

Discipline and Grievance Policy

The Disciplinary and Grievance Policy is designed to provide a fair, consistent and equitable framework for dealing with disciplinary problems and is designed to help and encourage all Committee, contractors and volunteers to achieve and maintain the required standards. The main purpose of the Disciplinary and Grievance Policy is to encourage improvement in the individual working for Little Hiccups whose conduct or performance is unsatisfactory.

Minor Disagreements

Minor disagreements among Committee, volunteers or contractors can usually be resolved at regular committee meetings or informally by discussion. Discussions should be in private, out of the hearing of other individuals. It should be a two way discussion, aimed at pointing out any minor shortcomings in conduct or performance and encouraging improvement. Criticism should be constructive, and the emphasis should be on finding ways in which the individual concerned can remedy any shortcomings. The individual concerned should be told that if there is no improvement, the next stage might be the Formal Disciplinary Procedure. A more serious situation arises when a dispute cannot be resolved, or when the Committee is dissatisfied with the conduct or activities of Committee, volunteers and/or contractors. In these situations, the following Disciplinary Procedure will come into force.

Disciplinary Procedure

The procedure is designed to ensure issues relating to an Committee, volunteers and/or contractors conduct are resolved at the lowest possible level. Little Hiccups' Disciplinary and Grievance Policy is based on the principle that it provides:

- Fair and consistent treatment for all.
- A full and fair hearing in a reasonable timescale.
- At every stage the individual concerned will be given reasonable notice (at least 48 hours) that a disciplinary hearing is due to take place to give them the opportunity to prepare their case
- The meeting should be arranged within 5-10 days to allow time for the individual to prepare their case.
- No one will be subject to discrimination on the grounds of sex, race, disability, age, sexual orientation, religion or belief at any time.
- That the full appropriate procedure is adhered to in all cases, and dismissal should not follow the first misconduct offence (except in cases of gross misconduct).
- The individual will be offered the opportunity to be accompanied at all stages of the procedure by a friend, colleague or union representative if they so wish. The individual concerned may be overawed or feel intimidated at disciplinary hearings, and the accompanying person can



help the individual to make all the necessary points. The accompanying person can address the meeting, but not answer questions on behalf of the individual. The Disciplinary Meeting may be delayed by up to 5 days if the individual's chosen companion is unable to attend on the original date.

- Reasonable adjustments are required for disabled employees, such as allowing a support worker or sign language interpreter to attend the meeting.
- The individual will be provided with copies of all documentation and supporting evidence to be presented at the meeting.

If the individual fails to attend a disciplinary meeting, you should try and rearrange the meeting at least one more time. If the individual continues to be absent but has a good reason such as sickness (including stress related illness), it would be good practice to be more flexible about rearranging the meeting more than once if possible, or you could offer to hold the meeting at a place or time more convenient to them, or allow them to provide their response in writing or via their representative.

Ultimately, the employer can go ahead with the meeting in the absence of the individual and make a decision based on the information they have, as long as the individual has been given every opportunity to participate and put their side of the case. The individual should be warned that this will happen should they not turn up again. The individual should also consider any written representations made or representations made by the representative if they attend alone.

The disciplinary panel will consist of the Little Hiccups' Committee Chairperson and two other nominated Committee members, who should ensure that confidentiality is maintained within the panel.

The individual will be notified of their right to have copies of all witness statements before the meeting, to state their case before decisions are reached and to challenge evidence against them.

All information regarding investigation and disciplinary hearings will be kept confidential and only made available to those directly involved.

A clearly defined Appeal process is in place for all disciplinary matters.

Little Hiccups ensures that all Committee, Volunteers and Contractors are aware of Little Hiccups' Disciplinary and Grievance Policy. The Committee Chairperson will generate all Little Hiccups' letters arising from the Disciplinary Procedure, and all copies of documents and minutes of the meetings must be made available to the individual upon request.

Disciplinary Rules

Acts of Misconduct:

Listed below are examples of offences that may render the individual liable to disciplinary action. (This list is not exhaustive)

- Standard of work below an acceptable level.
- Timekeeping or level of attendance falls below an acceptable standard.
- Unsatisfactory attitude/behaviour.
- Failure to comply with Little Hiccups' Policies and Procedures.
- Refusal to attend relevant training courses.
- Failure to maintain confidentiality.
- Failure to follow the absence reporting procedure.
- Unauthorised absence or leaving without authorisation.
- Breach of the Little Hiccups' Health and Safety policy.
- Regular non attendance of meetings.



