

DISCIPLINARY AND GRIEVANCE PROCEDURES

DISCIPLINARY POLICY

1.1 Introduction

The object of the Disciplinary policy and Disciplinary Procedure is to inform the workforce of the standards of conduct and performance, which are expected of them and of the action which the Employer will take in individual cases where these standards are not maintained. Standards of discipline have been established under three main headings set out at paragraphs 1.2 - 1.4.

1.2 Minor Offences

This category covers such matters as wasting time, minor mistakes in job performance, lateness, unauthorised absence from work. Absence and lateness are not regarded as independent offences and are collectively recorded. (Absence and lateness may be regarded as a serious offence if the nature of your job or the circumstances surrounding the particular instance of absence or lateness merit it).

1.3 Serious Offences

This category covers the repetition of minor offences and:-

- * incapability whilst on duty brought on by alcohol or illegal drugs;
- * damage to the Employer's or customer's property through carelessness;
- * refusal to obey proper instructions;
- * infringement of the Employer's health and safety rules;
- * continued failure to perform work to the standards required by the Employer;
- * continued failure to achieve reasonable standards of dress;
- * whilst purporting to be absent sick, working or indulging in activities which are likely to be inconsistent with the reason for absence and/or unlikely to be conducive to recovery;
- * lateness or unauthorised absence (where such is in the first instance a serious offence) and repeated lateness or unauthorised absence (where such is not in the first instance a serious offence);
- * bad language, offensive or insulting behaviour or inadequate personal hygiene;
- * negligence which causes or might cause unacceptable loss, damage or injury;
- * bringing the Employer into disrepute;
- * infringement of the Employer's computer, email or data protection rules;
- * failure to declare criminal convictions, cautions or pending proceedings;
- * breaches of Employer's rules and procedures.

This list is not exhaustive and is only meant to be used as a guide.

1.4 **Gross Misconduct**

This covers any action by an employee done deliberately, recklessly or carelessly which injures, damages or interferes with any other employee, the Employer's property or the Employer's business.

Examples of which are:-

- * breach of the duty to the Employer of confidentiality (subject to the Public Interest (Disclosure) Act 1998);
- * deliberate damage to the Employer's or customers' property;
- * serious incapability whilst on duty brought on by alcohol or illegal drugs;
- * fighting, assaults on other employees or other acts of violence;
- * unauthorised removal of the Employer's property from site or theft of other employees' property;
- * serious infringement of health and safety rules;
- * serious insubordination;
- * dishonesty or theft including falsification of data/records (including self - certification forms and punching other employees clock cards);
- * smoking at or in unauthorised areas;
- * working for or assisting a competitor of the Employer;
- * failure to report an accident;
- * serious negligence which causes or might cause unacceptable loss, damage or injury;
- * bringing the Employer into serious disrepute;
- * serious infringement of the Employer's computer, email or data protection rules;
- * any form of bullying or harassment.

This list is not exhaustive and is only meant to be used as a guide.

Should you ever be in any doubt about a rule you should consult your immediate superior.

1.5 **Penalties**

If following any disciplinary procedure a complaint against you is upheld the penalty imposed shall be such as management considers reasonable and appropriate to the circumstances and may include (but shall not be limited to) the following:-

- * a written warning;
- * suspension without pay for up to 10 working days;
- * demotion, redeployment and/or downgrading;
- * final warning; and
- * dismissal.

1.6 **Poor Work Performance**

Poor work performance will be treated in the same way as misconduct, save that efforts will, where appropriate, be made by the Employer to assist the employee to bring their work up to the required standard.

Any warning given to the employee for poor work performance will indicate the performance required and the requirement for an improvement within a given period.

GRIEVANCE DISCIPLINARY AND APPEAL PROCEDURES

1.1 Introduction

The following are the procedures, which will normally be followed for handling disciplinary matters, individual complaints and appeals against disciplinary action.

The procedures are intended to ensure that issues are resolved speedily and to ensure the fair treatment of employees who become liable to disciplinary action, because of failure to meet the standards prescribed by the Employer and individual contracts of employment, with regard to conduct, attendance or job performance.

1.2 Disciplinary Procedure

Before any disciplinary action is taken under this procedure the employee will be advised in writing of the complaint against them and the basis for such complaint, will be allowed a reasonable opportunity to consider their response to that information and will be invited to a meeting to discuss the matter and state their case. The employee must take all reasonable steps to attend the meeting, bringing a representative with them if they so wish.

