



Aspire 2 Policy	Disciplinary and Grievance Policy
Approved By	Charlie Clare, Chair of Trustees
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Reviewed Every	2 Years
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Disciplinary and Grievance Policy

We believe that clear, open and fair procedures for the resolution of problems are necessary both for the success of the Company and for the fair treatment of all our team. The Disciplinary and Grievance Procedures are applicable to employees of the Charity but do not form part of an employee's Contract of Employment.

General

Any grievance or complaint can be discussed informally, or through the formal grievance procedure. Often raising issues promptly at the time in a sensible way helps to solve them and prevent further difficulties.

Investigations

It is not always necessary to hold an investigatory meeting but where it is, everyone is required to co-operate fully with the investigation relating to disciplinary or grievance procedure. Trustees will ask a Manager to investigate a complaint or may for some incidences use an outside consultant to ensure impartiality.

Suspension

The charity may suspend you on full basic pay. Suspension is not a disciplinary penalty and carries no implication of guilt. Whilst on suspension you must be available for work or meetings as required during normal working hours. During a period of suspension your passwords will be barred and if you have access to the computer system it will be denied.

The right to be accompanied at hearings

You can be accompanied at any formal disciplinary or grievance hearing by:

- A work colleague;
- A full time official employed by a trade union; or a lay official, so long as they have been certified in writing by their union as having received training in acting as a workers companion at disciplinary and grievance hearings.
- Your representative has the right to explain or sum up your case, and to respond to any views expressed at the hearing. The representative may not answer on your behalf. If the representative cannot attend on the date set for the interview, we will always postpone the interview for up to 5 days or at our discretion longer.

Notes for colleagues

We are pleased for colleagues to support each other through these proceedings but you are not obliged to do so. Having a colleague present helps to ensure that matters are dealt with fairly and we appreciate your assistance. You are asked to respect the confidentiality of these proceedings.



Recordings/Videos/Note Taking

Please note that Aspire2's Policy is not to allow audio or mobile phone recordings or videos at Disciplinary and Grievance Hearings. Hand written notes of the meeting will be taken and distributed after the hearing as appropriate.

HR Adviser

The Charity may utilise the services of an external HR Adviser to advise on procedures and attend meetings and hearings.

Grievance Procedure

The Company recognises that from time to time employees may seek redress for grievances relating to their employment. In this respect, the company policy is to encourage open communication between employees and their Managers to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

In most cases any problems that arise are likely to be discussed and resolved informally between the employee and the Manager and, in all but exceptional cases; employees should seek to follow this approach in the first instance. However, if the employee is not satisfied with the outcome of informal discussions he or she may wish to pursue the problem through the grievance procedure. The following procedure should be adopted where an employee has a grievance arising from their employment, except where the matter constitutes an appeal against a disciplinary decision which should be taken up in accordance with the Charity's disciplinary appeals procedure.

If an employee feels uncomfortable raising the issue with their Manager, the employee should contact an alternative Manager.

Step 1

Where an employee has a grievance arising from employment, they should initially raise the matter in writing, with their line manager.

Step 2

The employee will be invited to attend a meeting to discuss the grievance within five working days from the date the grievance was initially raised or as soon as is reasonably practicable. The grievance will normally be heard by their line manager. The employee must take all reasonable steps to attend the meeting. After the meeting the employee will be informed of the decision to their grievance, normally within five working days, and notified of their right to appeal against the decision if they are not satisfied.

Step 3 – Appeal

Should the employee remain dissatisfied, he/she may, within five working days from the date of notification, inform the Charity of their wish to appeal in writing. The appeal will normally be conducted by a Trustee. A further meeting will be held and the employee must take all reasonable steps to attend.

After the meeting the employee will be informed of the Charity's final decision within five working days. A copy of the employee's grievance and the Charity's response will be placed on the employee's file.

HR Adviser

The Charity may utilise the services of an HR Adviser to advice on the Grievance Procedure and attend meetings.



Disciplinary Procedure

The disciplinary process has been designed to help and encourage you to achieve and maintain good standards of conduct, attendance and job performance. On occasions people may fall short of the expected standards of behaviour or performance in these circumstances disciplinary action may be taken.

At all stages of the formal disciplinary procedure you will:

- Be given a right of reply to all and any allegations made against you BEFORE any decision or disciplinary action is taken;
- Be advised of the nature of any disciplinary action taken against you and the consequences of such action;
- Be advised of any improvement in conduct or performance required and over what time frame; and
- Have the opportunity to be accompanied by a work colleague or Trade Union representative to any disciplinary hearing as described above.

