

# Disciplinary and Grievance Policy

<b>Policy Title</b>	<b>Disciplinary and Grievance Policy</b>
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## 2.0 Purpose and Legal Basis

As an employer, a role established in Clause 4(4) of its Constitution, the charity has a duty to manage its relationship with its staff effectively and fairly. This policy is a foundational governance tool designed to manage staff relations, protect the charity from legal risk, and maintain a positive and productive operational environment. It has been developed as a direct response to a formal governance review, designed to strengthen the charity's operational integrity and risk management framework. A structured approach to disciplinary and grievance matters is essential for enabling the charity to focus on achieving its charitable objects.

The core purpose of this policy is to provide a consistent, fair, and transparent framework for addressing instances where an employee's conduct or performance is unsatisfactory (disciplinary), and for enabling employees to raise and have their concerns or complaints resolved (grievance).

This policy is designed to ensure full compliance with the primary legal and regulatory frameworks governing employment relations in the United Kingdom. Specifically, it adheres to the principles and procedures outlined in:

- The Employment Act 2008
- The ACAS Code of Practice on Disciplinary and Grievance Procedures

Furthermore, this policy operates in accordance with the principles of The Equality Act 2010, ensuring all procedures are applied equitably and without discrimination. This document sets out the scope and procedures that apply to the individuals who are integral to the charity's work.

### **3.0 Scope**

Defining the scope of this policy is critical to ensure clarity on who is covered by these formal procedures and to manage expectations for all individuals associated with the charity.

This policy and its associated procedures apply to all individuals directly employed by the charity, irrespective of their role, seniority, length of service, or contractual hours (whether full-time or part-time).

This policy does not apply to non-employees such as trustees, volunteers, or self-employed contractors. The conduct of trustees is governed by the charity constitution, specifically Clause 12, and the Trustee Code of Conduct. Issues relating to volunteers or self-employed contractors will be managed under the terms of their respective agreements with the charity.

The charity is committed to ensuring fair and respectful treatment for everyone who contributes to its mission.

### **4.0 Policy Statement**

This statement represents the Board of Trustees' formal commitment to upholding the principles of fairness, consistency, and respect in all employment matters. It reflects the charity's core mission to support its community by fostering a positive and professional internal working environment.

The charity is committed to:

- Treating all employees with dignity and respect.
- Ensuring that disciplinary and grievance matters are dealt with fairly, consistently, and in a timely manner.
- Encouraging and supporting the resolution of issues informally wherever possible before formal procedures are invoked.
- Adhering to the principles of natural justice and the ACAS Code of Practice at all times.
- Ensuring that all actions taken under this policy are lawful and non-discriminatory.

These commitments are underpinned by the clear definitions and structured procedures that follow.

## 5.0 Definitions

<b>Term</b>	<b>Definition</b>
<b>Disciplinary Action</b>	Action taken by the charity in response to an employee's misconduct or poor performance.
<b>Misconduct</b>	Unacceptable behaviour or a breach of the charity's policies, procedures, or expected standards of conduct.
<b>Gross Misconduct</b>	An act of misconduct so serious that it fundamentally breaches the contractual relationship, justifying summary dismissal without notice or pay in lieu of notice. Examples include theft, fraud, serious negligence, or acts of violence.
<b>Grievance</b>	A concern, problem, or complaint raised by an employee regarding their work, working environment, or working relationships.
<b>ACAS Code of Practice</b>	The statutory code issued by the Advisory, Conciliation and Arbitration Service (ACAS) provides practical guidance and sets out the minimum standards for handling disciplinary and grievance situations in the workplace.
<b>Right to be Accompanied</b>	An employee's statutory right under the Employment Relations Act 1999 to be accompanied by a single companion, who must be a trade union representative or a work colleague, at a formal disciplinary or grievance hearing.

## 6.0 Procedures

The structured, step-by-step processes detailed below are designed to ensure every case is handled in full accordance with the ACAS Code of Practice. This procedural rigour guarantees fairness and consistency for all parties involved and ensures that decisions are made based on a thorough and objective assessment of the facts.

## 6.1 Informal Resolution

Before invoking formal procedures, the charity strongly encourages employees and line managers to seek an informal resolution. Many issues can be resolved quickly and effectively through open and constructive dialogue. This approach is often the most effective way to maintain positive working relationships.

## 6.2 Disciplinary Procedure

1. **Investigation:** The charity will carry out an investigation to establish the facts of the case before proceeding to a disciplinary hearing. This may involve gathering evidence and speaking with relevant witnesses. The investigation is a fact-finding exercise and is not intended to determine guilt.
2. **Written Notification:** If there is a case to answer, the employee will be notified in writing without unreasonable delay. This notification will include sufficient information about the alleged misconduct or poor performance and its possible consequences, along with copies of any evidence. It will also detail the time and venue for the disciplinary hearing and advise the employee of their right to be accompanied.
3. **The Disciplinary Hearing:** The hearing provides the employee with an opportunity to state their case, respond to the allegations, ask questions, present evidence, and call relevant witnesses. The employee has the statutory right to be accompanied at this meeting.
4. **The Decision:** After the hearing, a decision will be made and communicated to the employee in writing, normally within five working days. If disciplinary action is to be taken, the written decision will detail the sanction, the reasons for it, and the employee's right of appeal.

