



IMPACTFUL GOVERNANCE  
Community Interest Company

“Creating sustainability by imbuing independence and strength into organisations;  
supporting services to be more effective and efficient”

## Disciplinary & Grievance Policy 2021

Winners of:



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**Email:** [admin@ig-CIC.org.uk](mailto:admin@ig-CIC.org.uk) **Office:** 01923 231660 **Website:** [www.ig-CIC.org.uk](http://www.ig-CIC.org.uk)

**Luton Office:** West Wing Studios, Unit 166 The Mall, Luton, Bedfordshire LU1 2TL  
Registered Community Interest Company Number: 10940809 Patron: Author, Lola Jaye  
**Registered Office Address:** The Old Free School, George Street, Watford, Hertfordshire WD18 0BX

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## 1. INTRODUCTION

This policy outlines the rules and procedures concerning grievance at work. Impactful Governance is required to communicate the written Disciplinary and Grievance policy and procedures to all employees.

### **Policy statement**

Impactful Governance wants to ensure employees clearly understand the standards of conduct and behaviour that is required of them in their jobs. Where these requirements are not being met action may be taken under the disciplinary procedure. This can lead to dismissal in some cases. The policy does not form part of an employee's contract of employment with Impactful Governance. The policy and procedure may be subject to change.

The policy:

Impactful Governance recognises that failure to meet the required standards can arise from either conduct or capability reasons. Misconduct is where the employee is unable or unwilling to meet standards through negligence, carelessness or deliberate refusal to work satisfactorily. Incapability is where the employee has received all the necessary training but is unable to achieve the required standards of performance. On an occasion where conduct and capability overlap, a decision will be taken by the manager on the most appropriate procedure to be followed.

General principles:

So that employees understand the standards of conduct and behaviour expected of them, managers should ensure that new employees, as part of their induction, are informed of the standards of conduct and behaviour expected of them and that performance will be assessed on a regular basis, including during the 6 month probation period new employees are informed, as part of their induction, about the expectations required of them and what will they will be expected to demonstrate in their jobs standards of work performance are monitored as part of regular supervision/one-to-one meetings with managers and in an annual performance review employees are informed at an early stage if they are not achieving the required standards, employees who change jobs are made aware of the standards required in the new job and any new objectives, when they start their new role employees are informed of any changes to the standards or objectives and receive additional training/support where appropriate

## **Disciplinary**

Principles applying to hearings under the formal procedure

No disciplinary action will be taken against an employee unless an investigation has taken place. Prior to a disciplinary hearing, the manager must set out in writing the employee's alleged conduct or other circumstances, which led them to contemplate dismissing or undertaking disciplinary action against the employee. The manager must also state what evidence he/she relies on as a basis for contemplating disciplinary action. The manager should send this information to the employee, and invite the employee to a hearing to discuss the matter. The employee will be given reasonable notice of hearings. The employee should be given a reasonable opportunity to consider his or her response to the information provided by the manager, before the hearing takes place. The employee must take all reasonable steps to attend the hearing. During the hearing, the employee will be given the opportunity to state his or her case before any decision is made. The employee may be accompanied by a work colleague at all formal stages of the procedure (but not during any investigation prior to a hearing). The companion can have a say at the meeting but can't answer questions on the employee's behalf. Where the companion is an Impactful Governance employee they have a right to reasonable time off to prepare for the hearing and to talk with the employee privately as needed.

After the hearing, the manager will inform the employee of their decision and notify the employee of their right of appeal. If the employee wishes to appeal, the employee must be invited to an appeal hearing, which they must take all reasonable steps to attend. After the appeal hearing, the manager must inform the employee of the outcome. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice.

The procedure may be implemented at any stage i.e. stages 1 to 4 (see below) if the employee's alleged misconduct warrants such action. An employee may be suspended with pay pending the outcome of an investigation. The disciplinary process should be completed as quickly as is practicable (notwithstanding the need for proper investigation and consideration). Informal stage It is important that issues of conduct are raised as soon as possible with the employee. Minor issues of concern will normally be addressed by the manager informally through advice, guidance and discussion. The aim is to encourage the employee to understand the concerns and to agree ways of improving the situation.

