

DISCIPLINARY AND GRIEVANCE POLICY

FOR THE KNIGHTS GROUP

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## GROUP DISCIPLINARY AND GRIEVANCE POLICY

### Introduction

The purpose of the disciplinary arrangements is to ensure that the standards established by the Company are maintained and that matters requiring disciplinary action are dealt with fairly and consistently.

All cases of disciplinary action under this procedure will be recorded and placed in the Company's records.

### Disciplinary Offences

The offences referred to below are contractual. Matters dealt with under the disciplinary procedure fall into three categories, namely:

- Incapability**
- Misconduct**
- Gross Misconduct**

The following are examples of incapability:

- Poor performance
- Below standard performance
- Incompetence
- Unsuitability
- Lack of application
- Incapacity through sickness, injury or otherwise

The following are examples of misconduct:

- Bad time-keeping
- Unreasonable or unexplained absence from work
- Persistent or unexplained absenteeism
- Minor damage to Company property
- Minor breach of the Company's rules and policies
- Failure to observe Company procedures
- Failure to observe professional standards of behaviour
- Abusive behaviour
- Failure to observe Company Health & Safety Policy
- Minor breaches of Company Equal Opportunity Policy

The following are examples of gross misconduct:

- Theft of the Company's fellow employees' or other contractors' property
- Fraud or other indictable offences
- Unauthorised use of Company property or facilities
- Unauthorised possession of Company property or facilities
- Malicious damage
- Damage to Company property, plant or equipment or to an employee's or other contractor's property caused deliberately or recklessly, or as a result of wilful negligence.

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- Falsification of Company records, reports, accounts, expense claims or self certification forms
- Refusal to carry out duties or reasonable instructions
- Serious breach of the Company's rules or policies
- Violent, dangerous or intimidatory conduct including physical violence, actual or threatened
- Serious breach of confidence
- Unauthorised disclosure of confidential information
- Breach of the Company's Health & Safety Policy
- Serious breach of discrimination legislation or any related legislation, Codes of Practice, etc

In case of gross misconduct dismissal may be without notice or pay in lieu of notice.

These examples are not exclusive or exhaustive and offences of a similar nature will be dealt with under the appropriate category.

## **Disciplinary Procedures**

The procedures referred to below are non-contractual and are intended for guidance only. They may be adapted to meet particular circumstances.

The disciplinary procedures set out below will be used according to the circumstances of each particular case.

## **Procedure for Incapability**

Minor matters of this nature may, in the first instance, be dealt with informally by counselling for the purpose of improving performance, but in cases where counselling is inappropriate or the matter concerned is more serious the following procedure will be used. No disciplinary action will be taken before a proper investigation has been undertaken by the Company.

**Stage 1 – First Warning:** A first warning will be issued in cases where there has been no satisfactory improvement within a prescribed timescale after counselling, if appropriate, or in more serious cases. This will be given by the employee's Manager and will be confirmed in writing. The warning will give details of the complaint, the improvement required and the timescale within which such improvement is required. It will state that if there is no satisfactory improvement within the timescale action under Stage 2 will be taken.

**Stage 2 – Final Warning:** If there is no satisfactory improvement within the timescale specified in the first warning, a final warning will be given. This will be given by the employee's Manager in consultation with the Director, Human Resources and confirmed in writing. This warning will give details of the complaint, the improvement required and the timescale within which such improvement is required. It will state that if there is no satisfactory improvement within the given timescale, action under Stage 3 will be taken.

**Stage 3 – Dismissal:** If the employee fails to make a satisfactory improvement within the timescale given in the final warning, dismissal will normally result. The decision to dismiss

will not be taken without reference to the Divisional Manager in consultation with the Director, Human Resources. Dismissal will be notified in writing.

### **Procedure for Misconduct and Gross Misconduct**

Minor disciplinary matters will usually be dealt with by the employee's Manager on an oral basis. However, if the Manager considers that an informal warning is inadequate, the following procedures will apply. The Company reserves the right to implement the procedure at any stage if the alleged misconduct warrants such action. In cases of misconduct, a subsequent offence need not be of the same nature as the earlier offence. The procedure is, therefore, cumulative.

**Investigations:** No disciplinary action will be taken before a proper investigation has been undertaken by the Company. If appropriate, the Company may, by written notice, suspend the employee for a specific period during which time such an investigation will be undertaken. If the employee is suspended the contract of the employment will continue but he/she will not be allowed access to any of the Company's premises except prior written request and with the prior written consent of the Company and subject to such conditions as the Company may impose. The decision to suspend the employee pending investigation will be confirmed in writing.

**Disciplinary Hearing:** If the Company decides there is a case of misconduct or gross misconduct to answer, a disciplinary hearing will be held. In this case employees will be given details of the complaint three working days before any such disciplinary hearing. At the disciplinary hearing employees will be given a proper opportunity to state their case. They may also be accompanied by a fellow employee of their choice.

