



yelabus Disciplinary and Grievance Procedures

The practical steps to be taken are common to both of these matters. If an employee wishes to raise a grievance then it will be considered using the same approach as if the employer were undertaking discipline of an employee for failing to follow instructions. For the purposes of this document the word employee encompasses volunteers.

Principles

- Informal action will be considered, where appropriate, to resolve problems.
- Should an employee have a grievance the manager shall record and discuss with a Trustee.
- No disciplinary or grievance process will commence until the case has been fully investigated.
- For formal disciplinary action the employee will be advised of the nature of the complaint against him or her and a meeting will be arranged
- For a formal grievance hearing the manager will arrange a meeting to hear the matter
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- If there is a grievance raised against an individual the subject of the concern will be given the chance to clarify and explain
- At all stages of the procedures the employee will have the right to be accompanied by a trade union representative, or work colleague.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- A grievance may lead to a disciplinary procedure as a separate process.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

Procedure

At each stage of the procedure the individual will be notified of the reason for the procedure. The initial stage will include a recording of the events and will be undertaken by the individual's manager. If the latter is a Trustee then that should not involve the Chair. Any appeal will be heard by another Trustee who was not involved previously with the Chair being first choice at this stage if appropriate.

Decisions of a Disciplinary Procedure

The individual chairing a disciplinary meeting may make no award or if the evidence demonstrates that the existing yelabus rules have not been following a decision may be made as follows:

1. A written record of a verbal warning which will if appropriate also record:
 - Details of the performance problem,
 - The improvement that is required,
 - The timescale, and,
 - Any help that may be given and the right of appeal.
 - The individual will be advised that it constitutes the first stage of the formal procedure.
 - A record of the improvement note will be kept for 12 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance.

Or

2. A first written warning for misconduct if conduct does not meet acceptable standards. This will be in writing and
 - Set out the nature of the misconduct,
 - The change in behaviour required, and,

- The right of appeal.
- The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.
- A record of the warning will be kept for 12 months but will then be considered spent – subject to achieving and sustaining satisfactory performance.

Or

3. Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of;

- The nature or continuing nature of the misconduct
- The improvement required and the timescale.
- It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal), and,
- The right of appeal.
- A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 24 months subject to achieving and sustaining satisfactory conduct or performance.

Or

4. Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer. Dismissal decisions can only be taken by a Trustee, and the employee will be provided in writing with;

- Reasons for dismissal,
- The date on which the employment will terminate, and,
- The right of appeal.

If some sanction short of dismissal is imposed, the employee will

- Receive details of the complaint,
- Will be warned that dismissal could result if there is no satisfactory improvement, and,
- Will be advised of the right of appeal.
- A copy of the written warning will be kept but will be disregarded for disciplinary purposes after 24 months subject to achievement and sustainment of satisfactory conduct or performance.

The following list provides some examples of offences which are normally regarded as gross misconduct:

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of an organisation's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material, whilst using the organisation's computers or mobile phones
- Serious insubordination
- Unlawful discrimination
- Harassment
- Bringing the organisation into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of safeguarding rules
- A serious breach of confidence

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

It should be noted that if there is a failure to improve following a first award then any action taken to follow up on that failure shall require a full hearing before any further award can take place and that the new hearing also has an entitlement to an appeal (see below).

Decisions of a Grievance Procedure

It is impossible to predict what the outcomes of a grievance hearing will be. The aim of the Chair of the hearing should be to ensure fairness for all parties and in most cases for a correction of the original cause of the grievance if the complaint is upheld. If this involves a separate disciplinary hearing the outcome of that hearing cannot be communicated to the original complainant.

After a proper and fair hearing of a grievance it may be appropriate to ensure that proper apologies are offered and accepted and that the parties are reconciled.

As with Disciplinary Procedures it will usually be appropriate to ensure that there is a record of the outcome in writing provided to both parties including indication of a right to appeal if it is appropriate.

Appeals

An employee who wishes to appeal against a disciplinary or grievance decision must do so within five working days. A Trustee will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed. The same Trustee cannot undertake both first hearing and any subsequent appeal.

Signed K. R. Whithead

Date 14 / 3 / 23