

POLICY AND PROCEDURE



Solihull
Life
Opportunities

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Charity No. 1102297
England Company No.
5025939

Grievance & Disciplinary

Category: staff

Introduction

There will sometimes be occasions in an organisation's activities where issues occur which result in either staff members being unhappy and wishing to seek redress, or the organisation being dissatisfied with the conduct or performance of a staff member where it feels that an issue needs to be raised and dealt with. This is the policy that covers grievances raised by staff members or actions by staff which require discipline to be actioned.

Policy Statement

Solihull Life Opportunities wishes to ensure that all staff are treated well, fairly and with respect. SoLO also expects that staff will work within the scope of their job description in a manner which will enhance the experience offered to our learning disabled members, and one which supports other colleagues and volunteers. It is the intention of the organisation to deal with any disputes in a fair way which gives all parties equal opportunity to be heard and for their concerns to be expressed and dealt with appropriately.

A grievance or a disciplinary is basically when something is happening that is not acceptable and gives rise to someone (either worker or line manager) voicing concerns. Wherever possible, within SoLO, we would like to see these raised informally in a manner that is looking to seek solutions for all parties. We would encourage both workers and line managers to try to deal with issues as quickly as possible in the work situation in a manner that respects individuals, listens carefully and is non-judgemental. We would seek, wherever possible to solve problems without the need to use the formal grievance procedure, but recognise that in some situations this will be necessary.

Policy Name: Grievance & Disciplinary
Organisation: Solihull Life Opportunities
Date policy issued: Approved by: SoLO Board of Directors Date: July 08
Reviewed April 09 Approved by: SoLO Board of Directors Date: May 09

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What if a staff member is unhappy with something at work?

We hope that any issues that a staff member has will be able to be sorted out informally with their Line Manager, during their supervision sessions. However, this may not be possible and there is a procedure that can be followed to ensure that their concerns are fully aired and responded to.

This is a legal process and is called a:

“Grievance Procedure”

The following is an outline of what a staff member would expect from using the grievance procedure to deal with an issue.

Stage One – statement of grievance. A staff member will need to set out their grievance in writing and send that statement, or a copy of it, to their Line Manager.

If the grievance is against their Line Manager, a staff member may send the grievance in writing to a member of the Management Board.

Stage Two – meeting. Their Line Manager will invite a staff member to a meeting to discuss the grievance. A staff member **must** have informed their Line Manager of the basis for the grievance and **must** give their Line Manager a reasonable¹ opportunity to consider his or her response. A staff member must take all reasonable² steps to attend the meeting. Records of the meeting will be kept and a staff member will be given, in writing, the Line Manager’s decision in response to the grievance and a notification of their right to appeal against the decision if not satisfied.

Stage Three – appeal. A staff member must inform the Line Manager of their wish to appeal. Their appeal must be made to the Management Board in writing.

A member of the Management Board will invite a staff member to a further meeting.

A record of the meeting will be taken.

¹ A ‘reasonable’ time would be considered to be approximately one week to consider the information. However, certain circumstances may mean that a longer period would be required and these would need to be taken into consideration – for instance, if their line manager was on holiday when the letter was sent.

² ‘reasonable’ steps would be making an effort to attend – i.e. non-attendance because the meeting was in the morning, and they are not prepared to get up early, would not be acceptable, although non-attendance because they have a prior commitment which would be difficult to change would be acceptable.

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After the meeting a staff member will be informed, in writing, of the Management Board's final decision.

What happens if a staff member does something wrong at work?

We all make mistakes at times, or take the wrong action that incurs consequences. Occasionally those deeds, within the work place, mean that some action has to be taken by the employer.

These actions are covered by legal procedures called:

“Dismissal and Disciplinary Procedures”

To ensure that a staff member, as an employee/volunteer of Solihull Life Opportunities understand their rights, the following is a guide to what would happen if a staff member did something that required disciplinary action to be taken.

What sort of things could trigger a Disciplinary Procedure?

Most issues can be sorted within the workplace and the best place to do that is during a supervision session with their Line Manager. Areas of concern can be discussed and actions can be decided between the staff member and their Line Manager. The following is a list of triggers for disciplinary action (this is not completely exhaustive, but gives examples)

Gross misconduct

Gross misconduct may result in dismissal and will include actions such as:

- grievous bodily harm to a colleague or member
- threatening behaviour to a colleague or member
- misappropriation of funds (theft) from organisation or members
- racist, sexist or extreme bullying behaviour to a colleague or member
- sexual abuse of a colleague or member
- bringing the organisation into serious disrepute
- serious incapacity whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury.

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Unacceptable conduct

- harassment, bullying of colleagues or members
- petty theft
- timekeeping
- misuse of telephone or email facilities
- misuse of office stationery and postage or project resources
- carelessness in respect of health and safety
- unauthorised absence
- unsatisfactory work performance due to illness or disability³ or other factors
- refusal to undertake tasks specified within job description
- breach of confidentiality
- unauthorised use of organisation's property

What should a staff member expect if any of the above happened and couldn't be sorted out informally?

Any of the actions under gross misconduct may result in dismissal. If a staff member was dismissed following an act of gross misconduct, a staff member is able to appeal against that decision, in writing, to the management board.

Other actions could result in the following:

Stage one A staff member will receive a letter stating the grounds for action – what is being alleged, and the possible outcome. The letter will invite a staff member to a meeting with their Line Manager. A staff member can take a fellow colleague or a member of a trade union to this meeting for support if required.

Stage two At the same time an investigation will be carried out into the issue or incident. In extreme cases, a staff member may be moved from their normal place of work or suspended at this stage, (suspension of employees will be on full pay). This will be carried out as quickly and thoroughly as possible.

Stage three A meeting will be held between a staff member and their Line Manager and representative (if requested). A record of this meeting will be taken and a copy given to a staff member. Actions will be decided and a staff member will be informed, in writing, of these actions and the timescale.

³ In the case of illness or disability, every effort will be taken to ensure that support is given to the employee to enable them to carry out their duties.

A staff member will be informed, in writing, of their right to appeal to a member of the Management Board.

Stage four Actions agreed at meeting carried out

Stage five A staff member can exercise their right to appeal. This must be done formally, in writing, to a member of the Management Board.

Stage six If a staff member appeals, they will be invited to attend a further meeting. A staff member must take all reasonable⁴ steps to attend the meeting. A staff member may be represented at this meeting by a fellow colleague or a trade union official. The appeal meeting can take place **after** a dismissal or disciplinary action has been started.

Stage seven The employer will inform a staff member of the final decision.

Linked with Policies:

- Recruitment
- Capability

⁴ 'reasonable' steps would be making an effort to attend – i.e. non-attendance because the meeting was in the morning, and the employee wasn't prepared to get up early, would not be acceptable, although non-attendance because the employee has a prior commitment which would be difficult to change would be acceptable.

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