



Disciplinary & Grievance policy

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1. INTRODUCTION

The purpose of the Disciplinary & Grievance Procedure is to ensure the fair and consistent treatment of issues, concerns, problems, complaints and allegations of misconduct by a Wendover Youth Centre (WYC) worker.

2. ACCESSIBILITY

If any aspect of this policy or procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this with the Administrator (admin@wendoveryouth.co.uk) who will make appropriate arrangements.

3. SCOPE AND ELIGIBILITY

This policy sets out the Wendover Youth Centre's approach to Disciplinary and Grievance issues and applies to all employees, casual staff workers, volunteers and trainees (collectively referred to as "workers" in the remainder of this policy) and young people.

This policy is not contractual, it does not form part of employees' terms and conditions of employment.

Wendover Youth Centre reserves the right to amend this Policy and any accompanying documentation from time to time.

4. DEFINITIONS

Disciplinary

Disciplinary situations include misconduct, gross misconduct and/or poor performance.

Grievance

Grievances are concerns, problems or complaints that employees raise with their employers

Misconduct

Misconduct is defined as behaviour in breach of policies or procedures or that does not comply with the standards and behaviours expected at Wendover Youth Centre. Examples of

misconduct include, but are not limited to, poor timekeeping, failure to report sickness/other absence correctly, unauthorised absence, breaches to data protection or information security obligations and failure to observe Wendover Youth Centre's policies or procedures.

Gross misconduct

Gross misconduct is misconduct of such a serious nature that it breaches the contractual relationship between the employee and the Centre. Matters that Wendover Youth Centre views as amounting to gross misconduct may include but are not limited to:

- Theft, bribery, fraud or deliberate falsification of records
- Serious negligence which causes unacceptable loss, damage or injury
- Unauthorised disclosure of confidential information
- Deliberate damage to or unauthorised use of WYC property
- Unauthorised or fraudulent use of the WYC name
- Causing damage to WYC's reputation including by making false accusations or damaging claims about the behaviour of those working in the Centre.
- A serious act of insubordination
- A serious breach of data protection or the information security policy
- Threatening behaviour, fighting or physical assault
- Deliberate unlawful acts of incitement or actual acts of discrimination on grounds of the protected characteristics.
- Drug dealing or abuse
- Sexual exploitation and grooming
- Serious bullying, harassment or victimisation of another person
- Serious infringement of health and safety rules
- Serious incapability through alcohol or being under the influence of illegal drugs

5. MAIN PRINCIPLES – DISCIPLINARY

Establishing the facts

It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some (but not all) cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

Where possible and practical, different people should carry out the investigation and disciplinary hearing.

If there is an investigatory meeting this may not result in any disciplinary action. There is no statutory right for an employee to be accompanied at a formal investigatory meeting.

Depending on the allegations, there may be times where a period of suspension is considered necessary, this period will be as brief as possible, and will be kept under review. **Suspension is not considered a disciplinary action**, occasions where suspension may be put into effect is to ensure the safety of any parties as well as ensuring a fair and thorough investigation.

Communicating with the worker

If it is decided that there is a disciplinary case to answer, the worker will be notified of this in writing. The notification will also give details of the time and venue for the disciplinary meeting and advise them of their right to be accompanied at the meeting.

This meeting will be held without unreasonable delay whilst allowing the individual reasonable time to prepare their case.

Disciplinary hearing

The individual leading the meeting will explain the allegations against the employee and go through the evidence that has been gathered. The employee will have the opportunity to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses.

Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, Wendover Youth Centre will make a decision on the evidence available.

Right to be accompanied

Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- a formal warning being issued,
- the taking of some other disciplinary action, or
- the confirmation of a warning or some other disciplinary action (appeal hearings)

The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.

The companion is allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

Outcome and appropriate action

After the meeting the investigating Trustee will decide whether or not disciplinary or any other action is justified and inform the employee accordingly in writing. The outcome could include the following:

- *No further action*

- *First written warning*

Where misconduct is confirmed, or the worker is found to be performing unsatisfactorily a first written warning may be given.

- *Final written warning*

A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning.

OR if a worker's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning.

- *Dismissal*

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence.

Appeal

A worker has a right of appeal against any formal sanctions issued in accordance with this policy and procedure. Sanctions, including a warning or dismissal will remain in place pending the outcome of any appeal.

Appeals must be made to **admin@wendoveryouth.co.uk**

Appeals will be heard without unreasonable delay. The appeal will be dealt with impartially and, wherever possible, by an individual who has not previously been involved in the case.

6. MAIN PRINCIPLES – GRIEVANCE

Informing of a grievance

Where appropriate, the worker should first try to discuss the issue informally, as often this may lead to a quick resolution to be reached to the satisfaction of all concerned. If these discussions do not lead to a resolution of the issue or if it is not appropriate to raise the issue informally, the worker should raise the matter formally and without unreasonable delay with an individual who is not the subject of the grievance.

This should be done in writing and should set out the nature of the grievance, along with how the worker believes this grievance could be resolved and the outcome they are seeking.

Meeting to discuss the grievance

A formal meeting will be arranged without unreasonable delay after a grievance is received. The purpose of this meeting is to further understand the grievance. Consideration will be given to adjourning the meeting for any investigation that may be necessary.

As per disciplinary hearings, a worker has the right to be accompanied to a grievance meeting. For further detail on the role of a companion and who can be a companion please see the relevant information in Section 5 (Main Principles – Disciplinary)

Outcome and appropriate action

Decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, may set out what action the WYC intends to take to resolve the grievance.

Appeal

A worker has a right of appeal against the decision issued in accordance with this policy and procedure, if they feel their grievance has not been satisfactorily resolved.

Appeals must be made to **admin@wendoveryouth.co.uk**.

Appeals will be heard without unreasonable delay. The appeal will be dealt with impartially and, wherever possible, by an individual who has not previously been involved in the case.