

ACCURO (CARE SERVICES)

Disciplinary Procedure

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Date of Review: January 2019

Date of Next Review : January 2021

Chief Executive Officer's Signature: 

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1. Purpose of the Procedure

Accuro (Care Service)'s aim is to help and encourage staff to achieve and maintain high standards of conduct, attendance and job performance. Accuro (Care Services) operates a range of policies and procedures (available from the head office) and these policies and procedures apply to all employees. This procedure sets out the action, which will be taken when company rules are breached and/or when the performance of an employee does not meet the required standard, our aim being to ensure consistent and fair treatment for all in the organisation

2. Underlying Principles

- Informal action will be considered, where appropriate, to resolve minor problems. This may be through effective communication, support and training.
- No disciplinary action will be taken against an employee until the case has been fully investigated.
- For formal action the employee will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her own case before any decision is made at a disciplinary meeting.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages the employee has the right to be accompanied by a trade union representative or work colleague.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right of appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.
- Accuro (Care Services) has the right to suspend, without prejudice, any employee suspected of a breach of discipline, where failure to do so might conceivably place a child or vulnerable adult at risk.

3. The Disciplinary Procedure

If the concerns about an individual's conduct and/or performance cannot be resolved by informal discussion or when, in the opinion of the employer, the allegation against the employee is of sufficient seriousness, the formal disciplinary process shall be invoked.

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- 3.1 The formal disciplinary process for disciplinary action short of dismissal has three stages:

Stage 1 - Statement of grounds for action and invitation to a meeting.

- a. The employer will set out in writing the employee's alleged misconduct or a gap in performance, or other circumstances, which led them to contemplate dismissing or taking disciplinary action against the employee.
- b. The employer must send a copy of the statement to the employee and invite the employee to attend a meeting to discuss the matter.

Stage 2 - The Meeting

- a. A disciplinary hearing must take place before action is taken, except in the case where disciplinary action warrants suspension. This would usually be within 5 working days.
- b. The meeting must not take place unless:
 - The employer has completed the actions outlined in Stage 1; and
 - The employee has had a reasonable opportunity to consider their responses to the information provided as part of Stage 1.
- c. The employee must take all reasonable steps to attend the meeting.
- d. The employee has the right to be accompanied at the meeting (see clause 4 below).
- e. The employer will inform the employee in writing normally within 5 days of the outcome of the meeting.
- f. Before reaching a decision the employer will take into consideration any mitigating factors.

Stage 3 - Appeal

- a. If the employee wishes to appeal against the disciplinary action taken, the employee must inform the employer in writing and within 21 days of being informed of the decision of the original meeting.
- b. If the employee informs the employer that they wish to appeal the employer must invite them to attend a further meeting.
- c. The employee must make all reasonable attempts to attend the meeting.
- d. Where reasonably practicable the appeal should be dealt with by a more senior manager/trustee than attended the first meeting (unless the most senior manager/chair of trustees attended that meeting).

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- e. After the appeal meeting the employer must inform the employee of their final decision in writing. This will normally be done within 5 days.
- f. The appeal meeting need not take place before disciplinary action takes effect.
- g. The employee has the right to be accompanied at the appeal meeting (see clause 4).

3.2 In situations involving gross misconduct, leading to the dismissal of the employee the following two stage process will be followed:

Stage 1 - Statement of grounds for action

- a. The employer must set out in writing:
 - The employee's alleged misconduct that has led to the dismissal
 - The reasons for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct; and
 - The employee's right of appeal against the dismissal.
- b. The employer must send a copy of the statement to the employee.

Stage 2 - Appeal

- a. If the employee wishes to appeal against their dismissal they must inform the employer in writing and within 21 days of being informed of the decision..
- b. If the employee informs the employer that they wish to appeal, the employer must invite them to attend a meeting.
- c. The employee must take all reasonable steps to attend the meeting.
- d. After the meeting the employer must inform the employee of their final decision.
- e. Where reasonably practicable the appeal should be dealt with by a more senior manager/trustee not involved in the earlier decision to dismiss.
- f. The employee has the right to be accompanied at the appeal meeting (see clause 4).

4. Right to be Accompanied

An employee has the right to be accompanied by a colleague or trade union official at any disciplinary meeting organised as part of these procedures.

5. Gross Misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

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- theft or fraud
- physical violence or bullying
- deliberate & serious damage to property
- serious misuse of the organisation's property or name
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- causing loss, damage or injury through negligence
- a serious breach of Health & Safety rules

This list provides examples only as is not intended to be comprehensive.

6. Suspension

A decision to suspend or temporarily re-deploy staff or volunteers is made without prejudice and is at the discretion of Accuro (Care Services). Suspension is not, in itself a disciplinary measure but may be appropriate when a serious allegation or complaint has been made.

Suspension will not be automatic, but it will be considered in every case where:

- Not to suspend may continue or increase the risk of significant harm for any child/vulnerable adult, or
- Not to suspend may hamper investigations, or
- The allegation warrants investigation by the Police, or
- The allegation is so serious that it might be grounds for dismissal

7. Addendum Relating to Schemes Funded by Essex County Council

It is a condition of some of the contracts that Accuro has with Essex County Council, relating to some projects, that we notify the County Council when any disciplinary action is to be taken against a member of staff employed in the delivery of these services. By signing Accuro's terms and conditions of employment you will therefore be agreeing to us forwarding this information to Essex County Council in the event that any disciplinary action is to be taken against you in relation to any of the projects to which this clause applies.

8. Duty to Report Neglect or Abuse

Employees should be aware that failure to report to an appropriate person any incident of neglect or abuse, or suspected neglect or abuse, of a child or vulnerable adult constitutes grounds on which disciplinary proceedings may be instituted.