

Grievance and Disciplinary Policy

The policy applies to all staff, volunteers and anyone working with, or on behalf of, Wellbeing 4 Life CIC (hereafter referred to as “Motivated Minds”).

1. Introduction

Difficulties may arise at various points in the employment relationship, and disciplinary and grievance procedures are there to ensure that these challenges are dealt with fairly and consistently.

The disciplinary process is not intended to be punitive in nature. The procedure therefore describes the steps to be taken to deal with each situation reasonably and, wherever possible, help the person concerned to improve their standards of conduct of behaviour to reach acceptable standards.

2. Legislation and Guidance

Legislation	Description	Link
Data Protection Act 2018 and the General Data Protection Regulation (GDPR)	Data Protection Act 2018 and the GDPR allows for storage and sharing of information for safeguarding purposes, including information which is sensitive and personal, and should be treated as ‘special category personal data’. Where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 contains ‘safeguarding of children and individuals at risk’ as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child/vulnerable adult at risk	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711097/guide-to-the-general-data-protection-regulation-gdpr-1-0.pdf

3. Policy

Implementation and adherence to this policy is the responsibility of all staff, contractors and volunteers within the organisation. Motivated Minds promotes high standards of behaviour and conduct for all employees, contractors and volunteers, and takes appropriate corrective action where those standards are not met.

4. Roles & Responsibility

- The Managing Director and the Board of Directors to ensure Motivated Minds has effective policies and procedures in place in accordance with legal requirements
- The Managing Director will monitor compliance with all policies and procedures
- Senior Managers should deal with grievances promptly, carrying out any necessary fact finding or investigations to establish the facts of the case and should not unreasonably delay meetings, decisions or confirmation of those decisions
- This policy will be reviewed, by the Board of Directors on an annual basis or amended in the light of new employment legislation and/or relevant case law.

5. The Purpose of the Disciplinary and Grievance Policy

By adopting this policy Motivated Minds aims to:

- Assist in the standard setting for conduct and behaviour.
- Communicate clearly to all team members Motivated Minds expectations
- The application of this policy and the procedures will be consistent, prompt, impartial, and reasonable and applied without discrimination.

An informal approach may be particularly helpful where problems can be resolved quickly and confidentially. There will be situations where matters are more serious or where an informal approach has been tried but is not working. If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered too serious to be classed as minor, employers should provide employees with a clear signal of their dissatisfaction by taking formal action.

6. Standard Procedures

An individual member of staff who has a concern, problem or complaint about a matter relating to the application of policies, procedures, terms and conditions, contractual provisions or regarding their employment, or their colleagues should raise the problem in the first instance with their immediate line manager, or another manager if the grievance is against their line manager. In order to enable the manager to fully understand the issue(s) being raised, the employee would be expected to provide as much information relating to the grievance at the time of raising it (using the grievance registration form Appendix A), including copies of any documents on which they intend to rely. This will allow for a more timely review of the details and to provide a suitable response, which may include informal action, an detailed investigation with the potential for formal action.

6.1 Stage One - Informal Action

Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally. An informal approach may be particularly helpful and can be resolved quickly and confidentially, during a scheduled **Performance Review (115)**. This should be a two-way discussion, aimed at discussing possible shortcomings in conduct or performance and encouraging improvement. Criticism should be constructive, with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained. Listen to whatever the employee has to say about the issue. It may become evident there is no problem – if so make this clear to the employee. Where improvement is required make sure the employee understands what needs to be done, how their performance or conduct will be reviewed, and over what period. It may be useful to confirm in writing what has been decided.

In all cases informal grievances should be heard, and where possible resolved within 14 calendar days of the issue being raised.

Be careful that any informal action does not turn into formal disciplinary action, as this may unintentionally deny certain rights, such as the right to be accompanied. If, during the discussion, it becomes obvious that the matter may be more serious, the meeting should be adjourned. The employee should be told that the matter will be continued under the formal disciplinary procedure. Keep brief notes of any agreed informal action for reference purposes. There should be reviews of progress over specified periods.

6.2 Stage Two – Investigation

It may be necessary to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. The investigation may be carried out by the line manager or someone else appointed by the Managing Director.

All team members must co-operate fully and promptly in any investigation. This may include informing Motivated Minds of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with the employee after our investigation and before we reach a decision.

6.3 Suspension

Suspension is not a disciplinary action and will normally be on full pay. It should only take place where it is considered that the employee may impede the disciplinary investigation or commit further offences if he/she remains at work. The Managing Director will inform the employee in writing that s/he is to be suspended immediately: stating the nature of the alleged offence, the purpose of suspension, and its anticipated duration. Suspension in these circumstances should be no longer than required to complete the investigation. 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.

6.4 Stage Three – Disciplinary Meeting

The appropriate manager will invite the employee to a grievance meeting promptly, giving at least 24 hours' notice.

The manager will discuss the grievance with the employee and should explain their grievance in full and explain how they think it should be resolved. After the initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate, such meetings will be arranged without unreasonable delay.

The manager may take notes during the meeting or arrange for someone else to attend as a note taker. Employees may request a copy of the notes taken during the meeting, which will be provided on conclusion of the grievance. Employees are not permitted to record a grievance meeting under any circumstances (whether covertly or otherwise). Recording the meeting without permission may amount to an act of misconduct.

