

## GRIEVANCE AND DISCIPLINARY POLICY AND PROCEDURE

This policy document applies to your employment at **TPS 13 TARVES WAY GREENWICH SE10 9JP**, (the "Organisation") and all other organisation sites that you may be asked to work at from time to time. This policy and procedure applies to all employees, irrespective of their seniority within the Organisation.

### GRIEVANCE PROCEDURE

#### 1. Purpose and Scope

**1.1** An "open door" policy is operated by the employer in respect of all matters concerning an employee's terms and conditions and general welfare. Employees are encouraged to discuss any problems or concerns that they have on an informal basis with **Steve Larkins** in a confidential interview. The decision of any interview will remain confidential, (unless there is a risk of personal danger or a criminal offence has occurred).

**1.2** Decisions about what to do can be made by the complainant themselves, (if appropriate). If this is not possible or the nature of the complaint makes informal action inappropriate then the following formal procedures are available to employees.

#### Formal Procedure

**1.3** In the event that the grievance is not resolved by the informal procedure or the complainant is not satisfied with the decision taken by **Steve Larkins** they must put their grievance in writing and send a copy to **Ross Ashton**, and request a meeting.

**1.4** The complainant shall not take any further steps in relation to the grievance for a period of 28 days from his/her written notification of the grievance, to enable the employer to respond and follow the appropriate procedure.

**1.5** A meeting will normally be arranged within **FOURTEEN** working days of the request and the complainant will be entitled to be accompanied by a work colleague of their choice or trade union representative. The employee must take all reasonable steps to attend the meeting.

**1.6** The complainant will be given every opportunity to raise any concerns or queries and agree with their supervisor/manager how they, the complainant, should be supported during the investigation and in the event that it leads to disciplinary proceedings. **Steve Larkins** will then take brief notes of the

discussions with the employee. The employee will be entitled to a copy of any meeting records or formal minutes, which exist.

**1.7 Steve Larkins** will notify the respondent, (the person who is the subject of the complaint) that a formal complaint has been made against them and before proceeding with an investigation will decide whether legal advice should be taken or the police contacted. All parties will be reminded of the requirement to maintain confidentiality.

**1.8 Steve Larkins** will investigate the complaint or appoint an appropriate member of staff to investigate the complaint and specify the time scale for the investigation and the date by which an investigation report must be prepared and ensure that all parties receive appropriate information regarding the investigation. On the basis of the investigation report **Steve Larkins** will then determine if a disciplinary hearing will be held against the respondent.

**1.9** The complainant will be informed of the employer's decision regarding his or her complaint shortly after the meeting. The complainant will also be informed of the right to appeal the decision.

**1.10** Any fellow worker who acts as a companion at a disciplinary hearing will be entitled to take paid time off work to prepare for and go to a hearing.

### **Appeals**

**1.11** In the event that the grievance remains unresolved or the complainant is still not satisfied with the outcome they may appeal to **Ross Ashton** within **TEN** working days. A meeting will normally be arranged within **SEVEN** working days of the request and the complainant will be entitled to be accompanied by a work colleague of their choice or trade union representative. The employer will inform the complainant of his decision in writing shortly after the meeting.

### **Reduced Grievance Procedure**

**1.12** Where the complainant has since left the employment of the employer at the time of presenting his/her written grievance, then with the consent of the complainant, no hearing under paragraph 1.5 shall take place. On receipt of the former employee's written grievance the employer will simply send a written response to the complainant. This procedure shall also apply where it is not reasonably practicable to hold a meeting, for example, where the complainant is out of the country and unlikely to return.

## **DISCIPLINARY PROCEDURE**

### **2. Purpose and Scope**

**2.1** The employer's policy and procedure on discipline at work applies to all employees. It is intended to set out the procedures for giving warnings in the event of the employee's failure to meet standards set by the employer; including conduct which the employer finds unacceptable, poor attendance or breaches of the terms and conditions of the employee's contract of employment.

**2.2** The employer's aim is to encourage improvement in individual conduct. The employer may commence the disciplinary procedure at any stage if the employee's conduct deems it necessary. However, (subject to clause 7 below) no disciplinary action will be taken until the matter has been fully investigated.

**2.3** At every stage employees will be given the opportunity to hear the case made against them and to state their case. The employee is entitled to be accompanied by a work colleague of their choice or trade union representative at disciplinary proceedings. Any fellow worker who acts as a companion at a disciplinary hearing will be entitled to take paid time off work to prepare for and go to a hearing.