Where the matter is more serious, it will be dealt with formally under the procedure:

### **Stage 1 Verbal Warning**

If conduct or behaviour does not meet acceptable standards, the employee will normally be given a Verbal Warning by the line manager. A note of this warning will be kept on the employee's personal file but will be disregarded for disciplinary purposes after 6 months, subject to satisfactory conduct and performance. A verbal warning should quickly resolve most difficulties.

### **Stage 2 Written Warning**

If the misconduct is serious, further misconduct occurs or if there are repeated failures to reach acceptable standards, a Written Warning will be given. This will give details of the complaint(s), the improvement required and the timescale. It will warn that further disciplinary action will be considered if there is no satisfactory improvement and will advise of the right of appeal. The written warning will be kept on the employee's personal file but will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance. In exceptional circumstances the period may be longer or for the duration of the individual's employment with Impactful Governance.

### **Stage 3 Final Written Warning**

If there is still a failure to improve, or conduct is still unsatisfactory, or if the misconduct or the failure to reach acceptable standards is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal, a Final Written Warning will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. The final written warning will be kept on the employee's file but will be disregarded for disciplinary purposes after two years, subject to satisfactory conduct and performance. In exceptional circumstances the period may be longer or for the duration of the individual's employment with Impactful Governance.

### **Stage 4 Dismissal**

If conduct or behaviour remains unsatisfactory, or the misconduct or the failure to reach acceptable standards is sufficiently serious, Dismissal will normally result. The decision to dismiss will not normally be taken by the employee's immediate manager but by a more senior manager. The employee will be provided, as soon as is reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and details of the right of appeal. Demotion At either stage 3 or stage 4 of the procedure, as an alternative to (or in addition to) a written warning or dismissal, employment at a lower grade may be offered to the employee. This decision should be the employee's, not the manager's, as a forced demotion could constitute constructive (unfair) dismissal. Summary Dismissal If, following investigation and a disciplinary hearing, it is found that an employee has committed an act of gross misconduct, they may be summarily dismissed without

notice and without payment in lieu of notice. Appeals An employee who wishes to appeal against a disciplinary decision should notify the next higher manager from the manager who took the disciplinary decision. The notification should be in writing and received by the manager within 10 working days of the date of the letter informing the individual of the decision. Appeals will normally be heard by the next higher manager, or by another manager at the same or a higher level. The decision of the hearing manager will be final. The decision will be communicated in writing as soon as possible after the date of the appeal hearing. At the appeal, any disciplinary penalty imposed will be reviewed but cannot be increased. If an employee successfully appeals against dismissal, they will be reinstated to their original (or at least a comparable) position within the organisation unless the individual accepts a lower position as an alternative to dismissal. Responsibilities In most circumstances responsibilities are as follows:

**First Line Manager** To undertake an investigation and recommend to the second line manager that they consider that there are allegations to be answered.

**Second Line Manager** To notify the employee of the allegations and the grounds for these allegations; to arrange and conduct the disciplinary hearing; to notify the employee of the outcome (NB in some circumstances, the first line manager may assume these responsibilities as well as the responsibilities indicated in the previous paragraph).

**Third Line Manager** If the employee appeals, to arrange and conduct the appeal hearing and notify the employee of the outcome.

#### Human Resources

To advise line management throughout the process and to attend hearings in an advisory capacity, if required. Normally the disciplinary process will be dealt with in the employee's line management chain. However this may not always be appropriate or practical. Therefore a manager outside of the employee's management chain may be nominated to undertake any part of the process. At the outset of any disciplinary activity, managers should contact Human Resources for general advice and guidance. Where relevant, managers should also discuss the matter with the relevant external funding or regulatory bodies, on any specific procedures or joint investigation that may be required. In the absence of the Human Resource staff, the Chief Executive becomes defacto Head of Human Resources.

## Grievances

Grievance may occur when an employee has issues or concerns about their work, working environment or working relationships that they wish to raise and have addressed. A grievance procedure provides a mechanism for these concerns and issues to be dealt with fairly and quickly before they develop into major issues. These procedures are particularly important for an organisation such as the Impactful Governance, which offers services to vulnerable people as its core business.

### 2. AIMS AND OBJECTIVES

The aims and objectives of this policy are to: Promote good employment relations, Address issues quickly, Allow employees opportunities to raise issues, Resolve disputes internally and where possible informally, Communicate the formal rules and process of a grievance, Encourage fairness and consistency in the treatment of individuals, Ensure effective and efficient provision of services in accordance with Impactful Governance's objectives.

