



## **Disciplinary and Grievance Policy and Procedure**

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### **Contents**

#### **Part 1 Discipline and Grievance Policy.....Pages 2 to 4**

1.1 Introduction and purpose of the disciplinary and grievance policy.....	Page 2
1.2 Scope of the discipline and grievance policy.....	Page 2
1.3 Fair dealing.....	Page 3
1.4 Informal disciplinary action.....	Page 3
1.5 Formal disciplinary procedure.....	Page 3
1.6 Stages of the formal disciplinary procedure.....	Page 4
1.7 Principle of grievance procedure.....	Page 4
1.8 The formal grievance procedure.....	Page 5

#### **Part 2 Formal Discipline Procedure Guidance.....Pages 5 to 8**

2.1 Disciplinary Hearing	
2.2 Right to be accompanied	
2.3 Interpreter	
2.4 Right to appeal	
2.5 Disability	
2.6 Records	
2.7 Timescales	
2.8 The formal procedure stage one	
2.9 The formal procedure stage two	
2.10 The formal procedure stage three	
2.11 Summary dismissal for Gross misconduct (Formal procedure stage three)	
2.12 Appeal procedure	
2.13 Disciplinary offences – ordinary misconduct	
2.14 Disciplinary offences – gross misconduct	

#### **Part 3 Model letters and agenda for formal disciplinary procedure.....Pages 9 to 20**

#### **Part 4 Model letters and agenda for formal grievance procedure..... Pages 21 to 24**

## **Part 1 Discipline and Grievance Policy**

### **1.1 Introduction and purpose of the disciplinary and grievance policy**

1.1.1 This policy outlines the principles in regard to discipline and grievance.

1.1.2 The Trust will be guided at all times by the ACAS Code of Practice, the main points of which are included below.

1.1.3 The discipline and grievance policy will be reviewed annually and as appropriate to incorporate improvements and to comply with future legislation.

1.1.4 Employees and employers have statutory rights and responsibilities in relation to discipline and grievance. These written procedures aim to help clarify rights and responsibilities.

1.1.5 The Trust recognises that employment relationships are more likely to be positive if efforts are made to gain employees' commitment through: showing them clear leadership and letting them know how they can contribute; engaging them in their work and giving them the power to make some decisions themselves rather than trying to control and restrict them; showing them respect and appreciation; giving them ways to voice their views and concerns.

1.1.6 The Trust recognises that when discipline and grievance issues are settled at an early stage they are normally less time-consuming and less likely to damage working relationships. It is the policy of the Trust to ensure that issues are dealt with appropriately and with minimum disruption while providing a fair and equitable framework for dealing with disciplinary and grievance issues.

1.1.7 The Trust recognises that good employment relations practices – including for recruitment, induction training, communications and consultation – can prevent many discipline and grievance problems arising.

1.1.8 Grievances are concerns, problems or complaints that employees raise with their employers. The Trust recognises that anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. They want the grievance to be addressed, and if possible, resolved. The Trust also recognises that it is in management's interests to resolve problems before they can develop into major difficulties for all concerned. Issues that may cause grievances include: terms and conditions of employment; health and safety; work relations; bullying and harassment; new working practices; working environment; organisational change; discrimination. Grievances may occur at all levels and this policy applies equally to all employees. This written procedure aims to help clarify the process and help ensure that employees are aware of their rights.

### **1.2 Scope of the discipline and grievance policy**

1.2.1 The discipline procedure will be used primarily to help and encourage employees to improve rather than as a way of imposing punishment. It provides a method of dealing with any apparent shortcomings in conduct or performance and can help an employee to become effective again. The procedure aims to be fair, effective, and consistently applied.

1.2.2 The policy applies at the Trust's premises and also at any location where staff are working as part of their employment, and at any social occasions organised by the Trust.

1.2.3 The disciplinary and grievance policy forms part of an employee's contract of employment and may be amended in line with best practice and statutory requirements, and to ensure the needs of the organisation are met. Changes will be implemented following consultation with employees and the board of directors.

1.2.4 Directors and employees of the Trust will always seek to resolve disciplinary and grievance issues in the workplace. Where this is not possible, the board will use an independent third party to help resolve the problem.

1.2.5 Many potential disciplinary and grievance issues can be resolved informally. It is the Trust's intention to resolve issues informally whenever possible.

