

Allsorts Gloucestershire Disciplinary and Grievance Policy

1. Introduction

1.1 Access to information

If you require this information in any other accessible format please contact:

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1.2 The purpose of this policy

This policy sets out the ways of working and processes that should be applied where an employee or employer is unhappy with the conduct or performance of another member of staff.

Disciplinary: Whilst Allsorts does not wish to impose unreasonable rules of conduct on its employees, certain standards of behaviour are necessary to maintain good employment relations and discipline and ensure that our values and goals are promoted. Allsorts prefers that discipline be voluntary and self-imposed and in the great majority of cases this is how it works. However, from time to time, it may be necessary for the action towards individuals whose level of conduct or performance is unacceptable.

Grievance: Allsorts believes that all employees should be treated fairly and with respect. The object of the procedure is to provide an employee who considers that they have a grievance with an opportunity to have it examined quickly and effectively, and where a grievance is deemed to exist, to have it resolved, if possible, at the earliest practicable opportunity. Most grievances can be settled informally with line managers and employees should aim to settle their grievances in this way if possible.

2. Disciplinary procedure

2.1 Informal

2.1.1 Informal action will be considered, where appropriate, to resolve performance or conduct issues. An informal discussion can often be a more satisfactory method of dealing with performance or conduct concerns than a formal meeting. An informal action plan should be agreed at the meeting to include:

- The standards of conduct/performance required
- The timescales to improve
- Support/training to be provided to assist the employee to achieve the required standards of conduct/performance.

2.1.2 Examples of situations where informal action may be appropriate include persistent

poor timekeeping, attendance and substandard work. The manager should regularly review the progress of the action plan. In cases where insufficient improvement has been made, or when there has been a recurrence of unsatisfactory conduct or performance, Allsorts will consider whether action under the formal disciplinary procedure is required.

2.2 Formal

2.2.1 Formal disciplinary action may be considered appropriate if there has been insufficient improvement in performance or conduct, or if the severity of the case means that an informal approach is inappropriate.

2.2.2 At all stages of the formal procedure, an investigation will be carried out. The purpose of the investigation is to establish the facts and if disciplinary action is needed.

2.2.3 Allsorts will notify the employee in writing of the allegations against them and will invite the employee to a disciplinary hearing to discuss the matter. Allsorts will provide sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case. This will include the provision of copies of written evidence, including witness statements that support Allsorts' case.

2.2.4 A formal disciplinary hearing will then take place, conducted by a manager, at which the employee will be given the chance to state their case, accompanied if requested by a trade union official, a trade union representative or a fellow employee of their choice. The employee must make every effort to attend the hearing. At the hearing, the employee will be allowed to set out their case and answer any allegations and will also be given a reasonable opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses.

2.2.5 Following the hearing, Allsorts will decide whether disciplinary action is justified and, if so, the employee will be informed in writing of the decision in accordance with the stages set out below and notified of their right to appeal against that decision. It should be noted that an employee's behaviour is not looked at in isolation but each incident of misconduct is regarded cumulatively.

2.2.6 Stage 1: Written warning

- The employee will be given a formal WRITTEN WARNING. They will be advised of the reason for the warning, how they need to improve their conduct or performance, the timescale over which the improvement is to be achieved, that the warning is the first stage of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The written warning will be recorded but nullified after six months, subject to satisfactory conduct, behaviour and performance.

2.2.7 Stage 2: Final written warning

Failure to improve performance in response to the procedure so far, a repeat of misconduct for which a warning has previously been issued, or a first instance of serious misconduct or serious poor performance, will result in a FINAL WRITTEN WARNING being issued. This will set out the nature of the misconduct or poor performance, how the employee needs to improve their conduct or performance, the timescale over which the improvement is to be achieved and the warning that dismissal is the probable result if the terms of the warning are not complied with. This final written warning will be recorded but nullified after twelve

months, subject to satisfactory conduct and performance.

2.2.8 Failure to meet the requirements set out in the final written warning will normally lead to DISMISSAL with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. Dismissal can be authorised only by the Chief Executive or the Chair of Trustees. The employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which their employment will terminate and how the employee can appeal against the dismissal decision.

