

OFFICE MANUAL, SECTION 13

DISCIPLINARY AND GRIEVANCE PROCESS

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REVISION TABLE

Revision	Date	Comments
1	19/05/2017	First Issue
2	17/05/2020	Expanded section on competencies of Investigating Officer
3	20/05/2021	Minor re-formatting
4	11/07/2023	Policy extended to include disciplinary and grievance processes. Policy title amended; section on 'Employee protection' removed

1. DISCIPLINARY AND GRIEVANCE PROCESS

Robert Walpole and Partners (RWP) is committed to treating all its employees fairly and objectively. For this reason, a standardised process for handling disciplinary actions and grievances has been developed to ensure a satisfactory outcome is reached whenever possible.

Any investigations must be suitably objective and as independent as reasonably practicable to ensure that any potential system and management failures are considered. The investigative process will follow recognized industry standards and relevant procedures to arrive at the most impartial outcome. This process can be applied to any case where an investigation is required.

Principles guiding implementation of this policy are:

- a) Informal action will be considered, where appropriate, to resolve problems.
- b) No disciplinary action will be taken against an employee until the case has been fully investigated.
- c) For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case at a disciplinary meeting before any decision is made.
- d) Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- e) At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- f) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- g) An employee will have the right to appeal against any disciplinary action.
- h) The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

Progress in implementing this process will be reviewed annually by the partners.

Signed: M. J. Walpole

M. J. Walpole
Partner

Date: 11/07/2023

2. DISCIPLINARY PROCEDURE

2.1. First stage of formal procedure

This will normally be either:

- a) **an improvement note for unsatisfactory performance** if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept on employee's file, but will be considered spent – subject to achieving and sustaining satisfactory performance.

or

- b) **a first warning for misconduct** if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept on employee's file, but it will be disregarded for disciplinary purposes after a period specified within the warning.

2.2. Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on employee's file but will be disregarded for disciplinary purposes subject to achieving and sustaining satisfactory conduct or performance.

2.3. Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer. Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept on employee's file but will be disregarded for disciplinary purposes subject to achievement and sustainment of satisfactory conduct or performance.

2.4. Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- a) theft or fraud
- b) physical violence or bullying
- c) deliberate and serious damage to property
- d) serious misuse of an organisation's property or name
- e) deliberately accessing internet sites containing pornographic, offensive or obscene material
- f) serious insubordination
- g) unlawful discrimination or harassment
- h) bringing the organisation into serious disrepute
- i) serious incapability at work brought on by alcohol or illegal drugs
- j) causing loss, damage or injury through serious negligence
- k) a serious breach of health and safety rules
- l) a serious breach of confidence.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

2.5. Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

3. GRIEVANCE PROCEDURE

3.1. Dealing with grievances informally

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

3.2. Formal grievance

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your manager. You should stick to the facts and avoid language that is insulting or abusive.

Where your grievance is against your manager and you feel unable to approach him or her you should talk to another manager or the business owner.

3.3. Grievance hearing

Your manager will call you to a meeting, normally within five working days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the manager will give you a decision in writing, normally within 24 hours. If it is necessary to gather further information before making a decision your manager will inform you of this and the likely timescale involved.

3.4. Appeal

If you are unhappy with your manager's decision and you wish to appeal you should let your manager know.

You will be invited to an appeal meeting, normally within five working days, and your appeal will be heard by a more senior manager (or the company owner).

You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the manager (or owner) will give you a decision, normally within 24 hours. The manager's (or owner's) decision is final.

4. INVESTIGATION PROCESS

4.1. Investigating Officer

Details of the Concern should be communicated to company Partner(s) in a first instance. If the situation calls for gathering more information via an investigative process, the Partner(s) will nominate an Investigating Officer, either internally or externally, who will complete the investigation and report findings to the relevant parties. Note that the reason for completing an investigation is referred to as a 'Concern' in this document, even though such a reason may not be inherently negative in nature.

Investigating Officer should:

- a) have sufficient knowledge or experience in an area of the business that the investigation relates to.
- b) where possible, be a member of a professional body in accordance with their specific discipline.
- c) have at least 5 years' experience in a management role.

4.2. Investigation steps:

- a) Full details and clarifications should be obtained from the individual or group raising the Concern.
- b) If the investigation involves a complaint against one or more members of staff the Investigating Officer should inform those staff as soon as is practically possible. The members of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provisions of this procedure. If deemed appropriate the Investigating Officer will consider the involvement of the Police at this stage.
- c) The Concern should be fully investigated by the Investigating Officer with the assistance, where appropriate, of other individuals / bodies. All information should be made freely available to the Investigating Officer, including confidential data as long as the Partners are notified and it is relevant to the Concern.
- d) A judgement of the Concern will be made by the Investigating Officer. This judgement will be detailed in a written report containing the findings of the investigations, reasons for the judgement and suggested actions to be undertaken as a result. Where confidential data has been considered it may be referred to within the report but not detailed, in line with the Data Protection Act. The report will be made freely available upon request and for auditing purposes if required.

- e) The company Partners will decide what action to take using the investigation report as guidance. If required, they will invoke either internal or other appropriate disciplinary procedures.
- f) The individual or group raising the Concern should be kept informed of the progress of the investigation and, if appropriate, of the final outcome.