1.2.6 The Trust will consult with employees on the nature of disciplinary offences in order to ensure that everyone has an understanding of the issues concerned.

1.2.7 Dismissal due to redundancy or end of fixed term contract is not covered by this policy.

### **1.3 Fair dealing**

It is the intention of the Sanday Development Trust that whenever a disciplinary or grievance process is being followed, issues will be dealt with fairly. Fair dealing includes:

- ❖ Prompt raising and dealing with issues
- ❖ Consistency
- ❖ Thorough investigation
- ❖ Keeping all parties informed at all stages
- ❖ Allowing the opportunity to respond to allegations
- ❖ Allowing employees to be accompanied at meetings
- ❖ Allowing employees to appeal to disciplinary decisions

### **1.4 Informal Disciplinary Action**

Every effort will be made to deal with problems informally. This could include, for example, a quiet word or counselling by the line manager or Chair with the aim of avoiding the need to implement the formal procedure. It could include setting clearly defined objectives and standards, and monitoring them over a reasonable time period. If required the Chair will arrange for provision of support, practical assistance and/or training as appropriate to ensure that acceptable standards of work performance and behaviour are met.

Counselling is not disciplinary action. It should be a discussion with the objective of encouraging and helping the employee to improve. A note of the counselling may be kept for reference purposes.

### **1.5 Formal Disciplinary Procedure**

1.5.1 Where an issue cannot be resolved informally it will be pursued formally. The Trust will be guided by the ACAS Code of Practice.

1.5.2 The Trust's aim is to encourage improvement in individual conduct or performance. The procedure sets out the action which will be taken when disciplinary rules are breached.

1.5.3 The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until any matter has been fully investigated. Investigation is not disciplinary action. Possible decisions following investigation are to drop the matter or continue with informal action or instigate the formal procedure

1.5.3 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, a work colleague or other suitable representative.

1.5.4 Employees have the right to appeal against any disciplinary penalty.

1.5.5 Model letters are attached as appendices to this policy. These are for guidance and should be issued with consideration of the context of the specific case and current ACAS discipline and grievance guidance.

1.5.6 Written records will be kept, following all relevant data protection guidelines, of any disciplinary cases dealt with under the formal procedure.

1.5.7 Disciplinary situations include misconduct and/or poor performance.

## **1.6 Stages of the Formal Disciplinary Procedure**

1.6.1 Stage 1 – First warning. If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. 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.)

1.6.2 Stage 2 – 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, a final written warning will be given which will include the reason for the warning, a timescale for improvement and a note that if the required improvement does not come about then action at Stage 3 will be taken.

1.6.3 Stage 3 – Dismissal or action short of dismissal. If the conduct or performance has failed to improve, the employee may suffer dismissal or other action.

1.6.4 Stage 3 - Summary dismissal for gross misconduct. Gross misconduct is misconduct which is serious enough to destroy trust and confidence between employer and employee which makes further working relationships impossible. If, after investigation, it is confirmed that an employee has committed an offence which constitutes gross misconduct the normal consequence will be dismissal without notice or payment in lieu of notice.

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.

1.6.5 Appeals - An employee who wishes to appeal against any disciplinary decision must do so to the named person in the organisation within five working days. The appeals subcommittee will hear the appeal and decide the case as impartially as possible.

## **1.7 Principles of the grievance procedure**

1.7.1 Written records will be kept, following all relevant data protection guidelines, of any grievance cases dealt with under the formal procedure.

1.7.2 Grievances will be dealt with informally whenever possible. Employees are encouraged if they have a grievance or complaint to do with work or the people they work with to, wherever possible, start by talking it over with their line manager. It may be possible to agree a solution informally.

1.7.3 Formal grievance. If the matter is serious and/or an employee wishes to raise the matter formally, the formal procedure will be followed. The Trust will be guided at all times by the ACAS code of practice.

## **1.8 The formal grievance procedure**

1.8.1 The grievance is to be set out in writing to the line manager. This should stick to the facts and avoid language that is insulting or abusive. Where the grievance is against the line manager and the employee feels unable to approach them, the issue should be raised with the chair of the board.

1.8.2 Grievance hearing. A meeting will be called, normally within five days, to discuss the grievance with the line manager. Employees may be accompanied by a colleague, trade union representative or friend if a reasonable request is made. If the grievance is with the line manager, the letter should be addressed to the Chair

1.8.3 After the meeting the line manager (or Chair) will make a decision and inform the employee in writing, normally within 24 hours.

