

ACCURO (CARE SERVICES)

Disciplinary & Grievance Procedure

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Date of Review: January 2022

Date of Next Review : January 2024

Operations Manager Signature:


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Disciplinary Procedure

1. Purpose of the Disciplinary 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. 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.

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3. Outcomes

Following a disciplinary issue the following outcomes may result.

No Action - After the meeting, the employer may decide that no action is necessary, for example if an employee was unclear about what was expected from them and they agree to try to resolve the issue via additional support or training.

First Warning - If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

Final Written Warning - If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 12 months, action at Stage 3 will be taken.

Dismissal or Action Short of Dismissal - If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

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:

- 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

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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.

9. Disciplinary Process Guidelines

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.

9.1 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.

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- 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).
- 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).

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- 9.2 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).

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Grievance Procedure

Accuro (Care Services) takes seriously its responsibilities as an employer but recognises that on occasions employees may have a grievance. A grievance is a concern, problem or complaint that an employee raises with their employer. This procedure is designed to provide a means of settling any such grievances or disputes that may arise. The aim is to settle any grievance fairly, simply and quickly.

Dealing with Grievances Informally.

If you have a grievance or complaint to do with work or the people you work with you should, whenever possible, start by talking it over with your line manager. You may be able to agree a solution informally between you.

Formal Grievances

If the matter is serious and/or you wish to raise the matter formally you must set out the grievance in writing and the basis for it and pass this to your line manager. In so doing you should stick to the facts and avoid language that is insulting or abusive. The grievance should be raised as soon as possible.

Where the grievance is against your line manager and you feel unable to approach him/her you should forward your written grievance to their line manager, the Operations Manager or Human Resources Advisor.

Grievance Hearing

Your line manager, or the person receiving your written grievance, will call you to a meeting, normally within 5 working days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you request this. The line manager will also be accompanied by a colleague who will take notes to ensure a written record is kept of the meeting.

At this meeting you will be allowed to explain your grievance and how you think it should be resolved. Consideration will be given to adjourning the meeting if any investigation is necessary.

After the meeting your line manager, or the other senior person dealing with your grievance, will give you a decision in writing normally within 5 days.

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Appeal

If you are unhappy with the decision and you wish to appeal you should let the person who made the decision know. This should be done in writing within 21 days of the date of the original hearing and should set out the grounds for your appeal. You will then be invited to an appeal meeting, normally within 5 working days, and where reasonably practicable your appeal will be heard by a more senior manager or the Chair of Trustees. You have the right to be accompanied by a colleague or trade union representative at this meeting if you request this.

After the meeting the senior manager or the Chair of Trustees dealing with your appeal, will give you a decision in writing normally within 5 days. This decision is final.