**Discipline Dismissal and Grievance Policy**

1st Healthcare strives to promote an open and fair environment for work in the care of our young resident. There is a duty of care to support staff and ensure that working relations amongst them are conducive for positive output and job satisfaction.

**1.0 STAFF DISCIPLINARY PROCEDURE**

Whilst it is hoped that most issues will be resolved informally, in certain situations it may be necessary for more formal proceedings under this procedure to occur, ensuring that fair and effective action is taken when these standards are not achieved.

1st Healthcare practices a straightforward, consistent and fair system for dealing with breaches of standards in performance or conduct. Aside from reviewing performances in monthly supervisory meetings, staff are given the opportunity to share their feelings at work and resolve any differences they may have with another member of staff.

In situations where a member of staff is in need of corrective guidance due to undesired conduct at work, there are measures in place to remedy these situations. The procedures are intended to ensure that Company’s operations continue to a high standard at all times, by addressing problems in a professional manner and resolving them quickly and effectively for all concerned thus maintaining good working relationships and minimising tension at the workplace. This also extends to staff conduct with young people in care.

**2.0 PRINCIPLES**

All disciplinary proceedings will comply fully with current legal requirements and practice recommended by the Advisory, Conciliation and Arbitration Service. 1st Healthcare’s procedure will uphold the following principles:

2.1 All staff will be supplied with a copy of the Disciplinary Procedure on commencement of their employment at 1st Healthcare either on paper or electronically. Any complaints about an employee made by another member of staff, resident, client or other external agency or individual will be taken seriously and thoroughly investigated before any disciplinary action is taken. At every stage in the procedure, the employee will be advised about the nature of the allegation made against them and the possible outcome. No disciplinary action will be taken against an employee until the case has been fully investigated. In some cases, the employee may be re-assigned to another unit or will be suspended from work while investigation is taking place. This will depend on the nature or severity of the alleged misconduct or in accordance with current legislation. At all stages of this procedure the employee will have the right to be accompanied to formal hearings by a trade union representative or work colleague. The employee will be given a formal opportunity to state their case directly or via their representative before any decision on disciplinary action is made. A written record will be taken of all disciplinary hearings which the employee will be invited to sign as accurate or may attach additional written comments. No employee shall be dismissed for a first breach of discipline except in cases of proven gross misconduct, when the penalty will

usually be dismissed without notice or payment in lieu of notice.

2.2 An employee will be advised at each stage in the proceedings of what the likely consequences will be if they fail to improve or end a bad practice. They will be made aware that a continuation could ultimately lead to dismissal. An employee will be advised at each stage in the proceedings of their right to appeal against any disciplinary action taken. All disciplinary cases will be dealt with in strict confidence and only individual staff with a genuine reason to know will be informed.

The line manager will continue to establish standards of conduct and performance whilst at work with staff. Breaches in these standards may be treated as misconduct and therefore may result in disciplinary action. Examples of such behaviour which may result in disciplinary action include persistent poor timekeeping; failure to follow a reasonable management instruction; disruptive behaviour in the workplace and persistent inability to perform tasks to the required standard.

**3.0 PROCEDURE FOR MISCONDUCT CASES**

The outcome of a disciplinary hearing can not be decided beforehand. The individual circumstances of each case and the evidence and information will be carefully considered and will affect the level of disciplinary action deemed appropriate or whether no formal action will take place in this instance. Misconduct will be regarded as alleged until proven otherwise.

**4.0 INFORMAL INVESTIGATION**

Where there has been an apparent breach in standards of performance or misconduct by an employee, the line manager will usually hold an informal meeting as soon as possible with the employee to investigate the allegation. Depending on the severity of the allegation/ situation, this discussion may occur at the earliest opportunity or may be held during a supervision meeting. At the end of this meeting, the line manager will decide if further action should be taken. This action could include the employee and the manager agreeing to the arrangement of counselling, training or appropriate support for the employee immediately or the line manager may decide to commence disciplinary proceedings, written records will be taken and kept.

4.1 Formal Investigation - If the line manager decides that there is a disciplinary case to be heard, then a formal investigation will commence. The line manager will inform the employee that this is taking place and also outline the allegations that have been made. As part of the investigation, the line manager may wish to interview witnesses, such as other employees, residents or external individuals. All these interviewees will be informed of the reason for the interview. Employees are required to fully cooperate with such investigations in a professional manner and to provide all information that may be relevant to the investigation. Employees may not discuss any information relating to the facts of the case arising from this interview with anyone outside of the meeting as this will be regarded as a breach of confidentiality.

All these investigation interviews will be recorded in writing and the interviewees will be invited to sign this record to confirm that the notes are an accurate record of what was discussed. If an interviewee wishes, they may add written comments to be attached to this statement. The line manager will inform the interviewees if their statement is to be presented at the disciplinary hearing and if they will be required to attend the hearing as a witness. Where an individual has been the subject of alleged bullying or harassment, they are usually not required to attend the hearing.