1.8.4 Appeal. If the employee is unhappy with the line manager's (or Chair's) decision and wishes to appeal the line manager (or Chair) should be informed in writing. An appeal meeting will be arranged, normally within five days, and the appeal will be heard by the appeals subcommittee. Employees may be accompanied at this meeting by a colleague, trade union representative or friend if a reasonable request is made. After the meeting the chair of the appeals subcommittee will make a decision, normally within 24 hours. This decision is final.

## **Part 2. Formal Disciplinary Procedure Guidance**

The Trust will be guided at all times by the ACAS code of practice

### **2.1. Disciplinary Hearing**

Following investigation, and if a disciplinary hearing is warranted, the employee will be notified within 5 working days, be given a written statement of the allegation and advised of the intention to hold a disciplinary hearing. The statement will detail the advised time and location of the hearing and who will be present. The statement will set out the employee's rights under this procedure, including the right to be accompanied by either a director or a work colleague and the right to an appeal. The employee will be provided with copies of all documentation and supporting evidence to be presented by the Trust at the hearing, including details of any witnesses and/or witness statements prior to the hearing, as appropriate.

If the employee's chosen companion is unavailable to attend on the date or at the time originally set for the hearing, the Trust must postpone the meeting to another date and time agreed by both parties. This must be within 5 working days of the original date proposed by the Trust.

On conclusion of the disciplinary hearing, the employee will be advised in writing within 5 working days<sup>1</sup>, of the outcome of the hearing and any disciplinary sanctions to be applied.

### **2.2 The Right to be Accompanied**

At all stages of the formal disciplinary procedure employees have the right to be accompanied by a work colleague, trade union representative or other suitable companion. Before any meetings take place, the employee should tell the Trust whom they have chosen as a companion. The companion will be allowed to address the hearing in order to:-

- ◆ Put forward the employee's case
- ◆ Summarise the employee's case
- ◆ Respond on the employee's behalf to any views expressed at the hearing
- ◆ Confer with the employee
- ◆ Ask witnesses questions if required.

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<sup>1</sup> Employees should note that if the disciplinary matter is complex or where employees or witnesses are on annual leave it may take longer than 5 days to be advised of the outcome.

It will not be acceptable for the companion to:-

- ◆ Answer questions on the employee's behalf
- ◆ Address the hearing against the wishes of the employee
- ◆ Prevent the Trust from explaining their case.

Should the companion attempt to act out of their remit or display signs of aggressive and/or disruptive behaviour the meeting will be adjourned until the companion agrees to comply with their remit or a replacement companion can be found.

## **2.3 Interpreter**

In addition, where the employee's first language is not English and an interpreter is needed, the companion may interpret for the employee or an interpreter may attend in addition to the companion. Where it is necessary to appoint an interpreter the costs will be met by the Trust.

## **2.4 Right to Appeal**

At all stages of the formal disciplinary procedure employees have the right to appeal against any disciplinary action taken.

## **2.5 Disability**

At all times during any informal or formal proceedings the organisation will ensure, where they know the employee has a disability, to make any possible reasonable adjustments to ensure the procedure is fully accessible and understandable to all employees.

## **2.6 Records**

Accurate records will be kept at each stage of the procedure. These will be stored confidentially and retained in accordance with the timescales noted in this procedure and the Data Protection Act 1998.

## **2.7 Timescales**

All timescales mentioned in relation to arranging hearings and giving decisions are subject to change in the event that particular circumstances prevent them being adhered to.

## **2.8 The Formal Procedure**

### **2.8.1 Stage One - First Written Warning**

If conduct or performance is unsatisfactory, a first written warning will be issued. This will be recorded. The written warning will give details of the complaint, the improvement or change in behaviour required, the timescales, if any, the employee's right to appeal and whether a final written warning may be considered if there is no sustained improvement or change. The warning will be disregarded after 6 months if satisfactory service is achieved and maintained.

### **2.8.2 Stage Two - Final Written Warning**

If an offence is sufficiently serious, or no improvement has been made, or a further offence occurs, a final written warning will be issued. This should detail the nature of the misconduct in question (or evidence of a continuing deterioration in performance); specify the time limits within which improvements are to be effected; and remind the employee of his or her right to appeal. This will remain on record for 12 months and will make it clear that a failure to improve, repetition of the offence or further misconduct will result in dismissal.