**2.4** The employer will set out in writing prior to the hearing, the employee's alleged conduct, characteristics or other circumstances, which has led to the employer taking disciplinary action against the employee and all relevant evidence relating to the alleged conduct. This will be sent to the employee.

**2.5** Employees also have the right to appeal against dismissal or other disciplinary action as set out below at clause 6. The right of appeal will also be notified to the employee in the written statement at paragraph 2.4 above.

### **3. The Procedure**

#### Investigation

**3.1** All disciplinary matters at this stage will be referred to **Steve Larkins** who will investigate the complaint and if necessary take into account the statements of any available witnesses.

#### Hearing

**3.2** The employee will be invited to a meeting and will be interviewed as soon as possible by **Steve Larkins**. The meeting will take place at a reasonable time and in a reasonable location. The employee will be entitled to receive a copy of the meeting records and any formal minutes taken. However, the

employer reserves the right to withhold information if it is necessary to protect witnesses.

**3.3** The employee must take all reasonable steps to attend the meeting. If the employee cannot attend the meeting through circumstances outside his/her control, the employer will arrange another meeting to enable the employee to attend. If the employee fails to attend the re-arranged meeting, without good reason, a decision may be made in the employee's absence. If the employee's representative cannot attend the meeting, the employee will be offered the opportunity to propose an alternative date, which shall not be more than five days from the original date proposed. Prior to the meeting the employee will be sent a copy of the statement referred to in clause 2.4.

**3.4** The employee will be told why the interview is necessary and will be entitled to state his or her case. If **Steve Larkins** considers that it is not necessary to resort to the formal warning procedure the matter will be discussed with the employee in private and in an informal manner, with the employer suggesting areas for improvement. No disciplinary action will be taken.

**3.5** If following investigation **Steve Larkins** considers it appropriate to invoke the formal warning procedure the employee will be informed and will be given every opportunity to comment on the complaint against them at the hearing. The employee will also be informed of the right to appeal against the decision.

**3.6** The following formal disciplinary procedure will apply. Depending on the seriousness of the offence the procedure may be invoked at any level, including summary dismissal.

#### Oral Warning

**3.7** If it has been found that the employee has been guilty of a minor offence they will be given an oral warning that continued or repeated conduct may result in further disciplinary action, including, in extreme cases dismissal. The employee will be informed that the warning constitutes the first formal stage of the disciplinary procedure and that a note will be placed on their personnel file. A note of the warning will then be placed on the employee's personnel file, but will be disregarded for disciplinary purposes after **THREE** months if their conduct is satisfactory. However the employer reserves the right to take into account the whole of the employee's disciplinary record in determining the appropriate sanction. Minor offences should be taken to include (but not be restricted to) the following:

- a. poor job performance or substandard work.
- b. minor breaches of the terms and conditions of employment.

- c. persistent lateness or absenteeism.
- d. failure to maintain an acceptable standard of dress.
- e. poor standard of hygiene.
- f. minor harassment or bullying of a fellow employee.

In the case of any minor harassment or bullying incidents the employee may be asked to apologise to his or her victim or may receive a letter of reprimand from the employer.

#### Written warning

**3.8** If the offence is a serious one or if the minor conduct continues or is repeated or there is a further offence of a different nature, the employee will be interviewed and the exact nature of the complaint against him or her will be explained in full. If **Ross Ashton** considers it justified, the employee will be given a formal written warning that if his or her performance or conduct does not improve during the period stated in the warning further disciplinary action will be taken, which may lead to subsequent dismissal.

A copy of this warning will be placed on the employee's personnel file, but will be disregarded for disciplinary purposes after **SIX** months if their conduct is satisfactory. However the employer reserves the right to take into account the whole of the employee's disciplinary record in determining the appropriate sanction. Serious offences shall be taken to include (but not be restricted to) the following:

- a. negligence resulting in minor loss, damage or injury.
- b. horseplay leading to loss, damage or injury.
- c. breaches of any health or safety regulation.
- d. failure to follow instructions.
- e. breaches of confidence relating to the employer or the employer's affairs.
- f. misuse of the employer's facilities, such as email, telephone and the internet.
- g. harassment or bullying of a fellow employee.

#### Final written warning

**3.9** If misconduct is sufficiently serious or if, following a written warning there is further misconduct (whether or not of the same nature) within the period stated, the employee will be interviewed by **Ross Ashton** who will decide on the action to be taken. The employee may be given a final written warning, which will give details of the complaint and will be warned that he or she will be dismissed if there is no satisfactory improvement. A copy of this warning will be placed on the employee's personnel file, but will be disregarded for disciplinary purposes after **SIX** months if their conduct is satisfactory, (although in exceptional cases the employer reserves the right to increase this period). However the employer reserves the right to take into account the whole of the employee's disciplinary record in determining the appropriate sanction.

