



WORKS 4 U

Disciplinary & Grievance Policy

Version 1.0
Updated 18.05.22

Contents

1. INTRODUCTION.....	2
2. GENERAL PRINCIPLES.....	2
3. INFORMAL ACTION TO IMPROVE AN EMPLOYEE’S CONDUCT AT WORK.....	3
4. FORMAL ACTION - USING THE DISCIPLINARY PROCEDURE	3
4.1 Stage One - Investigation.....	4
4.2 Stage Two – Disciplinary Hearing.....	4
Disciplinary Hearing(other than consideration of dismissal)	4
Outcome of the Hearing.....	5
Types of disciplinary action.....	5
4.3 Stage Three – Appeal	6
5. RECORDS	6
Appendix One - GROSS MISCONDUCT.....	7
Appendix Two - SCHEDULE FOR DISCIPLINARY HEARING (other than dismissal)	8
Appendix Three - SCHEDULE FOR DISMISSALS/APPEALS.....	10
Appendix Four – GRIEVANCE PROCEDURE	12

1. INTRODUCTION

Employees have a responsibility to maintain appropriate and acceptable standards of conduct and behaviour. Managers/supervisors have a responsibility to assist their employees in achieving these required standards.

The recruitment process, induction process and day-to-day performance management systems should inform employees of the appropriate standards of conduct and behaviour required of them.

This procedure is designed to:

- help and encourage all employees to achieve these standards
- identify the various levels of management which are responsible for dealing with discipline.

Any disciplinary issues in relation to the Director will be dealt with by the Chair of the Advisory Board.

This procedure should be used and read in conjunction with the guidelines.

2. GENERAL PRINCIPLES

- All employees will be treated fairly, appropriately and consistently in accordance with natural justice.
- All matters will be dealt with confidentially and within the requirements of the Data Protection Act.
- No disciplinary action will be taken against an employee until the case has been investigated.
- At every stage in the procedure the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.
- At any stage of the procedure the employee will have the right to be accompanied by either a certificated trade union representative or work colleague.
- Where the employee may have communication difficulty, disability or where the employee's first language is not English, for reasons of providing equality and fairness at the meeting, an appropriate interpreter from inside or outside of Works4U may act as a companion.
- No employee will be dismissed for the first breach of discipline except in the case of gross misconduct when the disciplinary action can be dismissal without notice or payment in lieu of notice.
- Disciplinary actions are not to be viewed as incremental.
- An employee will have the right to appeal against any disciplinary action imposed.
 - Where an alleged act of misconduct is believed to have been committed by an employee who is an accredited representative of a Trade Union recognised by Works4U, no action under this procedure, other than precautionary suspension when gross misconduct is being investigated, will be taken until the case has been discussed with a full time official of that Trade Union.

3. INFORMAL ACTION TO IMPROVE AN EMPLOYEE'S CONDUCT AT WORK

The day-to-day responsibilities of a manager/supervisor includes, when appropriate, to improve an employee's conduct at work. It is expected that normal day-to-day activities would provide the facility to achieve these improvements rather than automatically using this procedure, such as:

- Probationary periods
- Supervision
- Counselling
- Informal discussions
- Training and development

4. FORMAL ACTION - USING THE DISCIPLINARY PROCEDURE

Where a manager/supervisor determines informal actions to improve an employee's conduct at work are not appropriate methods the disciplinary procedure should be used.

The procedure comprises of the following stages:

- Stage One – Investigation**
- Stage Two - Disciplinary Hearing Stage**
- Three - Appeal (if appropriate)**

An employee will be informed at the outset of any allegations of misconduct that are made against them, and that the disciplinary procedure is to be used.

They will be supplied with a copy of the Disciplinary Procedure and informed that stage one is to commence.

If appropriate, the employee will also be informed of any suspension from work.

Suspension - an authorised manager may suspend an employee on full pay where:

- *an act of gross misconduct or gross negligence is alleged, including where there are criminal investigations pending* **OR**
- *the continued presence at work of an employee against whom allegations are made would be an obstacle to proper investigation or is prejudicial to Works4U*

The manager will need to consider whether there is any alternative course of action. Any suspension will be referred to the Advisory Board.
The suspension will be reviewed every 21 days.

