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GRIEVANCE, DISCIPLINARY AND CAPABILITY POLICY AND PROCEDURES



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1. ABOUT THIS POLICY AND PROCEDURE

- 1.1 It is our policy to ensure all employees and contractors have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 This procedure applies to all employees and contractors, regardless of length of service.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. OUR GRIEVANCE PROCEDURES

- 2.1 Issues that could cause grievances may include:
 - (a) terms and conditions of employment;
 - (b) health and safety;
 - (c) work relations;
 - (d) bullying and harassment;
 - (e) new working practices;
 - (f) working environment;
 - (g) organisational change; and
 - (h) discrimination.
- 2.2 This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure.
- 2.3 Our *Anti-Harassment and Anti-Bullying Policy* may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment.
- 2.4 Our *Whistleblowing Policy* enables employees to report illegal activities, wrongdoing or malpractice. However, if you are directly affected by the matter in question or feel you have been victimised for whistleblowing, you may raise the matter under this Grievance Policy.
- 2.5 If you have difficulty at any stage of these procedures because of a disability or because English is not your first language, discuss the situation with the Executive Director.
- 2.6 Written grievances will be placed on your personnel file along with a record of any decisions taken and notes or other documents compiled during the grievance process.

3. RAISING GRIEVANCES INFORMALLY

- 3.1 Most grievances can be resolved quickly and informally through discussion with the Executive Director. If you feel unable to speak to the Executive Director e.g. because the complaint concerns her or him, then speak informally to a trustee other than the Chair of the Board of Trustees. If this does not resolve the issue, you should follow the formal procedure below.

4. FORMAL WRITTEN GRIEVANCES

- 4.1 If your grievance cannot be resolved informally, put it in writing and submit it to the Executive Director or a trustee other than the Chair, indicating that it is a formal grievance. In it, give a brief description of the nature of your complaint, detail relevant facts, dates, and names of individuals involved. In some situations, we may ask you to provide further information.

5. INVESTIGATIONS

- 5.1 It may be necessary to investigate your grievance. The amount of 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 you and witnesses and reviewing documents.
- 5.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 5.3 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 you after our investigation and before we reach a decision.

6. RIGHT TO BE ACCOMPANIED

- 6.1 By law, any employee or worker can bring a relevant person ('companion') to a grievance meeting, if it's about a legal or contractual issue. This is known as 'the right to be accompanied'. You must choose your companion from one of the following:
- (a) a colleague
 - (b) a trade union representative
 - (c) an official employed by a trade union
- 6.2 Should you wish to bring someone else instead, e.g. a spouse, friend, or legal representative, we will consider this request and allow it if we consider it to be appropriate.
- 6.3 If you have a disability, you may also request to bring someone else for additional support, such as a carer.
- 6.4 You must tell the person holding the meeting who your chosen companion is, in good time before the meeting.
- 6.5 At the meeting, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.
- 6.6 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 6.7 If your chosen companion is unavailable when a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 6.8 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative, e.g. a member of your family if this will help overcome a disability, or if you have difficulty understanding English.

7. GRIEVANCE MEETINGS

- 7.1 We will arrange a grievance meeting, normally within one week of receiving your written grievance.
- 7.2 You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.

- 7.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
- 7.4 These meetings are minuted and the content of the meeting discussion confirmed.
- 7.5 After an 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.
- 7.6 We will write to you, usually within a week of the final grievance meeting, to tell you the outcome of your grievance and any further action we intend to take to resolve it. We will remind you of your right of appeal.

8. APPEALS

- 8.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Chair of the Board, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.
- 8.2 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by someone who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting.
- 8.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

9. OUR DISCIPLINARY AND CAPABILITY POLICY AND PROCEDURES

- 9.1 Our Disciplinary and Capability Policy provides for warnings to be given for failure to meet the charity's standard of job performance, conduct (whether during working hours or not) and attendance, or for breach of any of the terms and conditions of employment/contracting. This procedure applies to all employees and Good Vibrations team members.
- 9.2 Dismissal and suspension may be effected only by the Chair of the Board or another trustee. For employees, suspension on pay may be affected where the charity is considering invoking or does invoke the disciplinary procedure. For contractors, you may be paid as per your schedule but suspended from duties where the charity is considering invoking or does invoke the disciplinary procedure.
- 9.3 Except in cases of gross misconduct, which, in the opinion of the charity justify summary dismissal, the following procedure will be adopted:
 - (a) Stage 1 - If your work or conduct is considered unsatisfactory, warning to that effect will be given by the charity either orally or in writing. (See section 11)
 - (b) Stage 2 - If your work or conduct does not in the opinion of the charity improve, a second warning in writing will be given by the charity.
 - (c) Stage 3 - **(For employees)** If at the end of that period, the required improvement has not, in the opinion of the charity, taken place you will be dismissed with the appropriate notice, which will state the reasons for the dismissal. **(For contractors)** If at the end of that period, the required improvement has not, in the opinion of the charity, taken place your contracted will be terminated/will not be renewed, with the appropriate notice, which will state the reasons for the dismissal.

