
Disciplinary and Grievance Policy



August 2022

DISCIPLINARY POLICY

Purpose and Scope

It is the responsibility of all Managers and Senior Staff and employees themselves to ensure that all employees work in accordance with the Company's Equality and Diversity Policy and provide the highest standard of Conduct, Attendance and Job Performance. The following policy and procedures aim to ensure consistency and fair treatment for all employees where such issues need to be addressed.

General

It may, on occasions, be necessary for disciplinary action to be taken against employees in the event of unsatisfactory work performance or acts of misconduct. The latter may include issues of harassment or victimisation, infringement of the Company's Equality and Diversity Policy, misuse of company facilities including the e-mail and Internet, poor timekeeping and unauthorised absences. This list is not intended to be exhaustive and any act of misconduct that is detrimental to the harmonious running of Lincolnshire Youth Mission may result in disciplinary action being taken.

Disciplinary procedures exist to ensure that issues, whether relating to poor work performance or to an act of misconduct are resolved quickly and that staff involved receive as much assistance as possible and that the proceedings are conducted in a fair and equitable manner. In the case of poor work performance staff will be given assistance, and, if appropriate, training, in order to reach the required standard.

The LYM Board of Directors will normally appoint Board Members or engage external HR Personnel to conduct disciplinary hearings and the employee will at all stages have the right to be accompanied by a colleague or a Trade Union Representative.

The LYM Board of Directors will maintain a full record for future reference inform the Company's Employment Law and Insurance Advisors and act upon their advice.

Principles

- a) Whenever a potential disciplinary matter arises, a full record will be maintained for future reference (appendix a), the Company's Insurance Legal Advisors and our Employment Law Advisors are informed from the outset. Subsequent advice is acted upon by LYM Board of Directors, with facts established promptly through carrying out a full investigation and obtaining witness statements as necessary. Relevant records will be available to the employee on request, either prior to or at the hearing. Following a full investigation, the LYM Board of Directors will decide whether or not there is a prima facie case for disciplinary action being taken and, if so, the appropriate course of action. Alternative courses of action could include informal coaching or counselling or it may be decided to drop the matter. In all cases, the decision will be notified to the employee in writing.
- b) Minor incidents of misconduct and most cases of poor performance may be dealt with by offering informal advice, coaching and counselling rather than going through the disciplinary procedure.
- c) In certain circumstances, particularly in cases of potential gross misconduct or where there is risk to Company property or other employees, a brief period of suspension with full pay may be considered whilst the investigation is conducted.
- d) Before any decision is taken about the outcome of any disciplinary procedure, a full hearing will be conducted during which the employee or his/her representative will have an opportunity to state his/her case and to answer the allegations that have been made. An employee may have a Colleague or a Trade Union representative to accompany them. Please note that the representative has a right to state the case but does not have a right to ask or answer questions on behalf of the employee.
- e) A balanced view will always be sought
- f) Where the facts appear to call for disciplinary action, a formal procedure will be followed.

- g) Written records of all disciplinary discussions will be shown to the employee before being filed so that the employee can agree that they are a true and accurate record.
- h) An employee has the right to appeal against any disciplinary action.

DISCIPLINARY PROCEDURE

Stage/Level 1 – Poor Performance

For lower-level misdemeanours, it will be explained to the employee the reasons for taking disciplinary action and plans for overcoming the problem will be discussed.

In instances of poor performance an improvement note/ action plan will be put in place indicating expectation, timescales and review periods. All discussions and plans will be recorded in writing and an agreed time will be given for review. In more serious cases, the procedure may start at a higher stage, which, for serious misconduct, may result in summary dismissal.

For warnings around poor performance the First Stage documentation will be kept on file and disregarded for disciplinary purposes after 6 months.

Stage/Level 2 – Written Warning

If it is considered at review that progress from Stage 1 is unsatisfactory and/or for intermediate level issues, the employee will be given a Written Warning with details of; the issue, the improvement or change in behaviour required, the timescale allowed for this and the right of appeal. The warning will also inform that a, next stage, final written warning may be considered if there is no prompt and sustained satisfactory improvement or change.

A written warning will also be issued if there are further acts of misconduct whilst a relevant previous first or second stage/level warning is current or if a first offence is sufficiently serious to warrant greater disciplinary action. A copy of a written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months.

Stage/Level 3 - Final Written Warning

Where there is failure to improve or change behaviour during the currency of a prior warning, or where the infringement is sufficiently serious, the employee will normally be given a final written warning. This will give details of the issue, warn the employee that failure to improve or any act of further misconduct being committed may lead to dismissal. The employee will also be given the right of appeal. The final written warning will be disregarded for disciplinary purposes after 12 months.

