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# DISCIPLINARY AND GRIEVANCE PROCEDURES

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Unit 1, Office 4, Hawthorn Business Park, 165 Granville Road, NW2 2AZ

Tel: 07506750023 | Email: [office@hih.org.uk](mailto:office@hih.org.uk)

Registered Charity No 1182698

# DISCIPLINARY PROCEDURES

## Introduction

The organisation's disciplinary procedures are designed to support and encourage all employees to achieve and maintain the required standards of conduct, attendance and job performance.

The procedures apply to all employees and workers including trainees and apprentices and it aims to ensure consistent and fair treatment for all and to clarify and reinforce rights and obligations. (All references to the "organisation" contained within these procedures should be taken to mean Hand in Hand).

## Procedure

### Informal Process:

Since it is the organisation's aim to encourage and maintain acceptable standards of conduct and performance and attendance, every effort will be made to deal with minor problems in the first instance through informal action with the first Line Manager/Supervisor in order to avoid the need to implement the formal procedure. This principle should be applied in the first instance to minor issues with conduct, performance or attendance.

Although informal, this type of meeting will result in an improvement note written to the employee from the Line Manager, detailing points discussed, actions required and support/training provided. This is to ensure fairness and clarity as to the improvements, timescale and support required, for both the employee and the Line Manager.

The Line Manager will arrange for the provision of support, practical assistance and/or training as appropriate to ensure that minor problems are resolved at an early stage and to ensure that acceptable standards of work performance, behaviour and a satisfactory level of attendance are achieved.

As employees are often reluctant to discuss matters of a personal nature which are affecting their work, the employee should be encouraged to seek independent confidential counselling outside of the workplace, if applicable. Where informal action fails or the matter is more serious the Formal Process outlined below will be followed.

### Formal Process:

#### Principles

1. At all stages of the formal procedure the employee will be informed of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decision is made.

Written confirmation of the nature of the complaint will be supplied.

2. There are three types of issues that can be dealt with in accordance with the disciplinary procedure: conduct, capability (performance) and attendance. It is important to determine at the start of the procedure which one of those types applies in order to deal with the issue effectively and correctly.

3. No disciplinary action will be taken against the employee until the case has been fully investigated. If dismissal is one of the possible outcomes of the disciplinary procedure (in cases of either alleged gross misconduct or further misconduct where the employee has a valid final warning on his/her file), an employee may be placed on suspension with pay until such investigations are carried out. Suspension may be notified to the employee in writing and will not normally exceed a period of 5 working days without a review, containing a meaningful explanation about the progress in the investigatory process. During such a suspension the employee will be paid at a rate equivalent to his/her contractual earnings.

It should be noted that suspension with full pay is not a disciplinary sanction.

4. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be summary dismissal, i.e. dismissal without notice or wages in lieu of notice.

5. At all stages of the procedure the employee will have the right to be accompanied by either his/her Trade Union representative or a fellow employee of his/her choice.

6. All information/documentation forming a part of the investigation will be made available to the employee and their Trade Union representative (where relevant) before the hearing.

7. An employee will have the right to appeal against any disciplinary penalty imposed. The process to be followed when making an appeal will be provided to the employee in writing.

8. In appropriate cases, (e.g. poor performance or poor attendance) the employee will be advised in writing of the time allowed for improvement and when and how reviews will take place, and what action may be taken if there is no improvement as required.

9. The procedure may be initiated at any of stages 1-3, dependent upon the seriousness of the employee's alleged misconduct.

10. For the purpose of the procedure to be followed, warnings given for different reasons shall be cumulative.

11. Where there is police involvement or investigation, the Organisation will conduct its own investigation and make its decisions based on evidence and information available to it at the time. The matter will not be put on hold until the police investigation and/or court proceedings conclude.

## **Formal Procedure: Stages**

### **STAGE 1 - FIRST WRITTEN WARNING/ PERFORMANCE NOTE**

If there is no improvement in the standard of conduct/performance or level of attendance following any informal action, or the first act of misconduct / underperformance or absence level is of a more serious nature, the employee will be interviewed by their Line Manager and given an opportunity to respond to the allegation(s) and explain his/her actions.