### **2.8.3 Stage Three - Dismissal**

If there is no satisfactory improvement, or a further misconduct occurs, the employee will be dismissed. The letter will specify the reasons for the dismissal, the date on which the dismissal is to take effect and the appropriate period of notice (or pay in lieu of notice). It must also remind the employee of his/her right to appeal.

### **2.8.4 Stage Three – Summary dismissal for Gross Misconduct**

If, after investigation, and a disciplinary hearing, it is confirmed that the employee has committed gross misconduct, the normal outcome will be dismissal without notice. Examples of misconduct are listed under section 10.

## **2.9 Appeal Procedure**

**2.9.1** If an employee wishes to appeal against any disciplinary decision which has been taken, they must do so in writing to the Chair within 10 working days of being notified of that decision. The employee must make clear the reasons for their appeal. If possible, a person or persons who have had no direct involvement in the disciplinary action will hear the appeal.

**2.9.2** The appeal hearing will take place as soon as possible and no longer than 10 working days from the receipt of the notice to appeal. The employee will be informed of the outcome of the appeal within 5 working days of the hearing.

**2.9.3** The outcome of the appeal hearing will be final.

**2.9.4** Employees must note that an appeal hearing is not intended to repeat the detailed investigation of the disciplinary hearing but to focus on specific factors which the employee feels have been dealt with unfairly or which have received insufficient consideration, such as:

- ◆ An inconsistent, inappropriate or excessively harsh penalty
- ◆ Extenuating circumstances
- ◆ Bias of the disciplinary manager
- ◆ Unfairness in the conduct of the hearing
- ◆ New evidence subsequently becoming known.

**2.9.5** Where new evidence arises during an appeal, the employee will be given the opportunity to comment upon this before any action is taken. It may be appropriate to adjourn the appeal to consider any new evidence that arises.

**2.9.6** When an appeal against dismissal fails, the effective date of termination will be the date on which the employee was originally dismissed

## **2.10 Disciplinary Offences – ordinary misconduct**

Misconduct is defined as failure in personal conduct, persistent poor performance or deliberate infringement of policies, rules and procedures. The decision to take disciplinary action or the sanction imposed may vary according to the exact circumstances of the case. Reasons for disciplinary action may include but are not limited to: -

- ◆ Dishonesty
- ◆ Breach of confidentiality

- ◆ Misuse, unauthorised use of or reckless damage to the Trust's property, including equipment, materials and information.
- ◆ Threatened physical assault
- ◆ Abusive behaviour, offensive or obscene language or gestures directed at employees, directors, volunteers and members of the public.
- ◆ Failure to observe established health, fire and safety rules and to report accidents or injuries whilst at work.
- ◆ Smoking on Trust premises
- ◆ Oppressive or abusive conduct, bullying, harassment or victimisation
- ◆ Performance related issues, for example:-
- ◆ Neglect of duty, which undermines the Trust and its work.
- ◆ Failure over a period of time to perform work to a satisfactory standard
- ◆ Failure to carry out duties effectively while under the influence of alcohol or drugs (other than medically prescribed)
- ◆ Refusal to carry out a reasonable order from a manager
- ◆ Infringement of terms and conditions of service, for example:-
- ◆ Persistent lateness
- ◆ Unauthorised absence
- ◆ Excessive sickness absence with no appropriate certificates or authorisation
- ◆ Failure to comply with Trust policies, procedures and regulations
- ◆ Engaging in or knowledge of activities on or off the premises which could be considered a discredit to the Trust, its directors, volunteers and employees
- ◆ Undertaking additional employment which could counter the interests of the Trust or would conflict with the employee's own position
- ◆ Making unauthorised statements to the press or news media relating to the Trust's business.

