

## **Disciplinary and Grievance Procedures**

This procedure is designed to ensure that all staff are aware of and understand their rights and responsibilities relating to discipline. It aims to facilitate satisfactory standards of conduct and performance, to encourage improvements where appropriate and to ensure that cases of alleged misconduct, unacceptable performance or other acts or omissions considered by 2012 Security management to warrant consideration of disciplinary action are dealt with consistently and fairly within a reasonable timescale.

### Scope

This procedure applies to all staff employed by 2012 Security Ltd

### Core Principles

- 2012 will ensure that all disciplinary matters of staff is conducted in a professional, timely and responsive manner and in compliance with procedures laid out in this document
- 2012 will provide appropriate training, development, and support to those involved in Disciplinary matters.
- All line managers and supervisors are responsible for identifying promptly any deficiencies in conduct or performance, discussing the matter with the individual member of staff and assisting him/her to improve. Minor matters will normally be dealt with informally.
- All matters relating to the application of these procedures will be confidential
- No formal disciplinary action will be taken unless there is sufficient evidence to warrant such action and until the case has been carefully investigated.
- Warnings have the following time limits:
  - Verbal Warning = 3 months
  - Written Warning = 6 months
  - Final Written Warning = 12 months
- Each case will be considered on its own merits in order that any decision should be reasonable in all the circumstances.
- At each stage of the procedure, individuals will be informed of the nature of the complaint(s) and/or allegation(s) against them and will be given the opportunity to state their case before disciplinary decisions are made.
- At each stage of the formal procedure, individuals have the right if they wish, to be accompanied by a fellow member of staff. Individuals may not be accompanied by anyone acting as a legal representative at any stage of the procedure.
- Individuals will not be dismissed for a first breach of discipline except in case of gross misconduct (App. 1) when dismissal may take effect without notice or pay in lieu of notice.
- Individuals have the right of appeal against any formal disciplinary action taken.
- The procedure may be implemented at any stage according to the nature and seriousness of the complaint.
- The procedure may be invoked where: previous support, advice or warnings have been ineffective, a number of minor complaints are made which, taken together, constitute a breach of discipline or there is a more serious breach of discipline.

### General requirements

Employees are expected to:

- Comply with their contract and terms and conditions of employment
- Fulfil the duties of their post as reasonably required by their line manager
- Observe relevant QAA rules, regulations and policies
- Comply with health, safety and data protection requirements.

Process

1. Investigation of complaint will precede all disciplinary hearings
2. Disciplinary Meeting
  - Stage One – Verbal Warning (remain on record for 3 months)
  - Stage Two – Written Warning (remain on record for 6 months)
  - Stage Three – Final Written Warning (remain on record for 12 months)
  - Stage Four – Dismissal
3. Appeal Process

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
Unsatisfactory Conduct	Formal Verbal Warning	Written Warning	Final Written Warning	Dismissal
Misconduct	Written Warning	Final Written Warning	Dismissal	
Serious Misconduct	Final Written Warning	Dismissal		
Gross Misconduct	Dismissal			

Suspension

- In serious cases the employee may be suspended from work on full pay if their continuing presence at work could be prejudicial to the satisfactory operation of 2012 Security business. In some cases of alleged serious or gross misconduct a Director may consider the employee should not be present at work while an investigation is being carried out. Such a suspension should only be imposed after careful consideration and should be reviewed to ensure it is not unnecessarily protracted. A suspension will be authorised by a Director in consultation with another Company Director.
- In some cases a 'cooling off' period may be advisable by sending the employee home, normally until the following day. This will be authorised by a Director in consultation with Company Director.
- Suspension is not a form of disciplinary action nor does it automatically follow that a disciplinary hearing will be called as a consequence of a suspension.
- Employees should be told clearly that they are suspended; that the suspension will be for as short a period as possible and that they will be called back for an investigatory interview. The suspension will be reviewed periodically.
- Employees on suspension will not be entitled to access any of 2012 Security premises or documents, including remotely, without the prior consent of 2012 Director. However, 2012 Security will take account of the need for an employee to prepare any defence and make contact with any witnesses