2.3 Gross misconduct

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases, Allsorts reserves the right to dismiss without notice of termination or payment in lieu of notice. Examples of gross misconduct are:

- Theft, fraud, unauthorised possession of Allsorts property, deliberate falsification of records or any other form of dishonesty.
- Wilfully causing harm or injury to another employee, physical violence, bullying or grossly offensive behaviour.
- Deliberately causing damage to Allsorts property.
- Causing loss, damage or injury through serious carelessness or gross negligence.
- Extremely serious insubordination.
- Serious incapacity at work through an excess of alcohol or drugs.
- A serious breach of health and safety rules
- A serious breach of confidentiality, including unauthorized access of computer and personnel records, leaking confidential information about Allsorts, its employees or members.
- Breaching Allsorts code of conduct.
- Harassing or victimising another employee on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, marital or civil partnership status, age and/or disability.
- Posting derogatory, offensive, discriminatory or defamatory comments online (for example on social media websites) in a way that it detrimental to Allsorts or brings Allsorts into disrepute.
- Acting in a way that brings Allsorts into disrepute.

The above is intended as a guide and is not an exhaustive list.

2.3.1 Suspension

- In the event of serious or gross misconduct, an employee may be suspended while a full investigation is carried out. Such suspension will be on full basic pay. Suspension is a neutral act, which does not imply guilt or blame, and will be for as short a period as possible. Suspension is not considered a disciplinary action.

2.4 Appeals

2.4.1 An employee may appeal against any disciplinary decision, including dismissal, to a Trustee of Allsorts within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal hearing chaired by a Trustee.

2.4.2 At the appeal hearing, the employee will again be given the chance to state their case and will have the right to be accompanied by a trade union official, a trade union representative or a fellow employee of their choice.

2.4.3 Following the appeal hearing, the employee will be informed in writing of the results of the hearing. Allsorts' decision on an appeal will be final.

2.5 Employees who have been employed for less than two years.

2.5.1 This disciplinary procedure does not apply to any employee who has been employed by Allsorts for less than two years.

3. Grievance Procedure

3.1 Procedure

If a grievance cannot be settled informally with the relevant line manager, the employee should raise it formally. This procedure has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a formal grievance.

3.1.2 Stage 1

- In the event of the employee having a formal grievance relating to their employment they should, in the first instance, put their grievance in writing and address it to their line manager, making clear that they wish to raise a formal grievance under the terms of this procedure. Where the grievance is against the line manager, the complaint should be addressed to a Trustee. This grievance procedure will not be invoked unless the employee raises their grievance in accordance with these requirements.
- A manager (who may not be the manager to whom the grievance was addressed, or someone line managed by them) will then invite the employee to a grievance meeting to discuss the grievance and the employee has the right to be accompanied at this meeting by a trade union official, a trade union representative or a fellow employee of their choice. The employee must make every effort to attend the meeting. At the meeting, the employee will be permitted to explain their grievance and how they think it should be resolved.

- Following the meeting, Allsorts will endeavour to respond to the grievance as soon as possible and, in any case, within five working days of the grievance meeting. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and be told when a response can be expected. The employee will be informed in writing of the Allsorts' decision on the grievance and notified of their right to appeal against that decision if they are not satisfied with it.

3.1.3 Stage 2

- In the event that the employee feels their grievance has not been satisfactorily resolved, the employee may then appeal in writing to another Trustee of the Organisation within five working days of the grievance decision. The employee should also set out the grounds for their appeal.
- On receipt of such a request, the Trustee (who again may not be the person to whom the appeal was addressed) shall make arrangements to hear the grievance at an appeal meeting and at this meeting the employee may again, if they wish, be accompanied by a trade union official, a trade union representative or a fellow employee of their choice.
- Following the meeting, the Trustee will endeavour to respond to the grievance as soon as possible and, in any case, within five working days of the appeal hearing. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and be told when a response can be expected. The employee will be informed in writing of the Allsorts' decision on their grievance appeal.
- This is the final stage of the grievance procedure and Allsorts' decision shall be final.