- 9.4 It should be noted that for cases relating to capability or minor misconduct, the charity will normally go through these stages although in cases of more serious misconduct the charity may enter the disciplinary procedure at Stage 2 or 3.
- 9.5 If, after any stage of the disciplinary and capability procedure, no further warnings are issued relating to that particular issue for a period of 18 months, then the details of the previous disciplinary action will be removed from the records.
- 9.6 The following are non-exhaustive examples of gross misconduct justifying summary dismissal:
- (a) conduct likely to bring the charity into disrepute;
 - (b) theft of the charity's/another employee's property or any other act of dishonesty;
 - (c) drunkenness or intoxication with drugs on a site at which the charity operates;
 - (d) fighting on a site at which the charity operates;
 - (e) breach of confidentiality concerning the charity's confidential information;
 - (f) wilful damage to the charity's property or to the property of a site owner;
 - (g) refusal to obey the reasonable orders of the Chair of the Board or trustees;
 - (h) failure to follow health and safety precautions and procedures;
 - (i) gambling on a site at which the charity operates after a request to discontinue;
 - (j) failure to attend for work without reasonable cause, for any period exceeding a total of 2 working days in any 12-month period;
 - (k) causing security issues/failure with regard to work in a secure setting;
 - (l) Being excluded from a secure setting for non-compliance with its policies or instructions;
 - (m) failing to safeguard vulnerable people whilst working with them.

10. INVESTIGATION

- 10.1 Where the charity believes the disciplinary and capability procedure should be invoked, you will be informed of the allegation[s] against you. The matter will be investigated by one of the trustees (other than the Chair of the Board) who will, if appropriate, obtain statements from witnesses whose evidence is relevant. Suspension on full pay will be considered at this stage.

11. DISCIPLINARY HEARING

- 11.1 Where the investigation indicates that disciplinary action may be required, you will be written to and advised of the allegations against you and any supporting evidence. The letter will give at least seven days' notice of any disciplinary hearing. At a disciplinary hearing you have the right to be accompanied by a companion. See section 6 above for more details about this.
- 11.2 At the hearing, the allegations will be put to you and if you do not accept them, evidence may be called by the person presenting the case to prove the allegations (including references) and you will be given the opportunity for witnesses of your own to be heard. Each side may cross-examine the other party's witnesses if appropriate.
- 11.3 Disciplinary hearings will normally be chaired by the Chair of the Board.

11.4 The charity will endeavour to advise you of its decision in writing within seven days of the hearing and will inform you of your right to appeal the decision and to whom your appeal should be addressed.

12. PERFORMANCE MANAGEMENT PROCESS

12.1 Where the investigation recommends that a performance management process should be followed to support the team member to carry out their duties to the required standards and with the appropriate, professional conduct, the details of this supportive process will be agreed between the line manager and team member and approved by the Chair of the Board.

12.2 A formal meeting to agree the plan will be held between the line manager and team member within 7 days of the recommendation being made by the Investigating Officer, and the plan will be formally agreed in writing.

12.3 The performance management plan will include SMART targets appropriate to the role, and Good Vibrations will ensure that support mechanisms are in place to help the team member to achieve the targets within the timescales agreed.

12.4 The team member will be given a set period in which to reach the required performance standards and to consistently demonstrate the required levels of conduct. It is suggested that this time-scale is 3 months, but this may be set at a different length depending on the exact nature of the situation.

12.5 Regular, minuted meetings will take place through this period, to ensure there are regular and transparent opportunities for progress against the targets to be communicated, and support opportunities to be taken up.

12.6 Should the team member fail to demonstrate they have met the required performance standard and conduct required, through meeting the targets by the end of this period, Good Vibrations holds the right to terminate their employment or contract with Good Vibrations.

13. RIGHTS OF APPEAL

13.1 Notice of an appeal against a disciplinary decision must be given to the trustees within five working days.

13.2 Three trustees (the 'Appeal Panel') will then invite you to a further meeting to discuss your appeal. The Appeal Panel will endeavour to meet with you within 14 days of receiving your letter of appeal and to advise you of its decision in writing within seven days of the hearing.

13.3 You have the right to be accompanied by a work colleague or a trade union representative at the appeal hearing.

14. PUTTING THIS POLICY INTO PRACTICE

14.1 Good Vibrations' Executive Director will ensure this policy is reviewed once every 2 years to check it is robust and accurate. Trustees will approve each iteration of the procedure.

14.2 Good Vibrations staff, contractors and trustees are required to read all of the organisation's policies and procedures, giving confirmation they have read and understood them. They must adhere to this policy and procedures in their Good Vibrations work.

14.3 Volunteers embarking on work with Good Vibrations are required to read the policies and procedures, set out in the *Volunteer Handbook*, giving written confirmation that they have read and understood them and will adhere to them in their Good Vibrations work.

14.4 Good Vibrations will provide regular opportunities for training and discussion about the practical implementations of this procedure to take place with the team.