#### Dismissal

**3.10** If the employee's conduct is sufficiently serious or their conduct is still unsatisfactory following a final written warning and the employee still fails to reach the required standards the employee will normally be dismissed, but only after consideration of other possible disciplinary action. The decision to dismiss will be taken by **Ross Ashton**. If the employee is dismissed he or she will be provided as soon as reasonably possible with written confirmation of the dismissal. The employer however may consider alternative disciplinary action including (but not limited to) transfer or relocation, suspension without pay or demotion.

### **4. Gross Misconduct**

**4.1** An employee accused or suspected of gross misconduct may be suspended on full pay whilst the employer investigates the alleged offence. The employee will be required to attend a disciplinary interview within **FOURTEEN** working days of the offence. If the employer is satisfied that gross misconduct has occurred the result will be summary (instant) dismissal. Gross misconduct includes (but is not restricted to):

- a.** Theft or intended theft from either the employer or the employer's customers or any of the employer's employees.
- b.** Serious breach of confidentiality or misuse of confidential information obtained by the employee in the course of his or her employment.
- c.** Rude, offensive or threatening behaviour to the employer's clients, customers or employees.
- d.** Fraud or deliberate falsification of records.

- e.** Fighting, assault or attempted assault on the employer or any of the employer's clients' customers or employees.
- f.** Serious harassment or bullying of a fellow employee.
- g.** Deliberate or malicious damage to the employer's property.
- h.** Working under the influence of drink, drugs or other substances.
- i.** Negligence resulting in serious loss, damage or injury to the employer, the employer's clients, customers or employees.
- j.** Discriminatory behaviour due to sex, race or disability or discrimination based upon gender re-assignment against another employee, contract worker or customer of the employer or visitor to the employer's premises.
- k.** Being charged with and/or convicted of a criminal offence, which in the opinion of the employer demonstrates unsuitability for further employment with the employer.
- l.** Indecent or immoral behaviour.
- m.** Unauthorised absence from work or from the employer's premises.
- n.** Serious breach of Health & Safety rules.
- o.** Inappropriate or offensive use of the internet or email, or other computer misuse.

## **5. Suspension**

**5.1** If dismissal is being contemplated the employee may be suspended from work on full pay whilst further investigations are carried out by the employer. This suspension will last for no more than **THIRTY** days initially, but may be renewed or extended at the discretion of the employer. Any member of the employer's senior management may take the decision to suspend an employee.

## **6. Appeals**

**6.1** If the employee is dissatisfied with the disciplinary procedure or feels that he or she has been unjustly disciplined they may appeal at and after the first stage of the formal disciplinary procedure to **Ross Ashton** in writing within **TEN** working days of the dismissal or other disciplinary action complained of.

**6.2 Ross Ashton** will hear all appeals usually within **SEVEN** working days of receiving the employee's grounds for appeal.

**6.3** The employee will be invited to attend an appeal meeting and must take all reasonable steps to attend.

**6.4** The decision of **Ross Ashton** will be final. The form of the appeal will be at the discretion of **Ross Ashton** and will depend on the disciplinary penalty that is the subject of the appeal.

**6.5** At the appeal any disciplinary penalty made will be reviewed. The outcome of the appeal will be set out in writing for the employee as soon as possible after the appeal has been held. Any decision on the appeal will be final.

## **7. Reduced Disciplinary Procedure**

**7.1** Where an employee has been dismissed without notice for gross misconduct immediately after the misconduct took place and the employer is satisfied that an investigation is unnecessary, (e.g. because the misconduct took place in front of a number of witnesses), the employee will still be entitled to a disciplinary procedure. The procedure however will be a modified procedure. The employer may at its discretion shorten the usual disciplinary procedure by removing the need for an investigation under paragraph 3.1 and a hearing under 3.2, 3.3 and 3.4.

**7.2** In those circumstances the employee shall still be entitled to a written statement under paragraph 2.4 and shall still be entitled to request an appeal under clause 6.

## **8. Date of Implementation**

This policy is effective from **3<sup>rd</sup> April 2010** and shall not apply to any actions that occurred prior to this date.

## **9. Questions**

If you have any questions regarding this policy document and how it applies to you, please consult **Steve Larkins**.

## **10. Alteration of this Policy**

These guidelines will be subject to change and updating. Any alterations will be communicated to you by **Steve Larkins**.

(c) [www.compactlaw.co.uk](http://www.compactlaw.co.uk) / all rights reserved / version 3.1

