



11/6/23

Disciplinary and Grievance Procedures review – June 2023

There have been no changes to the ACAS Code of Practice on Disciplinary and Grievance Procedures since these procedures were last reviewed in June 2022.

We are satisfied that we are in full compliance with the procedures.

Andrew Skilton
June 2023



Effective from 5 July 2012

Disciplinary Procedure

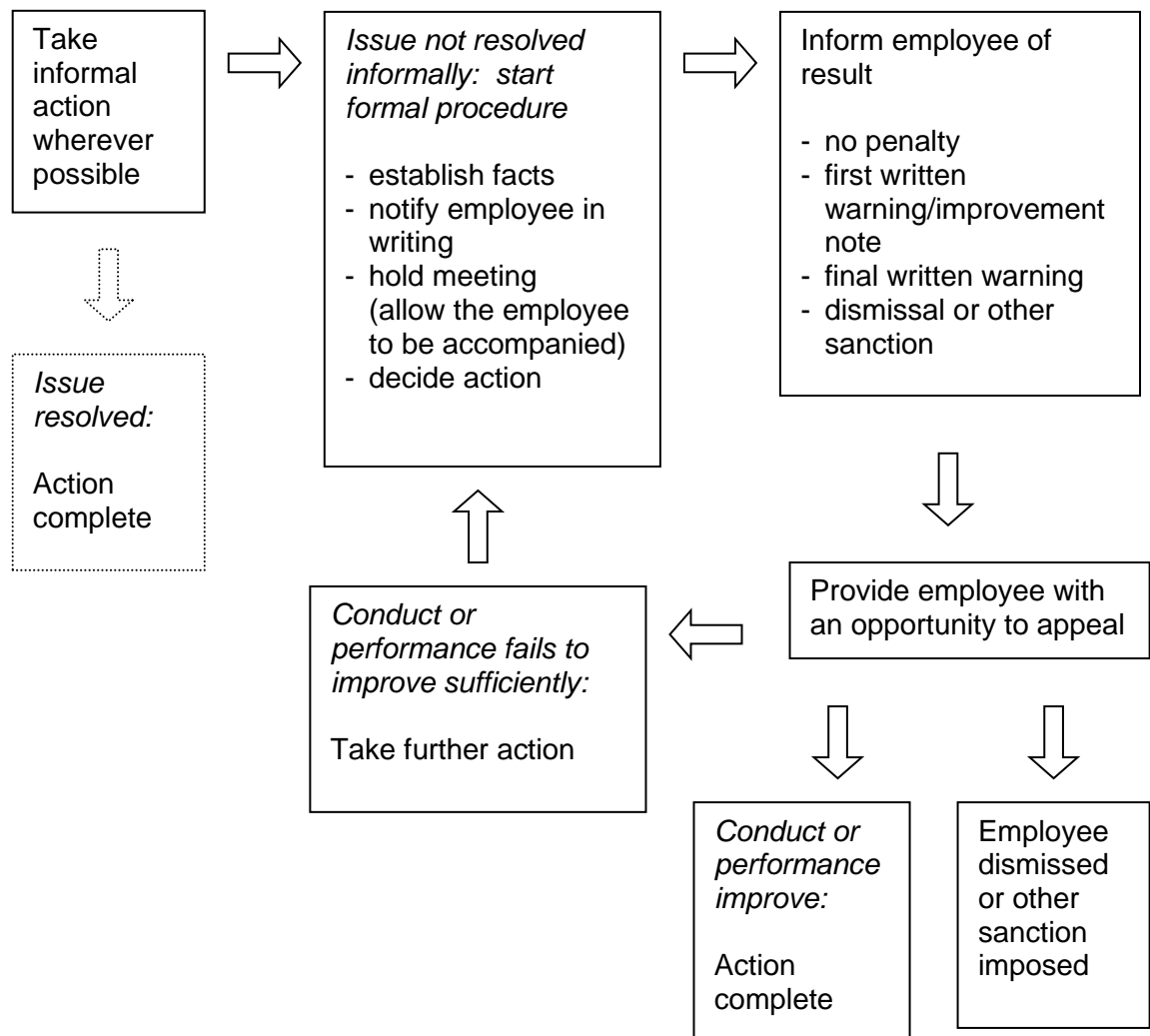
1 Purpose and scope

- a) In keeping with the Acas Code of Practice and Guidelines, this procedure covers both disciplinary and capability matters. It is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance.
- b) This procedure sets out disciplinary rules and the action which will be taken when they are breached.
- c) This procedure applies to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.
- d) This procedure does not apply to redundancy dismissals or the non renewal of fixed term contracts on their expiry.