N.B. See Appendix One (link) for further information of what constitutes an act of gross misconduct/gross negligence

4.1 Stage One - Investigation

Prior to determining whether disciplinary action is required, allegations shall be promptly and carefully investigated by an appropriate Senior Postholder.

Where appropriate signed statements from witnesses shall be obtained as soon as possible.

As part of the overall investigation the Senior Postholder will hold an investigative interview.

The investigative interview will include the employee against whom the allegations have been made. The employee will have the right to be informed of the nature of the allegations and to respond if they wish.

The employee may be accompanied in accordance with the General Principles detailed above.

Following the overall investigation the Senior Postholder will determine if there is a disciplinary case to answer or if there is no case to answer.

Where the Senior Postholder determines there is no case to answer, the employee will be formally notified in writing of this decision and no further stages of the disciplinary procedure will be conducted.

4.2 Stage Two – Disciplinary Hearing

Where following stage one above the Senior Postholder determines there is a disciplinary issue to consider, the employee will be notified that a disciplinary hearing will take place.

Disciplinary Hearing(other than consideration of dismissal)

The disciplinary hearing will be before an appropriate Senior Manager i.e. Director or Centre Manger and will be held in accordance with the schedule at Appendix 2,

The employee will be given 5 working days notice of the hearing. This notification will be in writing and will inform the employee of:

the purpose of the hearing
the nature of the alleged misconduct
his/her right to be accompanied the arrangements for the g and the witnesses to be called

Where the employee chooses to be accompanied and his/her chosen companion cannot attend on the date proposed, the employee can offer an alternative time and date, as long as it is reasonable and is within 5 working days of the original date for the hearing.

Not less than 5 working days before the hearing the employee will be provided with all documentation which management will rely on during the hearing, unless otherwise agreed by both parties.

The Senior Manager is to be advised by a member of Human Resources.

Disciplinary hearing (consideration of dismissal)

Where an employee has already on record a final written warning **OR** where the disciplinary issue is one of gross misconduct then the disciplinary hearing will include the chair of the Advisory Board or his/her board member nominee. The disciplinary hearing will be held in accordance with the schedule at Appendix 3.

Where the employee chooses to be accompanied and their chosen companion cannot attend on the date proposed, the employee can offer an alternative time and date, as long as it is reasonable and is within 5 working days of the original date for the hearing.

Not less than 5 working days before the hearing the employee will be provided with all documentation which management will rely on during the hearing, unless otherwise agreed by both parties.

Outcome of the Hearing

The outcome of the hearing will be that the Senior Manager/Committee of the Advisory Board determines one of the following:

DETERMINATION	ACTION
The employee has given an adequate explanation and/or there is no real evidence to support the allegations.	No further action against the employee is necessary
The evidence supports the allegations and/or the employee has not given an adequate explanation	Disciplinary action against the employee may be necessary

The decision will be given orally, together with outline reasons, and confirmed in writing to the employee and his/her companion within 3 working days after the date of the hearing or the decision being given.

Types of disciplinary action

Listed below are the actions normally considered appropriate. They are not to be viewed as incremental as the actual action determined will depend on the circumstances surrounding the case. They can also form part of an overall package of actions determined appropriate to improve the conduct of an employee.

DISCIPLINARY ACTION	MAXIMUM LENGTH OF TIME KEPT ON FILE
Formal Oral Warning	6 months
Written Warning	9 months
Final Written Warning	18 months
Dismissal	N/A

Alternatives to dismissal – with the aim of supporting an employee to improve their conduct and maintain employment, a Senior Manager/member of the Advisory Board may consider other forms of disciplinary action i.e. disciplinary transfer or demotion (where a suitable post is available) as an alternative to dismissal. This alternative would have to be agreed by both the Senior Manager/Advisory Board Chair and the employee.

Dismissal – Where there is a decision to dismiss the Chair of the Advisory Board must have this in writing. A schedule for dismissals is shown in appendix 3.

4.3 Stage Three – Appeal

An employee may appeal against any decision to take disciplinary action, including dismissal to the of the chair of the Advisory Board whose decision will be final. A schedule for appeals is shown in appendix 3.