### 3. PURPOSE AND SCOPE

The purpose of this policy is to outline the rules governing grievance at work and, the various stages involved within the formal process. The Employee's Code of Conduct must also be considered together with this policy. The grievance procedure enables individual employees to raise grievances with management about their employment either by themselves or with a representative; also it supports managers to handle grievances fairly and consistently, before they develop and become major issues for the organisation and the individual. The formal grievance procedure is designed primarily to investigate complaints and either uphold, partially uphold or dismiss the case. The grievance procedure and process may be varied in special cases, however where possible the core rules and principles will be adhered to.

### 4. PRINCIPLES

The grievance policy and procedures adhere to some basic principles that represent good employment practices and set standards for both Impactful Governance and its employees. These principles are listed below:

Impactful Governance will encourage the employees to avoid possible grievances wherever possible.

If necessary, raise a valid grievance against a colleague only after had discussions and tried to resolve the issues directly (Bearing in mind the Aims of our organisation are "That we are all happy in our work and have fun").

If a grievance cannot be avoided and the direct discussions with colleagues have taken place, and it is safe to do so, it may be raised with a manager without having the fear of being punished or victimised. Mediation will be made available to help resolve issues.

At every stage in the procedure the employee and the person with the grievance being raised against them will be advised of the complaint (made by a colleague or a manager) in writing and will be given the opportunity to state their case before any decision is made.

At all stages of the procedure, the complainant will have the right to be accompanied by a work colleague of their choice. We do not recognise Union membership and will not engage in discussions with external organisations. Problems and difficulties will remain an internal affair and will be resolved fairly and clear any misunderstanding.

If a Grievance goes ahead, both parties will be entitled to call witnesses to support their case. The complainant will have the right to appeal against any formal decision made at the 1st stage of the grievance procedure.

Appeals are heard by a more senior member of the management team.

The Chief Executive may delegate this task to another member of the Board of Directors, as required. Any Human Resources or company representative may be involved in any stage of the grievance procedure at the complete discretion of the Chief Executive and management staff are encouraged to discuss any communication issues with the Chief Executive at the earliest opportunity to avoid such actions.

## 5. GRIEVANCE RULES

Impactful Governance is committed to train, support and manage employees to enable them to meet the standards of conduct required. Where complaints or issues listed below arise these may be dealt with under the grievance procedures:

- Terms and conditions of employment
- Health and Safety Work relationships
- New working practices
- Working environment Organisational change, and Diversity issues.

(This is not an exhaustive list)

## 6. STAGES OF GRIEVANCE

6.1 Introduction At all formal stages the complainant has the right to be accompanied. In all cases there will be a thorough investigation of significance and validity of the case. Depending on the outcome of the investigation the two parties will attempt to resolve the issues through informal discussions. However if the outcome is not satisfactory or the investigation raises serious concern then the formal grievance procedure will be instigated.

6.2 Representation, Investigation and Suspension Representation An employee has a statutory right to be accompanied at each stage of the formal Grievance Procedure by a colleague of their choice from within Impactful Governance or a Trade Union representative. It is the responsibility of the employee to invite their chosen representative to accompany them to the grievance hearing or appeal hearing. Employees must inform Impactful Governance of who they have chosen as their representative and their status. Investigation A formal investigation will take place where the matter is sufficiently serious to warrant such action and/or the informal stage did not achieve desired results. The matter will then be investigated further and if deemed necessary, formal grievance procedures will be instigated. If a manager decides to investigate the matter further they will act promptly to clarify what the issues are and gather information before memories fade, including evidence from the employee and statements from any witnesses. Suspension An employee may be suspended with pay, pending the outcome of an investigation. In some instances it may be advisable for both parties to be suspended from Impactful Governance if the issues are sufficiently serious to warrant such action.

6.3 Informal Stage Where an individual has a grievance with another person they should first discuss their grievance with the person involved. When an individual has a grievance relating to their employment, they must raise it first with their immediate supervisor or manager and endeavour to resolve any concerns internally. They may, if they wish to, discuss the matter with their representative. Where the grievance cannot be resolved informally it should be dealt with under the formal grievance procedure.

