

Resolving Problems

We believe that by having clear, open and fair procedures for the resolution of problems, we create a basis for the fair treatment of all our team. This policy is non-contractual.

Disciplinary and Grievance Policy

We expect our employees to meet high standards of conduct. Minor departures from our standards may be dealt with informally to avoid the need to engage this procedure. Nevertheless, we recognise that there will be occasions when informal action is not appropriate, and in such cases this policy will be implemented. This policy will not usually be applied in the first two years of an employee's employment.

This policy does not form part of your contract of employment and may be altered or amended at the absolute discretion of Action 21. We may start this procedure at any stage.

For disciplinary and grievance issues we may, at our absolute discretion, use an external third party to carry out any part or parts of this procedure.

Investigation

- An investigation may be undertaken prior to any disciplinary action and may be undertaken as part of any grievance process.
- You must fully co-operate with any investigation.
- If you are invited to an investigation meeting, there is no right to be accompanied.

Suspension

If appropriate, we may suspend you on contractual pay or amend your duties during an investigation process. If you are suspended, your contract of employment will remain in force, but you will not be entitled to access any of our premises except at our prior request, or with our prior consent, and subject to such conditions that we may impose. Your passwords may be barred and if you have access to the computer system it may 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 worker's 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 hearing, we will always postpone the hearing for up to 5 days or at our discretion longer.

Notes for Colleagues

We are pleased for colleagues to support each other through disciplinary or grievance 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.

Disciplinary Hearings

If, following investigation, it is decided that there is a disciplinary case to answer, you will be informed of this and invited to attend a disciplinary hearing.

- You are entitled to be accompanied to a disciplinary hearing by a workplace colleague or a trade union representative.
- You will be given the opportunity to state your case before any decision is made.
- The chair of the hearing may decide the outcome at the hearing or adjourn the hearing to consider their findings.
- You will be informed of the decision. This will normally be in writing.

Disciplinary hearings will usually be conducted by your manager or an external consultant.

You must take all reasonable steps to attend the meeting. Where you are unable to attend more than one meeting Action 21 may, in certain circumstances, hold the meeting in your absence and make their decision based on the evidence available to them at the time.

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, which may include a letter of concern.

Stage 2

A written warning will be issued if improvement does not result following informal counselling or for more serious breaches. 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 3

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 4

Where there has been Gross Misconduct (in which case the first 3 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

If you are dissatisfied with the outcome of the disciplinary hearing you may appeal.

- If you wish to appeal you must do so within five days of the date of the outcome letter (or where no letter is issued, the date you are informed of the decision).
- An appeal should be in writing and must set out the grounds for your appeal along with any accompanying documentation.
- At an appeal hearing, you are entitled to be accompanied by either a workplace colleague or a trade union representative.
- The outcome of the appeal will be conveyed to you, normally in writing. The appeal decision will be final.

Misconduct

The following are examples of misconduct, these are examples only and not an exhaustive list.

- Poor time keeping.
- Failure to meet the adequate standard of job performance.
- Failure to comply with policies and procedures.
- Failure to answer a question during a properly constituted investigation.
- Minor violation of safety practices.
- Minor breaches of Company regulations.
- Improper use of business funds or property.
- Inappropriate standards of dress.
- Disruptive behaviour.

Gross Misconduct

The following acts are examples of gross misconduct and as such are considered so serious that you may be liable to instant dismissal. These are examples and not an exhaustive list.

- Unauthorised and unreasonable absence from work.
- Theft, wilful damage of, or negligence which leads to loss of, property or goods belonging to Action 21, its customers or suppliers, or other employees.
- Falsification of records
- Unreasonably refusing to Action 21 searching your bags or vehicle.
- Unauthorised disclosure or use of confidential information from Action 21, or about any of its customers.
- Conduct likely to damage the reputation of Action 21.
- Bringing yourself or Action 21 into disrepute.

- Acting in a manner which undermines the trust and confidence in the employment relationship.
- Intimidating or threatening behaviour.
- Drunkenness, or being under the influence of illegal drugs or psychoactive substances.
- Discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation or harassment or bullying of colleagues or customers.
- Accepting bribes or offering bribes.
- Fraud, dishonesty or any other offence which would be a breach of the law of the land.
- Indecent, violent or offensive behaviour, assault or attempted assault of other employees, customers, associates or members of the public.
- Failure to carry out a reasonable order given by a manager during working hours.
- Serious disregard of duties.
- Serious negligence.
- Serious insubordination.
- Serious breaches of the IT Security policy.
- Slanderous or defamatory statements made regarding Action 21, its employees, clients or associates either verbally, in writing (electronically or hard copy) or posted on social networking sites.
- Serious breaches of the Health and Safety policy.
- Covert or unauthorised recording of meetings

Grievance Procedure

Where you have a grievance relating to any aspect of your employment, you should have no hesitation in raising the matter informally with your manager.