If the explanation is not satisfactory a FIRST WRITTEN WARNING or a PERFORMANCE NOTE (if appropriate) will be issued.

The employee will be informed in writing of his/her right of appeal and the process for lodging an appeal.

## **STAGE 2 - FINAL WRITTEN WARNING**

If there is still no improvement in the standard of conduct/performance or levels of attendance or if the first/second act of misconduct / underperformance or absence level is of a more serious nature,, the employee will be interviewed by their Manager/Supervisor and given an opportunity to respond to the allegation(s) and explain his/her actions.

If the explanation is not satisfactory a FINAL WRITTEN WARNING will be issued.

The employee will be informed in writing of his/her right of appeal and the process for lodging an appeal.

## **STAGE 3 - DISMISSAL**

Dismissal may occur if:

a) There is still no sustained improvement in the standard of conduct/performance or levels of attendance whilst a final written warning remains live.

Or

b) There is an allegation of GROSS MISCONDUCT or if the allegations may constitute GROSS MISCONDUCT.

A formal disciplinary hearing under STAGE 3 will be conducted by the Director and the employee will be provided with the opportunity to respond to the allegation(s) and explain his/her actions. If an acceptable explanation is not forthcoming DISMISSAL will normally result - with or without notice as appropriate.

In cases of GROSS MISCONDUCT dismissal may be without notice or payment in lieu of notice. The employee will be provided with written reasons for dismissal, within three (3) working days this will include written confirmation of the date on which their employment will terminate and details of the right of appeal and the process for lodging an appeal.

## **TYPES OF OFFENCES**

The following are examples of the various categories of misconduct and/or poor performance, but the lists are not exhaustive.

It should be noted that inclusion on these lists at a particular stage does not mean that these offences will automatically be dealt with at this stage. Individual cases will be investigated and action taken at the appropriate stage dependent upon mitigating circumstances, etc.

### **Misconduct - Action taken at stage 1 of the Procedure**

- a) Poor timekeeping (repeated lateness or early leaving).
- b) Failure to notify reasons for absence in a timely manner in accordance with procedures.

Serious Misconduct - Action taken at stage 2 of the Procedure

- a) Deliberate damage or misuse of Company property.
- b) Intentional unauthorised absence.
- c) Unsafe working practices.

### **Gross Misconduct - Action taken at Stage 3 of the Procedure**

- a) Theft from the Organisation, its employees or clients.
- b) Fighting or threatening another employee.
- c) Being under the influence of drink or drugs whilst at work.

- d) Fraudulent wage claims or falsification of records.
- e) Serious wilful damage or misuse of the Organisation's property.
- f) Sexual and racial harassment
- g) Deliberately accessing internet sites containing pornographic, offensive or obscene material
- h) Serious insubordination
- i) Wilful and persistent refusal to obey reasonable instructions
- j) Bringing the organisation into serious disrepute

### **AUTHORITY TO TAKE DISCIPLINARY ACTION**

First Written Warning - Manager / Supervisor

Final Written Warning - Manager / Supervisor

Dismissal – Director

### **DURATION OF WARNINGS**

STAGE 1 – A FIRST WRITTEN WARNING will remain on the employee's personal record for 6 months.

STAGE 2 – A FINAL WRITTEN WARNING will remain on the employee's personal record for 12 months.

### **RECORDS**

The record of any disciplinary action will only be accessed by the employee, their Manager/Supervisor, the Director and the appropriate HR staff. It is the responsibility of the organisation to ensure that spent disciplinary warnings are removed from employee's files timeously.

### **APPEALS**

An employee has the right of appeal against any formal disciplinary action. The employee will be advised in writing of the right of appeal and the right to representation at the appeal. They will be advised of how and when to exercise this right of appeal when the warning is issued.

No person involved in the original disciplinary decision should participate in the appeals hearing unless this is not practicably possible.

