

BRITISH ACUPUNCTURE ACCREDITATION BOARD

DISCIPLINARY PROCEDURE

This procedure sets out the action that will be taken when acceptable standards of work or conduct are not being met.

Principles

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues
- No disciplinary action will be taken until a matter has been fully investigated
- At every stage the employee will be advised of the nature of the complaint against them
- The employee will be given the opportunity to state their case and to be accompanied or represented by a person of their choice
- An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be dismissal without notice and without pay in lieu of notice
- An employee has the right to appeal against disciplinary action taken against them at any stage.

FAILURE TO MAINTAIN STANDARDS

The following offences are examples of failure to maintain standards or misconduct (these offences are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure).

- Continued failure to meet the job description
- Unauthorized absence
- Minor damage to Board property
- Failure to observe Board procedures
- Abusive behavior, rudeness to colleagues
- Minor breaches of confidentiality

The procedure the Board will apply in cases of alleged misconduct is as follows:

Informal discussion:

Before taking formal disciplinary action, the appropriate manager representing the Board will have informal discussions with the employee with a view to resolving the issue. The formal disciplinary procedure will be implemented only where these discussions fail to bring about the desired improvement.

Investigation:

If despite informal discussions, the employee's performance or conduct continues not to meet acceptable standards, the Officer of the Board will gather evidence of the alleged misconduct or failure to maintain standards. This will be discussed with the Chair of the Board and, if it is considered that there is sufficient evidence that the employee's performance or conduct does not meet acceptable standards, the Strategic Officer will present this evidence to the employee in writing. The employee will be invited to respond in a discussion and may, if they wish, have a representative with them. This process will be followed prior to both formal and final warnings.

Formal warning:

If the failure to maintain acceptable standards is substantiated the employee will be issued with a formal warning by the Board's Officer which may be oral or written according to the circumstances. The warning will specify the offence committed and will also specify the action the Board will take if a further offence is committed and the right to appeal. The employee will be advised that the warning constitutes the first formal stage of this procedure. A copy of the letter or a note of the oral warning will be placed in the employee's file but will lapse after 12 months subject to satisfactory conduct and performance.

A Formal Warning may be given on more than one occasion.

Final Warning:

A Final Warning will be given if there is insufficient improvement in performance or conduct within the timescale detailed in the previous Formal Warning, whether there is the same misconduct or other misconduct, or if the misconduct is sufficiently serious to warrant only one warning. This warning will be given by the Chair of the Board and confirmed in writing. This warning will state the nature of the misconduct, what improvement is required, and that employment will be terminated if a further offence is committed within a certain timescale. It will also set out the right to appeal. A copy of this will be kept in the employee's file for a period of twelve months but will then lapse subject to satisfactory conduct and performance.

Dismissal:

If there is insufficient improvement in performance or conduct within the timescale detailed in the Final Warning or if a further offence occurs, dismissal will result. The decision to dismiss will be taken by the Board's Executive Group, who will have access to all the employee's records. Dismissal will be notified in writing giving reasons for the dismissal, the date on which employment will terminate and the right of appeal.

GROSS MISCONDUCT

Gross misconduct is any deliberate act, or negligent failure to act, that is detrimental to the good conduct of the Board's business.

The following are examples of gross misconduct (these examples are not exhaustive of exclusive and offences of a similar nature will be dealt with under this procedure).

- Theft from the Board, its employees, agents or members
- Serious or willful damage to Board property
- Forgery, falsification of records, accounts, expenses claims
- Violent, dangerous or intimidatory conduct, gross rudeness to colleagues, sexual or racial harassment or bullying
- Action constituting a criminal offence
- Attending the premises of the Board or engaging in the business of the Board whilst under the influence of alcohol or drugs
- Gross negligence
- Breach of confidentiality
- Public denigration of the Board, its ethos, policies and processes

Suspension:

Alleged gross misconduct will result in immediate suspension with pay, pending investigation. Suspension will be instigated by the Board's Officer or the Chair of the Board. Suspension is not to be regarded as a form of disciplinary action and will be for as short a time as possible.

Investigation:

The Officer of the Board will gather evidence of the alleged gross misconduct, will discuss this with the Chair of the Board and, if it is considered that misconduct has occurred, with the Board's Executive Group. This evidence will then be presented to the employee in writing and the employee will be invited to respond in writing and in person at a meeting with some members of the Executive Group at which the employee's representative may also be present.

Dismissal:

If the employee is found to have committed an act of gross misconduct they will be provided with written reasons for dismissal, notified of their right to appeal and will be dismissed without notice or pay in lieu of notice. The decision to dismiss will be taken by the Board's Executive Group.

APPEALS

The employee has a right to appeal at any stage of the disciplinary process to the Board's Executive Group. The appeal should be in writing and should state the grounds for the appeal and include additional evidence pertinent to the misconduct. The matter will then be considered by the Executive Group, who may ask the employee to attend a meeting with them, at which they may be represented by or accompanied by another person. The Executive Group will report the decision to the employee within seven working days of such referral.

Second level of Appeal (Arbitration): The second level of appeal is only available if the employee has been dismissed and has failed in their first appeal against dismissal. If the employee is dissatisfied with the outcome of the appeal they should inform the Chair of the Board in writing of their wish to take the issue to the second level of appeal within five working days of receipt of the outcome of the first appeal. The Chair will acknowledge receipt of this letter within five working days. Three members of the Board, acceptable to the employee, who have not previously been involved in the disciplinary process, will be appointed as arbitrators. All papers relevant to the misconduct will be circulated to the arbitrators. The appeal will be considered by them in a meeting at which the employee will be invited to attend with a representative. The employee will be notified in writing of the outcome within five working days of the meeting. The decision of the arbitrators is final and binding.

BRITISH ACUPUNCTURE ACCREDITATION BOARD

GRIEVANCE PROCEDURE

It is the Board's policy to ensure that any employee with a grievance has recourse to a procedure which can help resolve grievances as quickly as possible. The employee is entitled to be accompanied by a person of their choice at all stages of this procedure.

If during the currency of employment with the Board, an employee has any grievance relating to their employment this should initially be explored this directly with the person concerned.

If the issue remains unresolved the employee should then discuss this with the appropriate Accreditation Officer of the Board, or if that person is the cause of concern, with the Chair of the Board. A letter confirming the outcome of this discussion will be sent within seven working days of the discussion. The Board hopes that the majority of concerns will be resolved at this stage.

If the matter remains unresolved, the employee should put the grievance in writing to the Board's Chair who will take it for discussion with at least two other members of the Board's Executive Group not otherwise involved in the grievance. They will investigate the grievance and will invite the employee to a meeting with them at which a representative may also be present, together with the other person involved.

The Chair will report to the employee in writing within 15 working days of the meeting at which the grievance was discussed.

The decision of the Executive Group is final.