

## **GRIEVANCE AND DISCIPLINE PROCEDURES AT APRIL 2020**

### **Grievance procedure**

#### **Introduction**

Whilst you are employed with us we want to make sure you feel comfortable that any issues or disputes you raise will be looked at and resolved wherever possible. We encourage you to raise your concerns immediately at the lowest possible level and we will do our best to resolve the majority of these quickly using our informal process. However, we know that sometimes a formal procedure is also needed when the informal process does not reach satisfactory conclusion, or where it is not appropriate to use.

#### **1 Representation**

At all formal stages of the grievance procedure you will have the right to be accompanied by either your trade-union representative or a workplace colleague.

#### **2 Right of appeal**

You have the right of appeal against any formal decision taken on a grievance issue. If the matter is not resolved to your satisfaction, you can raise up to two appeals, including JNC appeal depending at which stage your grievance is heard. Notice of your right of appeal will include details of the time limit within which you must make the appeal.

#### **3 Until the matter is resolved**

If you want to use the grievance procedure, you and we will agree that no changes or action will be made or taken until the grievance is resolved.

#### **3 Documentation**

We will keep a written record of your grievance and any proposed solutions in your personnel file.

#### **Informal stage**

If you have a concern related to your employment, you should discuss this first with your immediate line manager or another manager.

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

## **Formal procedure**

### **Stage 1**

You should first raise your grievance with your line manager, who will try to resolve the matter within two working days.

We will give you a decision within two working days of hearing your grievance.

### **Stage 2**

In the first instance, you should ask for a meeting with a more senior manager within 5 working days.

They will hold a meeting within three working days of your request and carry out an investigation to give you a decision within five working days of the meeting.

### **Stage 3**

If you are still not satisfied, you should present the grievance in writing within 5 working days to the chair of the Staffing Subcommittee. The chair will then arrange a meeting of the sub-committee within 10 working days. The chair should tell you the date and time of the hearing. After hearing the grievance, the Staffing Subcommittee will give their decision in writing to you within three working days of date of meeting.

### **Stage 4**

Appeals from the decision of the Staffing Subcommittee will be to the JNC Appeal Chair.

You should appeal in writing within 5 working days of receiving notice of the decision, stating the reasons for your appeal.

The hearing will be arranged within 20 working days, where possible. After hearing the grievance, the JNC Appeal Chair will give their decision in writing to both you and your trade union within five working days of the date of the hearing.

This is the final stage of internal appeal process.

## **Grievances raised after your employment has ended**

If you raise a grievance after your employment has ended, we will consider it and respond to you in writing (without holding a meeting).

## **Collective grievances**

Collective grievances are complaints raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These grievances should be handled in accordance with the procedures set out below.

You should first raise these at stage 2.

If the issue is not sorted out after going through the internal procedure, either you or we may refer the matter to ACAS conciliation.

Timescales may be amended at each stage of the procedure if you and we agree – and for the JNC hearings, each side may apply for an extension to the panel which may be granted by the Chair.

## **JNC appeal**

The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedure available. You should make your appeal within 5 working days of you receiving notice of the decision. Appeal hearings to the JNC Appeal Chair should be sent within 20 working days (where possible). The Secretary to the JNC Appeal will send you a copy of the guidance notes following your appeal request. The Chair's decision is followed by a written report sent to you and us.

## **Disciplinary procedure**

### **Purpose**

We have designed this procedure to help and encourage employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees.

### **Informal Action**

In the first instance and for minor issues with conduct, performance or attendance, your line manager will approach you informally. To make sure that you are clear about what is required, the meeting will be followed up with an informal action note. This will give details of the points discussed, actions required, timescales for achievements (normally not more than 6 months), support required and training which will be provided.

If personal issues affect your work performance, we would like you to feel free to speak to your line manager about it. However, we realise that you may not want to do this. In this instance, we encourage you to get independent confidential counselling out of work, if this applies. You can get this through an Employee Counselling Service, which is one of benefits that we provide to our employees and further details can be accessed from the Deputy Chief Executive.

If you do not meet the expected standards set out in your informal action note within the specified timescale set If informal action fails or the matter is more serious, we will proceed to the formal procedure.

### **The formal procedure**

- 1 We can begin the formal procedure at any of stages 1 to 3, depending on the seriousness of the allegations against you.
- 2 There are three areas that we can deal with in line with the disciplinary procedure – conduct, capability (performance) and attendance and we will tell you which of these applies at the beginning of the process.
- 3 We will not take any disciplinary action against you until we have fully investigated the case. If dismissal is one of the possible outcomes of the disciplinary procedure, we may suspend you until we have carried out our investigations. We will write to you about the suspension which should not normally last longer than five working days without a review. We will explain the progress of our investigation. During the suspension you will receive your normal pay.
- 4 Throughout the procedure we will let you know the nature of the allegations against you. We will give you the opportunity to state your case at a disciplinary hearing before any decision is made. We will also confirm the outcome to you in writing.

