



NEW DIRECTION SUPPORT

DISCIPLINARY & GRIEVANCE

Name: New Direction Support

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Policy Statement

All employers are unfortunately forced to administer discipline to staff at some time or another. This organisation believes that any disciplinary action taken should aim to identify those problems that precipitated the disciplinary action being required, and to assist in correcting them. The organisation believes that it is in the interests of all that disciplinary actions are carried out in a prompt, uniform and impartial way, and that the main purpose of disciplinary action is to correct the problem, prevent its recurrence and prepare the employee for delivering satisfactory service in the future. At the earliest opportunity, advice must be sought from our Employment Law Advisors (Peninsula) and all advice received will be recorded as follows.

This organisation is aware that, from time to time, staff may have an issue about their colleagues or management of the organisation. It is important that staff are aware that any grievance brought to this organisation be listened to and acted upon by the management. This document outlines the policy of this organisation in relation to staff grievances.

This organisation adheres fully to the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice *Disciplinary and Grievance Procedures*.

The principles of these procedures are

- Step 1: Understanding the options
- Step 2: Following a fair procedure
- Step 3: Carrying out an investigation
- Step 4: The disciplinary hearing
- Step 5: Deciding on the disciplinary outcome
- Step 6: After the disciplinary procedure

The Policy

Staff Disciplinary Policy

This policy is intended to set out the values, principles and policies underpinning this organisation's approach to staff discipline. The purpose of this policy is to ensure a fair and systematic approach to the enforcement of acceptable standards of conduct and behaviour amongst all employees

In this organisation disciplinary action may be taken in response to one of the following:

- Unsatisfactory performance at work
- Improper behaviour at work
- Persistent lateness or absenteeism
- Misconduct.

In this organisation disciplinary action may take one of the following forms depending on the severity of the problem and the number of occurrences:

- Verbal warnings
- One or more written warnings
- Suspension with or without pay
- Dismissal.

Suspension is considered as a "last resort" mechanism which considers employee length of service and security of the breach.

In this organisation the following procedure applies.

- For offences other than serious or gross misconduct, the employee's immediate supervisor or line manager should first ascertain the facts and review any evidence relating to any breach of rules or discipline. The employee will be interviewed in private and should be asked for an explanation. The immediate supervisor or line manager will then decide upon a course of action.
- If an informal, verbal warning is decided upon then this should be administered in private by the immediate supervisor or line manager, and appropriate notes made in the employee's personnel file.

- If a formal, written warning is required—because an informal warning has already been given for the offence or because of the severity of the offence—only a senior organisation manager or head of organisation should carry this out. Appropriate notes should be made in the employee's personnel file.
- If the offence is repeated, or agreed improvements are not made, then a second and final written warning may be issued.
- If standards improve and there is no repetition of the offence then the employee may request that the warning is removed from their file after 12 months. The organisation reserves the right to refuse to remove the offence from the file if it feels that the offence warrants or that there is a likelihood of further transgression.
- An employee may be suspended without pay if the organisation deems them incapable of performing their duties, or while investigations take place. A written copy of the suspension should be given to the member of staff by the head of organisation.
- An employee may be dismissed if:
 - They have already received a final written warning and then repeat the offence
 - They have been suspended and the organisation decides that, upon investigation, their offence merits dismissal
 - They have committed serious or gross misconduct
 - They have committed an offence that makes their continued employment impossible.

The organisation recognises that there are certain types of problem that are so serious they justify either a suspension or, in extreme situations, dismissal, without verbal or written warnings being given.

In this organisation the following apply.

- Disciplinary matters should be dealt with quickly and fairly
- An indication should be provided of the disciplinary action that might be taken
- Supervisors or line managers can issue verbal warnings
- Only the head of organisation or senior organisation management can use written warnings and dismissal
- Employees should be told of the complaint against them and be given full opportunity to state their case before a decision is taken
- Employees have the right to be accompanied by a trade union representative or fellow employee of their choice
- Employees will not normally be dismissed for a first offence, other than gross misconduct
- No disciplinary action will be taken before there has been a full investigation
- An explanation of any penalty will be given
- Employees have a right of appeal.

Written Warnings

Written warnings should state clearly:

- The conduct concerned
- The improvement required and the time limit for this, if appropriate
- The likely consequences of further offences or failure to improve (e.g. final warning, dismissal, etc.).

The warning should be handed to the employee, who should be informed of the right of appeal.

Appeals

Appeals should not be pursued through the organisation's grievance procedure but should instead be made directly to the head of organisation. Where a final decision within the organisation is contested, or where the matter becomes a collective issue between management and a trade union, then appeals should be made via an external body such as the ACAS.

