

Disciplinary and Grievance Policy



**The Link Training
Academy**

Disciplinary and Grievance Policy

1.1 Objective

It is every person's wish to have a safe and congenial work environment, but occasionally an employee fails short of expectations. These Disciplinary Rules and Procedures have been developed to explain what can be expected in such circumstances and to ensure prompt, consistent and fair treatment for all employees who become involved in the disciplinary procedure.

1.2 Principles

Disciplinary Action Implemented When Warranted

Disciplinary action may be implemented at any stage if your alleged misconduct warrants such action. The commencement of disciplinary proceedings does not at any stage infer guilt, and you must have been given all of the evidence against you before any disciplinary meeting and advised if you right to be accompanied by a work colleague.

Full investigation

No disciplinary action will be taken against you until the case has been investigated.

The nature of an investigation into any potential case of misconduct or gross misconduct will vary, depending on the nature of the offence, the number of people involved and the need to secure additional or independent evidence. In a lot of cases the facts of the matter will be quite clear and there will be no need to hold an investigatory meeting or hearing, and to do so would merely prolong the process unnecessarily.

Where a manager, for example, directly observes a member of staff doing something in clear breach of The Link Academy rules or operating procedure, they should be able to act immediately to stop the misconduct, and speak to the member of staff concerned. A note of their observation and subsequent discussion with the member of staff may be all that is needed for the disciplining officer to take a view about whether there is a case to be answered to, especially where the member of staff admits what they have done. If more enquires are necessary then further meetings may be required. Copies of all such observations and discussions would be made available to the employee before the Disciplinary hearing.

In more complex or serious matter, an investigatory meeting or meetings may be needed in order for the investigating officer to pull together sufficient detail to determine whether or not there is in fact a disciplinary case to be answered to. Where such meetings are called, The Link Academy procedure is clear that employees have the right to be accompanied by a work colleague during any Investigatory or Disciplinary Hearings.

Where an investigatory meeting or hearing is required, the member of staff being asked to attend will be given reasonable notice and advised that they may be accompanied, but notification of this meeting does not have to be made in writing and it should be held as soon as is practical for both the investigating officer and the employee in order not to unnecessarily prolong the process.

Suspension

In the event that further investigation or consultation is necessary by the Manager, or in cases of alleged gross misconduct, it may be in interest of all parties to remove the employee concerned from the work situation without commitment to any particular course of action. In these circumstances suspension may be considered. Suspension is not part of the disciplinary procedure, it is considered to be a neutral action and does not assume or imply guilt. Authority to suspend an employee will rest with the Director. All suspensions will be on full pay. Expect where policy enquires

or legal proceedings are pending, in most circumstances, suspension will last for no longer than four weeks.

Complete Disclosure of Complaint and Opportunity for Defence

At every stage in the procedure you will be advised of the nature of the complaint against you and you will be allowed to ask questions, present evidence, call witnesses and be given the opportunity to raise points about any information provided by the witnesses.

Right to be accompanied

You will have the right to be accompanied by a work colleague during all Investigatory Interviews and Disciplinary Hearings.

No Automatic Dismissal

You will not be dismissed for a first breach of disciplinary except in the case of Gross Misconduct when the penalty may be dismissal without notice or payment in lieu of notice. It should be noted however that this does not mean that the dismissal is an automatic act. All facts will be considered before any action is taken.

Right to Appeal

You will have the right to appeal against all disciplinary action. Appeal will be to the Director or her designated representative. The Directors decision is final.

1.3 Disciplinary Procedure

Minor Faults

Minor faults will be dealt with by informal counselling, which may result in an informal verbal warning. This will not be noted in your personnel file.

Serious Breaches – Formal Procedure

Where the matter is more serious and following the appropriate investigation and disciplinary procedure, one of the following stages may be implemented:

- **Stage one:** Formal Verbal Warning
If conduct or performance does not meet acceptable standards you will normally be given a formal verbal warning. This is the first stage of the disciplinary procedure and you do have a right of appeal at this stage. A note of the verbal warning will be placed in your personnel file but, subject to satisfactory performance and conduct, removed after six month.
- **Stage Two:** Written Warning
A written warning will be given to you by your Line Manager. This will give details of the complaint, the improvement required and the time scale in which improvement is expected. It will warn that action under Stage Three. Stage Four or Stage Five (if the matter is serious enough) will be considered if there is no satisfactory improvement. You have the right of appeal against a written warning. Your Line Manager will keep a copy of this written notice but, subject to satisfactory conduct and performance, it will be disregarded after nine months. A copy will be given to you.
- **Stage Three:** Demotion
After a Written Warning, if the offence is a serious one involving inability, incapability, inattention or lack of interest in performing your duties to the level expected, and the level of conduct does not warrant dismissal, you may be demoted.
- **Stage Four:** Final Written Warning

If your conduct does not improve within the set timescales usually 3 months, your performance is still unsatisfactory, or your misconduct is sufficiently serious to warrant it; you will be given a Final Written Warning. This will give you details of the complaint, warn that dismissal will result if there is no satisfactory improvement and advise you of the right to appeal. A copy of the final written warning will be placed in your personnel file. It will be disregarded after twenty four months. You will also receive a copy.