Timescales and notification – an employee must forward any notice of appeal to the Chair of the Advisory Board within 10 working days of the date of the written confirmation which details the disciplinary action being taken.

The appeal hearing will normally be arranged within **15** working days of receipt of the notice of appeal.

5. RECORDS

All records associated with cases brought under this procedure will be maintained and stored confidentially and in accordance with the Employment Practices Data Protection Code Part 2: Employment Records. Copies of any relevant records will be provided to an employee on their request, except where Works4U determines information is exempt from disclosure.

Appendix One - GROSS MISCONDUCT

The following are examples of what will normally be regarded as gross misconduct:

- A.** Theft, fraud, including deliberate financial irregularity involving Works4U or other public monies and deliberate falsification of records
- B.** Fighting or assault on another person
- C.** Deliberate damage to Works4U property
- D.** Serious incapability through alcohol or being under the influence of illegal drugs
- E.** Serious negligence which causes unacceptable loss, damage or injury
- F.** A serious act of insubordination
- G.** Bringing Works4U into serious disrepute
- H.** Serious infringement of Health and Safety rules in relation to employees or customers or service users
- I.** Serious breach of confidence (subject to the Public Interest Disclosure) Act 1998
- J.** Misuse of Works4U information/premises/property
- K.** Falsely claiming qualifications, or age, or previous experience, or good health essential for an appointment with Works4U
- L.** The commission of a sexual offence or professional misconduct involving a service user (this includes a child at school) including a child 'in need' within the provisions of the children's Act 1989
- M.** Failure to disclose a conviction detrimental to the performance of the employees job (including a spent conviction) and any bind over order or caution if the employees job involves access to children under 18 years or children under 21 years assessed as being 'in need' under the Children's Act 1989, or includes duties at a place where there are such children
- N.** Actions contrary to Works4U's Equality, Diversity & Inclusion Policy including harassing or abusing fellow employees for a reason relating to sex, race, disability, sexual orientation, religious or political convictions, or age
- O.** Unauthorised use of Works4U telecommunications systems including telephones, email and Internet access and misuse of Works4U payroll system
- P.** Conviction in respect of a criminal offence outside the work place which may give rise to a breach of trust and confidence between the Council and the employee

The above list is not exhaustive.

Appendix Two - SCHEDULE FOR DISCIPLINARY HEARING (other than dismissal)

This schedule sets out the procedure to be followed at disciplinary hearing held as part of the disciplinary procedure.

1. At a hearing an employee may be accompanied by a certificated trade union representative or work colleague.
2. Arrangements for a hearing will be made by the Senior Manager and at least five working day's notice in writing will be given.
3. The employee may request a postponement of up to five working days if the Trade Union or work colleague is not available on that date.
4. During the hearing, it may be appropriate for witnesses to be called and/or written statements from other persons may be submitted. Written statements to be presented during the hearing must be circulated, along with the names of any witnesses who may be called, with the notice of the hearing.
5. The meeting shall be conducted as follows:
 - 5.1 The Senior Manager introduces and outlines the procedure, ensuring that the employee is aware that this is a disciplinary hearing and that he/she is aware of the possible consequences.
 - 5.2 The Senior Postholder outlines the areas of concern, giving specific example of incidents. Witnesses may be called or statements may be presented.
 - Witnesses may be questioned by the employee or their representative or work colleague
 - Witnesses may be questioned by the Senior Management and Advisor.
 - 5.3 The employee or his/her representative may ask questions of the Senior Postholder.
 - 5.4 The Senior Manager and Advisor may ask questions of the Senior Postholder.
 - 5.5 The employee or his/her representative is given the opportunity to state his/her side. Witnesses may be called and/or statements may be presented.
 - Witnesses may be questioned by the senior post holder
 - Witnesses may be questioned by Senior Manager and Advisor
 - 5.6 The Senior Postholder may ask questions of the employee.
 - 5.7 The Senior Manager and Advisor may ask questions of the employee.
 - 5.8 The Senior Postholder will sum up his/her case.