2 Principles

- a) The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- b) This procedure is intended to give the employee every reasonable opportunity to raise performance and/or conduct to the required standard.
- c) At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative or a work colleague.
- d) An employee has the right to appeal against any disciplinary penalty.
- e) The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.
- f) The word "employer" in this document refers to the person or people carrying out a stage of the disciplinary procedure. This may be the line manager, Director, Chair or Trustees.
- g) When following this procedure, the employer will refer to the current Acas Code of Practice on Disciplinary and Grievance Procedures.

3 Overview of Procedure



4 The Procedure

a) Communication

A formal record will be kept by the employer of all communication or attempts to communicate with the employee. If correspondence is sent by email, the options "Request a delivery receipt" and "Request a read receipt" will both be applied, and a record will be kept of whether notification was received of the email having been delivered and/or read. If correspondence is sent by post, Special Delivery will be used, the posting receipt kept and the tracking information printed and kept on record.

A formal record will also be kept of communication received from the employee.

b) Investigation

Before disciplinary action, the issue will be investigated and the employer will collect evidence for use at any disciplinary meeting.

The investigation will consider the employee's working environment, including an examination of whether the employee is receiving proper supervision and whether they are working under undue levels of stress.

The employer will decide whether to request an investigatory meeting with the employee before proceeding to any disciplinary meeting. If there is an investigatory meeting this will not by itself result in any disciplinary action.

In cases where a period of suspension with pay is considered necessary, this period will be as brief as possible, will be kept under review and this suspension will not be considered a disciplinary action.

c) Notification of complaint and disciplinary meeting

If it is decided that there is a disciplinary case to answer, the employee will be notified in writing of the nature of the complaint against them and will be given the opportunity to state their case at a disciplinary meeting.

At the meeting, the employee will have the right to be accompanied by a trade union representative or work colleague.

The employer may arrange for someone who is not involved in the case to take a note of the meeting and to act as a witness to what was said.

In misconduct cases, where practicable, different people will carry out the investigation and disciplinary meeting.

An employee who cannot attend a meeting should inform the employer in advance whenever possible. A decision may be taken in the employee's absence if they fail to attend the meeting without good reason. If the employee fails to attend through circumstances outside their control and unforeseeable at the time the meeting was arranged (eg illness) the employer will arrange another meeting. Depending on circumstances, a decision may be taken in the employee's absence if they fail to attend the re-arranged meeting.

d) Decision on appropriate disciplinary or other action (if any)

After the meeting the employer will decide whether or not disciplinary or other action is justified and will inform the employee accordingly in writing. Action may be implemented at any stage if the employee's alleged misconduct or unsatisfactory performance warrants this.

Where misconduct is confirmed or the employee is found to be performing unsatisfactorily, the employee will usually be given an improvement note or written warning. A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning. If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal. Each of these steps is explained below.

If an employee's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation.

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence, as detailed below. A fair disciplinary process will be followed before dismissing for gross misconduct.

if the employee fails to attend the disciplinary meeting, a decision may be taken in their absence as detailed in 4(c) above. In this case, if the decision is to terminate employment the employer will first consult a solicitor to confirm that the action is reasonable and appropriate, given the problems encountered. The notification which will be provided to the employee, as detailed in 4(h) below, will also include a record of the procedures which the employer followed.

e) Improvement note for unsatisfactory performance

If performance does not meet acceptable standards, the first formal action will normally be a first warning in the form of an improvement note. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of formal action and that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the improvement note will be kept for 12 months, but will then be considered spent subject to achieving and sustaining satisfactory performance

f) First warning for misconduct

If conduct does not meet acceptable standards, the first formal action will normally be a first warning. This will be in writing and set out the nature of the misconduct, the change in behaviour required and the right of appeal. The individual will be advised that it constitutes the first stage of formal action and that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct

g) Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, 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 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 12 months subject to achieving and sustaining satisfactory conduct or performance.

h) Dismissal or other sanction

If there is still further misconduct or failure to improve performance, 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 be taken only by the appropriate senior manager, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and details of the right of appeal. If the decision for dismissal was taken without the employee present at the disciplinary meeting, as detailed in 4(d) above, the employee will also be provided with a written record of the procedures which the employer followed.

