

References:

1. ACAS Code of Practice 1 Disciplinary and Grievance Procedures – April 2009.

YOUTHFORCE GRIEVANCE PROCEDURE

Summary

1. The following policy deals with handling disciplinary and grievance situations, including dismissal, in Youthforce. This policy does not, however, apply to dismissal due to redundancy. Dismissal due to redundancy will be covered in a separate policy note.

Introduction

2. Disciplinary situations will deal with misconduct. Poor performance will be addressed using the Youthforce competency procedure and full details of this procedure can be found at the following hyperlink
3. Grievances are concerns, problems or complaints that employees raise with their line manager/employer.

General

4. Line managers should raise and deal with issues promptly. Meetings, decisions or confirmation of those decisions should not be unreasonably delayed.
5. Line Managers must act consistently. To assist with this a table at the Annex has been produced which provides the linkage between misconduct and the disciplinary action which is likely to be taken.
6. Where some form of formal action is needed, it is essential that the action taken is **reasonable and justified**. What is reasonable and justified will depend on all the circumstances of the particular case; however, a key principle is that issues will be dealt with fairly.

Procedure

7. Line Manager identifies a potential disciplinary issue
8. Line Manager to carry out any necessary investigation. Investigation is fact finding not opinion driven. The Line Manager can carry out this investigation or nominate an Investigating Officer.
9. If the investigation reveals that there is a disciplinary case to answer the Line Manager should inform employee, in writing, of the basis of the problem, disclose the investigation to them and set a date and time for the disciplinary meeting. The employee should be given a reasonable period of time to consider the disclosure before the disciplinary meeting takes place.

10. The employee has a right to be accompanied when attending this meeting. Any request to be accompanied must be reasonable. An unreasonable request would include an employee insisting that they be accompanied by a companion whose presence would prejudice the disciplinary meeting or a request to be accompanied by a worker who is based in another geographical location but there is someone suitable and willing available on site. The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. The companion cannot be a legal representative.
11. The disciplinary meeting provides the employee with an opportunity to respond to any allegations made against them, present any evidence they have to support their case and, where applicable, call relevant witnesses. The companion, if present, should be allowed to put the employee's case, respond on behalf of the employee and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, nor make representations on behalf of the employee if this is against the employee's wishes. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the Line Manager should make a decision on the evidence available.
12. A full written record of the meeting must be taken and subsequently agreed upon.
13. Line Manager considers investigation findings and any representations made by the employee at the disciplinary meeting. The Line Manager should form a preliminary view as to what, if any, disciplinary action should be taken.
14. Line Manager consults with immediate superior and a decision is made as to what, if any, disciplinary action should be taken.
15. Employee is informed of decision, in writing, and advised that they have the right to appeal against any formal decisions made.
 - a. If a written warning is being awarded then the warning must set out the nature of the misconduct and the change in behaviour that is required, with a timescale. The employee should be told how long the warning will remain current and the consequences of further misconduct e.g. further written warning, demotion, loss of seniority or dismissal. This must all be recorded, in writing, and held on the individual's file.
 - b. If the employee is to be dismissed they should be informed of the date on which the employment contract will end, the appropriate period of notice and their right to appeal.
16. If an employee wishes to appeal they must inform their employer, in writing, of the grounds for their appeal.
17. Any appeals should be heard without unreasonable delay. The appeal should be dealt with impartially and, wherever possible, by a manager who has not previously been involved in the case.
18. Employees have a statutory right to be accompanied at appeal hearings.
19. Employees should be informed, in writing, of the results of the appeal hearing, as soon as possible.

**Annex A to
Youthforce Disciplinary Procedure**

Disciplinary action	Misconduct
Verbal warning (recorded by Line Manager)	Includes (but not limited to): <ul style="list-style-type: none"> • Lateness • Unauthorised absence • Failure to follow company policy • Insubordination • Unfitness for work through alcohol or drugs • Lying • Misuse of company property/assets.
First written warning	Includes (but not limited to): <ul style="list-style-type: none"> • Lateness • Unauthorised absence • Failure to follow company policy • Insubordination • Unfitness for work through alcohol or drugs • Lying • Bullying and/or harassment • Misuse of company property/assets.
Second written warning	Includes (but not limited to): <ul style="list-style-type: none"> • Lateness • Unauthorised absence • Failure to follow company policy • Insubordination • Unfitness for work through alcohol or drugs • Lying • Bullying and/or harassment • Misuse of company property/assets.
Third (final) written warning	Includes (but not limited to): <ul style="list-style-type: none"> • Lateness • Unauthorised absence • Failure to follow company policy • Insubordination • Unfitness for work through alcohol or drugs • Lying • Bullying and/or harassment

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	<ul style="list-style-type: none"> • Misuse of company property/assets.
Move directly to a final written warning	Where the employee’s actions have had, or are liable to have, a serious or harmful impact on the organisation.
Dismissal (can only be administered by the CEO)	<p>Gross misconduct/having moved through the warnings process/criminal convictions that restrict or prevent employment within Youthforce or call into question the employee’s suitability for retention.</p> <p>Gross misconduct is an act or acts which are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence.</p> <p>Gross misconduct includes (but is not limited to):</p> <ul style="list-style-type: none"> • Theft • Fraud • Physical violence • Gross negligence • Serious insubordination • Inappropriate relationships, at odds with Safeguarding policy.