### **Before the Meeting**

- Formal written notification of the meeting must be provided a MINIMUM of 24 hours before a hearing is scheduled
- Full supporting evidence must be provided to the individual along with the letter confirming their right to representation
- Do not go into the meeting with any preconceived ideas of the outcome
- If you feel necessary, prepare a script to ensure that you cover all the points you need to raise and all the questions you need to ask – this also makes the file notes quicker to produce as you can use your script as a base

### **Disciplinary Hearing – the Meeting Content.**

- Introduction of everyone in the room and the reason for them being there
- If the individual has not brought representation they must be reminded of their right. If they waive rights to representation, this should be file-noted. If they have not had time to get a representative but would like one, the meeting may be postponed for a few days in order to arrange
- Detail the facts of the case as you have investigated and question reasons for the individual's action
- Give the individual the opportunity to tell their side of the case

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- Probe any comments or question further if required ensuring to get as full a picture of the full case as is possible
- If you discover you need to go away to interview someone as a result of the information gathered in the meeting, halt the meeting until the investigation is complete
- If you have exhausted the investigation, recess the meeting for at least 15 minutes in order to consider all the evidence collected, including the individual's comments
- If needs be, contact HR for advice
- Make a decision based on the evidence – ie to warn or strike out
- Return to the individual and verbally notify them of your decision
- If the case is struck out, no details will be held on file
- If a warning is given, then you must notify the individual that the warning will be confirmed in writing (including verbal warnings), how long the warning will stay on file and, most importantly, the individuals RIGHT OF APPEAL
- Close the meeting

### **After the Meeting**

- Notify HR of the decision, if you have not already discussed during the recess
- Produce file notes and ensure the individual signs them
- Send a copy to HR from which the warning letter will be produced

The letter needs to be sent within 48 hours of the hearing wherever possible and as such, file notes must be produced within this time.

**Stage 1 – First Warning:** If the employee does not have a prior current disciplinary warning, this will be given by the employee's Manager and may be oral or written according to circumstances. In either event the employee will be advised that the warning constitutes the first formal stage of this procedure. Further, the employee will be advised that action under Stage 2 will be taken if there is any further misconduct during the currency of the warning. If the warning is verbal a note that such warning has been given will be placed in the Company's record and a copy supplied to the employee.

**Stage 2 – Final Warning:** If the employee has a first warning or if the misconduct is considered to be serious enough to warrant a final warning, the disciplinary hearing will be undertaken by the employee's Manager in consultation with Director, Human Resources. If the charge is proven the employee will normally be given a final warning. The warning will be confirmed in writing and will state that if the employee commits any further misconduct during the currency of the warning action may be taken under Stage 3.

**Stage 3 – Dismissal:** If the employee has a current final warning or faces a charge of gross misconduct, the disciplinary hearing will be taken by the Divisional Manager in consultation with the Director, Human Resources. If the charge is proven, dismissal will usually result. The Decision will be confirmed in writing.

No disciplinary penalty will be imposed without a disciplinary hearing first taken place. Failure by an employee to attend a duly convened disciplinary hearing without reasonable excuse will result in a decision being taken in his/her absence.

## **Appeals**

Each employee has the right to appeal against any disciplinary decision made at any stage of the disciplinary procedures. Any appeal must be put in writing and delivered to the Director, Human Resources within three working days of the date of the decision. The appeal will be heard as soon as possible.

## **Grievance Policy**

It is both in the employee's and Company's interest that grievances are resolved quickly and fairly. This procedure is non-contractual and is intended for guidance only. It may be adapted to meet particular circumstances.

**Stage 1:** A member of staff wishing to raise a grievance should, in the first instance, raise the matter with his/her immediate supervisor who will hold a meeting with the employee to consider the matter. The employee may be accompanied at this meeting by a fellow employee. Most problems can be resolved at this level but if a satisfactory solution cannot be agreed the employee may refer the matter to stage 2 within seven working days. Details of the grievance, the meeting and the out-come will be recorded.

**Stage 2:** Failing resolution at stage 1, the matter will be discussed between the employee concerned, the supervisor/Manager and the Head of Department. The employee may be accompanied at this review and the outcome will be recorded. If agreement cannot be reached at this stage, the employee may refer the matter to Stage 3 within seven working days.

**Stage 3:** Failing resolution at Stage 3, the case will be referred to the Director, Human Resources who will arrange a review meeting with the employee, the Supervisor/Manager and the Head of Department. The employee may be accompanied at this meeting by a fellow employee. Details of the meeting and the outcome will be recorded. If the problem cannot be resolved at Stage 3 the employee may refer the matter to a Director within fourteen working days.

**Stage 4:** Failing resolution at Stage 3, a Director will review the case with all the parties concerned. The employee may be accompanied at this review by a fellow employee. The decision of the Director will be Final and Binding.