (set out below). The aim of West Wales Islamic Cultural Association's ("WWICA") Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which managers, trustees and any other person that might be appointed from time to time to lead the staff team can work with staff to maintain those standards and encourage improvement where necessary.
- 2) It is our policy to ensure that any disciplinary matter is dealt with fairly and in accordance with the Disciplinary Procedure.
- 3) While working for us you should at all times maintain professional and responsible standards of conduct. In particular you should:
  - a) observe the terms and conditions of your contract, particularly with regard to:
    - i) hours of work;
    - ii) confidentiality;
  - b) observe all WWICA policies, procedures and regulations which are included in the Handbook or notified to you from time to time by means of notice boards, e-mail, the intranet or otherwise;
  - c) take reasonable care in respect of the health and safety of colleagues, third parties and visitors;
  - d) comply with all reasonable instructions given by managers and trustees;
  - e) act at all times in good faith and in the best interests of WWICA, its clients/customers, members of the congregation, visitors and staff;
  - f) arrive at work promptly, ready to start work at your contracted starting times, and are required to remain at work until your contracted finishing times;
  - g) work additional hours at short notice, as the needs of the business require;
  - h) obtain management authorisation if for any reason you wish to arrive later or leave earlier than your normal start and finish times; WWICA reserves the right not to pay you in respect of working time lost because of poor timekeeping;
  - i) record your own time on commencing and finishing work. Any errors or omissions must be corrected by you and raised with management who will authorise or endorse any amendment; and
  - j) maintain satisfactory standards of performance at work, a high level of quality, accuracy and diligence.
- 4) Failure to maintain satisfactory standards of conduct may result in action being taken under our Disciplinary Procedure.

- 5) We may consider your actions outside work (including on social media) to be gross misconduct, or misconduct, if they affect your ability to carry out your job or have a negative effect on our reputation.
- 6) The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:
  - a) Minor breaches of our policies including the Sickness Absence Policy and Electronic Information and Communications Systems Policy;
  - b) Minor breaches of your contract;
  - c) Damage to, or unauthorised use of, our property;
  - d) Poor timekeeping;
  - e) Poor attendance and persistent short term absences;
  - f) Time wasting;
  - g) Unauthorised absence from work;
  - h) Refusal to follow instructions;
  - i) Excessive use of our telephones for personal calls;
  - j) Excessive personal e-mail or internet usage;
  - k) Obscene language or other offensive behaviour;
  - l) Negligence in the performance of your duties.

This list is intended as a guide and is not exhaustive.

- 7) Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between employer and employee. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).
- 8) The following are examples of matters that are normally regarded as gross misconduct:
  - a) Theft or fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets;
  - b) Any breach of Islamic law, regulatory requirements, Charity Commission obligations, industry standards and conduct unbecoming or inappropriate to your position within the organisation;
  - c) Physical violence or bullying;
  - d) Deliberate and serious damage to property;
  - e) Serious misuse of our property or name;
  - f) Deliberately accessing internet sites containing pornographic, offensive or obscene material;
  - g) Serious insubordination or serious failure to obey instructions;
  - h) Unlawful discrimination, bullying or harassment;
  - i) Bringing the organisation into serious disrepute;
  - j) Malicious, derogatory, defamatory and/or any damaging statements about WWICA, its officers, directors and/or trustees (whether made orally and/or in writing);
  - k) Serious incapability at work brought on by alcohol or illegal drugs;
  - l) Causing loss, damage or injury through serious negligence;

- m) Serious breach of health and safety rules;
- n) Serious breach of confidence;
- o) Acceptance of bribes or other secret payments;
- p) Conviction for a criminal offence that in our opinion may affect our reputation or any serious conduct that in our opinion may damage our relationship with our staff, worshippers or the public, or otherwise affects your suitability to continue to work for us;
- q) Possession, use, supply or attempted supply of illegal drugs;
- r) Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
- s) Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;
- t) Harassment of, or discrimination against, employees, contractors, clients or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age
- u) Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- v) Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet) contrary to our Electronic Information and Communications Systems Policy.

This list is intended as a guide and is not exhaustive.

## **DISCIPLINARY PROCEDURE**

- 1) The aims of this Disciplinary Procedure are to set out the standards of conduct expected of all staff and to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 2) It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

### **What is covered by the procedure?**

- 3) This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance.
- 4) Minor conduct issues can often be resolved informally between you and your line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future capability hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records.
- 5) You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

## **Investigations**

- 6) The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.
- 7) Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 8) You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.
- 9) You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

## **Criminal charges**

- 10) Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 11) We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 12) A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

## **Suspension**

- 13) In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our clients, customers, members of the congregation, suppliers, contractors or staff (including any volunteers), unless you have been authorised to do so.
- 14) Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. You will continue to receive your full basic salary and benefits during the period of suspension.

### **Notification of a hearing**

- 15) Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:
- i) a summary of relevant information gathered during the investigation;
  - ii) a copy of any relevant documents which will be used at the disciplinary hearing; and
  - iii) a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.
- 16) We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually two to seven days, to prepare your case based on the information we have given you.

### **Notification of a hearing**

- 17) You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the manager conducting the disciplinary hearing who your chosen companion is, in good time before the hearing.
- 18) A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 19) If your choice of companion is unreasonable we may require you to choose someone else.

### **Procedure at disciplinary hearings**

- 20) If you or your companion cannot attend the hearing you should inform us immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.
- 21) The hearing will be chaired by an appropriate manager/director/trustee and where possible, a member of the Human Resources Department (or person acting in a similar capacity) will also be present. You may bring a companion with you to the disciplinary hearing. A note taker will also be present during the hearing.
- 22) At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion

may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

- 23) You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.
- 24) We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 25) We will inform you in writing of our decision and our reasons for it, within a reasonable time period of the disciplinary hearing (depending on the complexity of the case, the need for further investigations and availability of witnesses and the decision maker). Where possible we will also explain this information to you in person.

### **Disciplinary penalties**

- 26) The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

**Stage 1 - First written warning.** It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

**Stage 2 - Final written warning.** It will usually be appropriate for:

- misconduct where there is already an active written warning on your record; or
- misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

**Stage 3 - Dismissal.** It will usually only be appropriate for:

- any misconduct during your probationary period;
- further misconduct where there is an active final written warning on your record; or
- any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

**Alternatives to dismissal.** In some cases we may at our discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

- Demotion.
- Transfer to another department or job.
- A period of suspension without pay.
- Loss of seniority.

- Reduction in pay.
- Loss of future pay increment or bonus.
- Loss of overtime.

### **The effect of a warning**

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

### **Appeals against disciplinary action**

- 27) If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to [Dr Baba Gana, the Chair of the Board of Trustees] within one week of the date on which you were informed of the decision.
- 28) If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.
- 29) If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.
- 30) We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.
- 31) The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.
- 32) Where possible, the appeal hearing will be conducted impartially by a more senior manager/director or trustee who has not been previously involved in the case. In exceptional circumstances, we may, at our absolute discretion, appoint an external investigator or consultant to hear and determine any appeal.

33) We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

34) Following the appeal hearing we may:

- i) confirm the original decision;
- ii) revoke the original decision; or
- iii) substitute a different penalty.

35) We will inform you in writing of our final decision as soon as possible, within a reasonable time period of the appeal hearing (depending on the complexity, nature of the appeal and any fact finding/investigation). Where possible we will also explain this to you in person. There will be no further right of appeal.