Investigation

- Decision to be made by management if suspension on full pay is necessary during investigation
- Employee to be informed of the investigation prior to the investigation commencing

- Interview employee accused of misconduct, any witnesses and individuals with relevant information. This must be concluded no later than 5 working days after the complaint was made
- Decision will be made by management if a disciplinary hearing is appropriate
- Employee to be notified in writing of the outcome of the investigation

### Disciplinary Meeting

#### Arranging the meeting

- Employee to be informed of the reason for the disciplinary hearing
- Meeting to be arranged at a reasonable time for all parties involved
- Meeting to be in a private place, so there are no interruptions
- Employee to be informed of their rights to have representation at the meeting

### At the Meeting

- A note taker will be in attendance
- If possible another line manager will be present
- Confidentially must be stressed
- The employee's line manager must state reason for the hearing and go through evidence gathered and disciplinary record
- The employee has an opportunity to state their case
- Summarise the meeting before adjourning to make a decision or before ending the meeting.
- The employee can be informed verbally after adjournment of the decision but must always be informed in writing no later than 5 working days. They must be informed of their right to appeal.

### Appeals Procedure

An employee can appeal a disciplinary decision for any of the following

- unfair procedures were used
- the punishment was too harsh
- new evidence has come to light
- inconsistency of the penalty

Employee must put in writing the reason for their appeal which must be received no later than 5 working days after receipt of their disciplinary letter.

An appeal must be heard by the original line manager's manager or a similar grade manager to the original line manager's manager

#### Arranging the meeting

- Employee to be informed of the reason for the disciplinary hearing
- Meeting to be arranged at a reasonable time for all parties involved
- Meeting to be in a private place, so there are no interruptions
- Employee to be informed of their rights to have representation at the meeting

#### At the Meeting

- A note taker will be in attendance
- Another line manager will be present
- Confidentially must be stressed
- Employee to discuss their reason for appeal and go through any new evidence
- Once the relevant issues have been thoroughly explored, summarise the facts and call an adjournment to consider the decision
- Inform the employee of the results of the appeal and the reasons for the decision and confirm it in writing

### Individual Grievance Procedure

The aim of this procedure is to give an employee an opportunity to raise a grievance either informally and/or formally and to discuss this with their employer with a view to having it resolved.

## General Principles

- Grievances should be raised as soon as possible, to allow issues to be resolved quickly.
- Employees should be given the opportunity to explain their grievance and how they think it should be resolved.
- If the employee's grievance is against their line manager they may raise the matter with another manager in the organisation, where possible.
- The employer will ensure that the timing and location of all meetings under this procedure are reasonable.
- As far as is reasonably practicable, appeal hearings will be conducted by a manager more senior than the manager who took the decision which is being appealed. This does not apply where the most senior manager attended the hearing at which the decision being appealed was taken.
- Employees will be entitled (where reasonably requested) to be accompanied to any grievance or appeal hearing by a fellow worker or Trade Union Official (who may be either a full-time official employed by a union or a lay union official who has been reasonably certified in writing by his/her union as having experience of, or as having received training in, acting as a worker's companion).
- Employers, employees and their companions should take reasonable steps to attend grievance and appeal meetings.
- Records shall be kept detailing the nature of the grievance raised, the employer's response, any action taken, the reasons for it and other information relevant to the process. These records shall be kept confidential.
- There may be circumstances where the employer and employee feel it would be beneficial to involve a third party to help in resolving the issue, through for example a process of mediation. In this instance the grievance procedure may be temporarily set aside.

Mediation is a process whereby an independent third party intervenes in a workplace dispute to assist the parties to reach a satisfactory outcome.

The Labour Relations Agency can provide a mediation service to assist the parties. Further information on mediation is available on the Agency's website [www.lra.org.uk](http://www.lra.org.uk) or by telephoning 028 9032 1442.

## Dealing with a grievance informally

If an employee has a grievance or complaint to do with their work they should, in the first instance and, wherever possible, discuss it with their line manager. They may be able to agree a solution informally.

## Formal grievance

If it is not possible to resolve a grievance informally, or the employee does not feel it is appropriate to do so, they should raise the matter formally in writing to the Director. The written grievance should contain details of the nature of the grievance and how they feel it might be resolved.