An appeal is used to review whether a decision that's been made should be overturned or changed.

The employer should offer the right of appeal. An appeal can be raised if the employee feels:

- The disciplinary outcome is too severe
- The grievance outcome is wrong
- Any part of the disciplinary or grievance procedure was wrong or unfair
- The employee has been dismissed for an unfair reason
- The employee has new evidence to show

If the employee chooses to appeal, the employer needs to look at the case again to see if:

- The procedure was followed in a fair way
- The outcome was fair

They should:

- Hear the appeal
- Carry out another investigation, if necessary
- See if a different outcome is appropriate
- Provide the outcome in writing as soon as possible

The right of appeal and the law

The Acas Code of Practice on disciplinary and grievance says that employees should be given the right to appeal a disciplinary or grievance outcome.

The employee can also speak with their trade union, if they have one, to get advice and support.

To make an appeal the employee should raise the appeal in writing to the manager named in the outcome letter.

Write in a letter or email:

- Why the outcome is considered to be wrong or unfair – for example, if the employee felt the person investigating their case did not get enough evidence
- What the employee would like to happen next – for example, the employee could ask if their employer can carry out another investigation or look at the new evidence the employee has found

The employee should do this as soon as possible or within 5 working days of receiving the outcome, as an appropriate amount of time.

The person who carries out the appeal and any further investigation should:

- Not have been previously involved in the case
- Be more senior than anyone who carried out any part of the case previously

If this is not possible the organisation would consider bringing in an external person to carry out the appeal.

Records

Records will be kept in the employee's personnel file that detail the nature of any breach of disciplinary rules, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be carefully safeguarded and kept confidential.

The company disciplinary policy should be included in the induction training for all new staff. An example disciplinary procedure document will be available for all staff.

Staff Grievance

Principles

A 'grievance' is any complaint made by a member of staff under specified procedures that alerts the management to, instigates the investigation of, and if necessary, redresses the unreasonable actions of the organisation, a manager or another member of staff.

The *Employment Rights Act 1996* imposes an obligation on employers to specify, in their written statements of terms and conditions of employment, the person or position to whom employees can apply for the redress of any grievance relating to their employment and how such applications should be made.

This organisation aims to ensure that its staff feel fully involved in the work of the organisation and form a cohesive team in the interests of providing high-quality services. We therefore wish to identify and deal with any grievances that a member of staff has with the work of colleagues or managers. We believe that this will foster

communication between staff and managers; ensure that staff concerns are recognised and dealt with promptly; help managers to identify areas for improvement in the work of the organisation; and give early warning of potential sources of more serious conflict.

Procedures relating to grievances, however, must be clearly distinguished from any action taken under the organisation's Disciplinary Policy and procedures, and an appeal against disciplinary decisions will not be treated as a grievance.

Informal Resolution of Grievances

If a member of staff has an issue with the behaviour of a manager or another member of staff that makes them unhappy or uncomfortable then they should mention the matter to their immediate supervisor or line manager as soon as possible. If the issue relates to the supervisor or manager to whom the staff member would normally have reported, or if the relevant supervisor or line manager is not available, the staff member may approach any other manager.

The person presented with the issue should take steps to investigate and deal with it as quickly as possible in order to resolve the matter before it becomes more serious. They should report back to the employee as quickly as possible on either the action they have taken or the reasons for not taking action.

If the staff member is not satisfied that their grievance is being acted on sufficiently seriously, or with the manager's decision in relation to the grievance, they have the right to request that their grievance should be dealt with by a more senior manager. In these circumstances the original supervisor or manager should arrange for the staff member to explain their grievance at a higher level. The senior manager should then review whatever investigation and action has been taken already in relation to the grievance; conduct any further investigation they consider necessary; and report back, to both the employee and the original supervisor or manager, as quickly as possible on either the action they have taken or the reasons for not taking action.

Grievance Hearings

If the staff member is still not satisfied after their grievance has been considered informally by two tiers of management, the matter should be referred to a very senior manager or a manager specifically designated to deal with personnel issues. This manager should then arrange as quickly as possible for a formal grievance hearing at which all of the relevant facts relating to the issue can be heard and considered. The person conducting the hearing should be a manager who has not been involved in the earlier investigations.

At the hearing the staff member should be given the opportunity to present their grievance and their reasons for continuing dissatisfaction. They may produce evidence and witnesses. Any staff or managers who are the subject of the grievance should then be given the opportunity to state their point of view, producing evidence and witnesses as appropriate. Witnesses may be cross-examined on what they say and questioned by the manager conducting the hearing. After the matter has been

thoroughly explained the manager conducting the hearing should consider and announce a decision.

