



ANDERIDA ADOLESCENT CARE

DISCIPLINARY AND GRIEVANCE PROCEDURE

Introduction

The following disciplinary and grievance procedure has been drawn up to promote and maintain good industrial relations by establishing precise and clear procedures for the resolution of complaints by and against employees. The company does not intend to create any legally binding obligations by virtue of this procedure; the procedure is directory and advisory only and, in exceptional circumstances, the company may depart in whole or part from the procedures specified herein.

Grievance Procedure

This procedure relates only to employees' grievances. It is recognised that such grievances may be collective issues affecting other employees. In such circumstances, the matter will be dealt with by negotiation with the employees.

- ✚ Any employee wishing to discuss a grievance relating only to them should, in the first instance, raise the matter with their supervisor/line manager. If the matter is too personal to discuss with either of these, it can be raised instead with one of the directors.
- ✚ If the matter cannot be resolved as set out above or the employee is dissatisfied with the decision, the employee may request a meeting with the directors, they can be accompanied by another employee or recognised union representative. The meeting will normally be held within 10 days of the request being made.
- ✚ The complaints procedure can also be utilised to raise concerns and grievances (see complaints & whistleblowing policy).

DISCIPLINARY RULES AND PROCEDURES

Disciplinary rules and procedures are necessary for promoting fair and reasonable treatment of employees. Anderida's approach is in line with ACAS good practice guidelines and follows these principles:

- ✚ Anderida will raise and respond to issues raised promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.

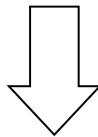
- ✚ Anderida will act consistently.
- ✚ Anderida will carry out necessary investigations, to establish the facts of the case.
- ✚ Anderida will inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- ✚ Anderida will allow employees to be accompanied at any formal disciplinary or grievance meeting by a colleague, a union representative or legal representation.
- ✚ Anderida will allow an employee to appeal against any formal decision made, through the appeals procedure.

This procedure sets out the action which will be taken where there is a suspicion or concerns that the employee is failing to meet accepted standards of conduct, performance, or behaviour, or is in breach of the policies and procedures of Anderida Adolescent Care. All references below to an employee's conduct or performance shall include any breach within these categories. Disciplinary meetings may be instigated following serious practice concerns or consistent failure to address practice issues outlined in previous supervisions.

References: If the disciplinary concluded with a warning/verbal warning, these are not commented on once the warning expires (after six months) unless this relates to a specific safeguarding concern, in which case we may have a duty to pass this on.

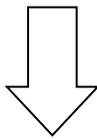
INVESTIGATION AND DISCIPLINARY PROCESS

Where a concern has been raised about the conduct of an employee (this could be issues that have been addressed repeatedly through supervisions or significant incident of poor conduct)



Anderida will appoint somebody to investigate the matter. The investigator should, as far as is practicable, given the size of the organisation and those with the skill set to undertake the investigation:

- ✚ Have had no personal involvement with the events being investigated
- ✚ Not be involved in deciding the outcome of any disciplinary hearing
- ✚ Have had no personal involvement with the individuals concerned
- ✚ Have suitable training / experience



THE INVESTIGATION MAY INCLUDE

- ✚ Interviewing witnesses / taking statements (including those of the employee whom the concerns have been raised about)
- ✚ Viewing paperwork documents
- ✚ Viewing other forms of communication e.g. text or email
- ✚ Viewing digital information where this may be available e.g. CCTV

All information should be thoroughly recorded and a copy of documents that provide evidence be kept on file.

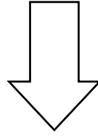
It is the investigators role to establish the facts however they will take note of:

- ✚ Refusal to answer questions
- ✚ Inconsistencies / contradictions
- ✚ Discrepancies between policies and practices
- ✚ Statements from anonymous witnesses

Paperwork & guidance for recording investigations:

Before starting an investigation, the person investigating must ensure that they have downloaded the following templates to complete a thorough investigation:

- ✚ Fact finding meeting template- When conducting a fact finding meeting ,all notes from this meeting must be recording on this template.
- ✚ Witness statement, evidence and info sharing template- This form is to be completed when gathering or receiving information/evidence from a witness including emails, texts and photos.
- ✚ Timeline template- This document must be kept up to date throughout the investigation to ensure that there is an accurate recording of all aspects of the concern. For example; date of when a concern was passed on, date of all fact finding meetings, dates of any other evidence such as emails being sent etc.
- ✚ Findings and recommendations template- This template will form the final part of the investigation and must be submitted alongside all other templates when concluded.