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 12 months subject to achievement and sustainment of satisfactory conduct or performance.

i) Disciplinary rules

The following list provides non-exhaustive examples of the sort of offences which would normally lead to formal disciplinary action being taken:

- negligence resulting in minor loss, damage or injury
- failure to comply with a specific instruction
- irresponsibility in relation to the Organisation's activities, or impropriety in relation to the employee's tasks for the Organisation, whether or not within working hours, which the Organisation reasonably considers to be detrimental to or conflicting with the interests of the Organisation or its clients, or likely to affect the employee's standard of work
- failure to disclose any personal interest of the employee which conflicts with any matter of a client with which the employee is engaged
- any breach of confidence relating to the organisation or its clients' affairs
- failure to comply with rules which are given in the staff handbook
- failure to comply with the terms and conditions of employment.

j) Gross misconduct

The following list provides non-exhaustive examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- falsification of records
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- conduct violating common decency
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.
- conviction on a criminal charge relevant to the employee's employment

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the employer is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The employee should let the employer know the grounds for the appeal in writing.

Where the disciplinary decision is dismissal or other sanction, the appeal should be made via the Chair, who will convene a group of three Trustees who have not previously been involved in the formal procedure. These three Trustees will hear the appeal.

Where the disciplinary decision is an improvement note or written warning, the appeal should be made to the line manager of the person who carried out the disciplinary procedure. If the person who carried out the disciplinary procedure is the Chair, the appeal should be made via the Chair, who will convene a group of three Trustees who have not previously been involved in the formal procedure; these three Trustees will hear the appeal.

At the appeal any disciplinary penalty imposed will be reviewed.

At an appeal meeting, employees have a statutory right to be accompanied by a trade union representative or work colleague.

The employer may arrange for someone who is not involved in the case to take a note of the appeal meeting and to act as a witness to what was said.

The decision of the person or group hearing the appeal is final. The employee will be informed in writing of the results of the appeal as soon as possible.

Effective from 5 July 2012

Grievance Procedure

1 Purpose and scope

- a. Grievances are concerns, problems or complaints that employees raise with their employers. This procedure sets out the action which should be taken when an employee wishes to raise a grievance.
- b. Grievances may occur at all levels. This procedure applies equally to all employees, including managers.
- c. The word “employer” in this document refers to the person or people dealing with the grievance. This may be the line manager, Director, Chair or Trustees.

2 Principles

- a. It is in the interests of all parties to resolve problems before they can develop into major difficulties for all concerned.
- b. You should aim to settle most grievances informally, usually with your line manager. If it is not possible to resolve a grievance informally you should raise the matter formally and without unreasonable delay.
- c. If the grievance is against your line manager and you feel unable to approach him or her, you should raise the matter informally or formally with your line manager's line manager.

