

# **DISCIPLINE & GRIEVANCE PROCEDURE** **POLICY**

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## **1. AIM OF POLICY**

The aim of the Policy is to provide guidance to employee on the Associations discipline and grievance procedures. The Grievance Procedure is aimed to provide a mechanism for resolving issues of concern or disputes. The primary objective of the Disciplinary Procedure is to ensure that all disciplinary matters are dealt with promptly, fairly and consistently and, where there has been a breach of discipline, to encourage an improvement in individual conduct or performance

## **2. GRIEVANCE PROCEDURE**

### a) Informal Grievances

If an employee has a grievance relating to any aspect of his or her employment the Association encourages the employee to try to settle the grievance informally by raising it with his or her line manager. If the employee does not wish to raise the matter informally or if a grievance raised informally has not been resolved, the employee may wish to take the matter further by raising a formal grievance.

### b) Formal Grievance Procedure

The employee must set out the grievance and the basis for it in writing and submit it to their manager. If the employee's grievance is against his or her manager, the employee should approach the Director.

The manager will invite the employee to a meeting to discuss the grievance, normally within 5 working days. The employee must take all reasonable steps to attend this meeting.

Employees must notify and obtain the consent of all those present at the meeting if you intend to record it.

The Association will normally inform the employee in writing of its decision in response to the grievance within 5 working days of the meeting. The employee will have the right to appeal this decision.

### c) Grievance Appeal Procedure

After receiving the outcome of the formal grievance if the employee is still dissatisfied, written representation should be made to the Secretary of the Management Committee. All appeals must be made within 14 working days after the Association's decision was notified in writing to the employee.

The Association will arrange and hold an appeal meeting as quickly as possible, normally within 10 working days. The employee will be entitled to attend the appeal meeting and will be given an opportunity to state his or her case. The employee must take all reasonable steps to attend this meeting.

The Association will normally inform the employee in writing of its decision in

response to the employee's appeal within 7 working days of the meeting. The decision at this stage will be final.

All meetings provided for in this Procedure will be arranged as quickly as possible. The purpose of this Procedure is to resolve at the earliest opportunity any issues raised. While the Association will make every effort to settle issues within the time limits indicated, this may not be possible on occasions. In these circumstances an extension of time may be arranged.

At all stages of the Procedure an employee is entitled to be accompanied by a fellow worker or a trade union official.

No industrial action may be taken relating to the grievance unless the above procedure has been followed and exhausted.

All correspondence relating to a grievance will be placed on the employee's personal file and will remain strictly confidential unless agreed by all parties concerned. These rules and grievance procedures will be reviewed in the light of practice and experience, as well as employment legislation and statutory guidance (e.g. GDPR).

### **3. DISCIPLINARY PROCEDURE**

The Association reserves the right to discipline or dismiss an employee with less than 24 months' continuous service without following the Disciplinary Procedure.

For employees with 24 months' continuous service or longer, the Association will follow the Disciplinary Procedure set out below.

#### **a) Investigation**

In all but a few straightforward cases the Association will first investigate all allegations of potential disciplinary offences to establish the facts before deciding whether to invoke the Disciplinary Procedure.

It may be necessary for the Association to suspend the employee whilst an investigation is taking place. Any suspension will be kept as brief as possible and will be on full pay. Suspension does not in itself constitute disciplinary action.

If the Association has decided to suspend an employee following a serious allegation (e.g. abuse, theft), the Association will take steps to establish as quickly as possible, whether the allegations have some element of substance. Where the Association believe the allegations have some element of substance, the Association will refer details of the allegation to any relevant governing body if appropriate to do so.

#### **b) Disciplinary Hearing**

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be summary dismissal, i.e. dismissal without notice or wages in lieu of notice.

Where the Association decides to invoke the Disciplinary Procedure, it will write to invite the employee to attend a disciplinary hearing. The invitation letter will set out the issues that will be considered, how seriously these are being viewed, and the potential consequences. The letter will also detail the employee's right to be accompanied, as well as confirming how this right is exercised. The Association will give the employee reasonable notice of the requirement to attend the meeting to allow the employee to prepare his or her case.

Employees are entitled to be accompanied by a fellow employee or by a trade union official at the disciplinary meeting, and the Association encourages them to make use of this entitlement.

The Association will give the employee a full opportunity to present his or her case at the disciplinary meeting before it decides whether or not to take any disciplinary action.

Employees must notify and obtain the consent of all those present at the meeting if you intend to record it.

Following the disciplinary meeting, the Association may take disciplinary action against the employee. In any event, the employee will be informed of the outcome of the meeting in writing as soon as possible.