Stage/Level 4 - Dismissal

If no progress is made by the time of review, if further acts of misconduct occur or an act deemed to be gross misconduct is committed, an employee may be dismissed. Only the LYM Board of Directors has the right to authorise dismissal. The employee will be given full reasons as to why the dismissal is taking place and will be given the right of appeal.

APPEALS

An employee has the right of appeal at all stages of the disciplinary procedure. Appeals should be in writing, within seven days of the decision, and addressed to the Chair of the LYM Board of Directors stating the reasons for the appeal.

GROSS MISCONDUCT POLICY

You may be dismissed without warning or compensation if you:-

- a) Breach confidentiality by discussing the private/personal matters of any volunteer, staff member or young person using the scheme except as set out in Safeguarding and Whistleblowing policies.
- b) Abandon duty without authorisation
- c) Deliberately make false entry in the written records or any other important record
- d) Commit theft or any other form of dishonesty or have unauthorised possession of equipment
- e) Cause malicious damage to or misuse the Company's equipment/property
- f) Do anything that harms or causes loss or distress to another employee or any other person; including direct abuse, abusive behaviour, fighting/assault, theft, etc.
- g) Demonstrate a reckless/irresponsible attitude to safety rules or equipment
- h) Engage in negligent conduct, endangering the safety of any employee or person or premises
- i) Refuse to obey any reasonable or lawful instruction from a superior
- j) Are under the negative influence of intoxicating liquor or drugs (prescription products or otherwise) at work
- k) Fail to properly account for money received or spent in the course of duty
- l) Misrepresent work history, details of experience, education, health, capabilities or performance when being considered for engagement or promotion
- m) Do or say anything that may negatively impact upon the reputation of or trust in the Company
- n) Accept any gifts or money
- o) Harass any child or young person attending one of the projects, volunteers or other employee, sexually, racially or for any other reason
- p) Are criminally charged with any offence that the Company believes may indicate a risk to children or young people attending any of the projects, volunteers or other employees or premises from your continued employment
- q) Are found to have breached Safeguarding Regulations

This list is not intended to be exhaustive.

Where misconduct is alleged, the company reserves the right to suspend the employee pending investigation. This will be a neutral act and on full contractual pay (*i.e., discretionary enhancements not included*). During or at the end of such a period, the employee will be invited to attend an investigatory meeting or disciplinary hearing and may subsequently be summarily dismissed dependent on the findings of the investigation.

GRIEVANCE PROCEDURE

Purpose

The purpose of these procedures is to ensure that complaints made and/or grievances raised by employees are dealt with speedily and brought to a fair and equitable conclusion.

An employee who has a grievance about employment should follow the procedure outlined below:

Stage 1

The employee should put his/her grievance in writing to the Chair of the LYM Board of Directors. However, if the grievance concerns the Chair directly the matter should be raised with the LYM Company Secretary.

The Chair of the LYM Board of Directors will arrange to meet with the employee within 5 working days in order to discuss the grievance. It is hoped at this stage that the grievance can be resolved in an

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informal manner. The employee has the right to be accompanied at this meeting by a colleague or a Trade Union representative.

The LYM Board of Directors will maintain a full record for future reference, inform the Company's Employment Law and Insurance Advisors and act upon their advice.

The Chair of the LYM Board of Directors will respond to the grievance within **ten working days** of the meeting. If, for some reason this is not possible the employee will be given an explanation for the delay and informed when a response can be expected.

Stage 2

If not resolved within **ten working days** (or within an extended time advised as above) or if the employee wishes to appeal the outcomes of the grievance, the employee may raise the matter with the Chair of the LYM Board of Directors. Within ten working days the employee should put their grievance in writing and any other parties mentioned in the grievance should also be invited to put forward a written statement.

The Chair of the LYM Board of Directors will invite the employee to a meeting within **ten working days** to discuss the grievance. The employee will have the right to be accompanied by a colleague or Trade Union representative at this meeting.

The Chair of the LYM Board of Directors will respond to the employee within **ten working days** concerning the outcome of the grievance. If this is not possible the employee should be given an explanation for the delay and told when a response can be expected.

Records

Records will be kept detailing the nature of the grievance raised, Lincolnshire Youth Mission's response, any action taken and the reasons for the action. These records should be kept confidential and retained in accordance with the Data Protection Act, 1998 which requires the release of certain data to individuals on their request. Copies of any meeting records should be given to the individual concerned, although in many circumstances some information may be withheld or certain documents may be made anonymous, for example to protect a witness.