### **APPEALS PROCEDURE**

Appeals against any formal warnings are to one level above that at which the disciplinary action was taken, if possible.

Employees have a right to one internal appeal against the decision reached at all stages in the procedure.

All appeals should be lodged within seven (7) working days of notification of the disciplinary decision.

The Company will aim to convene appeal hearings within ten (10) working days of the appeal being lodged (unless there is a good reason for extending the timescale, in such cases this would be discussed and agreed with the employee).

At all levels, appeal hearings shall be entitled to:

- (i) confirm previous action

- (ii) dismiss previous action
- (iii) substitute a lesser penalty

# GRIEVANCE PROCEDURES

## Introduction

It is the organisation's aim to ensure that its employees are given the opportunity to raise grievances and disputes and to have these resolved. This procedure applies to all employees including trainees and apprentices and it aims to ensure consistent and fair treatment for all and to clarify and reinforce rights and obligations. (All references to the "organisation" contained within this procedure should be taken to mean Hand in Hand).

Management hope that the great majority of workplace issues and problems will be settled quickly through constructive informal discussions. However, it is also recognised that there is a need for a formal procedure designed to meet those circumstances which cannot quickly be resolved through informal discussion.

## Principles

### 1. Representation

At all stages of the Grievance Procedure the employee will have the right to be represented/accompanied by either his/her trade union representative or a fellow employee of his/her choice.

### 2. Right of Appeal

An employee will have the right of appeal against any formal decision taken on a grievance issue. Notice of the right of appeal will include details of the time limit within which such an appeal must be made.

### 3. Status Quo

Should the Grievance Procedure be invoked, both parties agree to maintain the status quo (the previous state of affairs) until the issue which is the subject of the grievance is resolved.

## Informal Process

Any employment related concern which an employee has should be discussed in the first instance with their Line Manager. If it would not be appropriate to raise the issue with their Line Manager e.g. if the concerns or the issue relates to the Line Manager, the matter should be raised with another Line Manager/Supervisor or with the Director.

If the matter cannot be satisfactorily resolved at this stage, the following formal procedure will apply:

## Formal Process: Stages

### Stage 1

Any employee who has a grievance relating to their employment should raise the matter in writing to his/her immediate Line Manager, who should try to resolve the matter within five (5) working days.

A written record of grievance and any proposed solution/agreement will be recorded in the employee's personal file.

### ***Stage 2 Appeal***

If the matter is not resolved to the satisfaction of the employee within the time agreed, at Stage 1, the employee can lodge an appeal. To lodge an appeal the employee should set out clearly, in writing, the grounds for such an appeal, which should be submitted to the Director within five (5) working days of the employee receiving notification of the decision at Stage 1 of the formal process.

Appeals will be dealt with impartially and will be heard without unreasonable delay and at a time and place which will be notified to the employee in advance.

The Director will convene a meeting within five (5) working days of receipt of the request and having carried out what investigation is deemed necessary.

Following the Appeal hearing, the Director will give their decision in writing to both the employee and the trade union (if appropriate) within three (3) working days of the hearing. The timescales may be varied by agreement with the employee where the circumstances mean that more time is required for the investigations e.g. due to the availability of witnesses, holidays etc.

Where the circumstances mean that it may be inappropriate for the Director to hear the appeal it will be heard by a manager of suitable authority who has not previously been involved in the case.

A written record of the appeal and any proposed solution/agreement will be recorded in the employee's personal file.

### **Grievances raised after the termination of employment**

If an employee raises a grievance after either side has terminated the employment relationship, a modified grievance procedure will be used.

### **Collective Grievances**

These should be raised in line with the formal procedure outlined above. Where the issue remains unresolved following exhaustion of the internal procedure, either side may refer the matter to ACAS conciliation.

Timescales may be amended at each stage of the procedure by mutual agreement.

### **Review Timescale**

This document will be reviewed every 4 years or earlier as required e.g. if there is a legislative change that requires it to be reviewed.