



## **DISCIPLINARY AND GRIEVANCE PROCEDURES**

### **STATEMENT**

#### **The Disciplinary Procedure**

People and Work aims to work to high standards and to operate safely and efficiently. Therefore, People and Work requires of its staff high standards of both conduct and performance. Wherever possible, minor disciplinary matters are dealt with informally, but discipline and a disciplinary procedure are necessary to ensure that the company's standards are consistently met.

The means of achieving this are:

- an employees' Code of Conduct for everyone who works for People and Work
- an Equal Opportunities Policy
- informal guidance for individual employees on how unsatisfactory conduct or performance can be improved
- a formal Disciplinary Procedure

The Director is responsible for ensuring that employees and project participants are aware of the rules and standards applicable to them, and for ensuring that they are given, where appropriate, informal guidance on how unsatisfactory conduct or performance can be improved, before any formal disciplinary action is considered.

#### **The Grievance Procedure**

Wherever possible, grievances are dealt with informally, but the company recognises the rights and privileges of employees and project participants and aims to safeguard these in the Grievance Procedure, which employees and project participants are required to use if they have any grievance against either the company or any individual working within it.

## **DISCIPLINARY PROCEDURE**

Wherever possible, disciplinary matters of a minor nature will be dealt with informally by the employee's Line Manager or the Director, as appropriate. However, if it appears that formal disciplinary action may be required, the Line Manager/ Director will conduct an initial investigation and take the following steps to ensure fair and equitable treatment for the employee or project participant involved:

**Misconduct:** the following are examples of misconduct, which, although not normally serious enough to warrant dismissal/exclusion without previous warning, will nevertheless warrant formal disciplinary action. The list is not exhaustive:

- poor or negligent performance of duties
- disregard of People and Work's policies and procedures
- bad timekeeping and/or absenteeism
- abuse of authority or refusal to obey legitimate instructions
- being an accessory to or conniving at any disciplinary offence by another person

**Disciplinary Interviews:** People and Work's Director/Line Manager will interview the employee/ project participant not later than 7 working days from being informed of the alleged offence. The following principles will be observed in preparing for and conducting the disciplinary interview. Before the interview takes place:

- the Director/ Line Manager will write to the employee/ project participant clearly stating the nature of the alleged disciplinary offence and the type of disciplinary action which might be considered should the subsequent disciplinary investigation establish that such an offence has been committed
- the Director/Line Manager will collect all the available facts of the case and find out if there are any other circumstances affecting the situation
- the employee/ project participant will be given as much notice as possible of the date of the interview giving a minimum of 5 working days before the interview to consider the facts
- the employee/ project participant has the right to be accompanied at any formal disciplinary interview or appeal, by a 'friend' of their choice (who could be a fellow employee/ project participant, trade union representative or other suitable person). The right of accompaniment must not under any circumstances delay the holding of the interview for more than a maximum of 14 days
- during the interview, the employee/ project participant will be given every opportunity to state his/her case in a reasonable manner, either in person or via the accompanying 'friend'
- the company will aim for a positive outcome from the interview

- the company will keep a careful record of the interview. This will be recorded in writing and a copy given to the employee/ project participant. The record will be signed by both the Director and the employee/ project participant.

**Possible Actions:** except in a case of Gross Misconduct (see below), and depending on the severity of the offence, the company may decide to take no further action, or one or all of the following disciplinary actions:

- **a first written warning** - one copy of which is retained by the employee/ project participant and one enclosed in the employee's/ project participant's personal file. This warning will give details of the complaint, the improvements that are required, the length of any probationary period, notification that dismissal/ exclusion will probably result if the terms of the warning are not met, and notification that the warning will remain 'live' from 12 months from the date of issue
- **a final written warning** - one copy of which is retained by the employee/ project participant and one enclosed in the employee's/ project participant's personal file. This warning will give details of the complaint, the length of any probationary period, and notification that dismissal/ exclusion will probably result if the terms of the warning are not met. The warning will remain 'live' as a final written warning for 12 months from the date of issue, following which it will revert to the status of a first written warning for a further 12 months.

If the decision is to give any of the above warnings, People and Work must provide the employee/ project participant with information on what is expected to improve his/her performance to the required standard. The company will also include in the warning information the next stage of the procedure, should the necessary improvements fail to occur, or should a further disciplinary offence take place.

**Dismissal/ exclusion after disciplinary proceedings:** if the misconduct is serious enough to warrant dismissal/exclusion **and** the employee/ project participant has been given every opportunity to respond to the warnings but failed to do so, the Director will refer the matter to the Chair of the Board who can take the decision to dismiss.