## Grievance hearing

The Director will call the employee to a meeting to discuss their grievance. This will normally be held within 5 working days from receipt of the complaint in writing. Employees should be allowed to explain their grievance and how they think it might be resolved. The employee will be entitled to be accompanied at this meeting. Following the meeting the employer (within 5 working days) the Director will advise the employee in writing what, if any action they have decided to take along with a full explanation of how the decision was reached. The employee should be informed that they can appeal (and to whom the appeal should be made) if they feel that the grievance has not been satisfactorily resolved.

## Appeal

If the employee wishes to appeal they should let the Director know in writing stating their reasons(s) for appeal. This should be done within 5 working days of the grievance hearing decision being communicated in writing to them. Within 5 working days of receipt of the appeal an appeal meeting will take place. The appeal will be conducted by another Director. The employee will be entitled to be accompanied at this meeting.

Following the meeting the Director will advise the employee in writing of the outcome of the appeal, no later than 5 working days from the appeal being heard. This decision is final.

## Appendix 1

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### Misconduct likely to result in Disciplinary Action

The following list illustrates behaviour likely to signify misconduct but it is neither **exclusive nor exhaustive**;

- Absenteeism and lateness, e.g.:
  - Frequent late arrival at work;
  - Failure to comply with requirements to notify sickness absence;
  - Unauthorised absence from the workplace.
- Dishonesty, e.g.:
  - Making unauthorised private phone calls;
  - Sending personal mail at the 2012 Security Ltd expense.
- Refusal to obey a lawful and reasonable instruction of a manager or supervisor.
- Failure to carry out the normal duties of the role.
- Unauthorised copying of copyright or licensed material, e.g.: software.
- Unreasonable or unacceptable conduct, e.g.:
  - Abusive language, verbal abuse or abusive behaviour;
  - Misuse of equipment.
- Threatened violence whilst at work on a colleague or member of the public.
- Breach of 2012 Security regulations, e.g., financial, health and safety, confidentiality of personal records.
- Accepting gifts or hospitality from contractors, clients or members of the public without authorisation.
- The distinction between misconduct and gross misconduct is often a matter of degree and some of the examples under misconduct may be of such an extreme nature that they amount to gross misconduct.
- This is a matter of judgement on the part of 2012 Security after carefully assessing the nature and seriousness of the allegation.

### Gross Misconduct

Gross misconduct is defined as behaviour, which in the view 2012 Security, fundamentally destroys the trust between employer and employee and thereby warrants immediate dismissal. Such behaviour may occur within or outside normal working hours. The following list illustrates conduct likely to amount to gross misconduct, but this list is neither **exclusive nor exhaustive**:

- Theft or misappropriation or malicious damage to property 2012 Security, students or fellow employees;
- Falsifying records or expenses claims which result in gain to the individual, e.g., registers, time sheets, car expenses, overtime, flexitime, sickness claims;
- Refusal to obey a lawful and reasonable instruction of a manager or supervisor;
- Physical violence on colleagues or members of the public;
- Incapability as a result of being under the influence of alcohol or illegal drugs at work;
- Racial or sexual harassment or racial or sexual discrimination against other employees or members of the public;
- Serious breach of 2012 Security regulations, e.g. financial, contractual;
- Serious negligence which causes unacceptable loss, damage or injury;
- Non-compliance with health and safety rules and regulations where it endangers the well-being of the employee or others or could lead to legal action against 2012 Security;
- Criminal offence associate with employment, e.g. acceptance of a bribe;
- Unauthorised use 2012 Security vehicles, materials, equipment, facilities or labour for private purposes;
- Criminal offences committed during or outside of working hours, which have a significant adverse effect on 2012 Security's reputation or the employee's suitability for his/her post;
- Unauthorised access to information held by 2012 Security whether held on electronic or manual systems;
- Unauthorised disclosure of information classified as confidential by the College;
- Falsification or omission of information for personal gain, for example, on an application form, medical questionnaire, etc.
- Improper use of position as 2012 Security employee for personal gain.

Signed T Theodorou

On behalf of 2012 Security Ltd

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