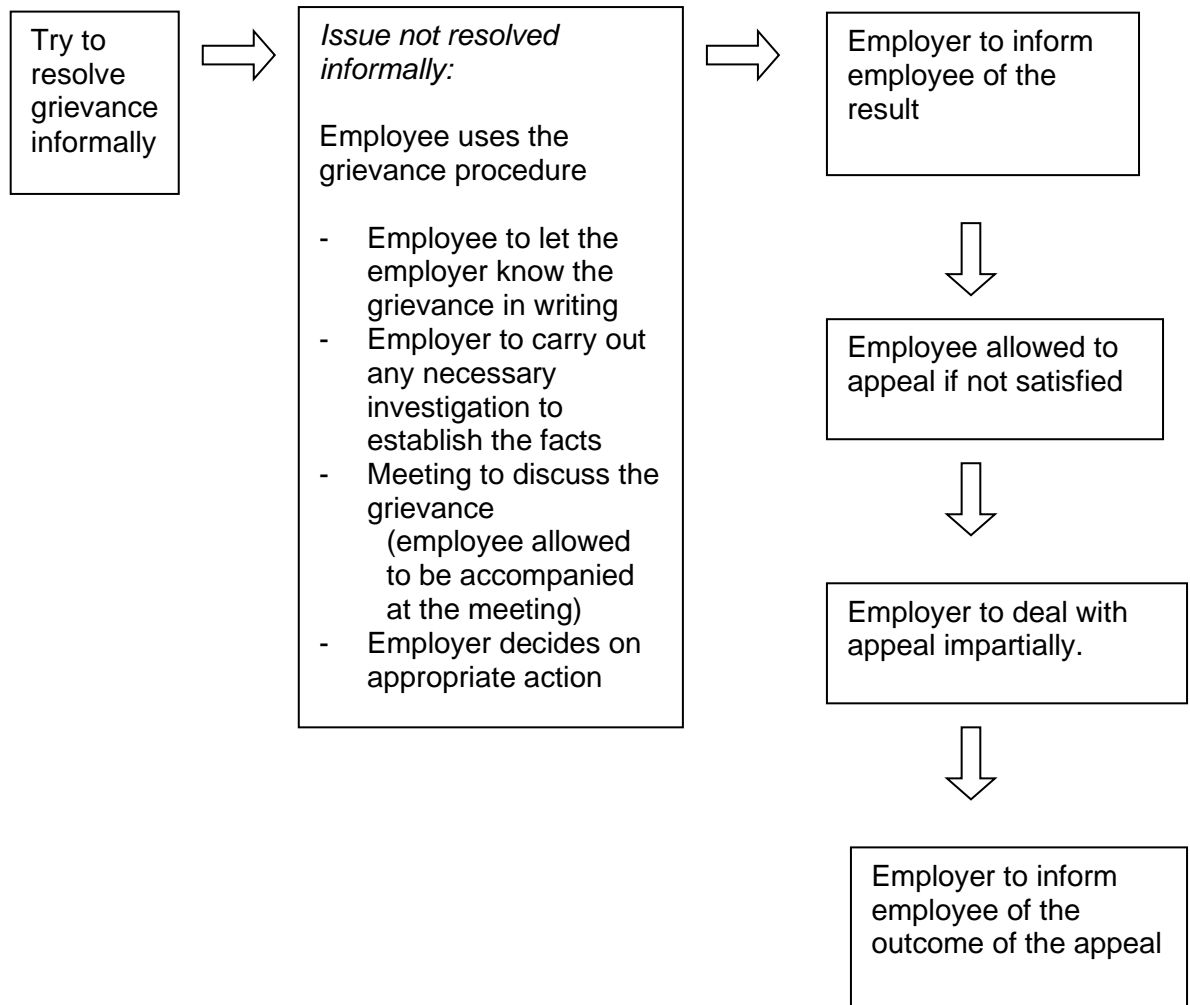
However, if your grievance is against the Chair and the Chair is your line manager, the grievance must be raised with the Chair.

- d. If you decide to appeal, the appeal will be heard by the line manager of the person who dealt with the grievance, except in the following cases:
 - where the person who dealt with the grievance was the Chair, the appeal will be heard by three Trustees
 - the employee may choose to have the appeal heard by three Trustees instead of by the line manager of the person who dealt with the grievance
 - the employer may choose to have the appeal heard by three Trustees instead of by the line manager of the person who dealt with the grievance.

Where the appeal is to be heard by three Trustees, the appeal should be made via the Chair, who will convene a group of three Trustees who have not previously been involved in the formal procedure.

- e. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- f. When following this procedure, the employer will refer to the current Acas Code of Practice on Disciplinary and Grievance Procedures.

3 Overview of Procedure



4 The Procedure

a. Dealing with grievances informally

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your line manager. You may be able to agree a solution informally between you.

Where your grievance is against your line manager and you feel unable to talk to him or her you should talk to the person designated in 2(c) above.

b. Formal grievance

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your line manager. You should stick to the facts and avoid language that is insulting or abusive.

Where your grievance is against your line manager and you feel unable to approach him or her you should address the grievance to the person designated in 2(c) above.

c. Investigation

The person dealing with the grievance will carry out any investigation that is needed to establish the facts of the case.

d. Grievance meeting

The person dealing with the grievance will call you to a meeting, normally within five working days, to discuss your grievance.

You may be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

The person dealing with the grievance may arrange for someone who is not involved in the case to take a note of the meeting and to act as a witness to what was said.

The person dealing with the grievance may adjourn the meeting if it is necessary to investigate any new facts which arise.

After the meeting person dealing with the grievance will give you a decision in writing, normally within five working days.

e. Appeal

If you feel your grievance has not been satisfactorily resolved you may appeal. You should address the appeal to the person designated in 2(d) above.

You will be invited to an appeal meeting, normally within five working days. Where the appeal is heard by a group of three Trustees, it may take longer to arrange a suitable date for an appeal meeting.

You may be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

The person or group dealing with the grievance may arrange for someone who is not involved in the case to take a note of the meeting and to act as a witness to what was said.

After the meeting the person or group dealing with the appeal will give you a decision, normally within five working days. The decision of the person or group hearing the appeal is final.