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These procedures in general terms follow the ACAS Code of Practice on Disciplinary and Grievance Procedures.

## **Grievance procedures**

Grievances are concerns, problems or complaints that employees raise with their employers.

Issues that may cause grievances include:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices
- working environment
- organisational change
- discrimination.

If at any time you have a grievance relating to your employment, you should use the following procedure. You should continue to work normally until the matter is resolved.

1. Attempt to resolve the grievance informally:

Most grievances can be resolved quickly and informally through discussion with your line manager or the person against whom you have a grievance.

If you feel unable to speak to your immediate manager you should approach your line manager's manager or a member of the executive management team.

2. Raise the grievance formally:
3. If your attempts to resolve your grievance informally have not resolved the problem you should raise the grievance formally. You should raise the matter in writing with your immediate manager. In most circumstances a meeting will be arranged to discuss the grievance. The outcome will be communicated to you in writing. You have the right to appeal

If the outcome is not acceptable to you, you may raise the matter with a member the executive management team or a member of the Board of Trustees who will endeavour to reply within two weeks or as soon as reasonably possible thereafter.

At any stage during this process you may be accompanied by a work colleague, or, where you have alleged that the company has acted in breach of a legal duty owed to you, by a trade union official.

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If it is considered helpful an independent third party or mediator may be used to help resolve the issue.

## **Disciplinary procedures**

### **Job performance – warning, disciplinary and dismissal procedure**

You may be warned, suspended with pay or dismissed in accordance with the following procedure for misconduct, or incompetence in carrying out your duties. Examples of misconduct and incompetence are included in this procedure, but they are not an exhaustive list of matters which could lead to disciplinary action, rather some of the more common types of misconduct.

Except in the case of gross misconduct or gross incompetence you shall not be dismissed for a first offence. Normally, the procedure is as described below except in a case of gross misconduct or gross incompetence when the procedure set out shall be as in the clause "Gross Misconduct and Gross Incompetence". The Company may however initiate action at any stage of the procedure, depending upon the seriousness of any offence.

You will have the opportunity to present your views at each stage of the formal procedure and you may be accompanied by a work colleague of your choice or trade union official during any disciplinary meeting. The Company will seek to agree a mutually convenient date for any disciplinary meeting with you and your companion and where your chosen companion cannot attend on the date proposed you can offer an alternative date so long as it is reasonable and falls before the end of the period of five working days beginning with the first working day after the initial date proposed by the Company. Your companion may address the hearing but not answer questions on your behalf.

### **Oral Warning**

In less serious cases of misconduct or incompetence where in the Company's opinion your performance in your job falls below what it considers to be a competent standard, or where it considers your behaviour to have constituted an act of misconduct e.g. bad timekeeping, absenteeism, failure to pursue normal working duties to a satisfactory standard, an oral warning to remedy the problem will be given by your immediate manager. A note of the warning will be made in your personal record.

### **First Written Warning**

In more serious cases of misconduct or incompetence (other than gross misconduct or gross incompetence) or if you fail to improve and maintain that improvement in relation to conduct or job performance after the oral warning then a first written warning will be issued to you. The first written warning will state details of the misconduct or incompetence; details of the action necessary to remedy the situation; outline what standard is required and the time allowed for improvement; and that any further misconduct or failure to improve to an acceptable standard may result in a final written warning, transfer, or suspension with pay and could ultimately lead to dismissal.

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## **Final Written Warning**

If after the first written warning your job performance does not improve sufficiently or misconduct continues or recurs, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal then a final written warning will be issued to you. The final written warning will state details of the misconduct or incompetence; details of the action necessary to remedy the situation; outline what standard is required and the time allowed for improvement. It will further state that if misconduct continues or recurs or there is no improvement to an acceptable standard within the time allowed, the Company will initiate action which may include transfer or suspension with pay and may ultimately lead to dismissal.

## **Dismissal**

If the final written warning is not complied with to the Company's satisfaction and in its opinion your performance or conduct fails to reach what it considers to be a proper and acceptable standard, the Company will inform you that it intends to initiate action to dismiss you. You will be informed of the nature of the complaint and of such evidence as may exist and will be given the opportunity to make representations to the Company about the intended action. If the Company decides after hearing your representations to dismiss you the notice of dismissal will be in writing giving the reasons for dismissal.