- Use of personal mobile telephones in Little Hiccups settings is not permitted - please see Mobile Phone Policy

Acts of Gross Misconduct:

Listed below are examples of offences that may render the individual liable to Summary Dismissal. (This list is not exhaustive)

- Criminal offence which affects the individual's ability to carry out his/her job;
- Physical assault by a Little Hiccups' Trustee, volunteer or Contractor on any other person;
- Theft, misappropriation or unlawful destruction of property: Little Hiccups', other Trustees/Volunteers/Contractors or others';
- The giving or receiving of bribes or unauthorised gifts;
- Serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury;
- Supplying security access codes to any 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, overtime or expense forms;
- Misconduct at Little Hiccups activities or away from the activities of such a serious nature as to bring into disrepute either the individual's position or Little Hiccups;
- Serious discrimination relating to a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Harassment of a serious nature;
- Persistent 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 1974;
- Providing false information on a job application form including false information concerning immigration status.

Stage 1

Formal Verbal Warning:

The disciplinary panel who will explain the nature of the complaint will interview the individual. The individual will be offered the opportunity to state their case. After careful consideration by the Disciplinary Panel (made up from Little Hiccups Committee) and if the warning is considered appropriate, the individual will be told in writing (within 5 working days):

- The result of the hearing, including a clear statement of the breach of discipline.
- What action should be taken to correct the conduct.
- That they will be given reasonable time to rectify matters.
- What training needs have been identified, with time scales for implementation.
- What mitigating circumstances have been taken into account in reaching the decision.
- That if they fail to improve then further disciplinary action will be taken.
- They will be informed that the verbal warning will be valid for 6 months.
- That a record of the warning will be kept on the individual's file until the relevant expiry date, at which point it will be removed and will cease to be considered in any future incidents.



- That they may appeal against the decision within a limited period (5 days).

Stage 2

Formal Written Warning:

Where there is a reoccurrence of the same misconduct or an additional episode of misconduct during the verbal warning period, or a first breach of discipline of a more serious nature, the individual may receive a formal written warning. As previously, the individual will be offered the opportunity to state their case. The Disciplinary panel (made up from Little Hiccups Committee) will conduct the disciplinary hearing. After careful consideration and if the warning is considered appropriate, the individual will be told in writing (within 5 working days):

- The result of the hearing, including a clear statement of the breach of discipline.
- What action should be taken to correct the conduct.
- That they will be given reasonable time to rectify matters.
- What training needs have been identified, with time scales for implementation.
- What mitigating circumstances have been taken into account in reaching the decision.
- Warning that failure to improve will result in further disciplinary action, which could result in a final written warning and, if unheeded, ultimately lead to dismissal.
- They will be informed that the first written warning will be valid for 6 months.
- That a record of the warning will be kept on the individual's file until the relevant expiry date, at which point it will be removed and will cease to be considered in any future incidents.
- That they may appeal against the decision within a limited period (5 days).

Stage 3

Final Written Warning:

Where there is a reoccurrence of the same misconduct or an additional episode of misconduct during the written warning period, or a first breach of discipline of a more serious nature, the individual may receive a final written warning. As previously, the individual will be offered the opportunity to state their case. The Disciplinary panel (made up from Little Hiccups Committee) will conduct the disciplinary hearing. After careful consideration and if the warning is considered appropriate, the individual will be told in writing (within 5 working days)

- The result of the hearing, including a clear statement of the breach of discipline.
- What action should be taken to correct the conduct.
- That they will be given reasonable time to rectify matters.
- What training needs have been identified, with time scales for implementation.
- What mitigating circumstances have been taken into account in reaching the decision.
- Warning that failure to improve will result in further disciplinary action, which could result in dismissal.
- They will be informed that the final written warning will be valid for 12 months.
- A record of the warning will be kept on the individuals file until the relevant expiry date, at which point it will be removed and will cease to be considered in any future incidents.
- That they may appeal against the decision within a limited period (5 days).

Disciplinary Process



- Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting.
- If there are any witnesses, they should not be present throughout the meeting. They should be called in, one by one, to give their evidence and asked to leave once they have done so.
- The Little Hiccups Chairperson will open the meeting with an explanation of its purpose and will read aloud the allegations.
- The individual and their representative can ask questions including any witnesses called.
- The Little Hiccups Chairperson will then ask the individual if they wish to take the opportunity to respond to the allegations or concerns or if there are any mitigating circumstances to be taken into account. The Little Hiccups Chairperson may question the employee and any witnesses called.
- The Little Hiccups Chairperson will summarise the main points of the individual and ask the individual if they have anything further to say.
- The Little Hiccups Chairperson will then consider the details heard with the disciplinary panel. They must decide whether the case against the individual has been established on the balance of probabilities, i.e. whether misconduct is confirmed or the individual's performance is found to be unsatisfactory.
- If this is the case, when they are considering appropriate disciplinary action, they should also consider any special, mitigating circumstances, the individual's previous disciplinary or performance record, how Little Hiccups has dealt with similar cases in the past and whether the proposed action is reasonable in view of all the circumstances.
- The Little Hiccups Chairperson shall give the individual written confirmation of the decision normally within five working days of the meeting. This will include notifying the individual of their right of appeal and the procedure to be followed.

