

# APGO DISCIPLINARY PROCEDURE

## 1. Purpose and scope

This procedure is designed to help and encourage all member organisations of the APGO, their employees and sub-contractors (where appropriate), to achieve and maintain standards of conduct, meeting attendance and business protocols. The APGO Code of Conduct (as on the APGO website), and this procedure apply to all APGO members with the aim being to ensure consistent and fair treatment.

## 2. Principles

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against a member organisation until the case has been fully investigated. The investigation panel will comprise the APGO Chair and at least one other member organisation.

For formal action the organisation will be advised of the nature of the complaint and will be given the opportunity to state its case before any decision is made.

Organisations will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of an investigation meeting.

No organisation will be removed from the APGO for a first breach of discipline except in the case of gross misconduct, when the penalty will be instant removal with no possibility of rejoining for a minimum of two years.

An organisation will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the organisation's alleged misconduct warrants this.

## 3. The procedure

### First stage of formal procedure

- A written warning for business practice or behaviour that does not meet acceptable standards. This will set out the problem, the change that is required, the timescale, any help that may be given and the right of appeal. The organisation will be advised that it constitutes the first stage of the formal procedure. A record of the change note will be kept for 12 months, but will then be considered spent – subject to achieving and sustaining accepted business practice and behaviour.

## Final written warning

- If the offence is sufficiently serious, or if there is further misconduct or a failure to improve practice and behaviour during the period of a prior warning, a final written warning may be given to the organisation. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to immediately removal and will refer to the right of appeal. A copy of this written warning will be kept by the APGO Chair but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct and practice.

## Removal or other sanction

If there is still further misconduct or failure to improve practice and behaviour the final step in the procedure may be removal from the APGO. Removal decisions can only be taken by the APGO Chair and the organisation will be provided in writing with reasons for their removal, the date on which their removal from the APGO will commence, and the right of appeal.

## Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct (this list is not definitive):

- a deliberate breach of the APGO Code of Conduct
- physical violence or bullying
- a serious breach of the pertaining parts of the Charities Acts 1992, 2006 and 2011 and the Data Protection Act 2018 (GDPR)
- a willful breach of the PFO Single Agreement List
- a willful breach of the APGO Service Level Agreement
- serious misuse of another organisation's property or name
- unlawful discrimination or harassment
- bringing Payroll Giving or the APGO into serious disrepute
- causing loss, damage or injury through serious negligence
- deliberate refusal to cooperate with other members of the APGO in resolving any issues with employers, donors, charities or other organisations
- theft or fraud

If you are accused of an act of gross misconduct, your organisation may be suspended from the APGO, normally for no more than ten working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary removal from the APGO without notice.

## Appeals

An organisation that wishes to appeal against a disciplinary decision must do so within five working days. The APGO Chair will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.