Disciplinary hearings will usually be conducted by your Manager.

You must take all reasonable steps to attend the meeting. Where you are unable to attend more than one meeting the Charity may, in certain circumstances, hold the meeting in your absence and make their decision based on the evidence available to them at the time.

Whilst every case will be considered on an individual basis, employees should be aware that being absent due to sickness or any other reason does not preclude the Charity from taking disciplinary action where appropriate.

At the meeting you will be given the opportunity to respond and to put forward any defence or arguments you want. You may ask questions, present evidence and call witnesses.

Depending on the severity of the offence and taking into account all the circumstances the disciplinary action may take any one of the following forms:-

Stage 1

- Informal counselling to give you an opportunity to rectify the situation.

Stage 2

- A verbal warning will be issued if improvement does not result following informal counselling or for more serious breaches. You will be told of steps you must take to improve your conduct and if appropriate the time limit for improvement. This will be confirmed in writing and recorded on your file for a period of time normally 6 months.

Stage 3

- For more serious matters or where you have failed to meet the required standards after having been given a verbal warning, you may be given a written warning. This will state the nature of the complaint, the required standards that must be met and where appropriate a time limit for improvement. It will also state that further disciplinary action will be followed if the required standards are not met. One copy of which will be retained by you and one placed on your file normally for a maximum of 12 months.



Stage 4

- For serious matters or where you have failed to reach the required standards after being warned you may be given a final written warning. This will state the nature of the complaint, the required standards to be met and where appropriate a time limit for improvement. It will also state that you will be dismissed if the standards are not met or if there is further misconduct. One copy of which will be retained by you and one placed on your file normally for a maximum of 12 months.

Stage 5

- Where there has been Gross Misconduct (in which case the first 4 stages may be omitted) or where you have failed to meet the required standards after due warnings have been given to you, you may be dismissed. In extenuating circumstances, we may apply another sanction such as disciplinary transfer, disciplinary suspension without pay or where you are in a supervisory or management role demotion to a lower grade role. This will be confirmed in writing. In case of gross misconduct, the dismissal will normally be without notice (or pay in lieu of notice).

Appeals

You have the right of appeal against any disciplinary decision taken against you. Your appeal should be in writing and sent to the Chair of the Trustees within five working days of the decision and state the reasons for your appeal. You will receive a reply within a further five working days setting a date for an appeal hearing. The decision from the appeal hearing will be final.

Examples of Misconduct and Gross Misconduct

The following are examples of Misconduct and Gross Misconduct. These are examples only and not an exhaustive list.

Misconduct

- Poor time keeping.
- Unauthorised and unreasonable absence from work.
- Failure to meet the adequate standard of job performance.
- Failure to comply with procedures.
- Failure to answer a question during a properly constituted investigation.
- Minor violation of safety practices.
- Minor breaches of Charity's regulations.
- Improper use of business funds or property.

Gross Misconduct

The following acts are examples of gross misconduct and as such are considered so serious that the employee may be liable to instant dismissal.

- Theft or wilful damage of or negligence which leads to loss, damage to property or goods belonging to the Charity, its associates, or other employees.
- Unreasonably refusing to the Charity searching your bags or vehicle.
- Unauthorised disclosure or use of confidential information from the Charity or about any of its customers.
- Conduct likely to damage the reputation of the Charity..
- Drunkenness, or being under the influence of legal or illegal drugs.
- Discrimination because of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religious belief, sex or sexual orientation or harassment or bullying of colleagues or customers.
- Accepting bribes.
- Fraud, bribery, dishonesty or any other offence which would be a breach of the law of the land.
- Assault or attempted assault of other employees or members of the public.
- Failure to carry out a reasonable order given by a manager during working hours or serious disregard of duties.



- Serious insubordination.
- Serious breaches of the IT Security policy.
- Serious breaches of the Health and Safety policy.
- Failure to report accident damage to an Aspire2 vehicle.
- Covert or unauthorised recording of meetings.

HR Adviser

Aspire2 may utilise the services of an External HR Adviser to advise on the Disciplinary Procedure and attend meetings.

Employees who have been employed for less than two years

The full disciplinary procedure does not apply to an employee who has been employed by the Charity for less than two years.