Appeals

Any appeals relating to the grievance procedure will be held and conducted according to the relevant guidance issued by the Advisory, Conciliation and Arbitration Service (ACAS). ACAS produce guidance that is updated regularly and appropriate for employees and employers.

Remedies

If at any stage, informal or formal, of the handling of a grievance the staff member's complaints are found to have substance then the relevant manager should consider what action should be taken to deal with the offending issue. This may take the form of a change of procedure, an apology from another staff member, or, in extreme cases, the initiation of disciplinary action against the staff member who caused offence. If no action is to be taken the reasons should be explained as fully as possible to the person who initiated the grievance.

Representation

The *Employment Relations Act 1999* gives all employees the right to be accompanied by a fellow employee or trade union representative during any stage of a grievance process. The organisation undertakes to ensure that any employee assisting another employee under these circumstances will not be dismissed or victimised.

Anonymity

If the subject of the grievance is discrimination or harassment and the staff member making the complaints wishes to remain discreet, managers should make every effort to conduct their investigations in a way that protects the complainant.

Related Policies

Appraisal

Code of Conduct for Workers

Grievance

Supervision

Related Guidance

- Disciplinary procedures and action against you at work
<https://www.gov.uk/disciplinary-procedures-and-action-at-work>

- ACAS Code of Practice
<http://www.acas.org.uk/index.aspx?articleid=2174>
- ACAS Discipline and Grievance at Work
https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf
- ACAS Example discipline and grievance procedures
<https://www.acas.org.uk/disciplinary-and-grievance-procedures>
- ACAS raising a grievance at work
<http://www.acas.org.uk/index.aspx?articleid=1670>
- Staff Handbook
- Appealing a Disciplinary or Grievance
<https://www.acas.org.uk/appealing-a-disciplinary-or-grievance-outcome>

Training Statement

The company disciplinary policy should be included in the induction training for all new staff. All staff, during induction are made aware of the organisations policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, on-line, workbook, group meetings, individual supervisions and external courses are sourced as required.

This policy will be reviewed by the Registered Manager.

Signed:

Date: 3rd August 2026

Review Date: 9th March 2029

Addendum Staff Guide

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.

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 owner.

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.
- If it is necessary to gather further information before making a decision your manager will inform you of this and the likely timescale involved.

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 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

Suspension Decision Form

Employee full name	
Employee start date	
Contract hours	
Protected characteristics?	
Employee's salary under £50,000 per annum?	
Reason suspension is being considered	
Is it possible to change shift patterns, or amend start / finish times instead of suspending? If not, why not?	
Is it possible for the person to work in a different location or from home instead of suspending? If not, why not?	
Is it possible to amend the person's duties instead of suspending? If not, why not?	
Is it possible that the person can work with a different service user rather than suspending? If not, why not?	
Is it possible to stop the employee using	

New Direction Support (a Premier Care Plymouth Ltd company)

Registered Office: Old Court, Tavistock Road, Roborough, Plymouth, PL6 7BD

Company Number: 05842342

Guidance on Support for Suspended Employees

Being suspended can impact on people's emotional wellbeing, you need to ensure that anyone being suspended is provided with appropriate support such as:

- Providing the EAP (Employee Assistance Programme) contact number and encourage the use of this– 0800 047 4097
- Reiterate to the employee that suspension is not a punishment or an assumption of guilt, that this is a fair and impartial process and the decision on outcome has not yet been made
- Ensure that suspension is used for as short amount of time as possible
- The suspended employee will need to be paid in full (contract hours)

You will need to communicate regularly with the employee:

- The reason(s) for suspension
- Ensuring they understand what's happening
- What they can or cannot do during suspension
- The next steps

There is a letter template that you can use to send to suspended employee's which will help back up what has been said verbally.

You are obliged to:

- Keep the details of suspension / investigation confidential
- Not share personal information

During suspension the employee:

- Needs to remain ready and available for work during normal working hours
- Needs to attend meetings or be available for updates
- Might need to undertake work, training or administration tasks subject to senior management approval
- Cannot contact or influence anyone connected to the investigation, or discuss the matter with other employees, the service user's or their relatives

Remember that:

- Sickness supersedes suspension, but the implications of sick pay vs suspension pay needs to be explained
- Depending on people's circumstances, the process might need to be altered if needed i.e. changing meeting locations, allowing written submissions rather than in-person attendance
- Annual leave continues to accrue as normal
- Pre-booked annual leave can be allowed if agreed by senior management (suspension is then paused during the annual leave period)

- If an employee challenges the suspension then the grievance procedure will need to be applied