- 5.9 The employee will sum up his/her case and will be asked if there are any further points he/she or his/her representatives or friend wish to make.
- 5.10 There will be an adjournment whilst the Senior Manager considers the statements made and makes a decision as to whether disciplinary action is taken or not.
- 5.11 If action is to be taken, the Senior Manager will state what form this action will take, the duration before expungement, and the employee's right of appeal. If the decision is that of a final written warning, the employee will be reminded that any further incidents could lead to dismissal.
- 5.12 The decision of the hearing will be confirmed in writing to the employee by the Senior Manager.

Appendix Three - SCHEDULE FOR DISMISSALS/APPEALS

The schedule sets out the procedures to be followed at a disciplinary / appeal hearing held by a Committee of the Advisory Board as part of the Disciplinary Procedure in Works4U with delegated authority.

Arrangements for a hearing before a Committee of the Advisory Board will be made by the Chair to the Advisory Board.

1. At a hearing an employee may be accompanied by his/her chosen representative i.e. certificated trade union representative or work colleague.
2. The Clerk will arrange a suitable date for the hearing and will give 10 working days notice of the date to the appropriate committee members, senior manager, employee and his/her chosen representative.
3. Copies of all documents to be referred to at the hearing and lists of all witnesses to be called will be submitted to the Clerk not later than five working days before the date arranged for the hearing or appeal hearing. The Clerk will send copies of all the documents received to committee members, the senior manager, employee and his/her representative.
4. The format of the meeting will be as follows:
 - 4.1 The Chair introduces and outlines the procedure to be followed.
 - 4.2 The Senior Manager outlines the areas of concern, giving specific examples of incidents. Witnesses may be called and/or statements presented;
 - Witnesses may be questioned by the employee and his/her chosen representative
 - Witnesses may be questioned by the Advisory Board and Adviser
 - 4.3 The employee/chosen representative may ask questions of the Senior Manager.
 - 4.4 The Governors and Adviser may ask questions of the Senior Manager.
 - 4.5 The employee and his/her chosen representative is given the opportunity to state his/her case. Witnesses may be called and/or statements presented.
 - Witnesses may be questioned by the Senior Manager and witnesses
 - Witnesses may be questioned by The Advisory Board and Adviser
 - 4.6 The Senior Manager may ask questions of the employee.
 - 4.7 The Advisory Board and Adviser may ask questions of the employee.

- 4.8 The Senior Manager will sum up his/her case.
- 4.9 The employee or his/her chosen representative will sum up his/her case and will be asked if there are any further points he/she or his/her chosen representative or colleague wish to make.
- 4.10 There will be an adjournment whilst the Advisory Board consider the statements made and make a decision as to whether dismissal is appropriate, **or** an appeal is upheld.
- 4.11 Both sides are recalled and the Advisory Boards' decision is conveyed.
- 4.12 The decision will be confirmed in writing to both sides within five days.
- 4.13 During the proceedings the decision of the Chair as to which matters are of relevance to the proceedings will be final.
- 5.0 Following the resolution of the Committee to dismiss an employee he/she will have the right of appeal.
- 6.0 Following the resolution of the Committee on an appeal against dismissal the employee will have no right to a further appeal, (this does not affect the employee's legal rights as defined under the Employment Acts).

Note: In the case of employees dismissed for a reason related to safeguarding the DSL will notify the LEA (LADO) of the dismissal and the reasons.

Appendix Four – GRIEVANCE PROCEDURE

Where an employee has a grievance related to their employment or issues related to the delivery of Works4U services, in the first instance, all attempts will be made by the SMT to resolve the issue before it escalates.

The following procedure will apply:

- In the first instance the complainant should raise the matter with their line manager with a view to resolving the issue.
- In the event of the matter not being resolved or the complainant being related to the employees line manager, the complainant should ask for a meeting with the director (i.e. Norman or Wendy Mackie) and preferably put their concerns in writing.
- In the event of a failure to resolve the matter, the complainant can seek an interview with the Chair of the Advisory Board or his/her nominated Board member.
- If the matter relates to a Safeguarding issue, the complainant can revoke the Whistle Blowing Policy in the Works4U Safeguarding Policy.