*This policy is intended to set out the values, principles and policies underpinning the Committee’s approach to Disciplinary and Confidentiality procedures. (P003 Confidentiality refers).*

The Committee is committed to providing the best possible working conditions for its staff and Committee members.

**In the event of a breach in Confidentiality (Misconduct):**

1. Where minor offences are committed such as the disclosure of Confidential information, then the formal disciplinary procedure may be followed:

and

1. Disciplinary action may take place depending on the severity of the problem and the number of occurrences.
   1. A verbal warning.
   2. One or more written warnings.
   3. Final written warning.
   4. Dismissal from the Committee or work place
2. **Investigation**
   1. Following any alleged misconduct or breach of confidentiality, an investigation must be carried out to ascertain the facts. This investigation can be carried out by a senior member of the Committee. It is advisable that the person conducting the investigation does not then conduct any disciplinary hearing that may result from that investigation.
3. **Examples of misconduct**
   1. Distinction between the types of misconduct is not always clear and may depend on

* the individual’s history relating to the Committee
* the individual’s intent and whether the behaviour was deliberate
* the circumstances of the incident

1. **The Disciplinary Hearing**
   1. A disciplinary hearing can only take place once a full investigation has been completed.
   2. The hearing must take place in private by the Chairperson and/or Vice Chairperson.
   3. Disciplinary action must always be preceded by a hearing to present the facts to an individual and enable the individual to respond.
   4. An individual will be given, in writing, at least 3 (three) working days’ notice of the hearing, to include the date, time and venue for the hearing, and who will be conducting the hearing.
   5. It is advisable for a second person to be present at the hearing for the purposes of taking notes and witnessing the process.
   6. The individual has a right to be accompanied by a colleague not involved directly in the matter.
   7. The individual should be provided with full details of the allegation(s) and any documentary evidence such as witness statements at least 3 (three) working days before the date of the hearing.
   8. The individual will be given the opportunity to state their case at the hearing.
   9. Written records should be kept of the facts, findings and outcome of the hearing by the person conducting the hearing.
   10. Following any disciplinary hearing the individual will receive in writing confirmation of the outcome of the hearing and where appropriate time scales for improvement.
2. **Appeals Procedure**
   1. Individuals have the right to appeal against any formal disciplinary action (not verbal warnings) by informing the Chairperson in writing within 5 five working days of notification of the disciplinary sanction. This letter must clearly state the grounds for the appeal. The grounds for appeal are where: -
      1. The individual believes that the disciplinary action is disproportionate to the offence
      2. The disciplinary process was not followed properly
      3. New evidence has emerged that was not available at the original hearing.

An appeal against disciplinary action will be heard by the Chairperson. The Chairperson’s decision is final.

* 1. In the case of dismissals, the appeal will take the form of a **re-hearing.**

This will take place if the individual appeals because-

* they claim that the decision to dismiss was too harsh for the offence committed
* they claim that the evidence was unreliable
* they have new evidence
* they claim that a serious procedural error was made
  1. The Chairperson may decide to uphold the original decision to dismiss based upon the outcome of the review or re-hearing. Where the decision is made to re-instate the individual, this will be effective from the date of dismissal.
  2. The individual will be informed of the outcome of the appeal within 5 (five) working days.
  3. Written records should be kept of the facts, findings and outcome of the appeal by the person conducting the appeal.

1. **Statements to the Media**

If a member of the Trustees or Committee are contacted by the Press or Media for an interview/comment, only the Chairperson has the authority to discuss information.