



The Trust for Developing Communities

Grievance & Disciplinary Policy

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Introduction

From time to time problems inevitably arise, and this is so in employment just as in any other situation. Hopefully a problem can be resolved quickly, effectively and to everyone's satisfaction without resorting to formal procedures. However, occasionally it may be considered appropriate for a problem to be addressed through formal procedures: this may be due to the serious nature of the problem, or because there is no agreement on a way forward, or for some other reason.

The procedures set out here are in two parts:

1. **Grievance:** this sets out the procedure to be followed when an employee of The Trust for Developing Communities (TDC) has a grievance relating to their employment which they consider too serious for informal discussion and wish to be considered according to a formal procedure.
2. **Discipline:** this sets out the procedure to be followed when TDC considers it appropriate for action against an employee to be considered due to a matter relating to their employment or in any other way affecting their relationship with TDC. TDC is committed to providing support to employees to help ensure that disciplinary problems do not recur.

The procedures apply to all employees who should familiarise themselves with its provisions.

1. GRIEVANCE PROCEDURE

If during the course of your employment you have any concerns or grievances relating to your employment you may seek redress or relief through the following procedure:

- a) In the first instance you should refer the grievance to your immediate supervisor and the matter will be discussed informally.

- b) If the grievance is not resolved or if you consider that you have not been fairly treated, you may request that the matter should be referred to the Chief Executive for further consideration.
- c) To this end, you must set out the grievance in writing, within 7 days where reasonably practicable, and send the statement or a copy of it to TDC (addressed to the Chief Executive). You should summarise the nature and substance of the grievance. Your grievance shall then be investigated and you will be invited to attend a meeting to discuss it, within 7 days where reasonably practicable.
- d) The meeting will not take place unless:
 - you have informed the Chief Executive what the basis for your grievance was when you made the statement under paragraph c, and
 - the Chief Executive has had a reasonable opportunity to consider the response to that information.
- e) You must take all reasonable steps to attend the meeting.
- f) Following the meeting, the Chief Executive will inform you of the decision as to TDC's response to your grievance and notify you of the right to appeal in writing within 7 days against the decision, if you are not satisfied with it, under paragraph g. of this procedure.
- g) If you are not satisfied with the Chief Executive's decision or you still consider that you have not been fairly treated, you must inform the Chair of the TDC's Board of Trustees in writing within 7 days that you wish to appeal. Your grievance will be considered by an Appeals Sub-Committee. This should comprise three persons from the TDC's Board from group of six or more who have indicated their willingness to serve in this capacity should the need arise. The Appeals Sub-Committee will be nominated by the Chair of the TDC's Board or deputy for each occasion. Members of the Personnel & Employment Sub-Committee will be eligible to serve if they have not been involved in the matter in any way prior to the formation of the Appeals Sub-Committee.
- h) You will then be invited to a meeting for the appeal to be heard. The appeal meeting shall be held within 7 days where reasonably practicable. You must take all reasonable steps to attend the meeting. Following the appeal meeting, you will be informed of TDC's final decision in writing within 7 days where reasonably practicable.
- i) If you are a member of a Trade Union, you have the right to be accompanied at each stage by a representative of the Trade Union. If you are not a member of a Trade Union, you have the right to be accompanied by a person of your choice.

2. DISCIPLINARY PROCEDURE

This procedure provides for warnings to be given for failure to meet required standards of job performance, conduct (whether during working hours or not) and attendance, or for breach of any of the terms and conditions of employment.

The following are non-exhaustive examples of the sort of offences which, if committed, could lead to formal disciplinary action being taken:

Minor offences (oral warning):

- poor job performance involving sub-standard work,
- lack of punctuality,
- absenteeism or

- any minor breach of TDC's policies and procedures.

Serious offences (written warning);

- negligence resulting in minor loss, damage or injury;
- failure to comply with a specific instruction;
- irresponsibility in relation to TDC's employees,
- activities or impropriety in relation to the employee's tasks for TDC, whether or not within working hours, which TDC reasonably considers to be detrimental to or conflicting with the interests of TDC, or likely to affect the employee's standard of work;
- bullying and harassment and any form of discriminatory behaviour on the grounds of age, sex, race, colour or ethnic origin, disability, religion or beliefs or sexual orientation;
- failure to disclose any personal interest of the employee which conflicts with any matter with which the employee is engaged, or
- any breach of confidence relating to TDC or its affairs.

Gross misconduct (dismissal):

- negligence resulting in serious loss, damage or injury;
- assault or attempted assault;
- theft;
- malicious damage to property;
- wilful disregard of duties or of instructions relating to the employment;
- deliberate and serious breach of confidence relating to TDC's affairs;
- the use for personal ends of confidential information obtained by the employee in the course of his/her employment;
- falsification of records;
- bullying and harassment and any form of discriminatory behaviour on the grounds of age, sex, race, colour or ethnic origin, disability, religion or beliefs or sexual orientation;
- conduct violating common decency;
- conviction on a criminal charge relevant to the employee's employment or
- being under the influence of alcohol/ drugs whilst at work.....