1.2.1 Misconduct and Incapability

Stage 1 – improvement note: unsatisfactory performance

If performance does not meet acceptable standards the employee will normally be given an improvement note. This will set out the performance problem, the improvement that is required, the timescale and any help that may be given. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 6 months, but will then be considered spent – subject to achievement and sustainment of satisfactory performance.

Stage 1 - first warning: misconduct

If the conduct does not meet acceptable standards the employee will normally be given a written warning. This will set out the nature of the misconduct and the change in behaviour required. The warning should also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning should be kept, but it should be disregarded for disciplinary purposes after a specified period (eg, six months).

Stage 2: final written warning

If the offence is sufficiently serious, or there is a failure to improve during the currency of a prior warning for the same type of offence, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to action under Stage 3 (dismissal or some other action short of dismissal), and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after ... months subject to achievement and sustainment of satisfactory conduct or performance.

Stage 3 - dismissal or other sanction

If there is still a failure to improve the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which the employment will terminate, and the right of appeal. The decision to dismiss will be confirmed in writing.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after ... months subject to achievement and sustainment of satisfactory conduct or performance.

Statutory discipline and dismissal procedure

If an employee faces dismissal - or certain action short of dismissal such as loss of pay or demotion - the minimum statutory procedure will be followed. This involves:

- step one: a written note to the employee setting out the allegation and the basis for it
- step two: a meeting to consider and discuss the allegation
- step three: a right of appeal including an appeal meeting.

The employee will be reminded of their right to be accompanied.

1.2.2 **Summary Dismissal**

Any employee found guilty at any time of particularly gross misconduct or any employee who commits an error due to negligence and the actual or potential consequences of that error are, or could be, extremely serious, may be dismissed summarily without any prior warning and without notice or payment in lieu of notice.

1.2.3 **General**

You will not be dismissed before a proper investigation has been undertaken by the Employer relating to the circumstances. If appropriate the Employer may by written notice suspend you with or without pay, whilst a full investigation is being undertaken. Whilst suspended you shall not be entitled to access to the Employer's premises without the Employer's prior consent.

At any stage in the disciplinary, grievance or appeals procedure you may be accompanied by a fellow employee or trade union official of your choice.

1.3 **Appeals Procedure**

Employees have a right to appeal against any stage of the disciplinary procedure (including dismissal) to the Trustees. Such appeal must be lodged in writing within five working days of receiving notification of the disciplinary decision under appeal, setting out the reasons for the appeal e.g. procedural irregularities, new evidence, mitigating circumstances were not taken into account, penalty too harsh etc.

The Trustees will invite the employee to a meeting to discuss the appeal.

The employee must take all reasonable steps to attend the meeting.

The Trustees' decision will be notified to the employee in writing.

1.4 **Grievance Procedure**

Whenever possible any issues should be resolved as soon as practicable in accordance with the following procedure.

If you have any grievance or complaint relating to your employment you should set out details of the grievance and the basis for it in writing and send it to your Manager.

Once the Manager has had a reasonable opportunity to consider a response to that information you will be invited to attend a meeting to discuss your grievance. You must take all reasonable steps to attend the meeting.

Following the meeting the Manager will notify you of the decision and of your right to appeal if you are not satisfied with the decision.

If you are dissatisfied with the decision of the Manager you should inform the Chair of Trustees that you would like to appeal.

The Chair of Trustees will invite you to a meeting to discuss the grievance. You must take all reasonable steps to attend the meeting.

Following the meeting the Chair of Trustees will inform you of the final decision.

Where the grievance is against the Manager, you should set out details of the grievance and the basis for it in writing and send it to the nominated Trustees.

Once the Chair of Trustees has had a reasonable opportunity to consider a response to that information they will invite you to attend a meeting to discuss your grievance with you.

You must take all reasonable steps to attend the meeting.

Following the meeting the Chair of Trustees will notify you of their decision and of your right to appeal if you are not satisfied with the decision.

If you are dissatisfied with the decision you should inform the Chair of Trustees that you would like to appeal.

A sub-committee of Trustees will invite you to a meeting to discuss the grievance. You must take all reasonable steps to attend the meeting.

Following the meeting the sub-committee of Trustees will inform you of their final decision.

When stating a grievance you may be accompanied by a fellow employee or trade union official of your choice.

1.5 **Discrimination**

If you believe you are being sexually or racially harassed or are the victim of some other form of harassment or unlawful discrimination you should report any incident to the Manager.