**Right of Appeal:** the employee/ project participant has the right of appeal against dismissal/exclusion or any other formal disciplinary action, to the Board of People and Work. Notification of intention to appeal must be submitted in writing within 5 working days of the disciplinary action. The appeal will be heard within a further 7 working days, by members of the Board not involved in the original disciplinary action. Pending any appeal, the disciplinary action will stand.

**New Employees:** a new employee's progress is under continuous review during his/her induction period, as specified in the letter of offer of employment. With the

exception of Gross Misconduct, the above procedure is not applicable during this period. The new employee will however, receive informal warning of and guidance on any shortcomings in conduct or performance.

## **Gross Misconduct**

**Definition:** Gross Misconduct is defined as misconduct that is serious enough to justify dismissal/ being asked to leave at the first offence. The following are examples of behaviour constituting Gross Misconduct. The list is not exhaustive:

- theft, fraud, deliberate falsification of records
- fighting, physical assault, dangerous horseplay and threats to colleagues/ other project participants
- wilful damage to property
- incapacity due to alcohol or substance misuse
- negligence causing loss, damage or injury
- sexual misconduct, racial or sexual harassment
- being an accessory to, or conniving at an act of gross misconduct by another person
- (for staff): unauthorised absence from place of work without just cause
- (for staff): flagrant disregard of People and Work's policies or procedures
- (for staff): action liable to bring People and Work's reputation into disrepute.

**Suspension:** if the offence appears to be of a serious nature, the Director/Line Manager may at any stage suspend the employee on full pay pending an investigation or require a project participant not to be admitted to project activities.

**Hearings:** any employee or project participant under threat of dismissal/exclusion through Gross Misconduct has the right to a disciplinary hearing. An employee or project participant wishing to take up this right must inform People and Work within 5 working days of notification of the offence. The hearing will be held within 15 working days of the request.

**Dismissal/exclusion:** if, after the fullest investigation, the offence appears to be one constituting Gross Misconduct, the Director will refer the matter to the Chair of the Board who can take the decision to dismiss/exclude.

## **GRIEVANCE PROCEDURE**

In the interests of good relations in the organisation, employees, volunteers and project participants are urged to take what steps they can to informally resolve differences they may have with any colleagues before using the formal grievance procedure. Line Managers, the Director and the Chair of the Board are available for confidential, informal discussions, mentoring and support on such issues. The steps

below are open to all employees, volunteers and project participants who wish to take up a grievance on any aspect of their employment/involvement with the company, excluding matters being addressed by the disciplinary procedure. **It is important to recognise that the Grievance Procedure is only invoked when the following steps are followed, and personnel may be disadvantaged if they do not follow this procedure.**

**Informal discussions:** in the first instance any grievance should be discussed with an appropriate staff member/Line Manager. (This will be the person the employee or project participant normally reports to/takes instructions from).

**Stage 1:** If the matter has not been resolved through informal discussions, employees should put their grievance **in writing** to the Director. Project participants should put their complaint in writing to their Line Manager. To avoid any confusion, the complainant should explain clearly that s/he has a grievance and that s/he wants it to be dealt with under Stage 1 of the Grievance Procedure. Both complainant and the company will have 5 working days from receipt of the written grievance to consider the facts. The Director/ Line Manager will give a response within a further 5 working days in an endeavour to resolve the matter.

At this stage, the Director/Line Manager, or, in their absence, a designated representative, is responsible for:

- establishing the details of the complaint
- establishing the circumstances which have led to it, including the views of the other people involved
- providing a written answer to the complainant, within 5 working days, including a statement of any action which will be taken as a result.

If the Director/Line Manager considers it appropriate, a meeting may be held at this point with the complainant and/or independent mediation may be sought.

**Stage 2:** if the grievance is not resolved to the complainant's satisfaction through Stage 1, s/he should appeal, in writing, to: (for staff) the Chair of the Board or a deputy not involved in the previous grievance or (for project participants) to the Director who will arrange a meeting to discuss it within 7 working days of the grievance being received. The Chair's/Director's decision will be final.

**Right of Representation:** the complainant has the right to be accompanied, at any stage in the Grievance Procedure, by a 'friend' of their choice (who could be a fellow employee/ project participant, trade union representative or other suitable person).

## **OVERLAPPING DISCIPLINARY AND GRIEVANCE PROCEDURES**

When an employee/project participant raises a grievance during a disciplinary hearing, the disciplinary hearing will be suspended to deal with the grievance.

When both procedures are related, they will be dealt with concurrently.

*(This policy should be read in conjunction with People and Work's employees' Code of Conduct, Human Rights Policy, Equal Opportunities Policy, Child Protection Policy, Vulnerable Adults Policy, Unplanned Leave Policy, Data Protection and Security Policy, Health and Safety Policy and IT Security Policy.)*