



## Disciplinary Policy & Procedure

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### **Policy statement:**

If you have a grievance or complaint relating to your work, your working conditions, your pay and benefits, working hours, or treatment at the hands of your fellow workers, or if you are concerned about your health and safety or a breach of your statutory employment rights or any other issue affecting your employment, you should first talk the matter over on an informal basis with your immediate supervisor/manager. He/she will discuss your concerns in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly. If you feel unable to approach your line manager directly, you should approach any other line manager who will discuss ways of dealing with the matter with you. If your complaint relates to bullying or harassment on the part of a colleague, the matter should be dealt with under the Dignity at Work policy and Procedure.

### **Principles:**

This policy is designed to take account of the "ACAS code of practice on disciplinary and grievance procedures"<sup>1</sup> and its accompanying guidance. The code is brief in its handling of grievance issues, but emphasises the importance of seeking an informal resolution of the grievance, followed, if necessary, by the holding of a grievance meeting with a right of appeal.

### **Procedure:**

#### **Mediation**

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

<sup>1</sup>Code of practice on disciplinary and grievance procedures: ACAS Published by TSO (The Stationery Office) 2015

### **The right to be accompanied**

If you prefer to put your complaint or grievance on a more formal footing, please write to your supervisor/manager setting out your grievance and the basis for it and ask for a meeting. Please note that you have the legal right to be accompanied at that meeting, and at any further such meetings, by a fellow worker or a full-time trade union official or a companion of your choice. The meeting may be postponed, at your request, and for up to five working days, if your chosen companion is not available to attend on the date set for the meeting in question.

The choice of companion is a matter for you, but Compassionate Inverclyde reserves the right to refuse to accept a companion whose presence would undermine the grievance process. Please note that individual workers are not obliged to agree to accompany you. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing. The trade union official need not be an employee of Compassionate Inverclyde, but if he/she is not a fellow worker or an employee of his/her union, Compassionate Inverclyde may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the employer and you, so any questions put directly to you should be dealt with by you and not your companion.

Following the meeting a decision will be made by the manager who heard the meeting about what, if any, action to take. The decision will be communicated to you, in writing, without unreasonable delay and, where appropriate, should set out what action Compassionate Inverclyde as employer intends to take to resolve the grievance. You will be informed of your right to appeal if you are not content with the action taken.

### **Conducting the grievance procedure**

Compassionate Inverclyde recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. Compassionate Inverclyde will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

### **Formal grievance procedure**

#### **Stage 1**

##### **Making the complaint**

The first stage of the grievance procedure is for you to put your complaint in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it

is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your complaint should be headed "Formal grievance" and sent to your line manager. If your complaint relates to the way in which your line manager is treating you, the complaint may be sent to any line manager. A copy of your grievance should also be sent to the HR department.

Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance hearing.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected. If any evidence is gathered in the course of these investigations, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

#### **The grievance hearing**

The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within 10 working days of the receipt of your written complaint. It will be conducted by your line manager and attended by an HR representative. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the current issue is not helpful and can hinder the effective handling of your complaint. The manager conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

Following the meeting, you will be informed in writing of the outcome within seven working

days and told of any action that Compassionate Inverclyde proposes to take as a result of your complaint. You may discuss this outcome informally with either your manager or the HR Manager. If you are dissatisfied with the outcome, you may make a formal appeal.

## **Stage 2**

If you feel that your grievance has not been satisfactorily resolved, then you can appeal. You should let your employer know the grounds for your appeal without unreasonable delay and in writing to the manager who conducted the initial grievance hearing or the HR Manager. You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done without unreasonable delay of receiving the written notification of the outcome of the grievance.

Appeals will be heard without unreasonable delay and at a time and a place which should be notified to you in advance. You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

Workers have a statutory right to be accompanied at any such hearing.

The outcome of the appeal should be communicated to you in writing without unreasonable delay.

## **Chief Executive Officer**

In the event of the Chief Executive Officer bringing a formal grievance the Chairperson of the Board of Trustees will appoint a panel of Trustees to hear the grievance and if required she will appoint a separate panel of trustees, chaired by herself if at all possible, to hear the appeal.

## **Overlapping grievance and disciplinary cases**

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related in may be appropriate to deal with both issues concurrently.

**References:****Law relating to this document**

*Leading statutory authority*

*Employment Rights Act 1996*

*Employment Relations Act 1999*

*Employment Act 2008 (Commencement No 1, transitional Provision and Savings) Order 2008 (SI 2008/3232)*

*[http://www.acas.org.uk/media/pdf/p/f/11287\\_CoP1\\_Disciplinary\\_Procedures\\_v1\\_\\_Accessible.pdf](http://www.acas.org.uk/media/pdf/p/f/11287_CoP1_Disciplinary_Procedures_v1__Accessible.pdf)*

*(on ACAS website, URL correct as at 5th July 2021)*

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