## **Gross Misconduct and Gross Incompetence**

The Company reserves the right to take action outside these provisions in cases of gross misconduct or gross incompetence by you and in such cases immediate suspension with pay may precede the taking of more serious disciplinary action. You will be informed of the nature of the complaint and of such evidence as may exist and will be given an early opportunity to present your case. If, after investigation and hearing any explanation from you, the Company is satisfied that there has been gross misconduct or gross incompetence, it may summarily dismiss you (i.e. without notice or pay in lieu of notice). The following list, which is not exhaustive provides examples of offences which are normally regarded as gross misconduct:-

- a) failure to carry out reasonable and proper instructions of management;
- b) fighting, threatening or abusive behaviour;
- c) any conduct liable or potentially liable to bring the Company and/or you in your capacity as a representative of the Company into disrepute;
- d) serious negligence or gross incompetence which causes loss, damage or injury to the Company;
- e) serious breach of safety regulations;
- f) actions constituting a criminal offence;
- g) serious breach of Company's policies and procedures;
- h) fraud, falsification of records or making false statements to the Company;
- i) all forms of harassment or victimisation of other employees or workers;

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- j) persistent bad timekeeping or absence from work;
- k) disclosure of Company confidential or commercial sensitive information to an unauthorised person
- l) acts of incitement or discrimination on grounds of sex, race, colour, religion, trade union membership, disability, ethnic origin, sexual orientation or marital status;
- m) deliberate damage to Company property;
- n) incapacity for work due to being under the influence of alcohol or illegal drugs and/or the bringing onto Company premises of illegal drugs and/or consuming illegal drugs or alcohol on Company premises
- o) theft of Company property or property belonging to colleagues.

## **Time**

The time lapse between warnings shall take into consideration your job function but shall be clearly specified. Except in the case of gross misconduct, previous breaches will be disregarded as follows:

- a) In the case of an oral warning it will be disregarded if you receive no further warnings within a period of six months.
- b) Copies of written warnings will be disregarded after a period of one year and no further account will be taken of them if, during that time, you have received no other warnings.

## **Authority**

Oral warnings and the first written warning may be given by your immediate manager. Any final written warning or dismissal decisions may be taken by the CEO.

## **Suspension with pay**

At any stage the Company reserves the right to suspend you with pay in cases where it is thought necessary either to allow a matter to be fully investigated or until it has been given further consideration by Management, or as a form of disciplinary action falling short of dismissal.

## **Disciplinary appeals**

We wish to enforce the requirements of standards of performance and conduct by our employees as fairly and consistently as possible. To further this aim, where an employee has received an oral warning, a written warning or has been dismissed in accordance with the disciplinary procedure they have the right to appeal against any such decision in accordance with the Disciplinary Appeals Procedure below. For the avoidance of doubt, however, any disciplinary sanction awarded will remain in force unless and until it is changed on appeal.

An appeal against an oral warning, a written warning or dismissal should be made within seven days of receipt of the disciplinary letter.

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The appeal should be made in writing, stating the ground(s) on which the disciplinary penalty should be reviewed.

The letter of appeal should be sent to the CEO. The appeal hearing will normally be held within seven days of receipt of the letter, or, if this is not reasonably practicable, as soon as possible thereafter.

The appeal will normally be heard by a Manager senior to the disciplining Manager or by the CEO. In the rare circumstance where this is not possible alternative arrangements will be agreed with the employee and his or his representative.

An employee will have the right to be accompanied at the appeal by a work colleague or trade union official.

A representative of management apart from the person hearing the appeal will also be present at the appeal to keep a record of the proceedings.

The employee will be given a full opportunity to state the ground(s) on which the appeal is made. The disciplining Manager will then have the opportunity to explain their decision to impose the given penalty. The Manager conducting the appeal may exercise discretion as to whether or not the two parties will be present together or separately during the proceedings.

When all the evidence has been heard the hearing will be adjourned. The Manager conducting the appeal will consider the merits of the appeal, before reaching a decision.

The Manager of the appeal hearing will, whenever possible, inform the employee orally, of the decision reached, and confirm this in writing, no later than seven days after the hearing.

The Manager of an appeal hearing has the authority to rescind or reduce a disciplinary penalty, or – in exceptional and appropriate circumstances – to increase it, in accordance with the penalties specified in the disciplinary procedure.

Employees should note that an appeal hearing is not intended to repeat the detailed investigation of the disciplinary hearing, but to review and focus on specific factors which the employee feels have received insufficient consideration, such as:

- An inconsistent / inappropriate/ harsh penalty;
- Extenuating circumstances;
- Bias of the disciplining Manager
- Unfairness of the hearing;
- New evidence subsequently coming to light

Where an appeal against dismissal fails, the effective date of termination shall be the date on which the employee was originally dismissed.