

Disciplinary and Grievance Policies

Disciplinary Procedures

A) INTRODUCTION

- 1) It is important for everyone that we have a simple and clear set of rules to make sure everyone in the team acts and behaves appropriately.
- 2) Rules set standards of performance and behaviour. Procedures help promote fairness in the way we treat each other. Together, these rules and procedures are aimed at guiding the way we all behave. They are not there purely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.
- 3) We will make sure that any action taken under this procedure is fair, with you being allowed to state your case and appeal against any decision that you consider to be wrong.
- 4) The following rules and procedures are aimed at ensuring that:
 - a) the correct procedure is used when requiring you to attend a disciplinary hearing;
 - b) you are fully aware of the standards of performance, action and behaviour required of you;
 - c) disciplinary action, where necessary, is taken speedily and in a fair, and consistent manner;
 - d) you will only be disciplined after a careful investigation of the facts and the opportunity to present your side of the case. On some occasions, temporary suspension on contractual pay may be necessary so that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
 - e) other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
 - f) you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
 - g) if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

B) DISCIPLINARY RULES

It is not possible to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this procedure below, breaches of the policies contained elsewhere in the Employee Handbook <https://www.realworth.org/handbook/> or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

C) RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- a) failure to abide by the general health and safety rules and procedures;
- b) persistent absenteeism and/or lateness;
- c) unsatisfactory standards or output of work;
- d) rudeness towards clients, suppliers, members of the public or colleagues, objectionable or insulting behaviour, harassment, bullying or bad language;
- e) failure to carry out all reasonable instructions or follow our rules and procedures;
- f) unauthorised use or negligent damage or loss of our property;
- g) unauthorised use of e-mail and internet.

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D) SERIOUS MISCONDUCT

- 1) Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.
- 2) You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

E) RULES COVERING GROSS MISCONDUCT

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

(These are examples only and not an exhaustive list.)

- a) theft or fraud;
- b) physical violence or bullying;
- c) deliberate damage to property;
- d) deliberate acts of unlawful discrimination or harassment;
- e) possession, or being under the influence, of drugs¹ at work

F) DISCIPLINARY PROCEDURE

- 1) Disciplinary action taken against you will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
Unsatisfactory Conduct	Formal verbal warning or letter of concern	Written Warning	Final written warning	Dismissal
Misconduct	Written Warning	Final written Warning	Dismissal	
Serious misconduct	Final written warning	Dismissal		
Gross misconduct	Dismissal			

- 2) We have discretion in respect of these disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not receive any warnings before dismissal.

¹ For this purpose, the term 'drugs' is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.

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- 3) If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may include a formal verbal warning or letter of concern, written warning, final written warning, or dismissal, and full details will be given to you.
- 4) In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

G) DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained in the previous section is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority from progressing any action at whatever stage of the disciplinary process.

PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:		
	MANAGEMENT	OTHER EMPLOYEES
Formal verbal warning or Letter of Concern	a Director	your Line Manager
Written warning	a Director	your Line Manager
Final written warning	a Director	your Line Manager
Dismissal	a Director	a Director

H) PERIOD OF WARNINGS

- 1) Formal verbal warning or Letter of Concern - A formal verbal warning or Letter of Concern will normally be disregarded for disciplinary purposes after three months.
- 2) Written warning - A written warning will normally be disregarded for disciplinary purposes after six months.
- 3) Final written warning - A final written warning will normally be disregarded for disciplinary purposes after twelve months.

I) GENERAL NOTES

- 1) If you are in a supervisory or Managerial position, then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.
- 2) In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.
- 3) Gross misconduct offences will result in dismissal without notice.
- 4) You have the right to appeal against any disciplinary action.

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Grievance Procedures

- 1) It is important that if you feel dissatisfied with anything about your job you should have a clear and effective way that this can be aired and, where appropriate, resolved.
- 2) Nothing in this procedure is intended to prevent you from informally raising any matter or concern you may wish to raise. We encourage informal discussions as these can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should do so in writing from the outset.
- 3) You have the right to be accompanied at any stage of the procedure by a fellow employee who may act as a witness or speak on your behalf to explain the situation more clearly.
- 4) If you feel aggrieved about anything matter about your work (except personal harassment, for which there is a separate policy included in the Employee Handbook <https://www.realworth.org/handbook/>), you should first raise the matter with the person mentioned in your Terms of Employment, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.
- 5) If you wish to appeal, you must inform a Director within five working days. You will then be invited to a further meeting, which you must take all reasonable steps to attend. As far as reasonably practicable, the Company will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting). If the grievance is against a sole director, or if there is no more Senior Manager available to appeal to, your appeal should be directed to your line manager within five working days.
- 6) Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.