## **2.11 Disciplinary offences - Gross Misconduct**

Gross misconduct is defined as misconduct serious enough to destroy the employment contract between the Trust and the employee, which makes further working relationship and trust impossible. Gross misconduct is normally restricted to serious offences. The principle reasons for summary dismissal could include but are not limited to: -

- ◆ Criminal offence where it affects the individual's ability to carry out their job
- ◆ Physical assault by an employee or any other person
- ◆ Theft, misappropriation or unlawful destruction of property; the Trust's, an employee's or others'
- ◆ Serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury
- ◆ Supplying security access codes to an unauthorised person
- ◆ Unauthorised disclosure of information or misuse of trust of a serious nature
- ◆ Making malicious or unfounded allegations of a serious nature
- ◆ Deliberate falsification of any documents or claims, including time sheets and expenses forms.
- ◆ Misconduct at work or away from work of such a serious nature as to bring into disrepute either an employee's position or the Trust's
- ◆ Unlawful discrimination, harassment, victimisation or bullying
- ◆ Alcohol or drug abuse

- ◆ Failure to disclose unspent criminal conviction(s) or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975
- ◆ Providing false information on a job application form

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Date

Dear ...

You are to invited to attend an investigatory meeting on (**date**) at (**time**) at Heilsa Fjold. This meeting has been arranged because we are in the process of investigating allegations that have been made relating to your conduct in the workplace. The alleged misconduct includes (...).

Please note that the meeting is entirely a fact-finding exercise and it does not form part of the formal disciplinary procedure. If, once our investigation has concluded, the Trust wishes to institute formal disciplinary proceedings against you, you will be invited to attend a disciplinary hearing at a later date.

The investigatory meeting will be chaired by (..) and (..) will also be present to make a record of the meeting. Please bring with you any information that might be of assistance to the investigation.

Once we have completed our investigation, we will inform you of the outcome.

Yours sincerely,

Signed

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Date .....

Dear .....

I am writing to tell you that you are required to attend a disciplinary meeting on ..... at ..... am/pm which is to be held in .....

At this meeting the question of disciplinary action against you, in accordance with the Trust's disciplinary procedure, will be considered with regard to:

I enclose the following documents\*:

The possible consequences arising from this meeting might be:

You have the right to be accompanied at the appeal hearing by a work colleague or trade union representative. You may be entitled to be accompanied by another suitable companion. Please let me know in advance if you will be accompanied and by whom.

Yours sincerely

Signed .....

Note: \* Delete if not applicable

3iii Discipline - Notice of written warning or final written warning

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Date .....

Dear .....

You attended a disciplinary hearing on ..... I am writing to inform you of your written warning/final written warning\*. This warning will be placed in your personal file but will be disregarded for disciplinary purposes after a period of 6 months, provided your conduct improves/performance reaches a satisfactory level\*\*.

- a) The nature of the unsatisfactory conduct or performance was:
- b) The conduct or performance improvement expected is:
- c) The timescale within which the improvement is required is:
- d) The likely consequence of further misconduct or insufficient improvement is:

Final written warning/dismissal

You have the right to appeal against this decision (in writing\*\*) to ..... within ..... days of receiving this disciplinary decision.

Yours sincerely

Signed .....

Note: \* The wording should be amended as appropriate \*\* Delete as appropriate

3iv Discipline - Notice of meeting for appeal against warning

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Date .....

Dear .....

You have appealed against the written warning/final written warning\* confirmed to you in writing on .....

Your appeal will be heard by ..... in ..... on ..... at .....

You have the right to be accompanied at the appeal hearing by a work colleague or trade union representative. You may be entitled to be accompanied by another suitable companion. Please let me know in advance if you will be accompanied and by whom.

The decision of this appeal hearing is final and there is no further right of review.

Yours sincerely

Signed .....

Note: \* The wording should be amended as appropriate

3v Discipline - Notice of result of appeal against warning

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Date .....

Dear .....

You appealed against the decision of the disciplinary hearing that you be given a ..... warning in accordance with the Company Disciplinary Procedure. The appeal hearing was held on .....

I am now writing to inform you of the decision made at the appeal hearing, namely that the decision to ..... stands\*/the decision to ..... be revoked\* [specify if no disciplinary action is being taken or what the new disciplinary action is].

You have now exercised your right of appeal under the Company Disciplinary Procedure and this decision is final.

Yours sincerely

Signed .....

Note: \* The wording should be amended as appropriate

3vi Discipline - Letter to be sent by the employer to arrange a meeting where dismissal or action short of dismissal\* is being considered

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Date .....

Dear .....