## 6.3 Grievance Procedure

1. **Written Grievance:** The employee should raise their grievance in writing and without unreasonable delay to their line manager. If the grievance concerns their line manager, it should be raised with a more senior manager or a designated trustee. The written statement should set out the nature of the grievance.
2. **The Grievance Meeting:** A meeting will be arranged without unreasonable delay to discuss the grievance. The employee will have the opportunity to fully explain their complaint and how they believe it should be resolved. The employee has the statutory right to be accompanied at this meeting.
3. **The Decision:** Following the meeting, a decision will be communicated to the employee in writing, typically within five working days. The decision will outline what action, if any, the charity intends to take to resolve the grievance.
4. **The Appeal:** The employee will be informed of their right to appeal if they are not satisfied with the outcome of the grievance procedure.

## 6.4 Appeals Procedure

An employee has the right to appeal any formal disciplinary or grievance decision. An appeal must be submitted in writing, stating the full grounds for the appeal, within five working days of the decision. An appeal hearing will be arranged, normally within ten working days of receipt of the appeal, and this will be conducted impartially by a manager or a panel of trustees who have not previously been involved in the case, in line with the powers of delegation under Clause 14 of the Constitution. The final decision of the appeal will be communicated in writing and is final.

## 7.0 Roles and Responsibilities

<b>Role</b>	<b>Responsibilities</b>
<b>Employees</b>	<ul style="list-style-type: none"> <li>- To adhere to the charity's standards of conduct and performance as set out in their terms of employment.</li> <li>- To raise concerns or grievances promptly and professionally through the appropriate channels.</li> <li>- To cooperate fully and honestly with any investigation or formal procedure under this policy.</li> </ul>
<b>Line Managers</b>	<ul style="list-style-type: none"> <li>- To foster a positive work environment and address issues informally and promptly where possible.</li> <li>- To conduct fair and thorough initial investigations into disciplinary matters.</li> <li>- To hold formal disciplinary and grievance meetings in a timely and consistent manner, strictly adhering to this policy and the ACAS Code of Practice.</li> <li>- To maintain confidential records of all formal proceedings in line with the charity's Data Protection and Document Retention policies.</li> </ul>
<b>Board of Trustees</b>	<ul style="list-style-type: none"> <li>- To ensure a fair, effective, and legally compliant Disciplinary and Grievance Policy is in place and is regularly reviewed.</li> <li>- To hear appeal cases or delegate this function to an impartial committee, as permitted under Clause 14 of the Constitution.</li> </ul>

- To maintain ultimate oversight of the policy's implementation and effectiveness, ensuring it aligns with the charity's duty to manage its affairs responsibly as per Clause 9 of the Constitution.
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## 8.0 Implementation

Successful implementation of this policy requires more than simple publication. It demands a clear plan for communication, training, and accessibility to ensure the policy is understood, embedded within the charity's culture, and followed consistently by all relevant parties.

- **Board Adoption:** This policy is formally adopted by the Board of Trustees and supersedes any previous versions.
- **Communication:** The policy will be communicated to all current employees. It will be included in the induction pack for all new staff to ensure they are aware of the procedures from the outset of their employment.
- **Training:** Training on the application of this policy and the principles of the ACAS Code of Practice will be provided to all individuals with line management responsibilities and to the Board of Trustees to ensure they can confidently and competently discharge their duties.
- **Accessibility:** A copy of this policy will be stored in a central, easily accessible location (e.g., a shared drive or employee portal) and will be made available to any member of staff upon request.

## 9.0 Monitoring, Evaluation, and Review

Regular monitoring and review are essential to ensure this policy remains legally compliant, effective in practice, and fit for the charity's purpose. This process allows the Board of Trustees to maintain effective governance and respond to any emerging issues or changes in legislation.

- **Reporting:** Anonymised data on the number, nature, and outcome of formal disciplinary and grievance cases will be reported to the Board of Trustees on an annual basis. This will help identify any underlying trends or areas for improvement.
- **Key Performance Indicators (KPIs):** The effectiveness of the procedures will be tracked through simple KPIs, including the average time taken to resolve cases and the outcomes of any appeals.
- **Policy Review:** The Board of Trustees will formally review this policy at least annually to ensure its continuing relevance and compliance. The policy will be reviewed sooner if there are significant changes in employment legislation or the ACAS Code of Practice.

## 10.0 Related Policies and Documents

This Disciplinary and Grievance Policy does not operate in isolation. It forms part of a cohesive governance framework, which includes other key policies, some of which are currently under development as part of the charity's commitment to best practice. It should be read in conjunction with other key governance and operational documents to ensure a comprehensive and cohesive framework for staff management and charity governance.

- **Employee Handbook / Terms and Conditions of Employment:** These documents are the primary source for the standards of conduct, performance, and behaviour expected of all employees.
- **Whistleblowing Policy:** This policy provides a distinct and confidential procedure for staff to raise serious concerns about potential wrongdoing, danger, or illegality within the charity.
- **Complaints Handling Policy:** This outlines the procedure for handling complaints from external parties, such as beneficiaries or members of the public, and is separate from the internal employee grievance process.
- **Conflict of Interest Policy:** This policy governs how potential conflicts of interest involving trustees and staff are declared and managed to protect the integrity of the charity's decision-making.
- **The charity Constitution:** This is the charity's ultimate governing document. It grants the power to employ staff (Clause 4(4)), outlines the fundamental duties of the charity trustees who oversee the charity's operations (Clause 9), and specifies how trustee conduct is governed