In serious cases, dismissal will normally be without notice.

1st Stage

- a) In the first instance the Chief Executive will nominate a suitable person to investigate to establish the facts surrounding the complaint (if necessary taking statements from any available witnesses).
- b) If the Chief Executive considers that it is not necessary to resort to the formal warning procedure, they will direct whether the matter should be discussed further with the employee and, if so, will direct who should discuss the matter with the employee. The employee will be informed that no formal disciplinary action is being taken.

2nd Stage

- c) If TDC considers that it is necessary to invoke the formal warning procedure or other disciplinary action, it will inform the employee. In all cases before any disciplinary action (including warnings) is taken the employee will be informed of the allegations made against

him/her. TDC will set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead it to contemplate dismissing or taking disciplinary action against the employee. TDC will send a copy of the statement to the employee.

- d) The employee will be invited to attend a meeting/ disciplinary hearing to discuss the matter and will be given the opportunity to state his/her case. At the meeting he/she may be accompanied by a colleague or Trade Union representative.
The employee will be informed in advance of the meeting if it is possible that the disciplinary action will result in dismissal.
- e) The meeting/ disciplinary hearing will take place before disciplinary action is taken, except in the case where the disciplinary action consists of suspension.
- f) The meeting will not take place unless:
 - TDC has informed the employee what the basis was for including in the statement under paragraph c the ground or grounds given in it, and
 - the employee has had a reasonable opportunity to consider his/her response to that information.
- g) The employee must take all reasonable steps to attend the meeting.
- h) **Gross Misconduct:** Where the employee is accused of an act of gross misconduct he/she may be suspended from work on full pay pending the outcome of investigation into the alleged offence.
- i) At the disciplinary hearing TDC will outline the matter being considered and invite the employee to respond, giving his/her full account of the matter(s), which form the substance of the investigation and disciplinary complaint. After the employee has given his/her account, TDC will consider all the circumstances and decide whether the employee is guilty of the alleged complaint and, if so, on an appropriate penalty. The disciplinary warning can be given at the conclusion of the disciplinary meeting itself, or after consideration of the evidence, in a further meeting or by letter.

Oral and Written Warnings

- j) **Oral Warning:** In the case of a first minor offence, the employee will be given a formal oral warning. The employee will be advised that the warning constitutes the first formal stage of the disciplinary procedure and that a note will be placed on his/her personnel file. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained to the employee. The employee will be referred to the appeals process section of this procedure dealing with his/her right to appeal against the decision if he/she is not satisfied with it.
- k) **1st Written Warning:** In the case of serious offences, a repetition of earlier minor offences or a failure to improve where the problem relates to the employee's capability, the employee will be given a written warning which will state:
 - the precise nature of the offence,
 - the likely consequences of further offences, and
 - if appropriate, the improvement required and the length of time which will be allowed for improvement.
 - the employee will be referred to the appeals process section of this procedure dealing with his/her right to appeal against the decision if he/she is not satisfied with it.

- l) **Final Written Warning:** In the case of further repetition of earlier offences, or if the employee still fails to improve, or if the offence, while falling short of gross misconduct, is serious enough to warrant only one written warning, the employee will be given a final written warning which will state :
- the precise nature of the offence,
 - that any recurrence will lead to dismissal or whatever other penalty is considered appropriate, and
 - if appropriate, the improvement required and the length of time which will be allowed for improvement.
 - The employee will be referred to the appeals process section of this procedure dealing with his/her right to appeal against the decision if he/she is not satisfied with it.
- m) **EXCEPTIONS:** Depending upon the seriousness of the matter and all the circumstances, any of the above stages may be omitted.
- n) **Dismissal:** In the case of gross misconduct or if all of the appropriate stages of the warning procedure have been exhausted, the employee will normally be dismissed, but only after consideration of other possible disciplinary action. In the case of gross misconduct, dismissal will normally be without notice.
- o) **Length of warning:** A written record of verbal or written warnings will be kept on file by the Trust for a period of 12 months, after which time that verbal or written warning will lapse and no longer apply to the employee's employment.
- p) **Appeals process:** If the employee is dissatisfied with the outcome of any stage of the above procedure, he/she may within 7 days after being informed of that outcome notify TDC in writing that he/she wishes to appeal (addressed to the Chair of the TDC Board) and the employee will be invited to a meeting for the appeal to be heard. Details of the selection of the Appeals Sub-Committee are contained in the Grievance Procedure on page 2. The appeal meeting shall be held within 7 days where reasonably practicable. The employee must take all reasonable steps to attend the meeting. Following the appeal meeting, the employee shall be informed of TDC's final decision in writing within 7 days where reasonably practicable.

Dated.....

Signed by.....

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For and on behalf of the Employer