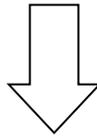


Based on the evidence of the investigation the investigator will write a report which will include:

- ✚ An introduction
- ✚ The process followed
- ✚ Findings
- ✚ Conclusion
- ✚ Any relevant supporting documents

The conclusion will include recommendations, such as:

- ✚ No action
- ✚ Informal action
- ✚ Formal action



In some cases, the employee who is subject to the concerns raised may have to be suspended:

- ✚ Only if necessary, to protect the young people, the organisation, their colleagues or themselves
- ✚ Will be for no longer than necessary
- ✚ Will include full pay
- ✚ Is not part of the disciplinary process

Disciplinary Hearings

The hearing should be held as soon as possible after the investigation, while giving reasonable time for the employee to prepare. In good time before the hearing, the Anderida will put in writing to the employee:

- + the alleged misconduct or performance issue
- + any evidence from the investigation
- + any other information they plan to talk about
- + the date, time and location of the hearing
- + information on the employee's right to be accompanied to the hearing
- + the possible outcomes

The hearing: is the chance for both the Anderida and the employee to state their case. Anderida senior staff, employee and employee's companion should make every effort to attend.

Anderida should:

- + explain the employee's alleged misconduct or performance issue
- + go through the evidence
- + make sure someone takes notes
- + The employee should be given the chance to:
 - + set out their case
 - + answer any allegations
 - + ask questions
 - + show evidence
 - + call relevant witnesses (with good notice)
 - + respond to any information given by witnesses

The employee's companion should be allowed to;

- + set out the employee's case
- + speak for the employee
- + talk with the employee during the hearing

- ✚ take notes

At the end of the hearing

Anderida will usually take some time after the hearing to consider the case carefully before deciding. Anderida will:

- ✚ tell the employee what happens next and give a timeframe
- ✚ take a written confidential record of the hearing

After following a fair disciplinary procedure, the employer should decide on the best outcome based on:

- ✚ the findings from the investigation and meetings
- ✚ what is fair and reasonable
- ✚ what their workplace has done in any similar cases before

For a disciplinary outcome that's not a dismissal, Anderida will usually give the employee specific goals and timeframes for improvements.

Telling the employee

The employer should tell the employee of the outcome as soon as possible and in writing.

THE OUTCOMES TO A DISCIPLINARY MEETING MAY INCLUDE:

No Further Action

The investigation may conclude with an increased understanding of the circumstances leading up to the practice issues and therefore no further action will be required. In these circumstances the employee will be sent a letter to confirm no further action for their own files.

Informal Action

Gathering all the information through investigation and then talking to the employee in an informal meeting. The meeting would involve

- ✚ listening to what the employee has to say
- ✚ agreeing a way forward
- ✚ keeping brief notes
- ✚ should not turn into formal action

Formal Action

The employee will be informed in writing of the allegation and given time to prepare to attend. They will be invited to a meeting and told of their right to be accompanied by a trained union representative or appointed colleague. The employers will have the report and all supporting evidence available. Ideally there will also be an independent witness to take notes. The employee will have an opportunity to respond to the findings/allegation and the recommendations of the investigating officer. The meeting will then adjourn for a decision to be made; the panel will inform the employee as soon as a decision is reached.

If conduct or performance does not meet acceptable standards the employee could be given a warning by the panel. The panel will discuss the problem area with the employee, plans for overcoming it and allow the employee a fixed time (which will not usually exceed two months) for review. The employee will be advised that the warning is the first stage of the disciplinary procedure and of their right of appeal. The warning must be recorded in writing and placed on the employee's file. The warning will be spent after six months if conduct and performance are then satisfactory however it will remain on their file. It is not usual for Anderida to disclose warnings to future employees once the warning is spent.

Further warnings or a final written warning (see below) may be given to the employee by the panel if either of the following circumstances arises:

- ✚ The employee's conduct or performance remains unsatisfactory within six months after an oral warning.
- ✚ The employee is guilty of serious misconduct or poor performance.

This warning will give details of the complaint, the improvement required and the time scale. It will warn that a final written warning, suspension or dismissal may be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will remain on file, but it will be disregarded for disciplinary purposes after twelve months subject to satisfactory conduct and performance.

Final Written Warning

A final written warning will be given to the employee by the panel in either of the following circumstances:

- ✚ If the employee's conduct or performance is still unsatisfactory.
- ✚ If the employee's misconduct is sufficiently serious to warrant only one written warning but not serious enough to justify dismissal (in effect both first and final written warning).

This warning will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement, and will advise of the right of appeal. A copy of this warning will

remain on file, but it will be disregarded for disciplinary purposes after twelve months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

In addition, or as an alternative to a final written warning, the panel may impose any or all of the following penalties on the employee: a disciplinary suspension for a maximum period of ten working days, demotion or loss of increment.

Dismissal

The employee will be dismissed by the panel in either of the following circumstances:

- ✚ If there is no satisfactory improvement in the employee's conduct or performance.
- ✚ If the employee is guilty of further serious misconduct.
- ✚ If the conduct in question reaches the threshold of gross misconduct (see below).

The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate, and the right of appeal.