6.4.1 Representation

Employees attending any formal stage of the grievance procedure have the right to be accompanied by another colleague or a trade union representative. Their chosen companion will be permitted to address the meeting and to confer with the colleague during the meeting (but not to answer questions on their behalf).

The employee and his or her chosen companion should make every effort to attend the meeting. If the employee's chosen companion is not available at the time proposed for the meeting by Motivated Minds and the colleague proposes an alternative time (within five working days of the day proposed by

Motivated Minds), Motivated Minds will postpone the meeting to the time proposed by the colleague if that is reasonable.

Motivated Minds shall permit an employee to take reasonable time off during working hours for the purpose of accompanying another of Motivated Minds employee, where a colleague has reasonably requested to be accompanied by that colleague at a meeting.

7. Disciplinary Action

When a disciplinary meeting has been completed, the colleague shall be informed in writing, of the decision.

The written response will include reasons for the decision, including any evidence relied on. If the grievance is a complaint about another employee they will also be advised of the outcome. The response will also make recommendations for any proposed course of action as a result of the grievance.

The outcome letter will also confirm the colleague's right to appeal.

7.1 Stage 1 - Written Warning

If conduct does not meet acceptable standard the employee will normally be given a written warning by his/her supervisor/line manager. S/he will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A copy of this written warning detailing the complaint; the change in behaviour required; and dates for review will be kept in the employee's personal file but will be disregarded for disciplinary purposes after a specified period.

7.2 Or Improvement Note for Unsatisfactory Performance

If performance does not meet acceptable standards the employee will normally be given an improvement note by his/her supervisor/line manager. S/he will be advised of the reason for the note and of their right of appeal. A copy of this note detailing the performance problem; the improvement required; the set timescale for improvement; and dates for review will be kept in the employee's personal file but will be considered spent after a specified period – subject to achieving and sustaining satisfactory performance.

7.3 Final Written Warning

If performance is still unsatisfactory or if a further misconduct occurs, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warnings), the employee will be given a final written warning. This will give details of the complaint; the improvement required; the set timescale for improvement; and dates for review. It will warn that dismissal may result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months (in exceptional cases duration may be longer) subject to achieving and sustaining satisfactory conduct or performance.

7.4 Dismissal

If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, or if the offence constitutes gross misconduct, dismissal will normally result. The employee will be provided as soon as reasonably practicable with written reasons for dismissal, the date on which his/her employment will terminate and be advised of the right of appeal.

8. Gross misconduct

Defined as misconduct serious enough to destroy the employment contract between Motivated Minds and the employee which makes further working relationship and trust impossible. Gross misconduct is

normally restricted to serious offences. The principal reasons for summary dismissal could include but are not limited to:

- criminal offence which affects the individual's ability to carry out his/her job
- physical assault by an employee on any other person
- theft, misappropriation or unlawful destruction of property
- the giving or receiving of bribes or unauthorised gifts
- serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury
- supplying security access codes to any unauthorised person
- unauthorised disclosure of information or misuse of trust of a serious nature
- making malicious or unfounded allegations of a serious nature
- deliberate falsification of any documents or claims, including time sheets, overtime or expense forms
- misconduct at work or away from work of such a serious nature as to bring into disrepute either the employee's position or the organisation
- serious discrimination relating to a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)
- harassment of a serious nature
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- persistent alcohol or drug abuse
- serious or persistent IT misuse
- engaging in unauthorised employment during hours when contracted to work for the Organisation or during periods of designated leave, for example annual or sick leave, time off for training, etc.
- failure to disclose unspent criminal conviction(s) or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1974;
- providing false information on a job application form including false information concerning immigration status.

9. Appeal

An employee may appeal against the decisions of the disciplinary meeting taken under this procedure to the Chair of the Board of Trustees, or if the Chair has already been involved in an earlier stage of the procedure, to the Vice-Chair of the Board of Trustees. The employee wishing to appeal against a disciplinary decision, must do so in writing within five working days of receiving written notification of the disciplinary action, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached. Arrangements for the appeal meeting will be made by the Chair (or Vice-Chair if appropriate) who will ensure that a note-taker is present if possible. The appeal meeting should be held without unavoidable delay. Where possible, at least two members of the Board will constitute an Appeal Panel and excluding any who line-manage the employee and who made the decision which is the subject of the appeal.

10. Confidentiality

All information at any stage of this procedure, whether it is written or verbal information, must be treated as confidential information by all parties. Failure to do so may result in disciplinary action being taken. All records should be kept by all parties in accordance with the Data Protection Act 1998. The Data Protection Act gives individuals the right to request and have access to certain personal data.

Grievance Registration Form

Part A and B of this form should be completed by employees wishing to submit their grievance formally under the Motivated Mind’s Grievance Policy.

PART A – PERSONAL DETAILS

Name: Job Title:

Contact Telephone No.

Email Address:

PART B – THE GRIEVANCE

Please set out below the details of your grievance, including information relating to the following (attach a separate sheet if necessary):

- What the grievance is about, outlining any relevant dates, witnesses, locations and background information. What action have you already taken to try and resolve your grievance informally? Why do you feel that these have failed?

What outcome are you looking for? (i.e. how, in your view, can your grievance be resolved?)

Signature: Date:

Name of receiving manager: Date:

Signed (manager):

Name of nominated representative (if appropriate).....