I am writing to tell you that the Sanday Development Trust is considering dismissing **OR taking disciplinary action** **[insert proposed action]** against you. This action is being considered with regard to the following circumstances:

You are invited to attend a disciplinary meeting on ..... at ..... am/pm which is to be held in ..... where this will be discussed. You have the right to be accompanied at the appeal hearing by a work colleague or trade union representative. You may be entitled to be accompanied by another suitable companion. Please let me know in advance if you will be accompanied and by whom.

Yours sincerely

Signed .....

Note: \* Action other than a warning such as transfer or demotion (see p30)

3vii Discipline - Letter to be sent by the employer after the disciplinary meeting arranged in Letter at 3vi

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Date .....

Dear .....

On ..... you were informed that the Sanday Development Trust was considering dismissing **OR taking disciplinary action** [insert proposed action] against you. This was discussed in a meeting on ..... At this meeting, it was decided that:

[delete as applicable]

Your conduct/performance/etc was still unsatisfactory and that you be dismissed.

Your conduct/performance/etc was still unsatisfactory and that the following disciplinary action would be taken against you .....

No further action would be taken against you.

I am therefore writing to you to confirm the decision that you be dismissed and that your last day of service with the Company will be ..... The reasons for your dismissal are:

I am therefore writing to you to confirm the decision that disciplinary action will be taken against you. The action will be .....

The reasons for this disciplinary action are:

You have the right of appeal against this decision. Please [write] to ..... within ..... days of receiving this disciplinary decision

Yours sincerely

Signed .....

3viii Discipline - Notice of meeting to hear appeal against dismissal/disciplinary action

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Date .....

Dear .....

You have appealed against your dismissal/disciplinary action\* [delete as appropriate] on ..... confirmed to you in writing on .....

Your appeal will be heard by ..... in ..... on ..... at .....

You have the right to be accompanied at the appeal hearing by a work colleague or trade union representative. You may be entitled to be accompanied by another suitable companion. Please let me know in advance if you will be accompanied and by whom.

The decision of this appeal meeting is final and there is no further right of review.

Yours sincerely

Signed ..... Note: \* Action other than warning such as demotion or suspension without pay

3ix Discipline Notice of result of appeal against dismissal/disciplinary action\*

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Date .....

Dear .....

You appealed against the decision of the disciplinary hearing that you be dismissed/subject to disciplinary action [delete as appropriate]. The appeal meeting was held on .....

I am now writing to inform you of the decision made at the appeal meeting which is that the decision to ..... stands/ the decision to ..... be revoked [specify if no disciplinary action is being taken or what the new disciplinary action is].

You have now exercised your right of appeal under the Trust's disciplinary procedure and this decision is final.

Yours sincerely

Signed .....

Note: \* Action other than a warning such as transfer or demotion (see p30)

### 3x Discipline - Agenda for disciplinary meeting

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Agenda for the disciplinary meeting to be held on date at place at time

Present:

1. Introduction and explanation of process by
2. Presentation of case by
3. Response by
4. Employee and representative leave the room so that the response can be considered
5. Employee and representative invited back in for summing up by ..... taking consideration of response into account
6. Any other considerations from either party
7. Employee and representative leave the meeting
8. Decision on action to be taken. This will be confirmed in writing to employee within 5 clear working days

3xi Discipline - Letter of dismissal for misconduct

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Date .....

Dear...

I refer to the disciplinary meeting held in accordance with the Trust's disciplinary procedure on (date). This meeting was held in relation to the allegation of (state type of misconduct) on (state date of alleged misconduct).

During the meeting, it was established to the panel's reasonable satisfaction that the alleged misconduct had occurred.

It was also confirmed to you that the Trust has had cause to speak to you on (state dates of previous meetings and the stages of the disciplinary procedure that they represented) with regard to your past misconduct. You were informed at the meeting on (date) that if you committed any further incident of misconduct of any kind within twelve months, the Trust (may/would) dismiss you.

Despite listening to your representations (at the most recent meeting), I was not able to find any mitigating circumstances and I am therefore writing to confirm that the Trust has decided to terminate your employment. The termination of your employment will take effect on (date) upon completion of your four week notice period.

(OR – depending on what the misconduct was)

Your dismissal will take effect as of today's date (state date) and the Trust will make you a payment in lieu of your notice period of four weeks. This will be paid to you within seven working days of this letter. Your form P45 will also be sent to you within one month. All terms and benefits associated with your employment will cease as of the end of today.