**5.0 OUTCOME OF HEARING**

The employee will be verbally informed of the outcome of the hearing, including any disciplinary action that the line manager has decided to take, and their right of appeal. This will be confirmed by the line manager in writing within three working days after the hearing. The manager will take notes of the hearing or another appointed minute taker or the hearing may be taped. The employee will be invited to sign the written record of the hearing to indicate that they agree that the notes are accurate. All notes and relevant documentation will be placed on the employee's personal file for the duration of the warning and the employee and the manager will hold copies.

**6.0 REVIEW OF INDIVIDUAL'S PERFORMANCE & REMOVAL OF WARNING**

In some cases, particularly those relating to performance, it may be appropriate to establish a formal review period within a timescale established by the line manager, which will not usually be more than six months in length. A meeting will be held at the end of this review period to establish if the employee has improved their performance as required. If the line manager decides that the employee has satisfied the requirements of the review, then the warning will be removed from their personal file at the six-month point. If they have not satisfied the requirements, the line manager may decide to extend the review period or impose a further, more serious disciplinary warning.

A disciplinary warning given for any reason will be removed from the employee's record and disregarded for disciplinary purposes after six months, subject to satisfactory performance or conduct. The exception to this may be for final written warnings where the warning will remain on file for up to twelve months.

**7.0 DISMISSAL FOR MISCONDUCT**

Where an employee has not improved within the prescribed time scale after a final written warning, they will be dismissed following a final disciplinary hearing. This will follow the same format as that for a final written warning. The decision to dismiss will be taken by the Director. The employee will be informed in

writing of the reasons for this decision, the date on which their employment will be terminated and their

right to appeal. In these cases, dismissal will consider the notice period to which the employee is contractually and legally entitled. 1st Healthcare reserves the right to require any employee not to attend work during their notice period in such instances.

**8.0 GROSS MISCONDUCT**

Gross misconduct is defined as an action by an employee that is so serious that it is regarded as a breach of their contract of employment. An action that leads to a serious breakdown in trust and confidence in that employee. In every case where managers are judging if gross misconduct has

occurred, the degree to which staff, clients or 1st Healthcare as a whole has been put at risk or harmed by the employee's actions. This will be carefully considered; the employee's motivation and also will be a factor under consideration.

8.1 Acts recognised as gross misconduct include: Physical assault of another employee, resident or any other person during the course of an employee's duties (except for reasonable restraint);

Deliberate damage to property, theft , or unauthorized possession of property belonging to other employees or 1st Healthcare itself; Fraud or theft of Company funds or residents funds; Consuming or being incapacitated by alcohol or non-prescribed drugs whilst at work; Serious breach of confidentiality, which may be detrimental to residents, employees or 1st Healthcare as a whole.

8.2 This does not affect the employee’s right to make a disclosure under public interest disclosure legislation; Any deliberate action where the intention is to damage the reputation of 1st Healthcare; Serious insubordination or willful refusal to follow reasonable management instructions; harassment, discrimination or any other significant actions towards another employee, resident or any other person which could be regarded as harassment, bullying or discrimination; Participating in outside activities that are a conflict of interest with 1st Healthcare; Accepting gratuities, gifts, favours or hospitality from residents, their relatives or other clients of 1st Healthcare without the express agreement of the managing director. This list of offences is not exhaustive.

**9.0 PROCEDURE FOR GROSS MISCONDUCT CASES**

Suspension is the next step in cases of alleged gross misconduct, the employee will be asked to attend an

informal meeting with the line manager or director as soon as possible after the allegation has been made. The allegations will be put to the employee and they will have the opportunity to respond. After this initial meeting, the Senior Manager involved will then consider whether there is a case of gross misconduct to answer and whether it is appropriate to suspend the employee on full pay pending a full investigation. If it is decided that suspension is appropriate, the employee will be verbally informed immediately by management, who will also give the reason for the suspension. The employee will receive confirmation of

their suspension in writing from the Senior Manager involved within two working days of the decision.

During suspension, the employee will be expected to be available for interviews during office hours. They will not be permitted to enter company premises, undertake any activity on behalf of 1st Healthcare or have contact with other staff, residents or clients. Exceptions to this can occur only with the permission of the Senior Manager involved. Every effort will be made to arrange the gross misconduct hearing as soon as possible to minimize unnecessary anxiety, loss of earnings and disruption. Usually it will occur no later than twenty working days after the date of the suspension.

Where an employee has committed an offence or there is an allegation that needs to be referred to the relevant overseeing organisation such as the, Local Authority safeguarding Board, LADO

etc they will be notified by the manager in a timely manner.

**10.0 APPEAL PROCEDURE**

All employees may appeal against disciplinary action taken against them. The appeal may be made to the director or another previously uninvolved Senior Manager when the line manager has issued a formal warning. In cases of dismissal or where a Manager has issued a formal warning, the appeal will be sent to the Director of 1st Healthcare. The employee should lodge their appeal in writing to the appropriate senior manager within five working days of the receipt of the letter, confirming the outcome of the disciplinary hearing.

10.1 Grounds for Appeal - The grounds for appeal may be one or a combination of the following: Severity of disciplinary action; Failure to adhere to the agreed procedure; New evidence; Mitigating circumstances.

