

## South Warwickshire Local Food – Policy

### Disciplinary and Grievance Policy

#### Disciplinary Procedure

##### Purpose and scope

The organisation's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached. The disciplinary procedure aims to adhere to all aspects of the Statutory Disciplinary Procedure and is designed to help employees achieve and maintain standards of conduct, attendance and job performance. Breaches of discipline may lead to disciplinary action. The procedure may be entered into at any stage depending on the seriousness of the misconduct or poor work performance/attendance.

All warnings, whether verbal, first written or final written will contain the following elements:

- The reason for the warning.
- The improvement or action required.
- The timescale for the improvement to be achieved.
- The consequences of further re-occurrence of the issue within the currency of the warning.
- The right of appeal.

A full investigation will be conducted before a disciplinary meeting.

##### Breaches of Discipline

- Poor timekeeping
- Failure to work to set standards
- Failure to maintain the required standards of dress, personal hygiene and grooming
- Unauthorised or unreasonable absence from work
- Personal use of Company property without authorisation
- Disruptive behaviour
- Contravention of health & safety regulations
- Failure to carry out a reasonable request from management
- Failure to comply with sickness procedure

This list is not exhaustive.

##### Principles

- a) The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.

- b) At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative or a work colleague. If a disciplinary meeting is postponed, it should be reconvened within 2 weeks of the original date.
- c) An employee has the right to appeal against any disciplinary penalty.
- d) For staff who don't have a manager, the steering group HR representative(s) would be the contact in cases of disciplinary matters.

## **The Procedure**

### ***Stage 1 - verbal warning***

A formal verbal warning would normally be given for first instances of minor misconduct, poor work performance or attendance issues. A note of the warning will be placed on the employee's file, but subject to satisfactory attendance, work performance and work conduct, will cease to be effective for disciplinary purposes after a period decided at the time of the warning.

### ***Stage 2 - first written warning***

If further misconduct is committed or no improvement is made within the period of formal verbal warning, a first written warning will be given following a disciplinary hearing. A first written warning would also be appropriate where the nature of the offence is considered too serious for a formal verbal warning. A copy of the warning will be placed on the employee's file, but subject to satisfactory attendance, work performance and work conduct, will normally cease to be effective for disciplinary purposes after a period decided at the time of the warning. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

### ***Stage 3 - final written warning***

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, or where a serious first offence is committed which falls short of gross misconduct, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within a period decided at the time of the warning, or if there is a further offence, action at Stage 4 will be taken. A copy of this will be placed in the employee's file.

### ***Stage 4 - dismissal or action short of dismissal***

If the conduct or performance has failed to improve, or a further offence is committed, and a final written warning has already been given, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal, following a

disciplinary hearing. The employee will be notified in writing and will be given reasons for the dismissal. This will also advise the date of termination of employment and their right to appeal. Please note that there may be occasions where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and/or there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any warning should last.

### **Gross misconduct**

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice.

#### Examples of Gross Misconduct

- Physical violence or dangerous horseplay.
- Flagrant disregard to Health & Safety procedures.
- Sexual Harassment.
- Unlawful discrimination and unlawful breach of Race Relations, Sex or Disability Acts.
- Rudeness to customers.
- Attendance at work under influence of drugs, alcohol or other solvents.
- Criminal offence including fraud, damage to property, theft
- Use of aggressive language or behaviour.
- Bullying
- Gross insubordination
- Any action that seriously endangers the health or safety of another person whilst at work.
- Unauthorised absence from work.
- Abuse of Company property.

This list is not exhaustive.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

### **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so to the steering group HR representative(s) via HR@xxxxx?? within ten working days. The employer will hear the appeal and decide the case as impartially as possible.

### **Grievance Procedure**

#### **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. For staff who don't have a manager, the steering group HR representative(s) would be the contact in cases of grievance.

### **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 steering group HR representative/s.

### **Grievance hearing**

Your manager will call you to a meeting, normally within five 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.

### **Appeal**

If you are unhappy with your manager's decision and you wish to appeal you should let your manager know, or the steering group HR representative/s (via HR@xxxxx??). You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by the steering group HR representative/s. 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 steering group HR representatives will give you a decision, normally within 24 hours. The representatives' decision is final.

Last reviewed and revised by the steering group on  
To be reviewed

Adapted from sample procedures at:

<http://www.acas.org.uk/media/pdf/9/g/Discipline-andgrievances-Acas-guide.pdf> (Aug 2017)