You have the right to appeal against the decision to dismiss you.

If you wish to appeal, you should do so in writing within five working days to the Trust office at Heilsa Fjold, stating the grounds for your appeal. I have also enclosed a copy of the disciplinary procedure, which explains the appeal procedure. You may also wish to speak with (name of person) or a Trust director with regard to the possibility of an appeal.

Yours sincerely,

Signed

### 3xii Discipline - Letter of dismissal for gross misconduct

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Date

Dear ...

I refer to the disciplinary meeting held in accordance with the Trust's disciplinary procedure on (**date**). This meeting was held in relation to the allegation of (**state type of misconduct**) on (**state date of alleged misconduct**).

During the meeting, it was established to the panel's reasonable satisfaction that the alleged misconduct had occurred. Despite listening to your representations (**at the most recent meeting**), I was not able to find any mitigating circumstances and I am therefore writing to confirm that the Trust has decided to terminate your employment on the grounds of Gross Misconduct. The termination of your employment will take effect from today and you will not be entitled to any notice or notice pay.

You have the right to appeal against the decision to dismiss you. If you wish to appeal, you should do so in writing within five working days to the Trust's office at Heilsa Fjold, stating the grounds for your appeal.

Yours sincerely,

Signed

4i Grievance —Invitation to grievance hearing

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Date ....

Dear ...

You are invited to attend a meeting on (date) at (time) at Heilsa Fjold. This meeting has been arranged to consider your grievance against ..... and any action that you would like to be taken to address your grievance.

You have the right to be accompanied at the appeal hearing by a work colleague or trade union representative. You may be entitled to be accompanied by another suitable companion. Please let me know in advance if you will be accompanied and by whom.

An agenda for the meeting is enclosed.

4ii Grievance – Informing employee of result of grievance hearing

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Date ....

Dear ...

I refer to the meeting held on..... at Heilsa Fjold to consider your grievance against

As a result of the meeting the following action has been taken (eg investigation, action or no action)

.....

If you are not satisfied with this action you have the right to appeal to me in writing within 5 working days of your receipt of this letter. Your appeal will be heard by ..... Any decision made following this hearing will be final.

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Agenda for the grievance meeting to be held on date at place at time

Present:

1. Introduction and explanation of process by (line manager or chair)
2. Presentation of case by..... Including suggested action to be taken
3. Employee and representative leave the room so that case can be considered
5. Employee and representative invited back in to hear response
6. Any other considerations from either party
7. Meeting ends and final response communicated to employee in writing

4iv Grievance - Letter confirming action following grievance

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Date

Dear

I refer to the meeting held on .....at..... to consider your grievance against ..... and your suggestion of action to be taken.

Following full investigation and consideration of your grievance it has been decided that.....

If you do not agree with this decision you have the right to appeal to me in writing within 5 working days of your receipt of this letter. I will arrange for your appeal to be heard by.....

You have the right to be accompanied at the appeal hearing by a work colleague or trade union representative. You may be entitled to be accompanied by another suitable companion. Please let me know in advance if you will be accompanied and by whom.

Yours sincerely

Signed

4vi Grievance - Letter of invitation to grievance appeal hearing

**Sanday Development Trust**  
enhancing quality of life



Date

Dear

I refer to our meeting of ..... at which your grievance against ..... was heard and I made the decision to .....

You have appealed against my decision and a meeting will therefore be held on .....at Heilsa Fjold for you to present your reasons for appeal.

You have the right to be accompanied at the meeting by a work colleague or trade union representative. You may be entitled to be accompanied by another suitable companion. Please let me know if you wish to be accompanied at the meeting and by whom.

Yours sincerely

Signed

## Accompanying notes

Policy doesn't apply to volunteers but could if wanted. This would increase volunteer rights however and would probably be unmanageable by the Trust.

Need to establish means by which cases and appeals can be heard eg staffing and appeals sub ctees or ad hoc subcommittees. All people involved in hearing must be uncontaminated as far as is possible.

1.2.4 Ask VAO to be independent 3<sup>rd</sup> party

5.3 Is there anything short of dismissal available to the Trust?

5.3 Named person – Who? Does it depend on individual circumstances?

Need to arrange meeting with employees to agree disciplinary matters

Who will be present at meetings? Remember records must be accurate and may be seen by employee and others (eg tribunal)