Gross Misconduct

The following procedure applies if the employee commits an act of gross misconduct, a major breach of duty, or is guilty of conduct that brings the company into disrepute. Breaches within this category include:

- ✚ Dishonesty
- ✚ Misappropriation of funds
- ✚ Theft or misappropriation of Anderida Adolescent Care property
- ✚ Violence towards clients or colleagues
- ✚ Breach of confidentiality
- ✚ Drinking alcohol while on duty
- ✚ Being under the influence of alcohol while on duty
- ✚ Being in possession of, or under the influence of, illegal drugs or substances while on duty or while on Anderida Adolescent Care premises
- ✚ Misrepresentation of the company, its policies or practices
- ✚ Acts of incitement or acts of discrimination or harassment which infringe the Equal Opportunities Policy
- ✚ Intimate physical acts or sexual acts with a client

- ✚ Intimate physical acts or sexual acts with a colleague while on duty or on Anderida Adolescent Care premises

THIS LIST IS NOT EXHAUSTIVE.

- a) If the employee is accused of an act of gross misconduct, the home's manager will inform them of the accusation and the time and place for a hearing. If the employee is suspended the hearing should take place within five working days of the suspension unless the employee requests additional time to prepare and identify support. The employee may call witnesses providing at least three working days notice is given to the panel. The person making the accusation may also call witnesses.
- b) The hearing will be conducted by a panel comprising of the relevant manager/supervisor, a minimum of one director and a minute taker. The employee is obliged to attend but their non-attendance will not invalidate any decision.
- c) After considering all the evidence the panel will communicate the decision of the hearing to the employee. If the hearing decides that gross misconduct has occurred, the panel will decide on the appropriate disciplinary action and this will normally be summary dismissal without notice or payment in lieu of notice.

Suspension

An employee accused of an act of gross misconduct or involving serious safeguarding concerns may be suspended with immediate effect for up to ten working days by the organisation. The employee will be entitled to pay during the period of suspension.

Appeals

Anderida will offer employees the right of appeal. This is so you can raise an appeal if you feel:

- ✚ your disciplinary outcome is too severe
- ✚ your grievance outcome is wrong
- ✚ any part of your disciplinary or grievance procedure was wrong or unfair
- ✚ you have new evidence to show

This means your employer needs to look at your case again to see if:

- ✚ the procedure was followed in a fair way
- ✚ the outcome is fair

Notice of appeal must be given in writing to the company at the company address within five working days of the relevant decision. Employees need write in a letter or email:

- ✚ why they think your outcome was wrong or unfair (for example, if you felt the person investigating your case did not get enough evidence)
- ✚ what you would like to happen next (for example, you could ask if your employer can carry out another investigation or look at the new evidence you have found)

Anderida will:

- ✚ hear your appeal
- ✚ carry out another investigation, if necessary
- ✚ see if a different outcome is appropriate
- ✚ provide the final outcome in writing as soon as possible

An appeal hearing will not include any director who has been party to the initial decision.

The employee does have a right to be accompanied by a trained union representative or an appointed colleague. The directors hearing the appeal will notify all parties of the time and place for the hearing. Witnesses may be called. At the appeal hearing the board of Anderida Adolescent Care will review, but not increase, any disciplinary penalty imposed, and their decision shall be final.

The grievance procedure does not form part of these rules and may not be used for the purpose of making an appeal against any disciplinary decision made under these rules.

The Appeal Meeting

After you have raised the appeal, Anderida will invite you to an appeal meeting or 'hearing'. Anderida will do this as soon as possible and tell the employee in writing:

- ✚ the date, time and place of the hearing
- ✚ about your right to be accompanied

The appeal hearing is the chance for the employee to state their case and ask Anderida to look at a different outcome.

Employees may wish to explain:

- ✚ explain why they think the outcome is wrong or unfair

- ✚ say where you felt the procedure was unfair
- ✚ ask questions about the parts of the procedure you felt were unfair
- ✚ present new evidence, if they have it
- ✚ listen to your employer's point of view
- ✚ refer to your workplace policy or the Acas Code
- ✚ ask how your workplace dealt with any similar cases before

In an appeal hearing, the person carrying out the appeal process will:

- ✚ introduce everyone, explaining why they are there if necessary
- ✚ explain the purpose of the meeting, how it will be conducted and what powers the person hearing the appeal has
- ✚ ask you why the employee why they are appealing
- ✚ look at new evidence, if there is any
- ✚ after discussing the points, summarise them and end the hearing

They will then need to consider if:

- ✚ the original outcome was fair
- ✚ they need to change the original outcome, if it's clear it was not right
- ✚ a new investigation is needed to find out more before making a final decision

Getting the appeal outcome

Anderida will take some time to consider what has been presented by the employee but should tell you the appeal outcome as soon as possible in writing, including:

- ✚ the reason for their decision
- ✚ whether this is the final decision

Recording & Reporting

Should a staff member be dismissed from working within Anderida following concerns regarding safeguarding issues, Anderida will report to the Disclosure and Barring Service.