- **Stage Five: Dismissal**

If your conduct or performance is still unsatisfactory and you still fail to reach the required standards or have committed Gross Misconduct, dismissal will normally result. Only the Director can take the decision to dismiss. As soon as reasonably practical, you will be provided with written reasons for your dismissal, the date on which your employment will terminate and confirmation of your right to appeal.

Not all of these stages will be relevant in every case, and progress through the stages may be accelerated subject to the nature, seriousness or frequency of any misconduct.

1.4 Level of Serious Breach

Any breach of the rules contained in this Handbook may be grounds for a finding of misconduct or gross misconduct.

Misconduct Offences

The following are some examples of rules, which, if breached, may render you liable to disciplinary action. However, it should be noted that the list is not exhaustive.

Accidents: Accidents, no matter how slight, must be reported immediately.

Safe Working Environment: You must, at all times, create and maintain a safe working environment within your place of work.

Smoking and Fire Hazards: You must observe all rules dealing with smoking and fire hazards.

Punctuality and Attendance: You must, at all times, be punctual and work to the hours defined in your Terms and Conditions of Employment.

Early Departure: You must not leave your place of work before your normal finishing time without permission.

Leaving the Building without Authorisation: You must not leave your place of work at any time during your shift without authorisation.

Lateness: Lateness will be considered a breach of the Terms and Conditions of your Employment.

Skill and Aptitude for the Job: You are expected to show skill or aptitude required for the job, particularly those skills that were claimed at the time of your commencing the job.

Acting in Interest of the Company: You must act wholeheartedly in the interest of the Company at all times.

Undertake Reasonable Duties: You must be prepared to undertake reasonable duties other than those for which you have been specifically employed.

Reporting Absence and Keeping in Touch: You must report to your Line Manager as soon as possible on the first day of any absence. It is your responsibility to keep us informed of the reason for your absence, to maintain regular contact with your Line Manager and advise them of your likely return date.

Continued Absence: If the absence is expected to continue for more than seven days you must obtain and send a Medical Certificate to the Company. A failure to do so will be deemed to be misconduct and may also result in a withdrawal of sick pay.

Persistent Absence: Persistent absenteeism will be managed closely and by the Attendance Management Procedure, and may result in disciplinary action.

Independent Medical Examination/Occupational Health: In the event of absence for reasons of ill health, you may be required to undergo an independent medical examination or to attend for a meeting with an Occupational Health Advisor. A refusal to undergo such an examination or to meet with Occupational Health may be regarded as a fundamental breach of the Terms and Conditions of your Employment.

Inform Company of Contagious Disease: You must inform the Company if you contract a contagious or otherwise infectious disease or illness.

Removal of Material from Work: You are not permitted to remove any material or equipment from your place of work without prior permission.

No Unauthorised Work: You must not use company time, material or equipment for unauthorised work.

Follow Company Procedure: You must at all times Follow Company working or operating procedures.

Reporting Offences: You must report any criminal convictions or convictions and/or endorsement for driving offences you receive whilst employed by The Link Academy.

Health and Safety of Colleagues: You must not endanger the health and safety of any other employee whilst at work

1.5 Dealing with Grievances

Policy

All employees have the right to raise what they perceive to be grievances. If you have a grievance relating to the matters discussed in this chapter or any other, please put your concerns in writing to HR or ask to discuss the matter with your manager. The business wants you to use this procedure when necessary so that we can deal with such matter appropriately.

If you raise a grievance the matter will be dealt with promptly, fairly, and in confidence. Your grievance may be resolved informally or formally depending upon the nature of the grievance and the route you would prefer to take. In either case, you can discuss the options with the Director who will guide you as to the correct procedure at the time of bringing it to their attention. Time may be needed to investigate and consider all the facts before action can be taken.

If your grievance cannot be resolved informally the procedure below should be used.

Procedure

If you have grievance relating to any aspect of your employment, you should give full details of your grievance in writing to the Director. If the grievance is against the Director, the matter should be reported to HR manager.

If the grievance is of a sensitive nature, you may choose to raise the issue with a manager of the same gender.

The decision of the appeal is final.

You have the right to accompanied by a fellow work colleague at any grievance meeting.

If you are uncomfortable discussing your grievance with the persona asked to investigate, request that another person handle the matter. Action may be taken to assign a third person to investigate.