- If the grievance cannot be resolved informally and you wish to make a formal grievance, this must be set out in writing to your manager.
- Where it is not possible to raise the matter with your manager, for example, if they are absent for a significant period of time, or if the grievance relates to them, you should raise your concerns with a more senior manager.
- You will usually be invited to attend a meeting to discuss your grievance. You are entitled to be accompanied by a workplace colleague or trade union representative at the grievance meeting.
- After the meeting the meeting Chair will inform you of their decision in writing. You have the right to appeal against the decision.
- If you wish to appeal, you must do so in writing within five days of the date of the outcome letter. You will then be invited to attend another meeting, after which you will be informed of the final decision in writing.

Bullying and Harassment

Action 21 actively encourages an environment in which everyone is entitled to work without harassment, victimisation and bullying.

Harassment may be described broadly as "unwanted conduct affecting the dignity of men and women". Where a particular form of conduct has the effect of making a person feel humiliated, threatened or that their privacy is being invaded, then that conduct will constitute harassment and should cease immediately.

We will not condone harassment and the procedure for dealing with complaints is set out below.

The policy applies to employees' conduct in or out of office hours, when entertaining customers, or at work events.

All employees have a responsibility for complying with this policy and treating all colleagues with dignity and respect. If you believe that you have been subject to, or witnessed harassment, victimisation or bullying, you must inform your manager, or another senior manager, so that we can keep our workplace free from unacceptable behaviour.

Procedure for dealing with cases of harassment

If you believe you are being subjected to any harassment then, in the first instance you should ask the offender to stop or make it clear that such attention is unwelcome. If necessary, ask a friend or colleague to help you do this.

Such an informal approach may be all that is needed, but you should make a note of the details and keep them.

If your request is ignored and the harassment continues, or you feel unable to make the informal approach, please contact your manager, or another senior manager, immediately. Details will be taken and should be confirmed in writing by the victim. This constitutes a formal complaint.

Either a manager nominated by the manager who took the complaint, or an independent consultant, will investigate the complaint. Allegations will be dealt with seriously and confidentially and there will be no victimisation of any employee making or being involved in a complaint.

Where appropriate, any employee directly involved may be suspended on contractual pay pending investigation.

If the harassment has taken place, the accused will be dealt with in accordance with the disciplinary procedure.

It is hoped that the implementation of this policy will ensure that all our employees work in an atmosphere of mutual trust, dignity and respect.

Dealing with Poor Performance (Capability)

The success of Action 21 depends on all employees working together to achieve the best possible standards of performance. We aim to provide support and training to enable all employees to fulfil their potential and deal with any changes that Action 21 may require.

However sometimes people perform below the standard that the job requires, although they are not doing anything deliberately wrong.

In these cases, we believe that it is best to deal with these problems openly and fairly and to provide clarity and practical support to improve performance.

Monitoring Performance

We monitor performance formally and informally through regular discussions that your manager will have with you about your job, at the end of projects and through the appraisal process.

Informal meetings/Investigation

Initially, your manager will discuss any concerns about your performance informally with you. Often raising issues promptly helps to solve them by identifying acceptable standards and any support that may be needed.

If your performance continues to fall short of that required, your manager will arrange a formal meeting to discuss this with you. You will have the right to be accompanied by a work colleague or a trade union representative. The letter inviting you to this meeting will outline what the potential sanction of the meeting may be.

Formal meetings

At this meeting your manager will explain specific areas of your performance that aren't acceptable, and you will have the chance to give reasons for this. You and your manager will agree a plan (covering ways in which you can be supported to achieve acceptable standards), a date for review and a clear indication of what will happen if there is no improvement, e.g. transfers, dismissal.

A formal performance plan may also be implemented. This will outline specific expectations, targets and timescales to achieve these by.

Disciplinary sanctions

At each stage of the performance management process, a disciplinary sanction may also be issued as an outcome of any formal capability meeting. In line with the disciplinary process, formal sanctions will, depending on severity, normally begin with a written warning being issued. This would normally last for 12 months. If it is a final written warning, this would normally last for 12 months.

Timescales/Termination of employment

The timescale for improvement, with formal reviews, will vary depending on the nature of the problem and the role that the employee has within Action 21. However, there will be a minimum of two formal capability meetings prior to any dismissal meetings.

At the final review, overall performance will be assessed and, in most cases, this will be the end of the matter, as performance will have improved as agreed.

If sufficient improvements have not been made, consideration should be given to whether you should be transferred to another role better suited to your skills set or, as a last resort, dismissed.

Appeals

If you are issued with a formal sanction or dismissed because you are not capable of performing your job to an acceptable standard, you have the right of appeal against this decision. Your appeal should be sent in writing to the nominated individual within five working days of the decision and state the reasons for your appeal. The decision from the appeal hearing will be final.

January 2024