

Your LINK for improving health and social care

www.thekentlink.co.uk



May 2010

The Kent LINK

Disciplinary Procedure for LINK Participants

Introduction

Action may be taken by the Kent LINK when a LINK participant fails to meet satisfactory standards with regard to conduct, reliability, confidentiality or implementation of policies laid down by the Kent LINK governance arrangements (including the Governance Framework and LINK Policies / Strategies).

Principles

In most cases, improvements resulting from discussion, counselling and agreed training should resolve problems and make formal disciplinary action unnecessary.

This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues of unacceptable conduct or poor performance. No disciplinary action will be taken until the matter has been fully investigated.

At every stage the LINK participant will have the opportunity to state their case and be accompanied at any related meetings / hearings with a fellow participant if they wish.

Informal Warning

The Kent LINK's Governors' Group Chairman, after establishing the relevant facts, may give an informal warning to improve conduct or performance. This is the first effort to assist a LINK participant in reaching a required standard. These informal warnings / counselling are not part of the disciplinary procedure. However, should formal action be necessary, the procedure will be as follows.

The Kent LINK

Disciplinary Procedure for LINK Participants

Formal Action

1. Before taking any action, the LINK's Governor responsible for the participant must:
 - a) Establish, without delay, the relevant facts
 - b) Inform the participant that a complaint has been logged against him or her, the nature of the complaint and must be invited to attend an interview with the LINK's Governor responsible. He / she may also bring a friend or advocate for support if they wish
 - c) Invite the participant to state his or her case. The Governor may then question the volunteer; the Governor must take account of the mitigating circumstances when considering action.

2. Where the facts of the case appear to call for action, other than dismissal, the following procedure will be followed:
 - a) The participant will be informed by the Governor that the offence which they have committed makes them liable for an oral warning and this warning is part of the formal disciplinary process
 - b) The Governor must confirm the oral warning in writing and tell the participant that a copy of the warning has been kept on file. The volunteer should be advised that three such warnings (oral with written confirmation) will lead to dismissal. These three warnings may concern a single or a range of offences
 - c) In the event of three warnings, the participant must be informed by the Governor in writing that the Kent LINK is no longer able to use his or her services, giving the reasons for this decision. These reasons must have been made clear to the participant throughout the disciplinary process and written records of all conversations and correspondence kept by the Governor.

3. LINK participants may be dismissed where one or more of the following offences is committed:
 - Theft of property belonging to the Kent LINK, another participant or Kent & Medway Networks Ltd (KMN)
 - Acts of violence
 - Malicious damage to property
 - Deliberate falsification of expenses claim
 - Disclosure of confidential information relating to the Kent LINK
 - Any conviction of a criminal offence that undermines the Kent LINK
 - LINK participant's suitability for deployment by the Kent LINK

The Kent LINK

Disciplinary Procedure for LINK Participants

- The provision of false personal information, or failure to disclose information relevant to his or her deployment as a Kent LINK participant
- Sexual or racial harassment.

Dismissal can only be decided by the Chairman of the Governors' Group, or in his absence, the appointed Deputy Chairman. During the investigation into the complaint, the participant will be suspended. The participant will have the right to put his or her case to the Chairman or appointed Deputy Chairman, and to be accompanied by a friend or advocate. The Chairman's decision shall be conveyed, in writing, to both the supervisors and volunteer within seven days of the interview.

In the case of dismissal, the participant will have the right of appeal to a nominated Governor who was not involved in the former proceedings. Notice of the appeal must be given within two weeks of receipt of the written decision. The Governor will independently gather the necessary information and evidence and after interviews with the participant and other witnesses, make a binding decision. The participant will be informed of the outcome within one month of making the appeal. The Governors' decision is final.

***** *End of procedure* *****

Recommendation: That the above Disciplinary Procedure for LINK participants is agreed.