Dismissal

In cases of persistent misconduct, which have been subject to the full disciplinary procedure, or gross misconduct, the final decision may be dismissal. The decision to dismiss will only be taken after full consideration of alternatives to dismissal. The Little Hiccups Committee will conduct all investigations and the disciplinary hearing. There will be no dismissal without a disciplinary hearing. The individual will be advised of their right of appeal against the decision of the disciplinary hearing within five working days from receipt of written confirmation of the decision (See appeals procedure).

Suspension

If the circumstances appear to warrant instant dismissal through an act of gross misconduct, the individual may be suspended from duty while investigations are carried out. These investigations should be carried out within as short a time as possible. Suspension is in no way an assumption of wrongdoing. Instant dismissal is possible only in cases of extreme misconduct. In any other circumstances, an individual should not be dismissed without following statutory disciplinary procedure requirements.

Appeals Process

At each stage of the Disciplinary Procedure the individual must be told that they have the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Committee Chairperson within 5 days of receipt of a Disciplinary letter, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.



The appeal should be heard, if possible, within 7 days of receipt of the appeal.

In a community group, such as this, two or three Committee members not, if possible, those involved in the initial Disciplinary Procedures, will serve as an Appeals Committee. The individual may take a friend, colleague or union representative to speak for them. The individual will explain why they are dissatisfied and may be asked questions. The Committee Chairperson will be asked to state their point of view and may be asked questions. Witnesses may be called and may be questioned by the Appeals Committee, the individual and Committee Chairperson. The Committee will consider the matter and make known its decision. A written record of the appeals process will be kept.

The decision of the Appeal Panel or person hearing the appeal shall be final.

Police Investigations

Should any Committee, volunteers or contractors working for Little Hiccups find themselves the subject of a Police Criminal Investigation, that person must make the Little Hiccups Chairperson and Committee aware of this investigation immediately. Having been informed that such an investigation is ongoing, a safeguarding meeting will be undertaken by the Little Hiccups Chairperson and Committee members to review any risk. If deemed necessary and appropriate the individual could be suspended until the criminal investigation is complete. Once the outcome is known an internal review will take place to ensure their place at Little Hiccups is still appropriate.

Grievance Procedure

In the Charity setting, anyone may occasionally have problems or concerns about their work, working conditions or relationships with other Committee, volunteers or Contractors. Individuals should be encouraged to discuss day to day issues informally with the Committee Chairperson. This helps concerns to be heard and responded to as soon as possible.

Where this has been unsuccessful, or circumstances make this route inappropriate for the individual, matters should be raised formally through the grievance procedure. It is Little Hiccups' policy to ensure that individuals with a grievance relating to their employment can use a formal procedure, which can help to resolve their grievance as quickly and as fairly as possible. The Grievance Procedure allows Little Hiccups to deal with grievances fairly, consistently and speedily

Step 1:

- If the individual feels that the matter has not been resolved through informal discussions, they should put their grievance in writing to the Committee Chairperson.
- The Committee Chairperson will set up a management panel and arrange a meeting with the individual (within 5 days of receipt of the letter) to discuss the grievance and gather any evidence or statements relevant to the complaint. The individual has the right to be accompanied at the meeting by a friend, colleague or Trade Union Representative. Individuals may be overawed or feel intimidated at the meetings, and the accompanying person can help the individual to make all the necessary points. The accompanying person can address the meeting, but not answer questions on behalf of the individual.
- Records will be kept of the meeting.
- The individual will be notified in writing of the decision within five working days, where practical. The individual may appeal against the decision within a limited period (5 days).

Step 2:

- If the matter is not resolved to the individual's satisfaction, they should again raise the



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- matter, in writing to the Committee Chairperson.
- The Chairperson will organise a meeting with the individual and full Committee to discuss the grievance, within five working days, and gather any new evidence or statements relevant to the grievance.
 - The individual has the right to be accompanied at the meeting by a friend, colleague or Trade Union Representative.
 - The accompanying person can address the meeting, but not answer questions on behalf of the individual.
 - Records will be kept of the meeting.
 - The individual will be notified in writing of the decision within five working days of the meeting.
 - Any decisions taken at this stage are final.
 - This policy will be monitored and evaluated as per our rolling programme at Committee meetings. It will be reviewed three years and unless new legislation or an incident occurs which requires an immediate review of this policy.

Policy agreed by Trustees on:

Signed by Chairperson:

To be reviewed:



Amendments

Date	Amendment Made	By whom
27/04/2021	2 yr review - no changes	MWP