10.2 Appeal hearings - The employee will present their case for the appeal, accompanied by a union representative or work colleague. The manager who took the disciplinary action will explain the reasons for their decision in this case, both parties will be invited to sum up. Witnesses who have been previously

interviewed at the original hearing may not be called nor may written evidence already submitted be presented again at the appeal. However, genuinely new evidence can be submitted.

10.3 Appeal decisions - The Senior Manager or Managing Director will adjourn to consider the case and will inform the employee of their decision in writing within two working days of the appeal being heard. In dismissal cases, the decision of the Director is the final stage in 1st Healthcare procedure.

**11.0 STAFF GRIEVANCE PROCEDURE INTRODUCTION**

1st Healthcare is committed to providing a harmonious workplace for all staff, where each individual employee is treated fairly and with respect at all times. However, we recognise that this will not always be possible and therefore we aim to resolve such disagreements quickly and effectively for all concerned.

11.1 Purpose: To maintain good working relationships and to minimise tension at the workplace. To provide a clear, consistent and legitimate avenue for staff to raise complaints and express concerns. To find fair and just solutions to problems, where the focus is on resolving the disagreement and not establishing guilt or innocence. To ensure that 1st Healthcare’s operations continue to a high standard at all times, by addressing problems and disagreements in a professional manner and resolving them within a defined timescale.

**12.0 PRINCIPLES**

All grievance proceedings will comply fully with current legal requirements and practice recommended by the Advisory, Conciliation and Arbitration Service. 1st Healthcare’s procedure will uphold the following principles: All 1st Healthcare staff will be supplied with a copy of this Grievance Procedure on commencement of employment, either on paper or electronically. All formal grievances will be taken seriously and fully investigated before any decisions are made. An employee will be reminded of their right of appeal if they are dissatisfied with the outcome of their grievance in the first instance. In accordance with current legislation, at all stages of this procedure the employee bringing the grievance will have the right to be accompanied to formal hearings by a trade union representative or work colleague. Where the grievance involves other employees, they will be informed of the nature of any allegations concerning them and will be given the opportunity to respond before any decisions about the grievance is taken. All grievance issues will be dealt with in strict confidence and only individual staff with a genuine reason to know will be informed. In the event of a grievance being unresolved at any stage, the conditions that exist prior to the commencement of the formal grievance shall continue until such time as agreement to change has been reached or procedures exhausted.

12.1 Any victimisation of an individual employee who takes out a formal grievance will be treated as a disciplinary matter. A grievance may result in disciplinary action being taken against one of the parties. The grievance procedure will be completed before commencing disciplinary proceedings. If it is decided that the employee who takes out a grievance has behaved in a vexatious manner, for example if they have been trying to get other staff into trouble for no good reason, then they may be subject to disciplinary action themselves.

**13.0 PROCEDURE**

Informal Process - If an employee has a concern about any aspect of their colleagues work at 1st Healthcare, they are encouraged to raise it informally with their line manager or another manager. Where possible, difficulties will be resolved informally, without the need to use this formal procedure. Stage One - Where an employee is not satisfied with the informal resolution of their concerns or does not think that their grievance can be resolved informally. Then they will go on to register this formally, in writing directly with

their line manager. The letter should state who the grievance is against, what the grievance is about and how the aggrieved employee thinks the grievance can be resolved. The line manager shall attempt to settle the grievance within five working days, or a mutually agreed period. Usually, this will involve the line manager setting up a meeting with the employee who has raised the grievance. The employee must make every effort to attend this meeting. If they or their representative can not attend at the original time, they must inform the manager chairing the hearing who will offer a new suitable time within five working days of the original time. No further re-arrangement will be made and the hearing that had been rearranged for the second time will go ahead with or without the employee or their representative.

13.1 If the grievance concerns other employees, then these members of staff will be informed about what has been said about them in the grievance and interviewed, giving them an opportunity to respond. In this instance, where possible, the line manager will try to hold a joint meeting with all employees involved in an attempt to resolve the grievance. The outcome of the investigation into the grievance will be put in writing by the line manager and circulated to the relevant

individuals within two working days of the final meeting held under the Grievance Procedure. Stage Two process. If dissatisfied with the decision at Stage One or if the grievance is against an employee's line manager, the employee may put their grievance in writing to the Manager.

The letter should state whom the grievance is against, what the grievance is about and how the aggrieved employee thinks the grievance can be resolved. Where applicable, the letter should state the reasons why the employee is dissatisfied with the proposed resolution at Stage One. This must be submitted within five working days after the outcome of Stage One has been announced. The Senior Manager hearing the grievance will attempt to settle the matter within ten working days or a mutually agreed period. Usually, this will involve setting up and chairing a meeting with the employee who has raised the grievance. The arrangements for formal meetings will be the same as for the Stage One. The outcome of the investigation into the grievance will be put in writing by the Manager and circulated to the relevant individuals within two working days of the final meeting. The decision of the Senior Manager is the final stage in 1st Healthcare Procedure.