Employees have the right to appeal against any disciplinary action taken against them, or in the event of their dismissal, in accordance with the Disciplinary and Dismissal Appeals Procedure.

c) Disciplinary Action

The severity of the disciplinary action, if any, will be determined by the severity of the offence. As the first step of corrective action following unsatisfactory performance or conduct offences the Association will normally impose a verbal or warning. If the employee persists with the offence in question, the Association may, having followed the Disciplinary Procedure in each instance, a final written warning and eventually dismiss the employee.

For more severe first offences the Association may apply a final written warning if appropriate. In cases of gross misconduct the Association will normally dismiss the employee summarily, i.e., without notice.

The following outlines the possible outcomes of the disciplinary hearings:

**Verbal Warning:** In the case of a minor offence a verbal warning from the manager will be appropriate. The Association will define the unacceptable acts and explain the conduct or standards required in the future

**Written Warning:** Normally applied as a step of corrective action following unsatisfactory performance or conduct offences, the Association will define the unacceptable acts and explain

the conduct or standards required in the future. The employee will be advised in writing that a failure to improve the standard of conduct or performance may result in further disciplinary action. A written warning remains live for 6 months.

Examples of unsatisfactory performance or conduct include: poor timekeeping (repeated lateness or early leaving), failure to notify timeously reasons for absence in accordance with procedures. This list is not exhaustive.

**Final Written Warning:** Normally applied after a written warning has been given and performance or conduct has not improved but may be applied after a more serious first or second offence. The employee will be advised in writing that a failure to improve the standard of conduct or performance may result in dismissal. Normally, a final written warning remains live for 12 months.

Examples of unsatisfactory performance or conduct Include: deliberate damage or misuse of Association property, intentional unauthorised absence, unsafe working practices, wilful and persistent refusal to obey reasonable instructions. This list is not exhaustive.

**Action short of Dismissal:**At its complete discretion and in appropriate circumstances, the Association reserves the right to apply this stage of taking 'action short of dismissal' which may include demotion, transfer to a different post or another appropriate sanction.

**Dismissal:** After a final written warning and there is no improvement or the employee repeats the misconduct, the employee is dismissed either with or without notice. Dismissal without notice is referred to as "summary dismissal" and is normally restricted to cases of gross misconduct.

Examples of gross misconduct include: theft from the Association, its employees or clients, fighting or threatening another employee, being under the influence of drink or drugs whilst at work, fraudulent wage claims or falsification of records, serious wilful damage or misuse of Association property, sexual and racial harassment, deliberately accessing internet sites containing pornographic, offensive or obscene material, serious insubordination, bringing the Association into

serious disrepute. This list is not exhaustive.

d) Authority of Warnings

The authority of issuing warnings is defined below:

Verbal Warning – Line Manager

Written Warning – HR

Final Writing Warning – Directorate or Corporate Services Manager

Dismissal – Director/Management Committee

e) The Right to be accompanied

Employees are entitled to be accompanied by a fellow worker or trade union official at any formal disciplinary or grievance meetings or appeal hearings.

The Association may, at its discretion, allow an employee to bring a companion to informal investigations or investigatory meetings. The companion may not play an active part in the investigation or meeting. The Association may refuse permission for the companion to attend the informal investigation or investigatory meeting if the Company considers there may be a conflict of interest.

An employee under the age of 18 may choose to be accompanied by a parent or legal guardian.

An employee who wishes to take advantage of this right must notify the Association of the name and position of his or her chosen companion. The Association may refuse to allow the companion to attend the meeting or hearing if the Association considers there may be a conflict of interest. If so, the Association must allow the employee to choose a different companion.

The meeting or hearing may be delayed for up to 5 working days if the companion is not available to attend.

The companion is permitted to put and sum up the employee's case, respond on behalf of the employee to views expressed in the hearing, ask questions and confer with the employee, but is not entitled to answer questions directly on the employee's behalf.

f) Appeals

An employee has the right of appeal against any formal disciplinary action. The employee will be advised of the right of appeal and the right to representation at the appeal. They will be advised of how and when to exercise this right of appeal when the warning is issued.

No person involved in the original disciplinary decision should participate in the appeals hearing.

In general, appeals against warnings may be made to the Secretary of the Management Committee within 10 working days of notification. Appeals shall be

heard by the Management Committee (or a Sub-Committee thereof). Appeals will be held promptly and normally not later than 10 working days after lodgement, unless mutually agreed after consultation with the Union Representative, if the employee so desires.

The Management Appeals Committee (or a Sub-Committee) has power to confirm, and amend or reject the disciplinary action. Details of the procedure adopted at the hearing shall be supplied in advance to the appellants.

Should any disciplinary action be reconsidered and effectively withdrawn, any written references thereto shall be expunged from the employee's record and the employee and Trade Union notified accordingly.

In administering this Code of Practice the Management Committee may delegate its authority to a Sub-Committee.