- 5 We will not normally allow recording devices to be used during any investigatory, disciplinary or appeal hearings.
6. We will not dismiss you if this is the first issue with your conduct, performance or attendance unless you have committed gross misconduct, when the outcome will normally be summary dismissal without notice or pay in lieu of notice.
- 7 At all stages of the formal procedure you will have the right to be accompanied by either your trade union representative or a workplace colleague.
- 8 We will make all information and documents passed to the disciplinary officer/panel available to you before the hearing.
- 9 You will have the right to appeal against any formal disciplinary action imposed.
- 10 If we have told you to improve your performance (for example, poor performance or poor attendance) we will tell you in writing what is required, in what time scales, whether and how often reviews will take place and what action may be taken if there is no improvement.
- 11 For the purpose of the procedure to be followed, we will add together warnings given for different reasons.
- 12 We will not take disciplinary action or suspend you if you are a trade union representative until we have had discussions with a full-time official of the union. If the full-time official is not available, we will contact a district officer instead.
- 13 If there is police involvement or investigation, we will carry out our own investigation and make a decision based on the evidence and information available to us at the time. The matter will not be put on hold until the police investigation or court proceedings are concluded.

## **Formal procedure**

### ***Stage 1 – First written warning / improvement note***

The following are examples of the various categories of misconduct or poor performance (the list is not exhaustive). However, we will investigate individual cases and take action at the appropriate stage depending on the circumstances.

#### **Misconduct – action taken at stage 1 of the procedure**

- Poor timekeeping (repeated lateness or leaving early).
- Failure to let us know within a reasonable time the reasons for your absence in line with procedures.

If there is no improvement in the standard of conduct, performance or attendance after informal action, or the act of misconduct or underperformance is of a more serious nature, after conducting an investigation your line manager will invite you to attend a disciplinary hearing to allow you the opportunity to state your case.

If the explanation is not satisfactory, you will receive a first written warning or an improvement note which will remain live on your file for a six month period.

We will give you written information about your right of appeal.

### **Stage 2 – Final written warning**

The following are examples of the various categories of misconduct or poor performance (the list is not exhaustive). However, we will investigate individual cases and take action at the appropriate stage depending on the circumstances.

### **Serious misconduct – action taken at stage 2 of the procedure**

- Deliberate damage or misuse of our property.
- Deliberate unauthorised absence.
- Unsafe working practices.
- Deliberate and persistent refusal to follow reasonable instructions.

Your line manager or supervisor has the authority to issue a final written warning.

If there is still no improvement in the standard of conduct, performance or attendance or the act of misconduct or underperformance is of a more serious nature, your line manager will interview you and give you an opportunity to explain your actions.

If the explanation is not satisfactory, you will receive a final written warning which will remain live on your file for a twelve-month period.

We will give you written information about your right of appeal.

### **Stage 3 – Dismissal**

The following are examples of the various categories of misconduct or poor performance (the list is not exhaustive). However, we will investigate individual cases and take action at the appropriate stage depending on the circumstances.

### **Gross misconduct – action taken at stage 3 of the procedure**

- Theft from us, our employees or clients.
- Fighting or threatening anyone in connection with your employment with us.
- Being under the influence of drink or drugs while at work.
- Fraudulent wage claims or falsifying records.
- Serious deliberate damage or misuse of our property.
- Sexual and racial harassment.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Refusing to follow management instructions, which then has serious consequences.
- Bringing the organisation into serious disrepute.

Representatives of the Committee have the authority to dismiss.

If you cannot provide an acceptable explanation, we will dismiss you if:

- there is still no improvement in the standard of conduct, performance or attendance while you still have a final written warning on your file; or
- there is an allegation of gross misconduct.

In cases of gross misconduct, you may be summarily dismissed without notice or payment in lieu of notice. Your annual leave entitlement may be reduced to the statutory minimum entitlement of 28 days.

We will give you written reasons for your dismissal within five working days and tell you the date on which your employment ends and give you details about your right of appeal.

### **Appeals**

You have the right of appeal against any formal disciplinary action. We will tell you in writing when and how you can use this right when the outcome is issued.

No person involved in the original disciplinary decision should take part in the appeals hearing unless it is not possible to avoid this.

At all levels, appeal hearings will be entitled to:

- confirm previous action;
- dismiss previous action; or
- substitute a lesser penalty.

## **Appeals procedure**

Appeals against any formal outcomes will be made to one level above that at which the disciplinary action was taken, if possible.

### First Written Warning

- You have a right to one internal appeal against the first written warning.
- You should make your appeal within 5 working days of our notice of the decision. All internal appeal hearings will be held within 10 working days of the appeal being lodged.

### Final Written Warning

- There is one right of appeal against the final written warning and after this it will be made to the JNC Appeal Chair.
- Your appeal should be made within 5 working days of our notice of the decision. All internal appeal hearings will be held within 10 working days of the appeal being lodged.
- Appeal hearings to the JNC Chair should be made within 5 working days and will be held within 20 working days where possible.

### Dismissal – JNC Appeals

- If you are appealing against dismissal, you must do so to the JNC Appeal Chair. The JNC Appeal Chairs are independent people appointed by the Joint Negotiating Committee .
- You should make your appeal within 5 working days of receiving our notice of the decision. Appeal hearings to the JNC Appeal Chair should be held within 20 working days (where possible).

The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedure available. The Secretary to the JNC Appeal will send you a copy of the guidance notes following your appeal request. The Chair's decision is followed by a written report and sent to you and us.

## **Records**

We will keep records on your personal file of any disciplinary action, which will only be seen by you, your line manager, the Chief Executive/Deputy Chief Executive/HR & Support Services Officer. It is the responsibility of your manager to make sure that disciplinary warnings are removed from your file when relevant.