6.4. Formal Procedure Stage 1 If the complainant remains dissatisfied with the informal process and wish their grievance to be heard under the formal procedure they will be required to put their grievance in writing to their manager, stating that they are initiating the formal grievance procedure. Where the grievance is against the line manager the matter should be raised with a more Senior Manager. The individual with whom the grievance was raised will invite the parties to attend a hearing in order to discuss the grievance and will inform them of their statutory right to be accompanied. All parties must take all reasonable steps to attend. The Chief Executive will be involved in all the formal stages and make necessary arrangements for the hearing including the selection of an appropriate panel. A hearing will

be held to discuss the grievance within 10 working days, if possible, of the employee raising the grievance. A record of the meeting will be kept on file and circulated to all relevant parties. The individual with whom the grievance was raised will meet with each party with the aim of resolving any difficulties or concerns as expediently as possible (the HR consultant will advise on this) and will confirm the decision of the meeting to the employee in writing within 5 days. The panel's decision will be given in writing outlining the reasons within 5 days of the hearing. The written decision will also set out: the employee's right of appeal against the decision to whom any appeal should be submitted; and the deadline by which any appeal should be made. A copy will be recorded on both employees' files.

Stage 2 If the employee is not satisfied with the decision of the panel they have a right of appeal. The referral to the higher level of management by the person raising the grievance must be in writing outlining full details of the grounds of appeal and the redress sought. This must be done within 5 working days of the employee being informed of the decision of the grievance under the first stage. The Chief Executive will arrange a hearing to discuss the concerns within 10 working days, if possible, of receiving the request. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and told when a response can be expected. As within stage one, the panel will attempt to resolve the issues and inform both parties of the decision in writing within 5 working days. The decision at the appeal stage will be considered final and binding. A copy will be recorded on both employees' files. Special Conditions In the case of a senior manager with a grievance this will be raised in the first instance with the Chief Executive or the Board of Directors of Impactful Governance.

If the decision of the Chief Executive fails to satisfy the employee they have the right to appeal to the Chair of the Board of Directors of Impactful Governance. The referral of the grievance to the Chair of Impactful Governance must be submitted in writing by the person making the grievance within 5 working days. The Chair of Impactful Governance shall be entitled to delegate the role of adjudicator on the grievance to any other person or groups of persons whether officials of the Impactful Governance or members of the Impactful Governance and they shall make a decision within 14 working days. The decision of the Chair of Impactful Governance or the persons nominated by the Chair of Impactful Governance to adjudicate on the issue shall be final and binding. A copy of the decision will be recorded in the employee's file.

## 6. PANEL COMPOSITION

The grievance panel shall consist of: The Chief Executive One other member of the management team. One member of the panel should have knowledge of the field of work of

the employee, if possible. Grievance Policy & Procedure Page 6 of 8 Date of last review – April 2013 Date of next review – April 2015 The members of the grievance panel shall not include anyone who has been involved in the circumstances leading to the grievance.

#### 7. KEEPING RECORDS

Impactful Governance will keep written records of the grievance process. Records will be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individual the right to request and have access to certain data. The overriding principles of the Data Protection Act 1998 are that any data kept should be necessary, fairly and lawfully processed, adequate, relevant, accurate and secure. Clearly records of grievance matters should only be kept if they adhere to the principles, and the parties involved should be assured of their accuracy and confidentiality. Copies of meeting records will be provided to all parties concerned, although in certain circumstances (i.e. to protect a witness) Impactful Governance might withhold some information.

#### 8. SPECIAL CASES:

Discrimination, Harassment and Bullying Employees may raise issues of discrimination, harassment and bullying complaints under this grievance procedure in the first instance with their line manager, or if this is not appropriate with the Chief Executive. Following an investigation report, should there be a recommendation for further action, the policy on Discrimination, Harassment and Bullying will be followed. If there is insufficient evidence the case will be dismissed and/or the panel may recommend an alternative course of action, such as disciplinary proceedings.

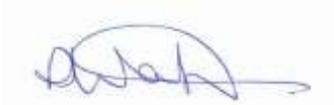
#### 9. TRAINING

Employees who may be involved in grievance matters will be trained in the implementation of these procedures. They need to be familiar with the provisions of the grievance procedure and know how to conduct or represent at grievance hearings.

#### 10. REVIEW OF PROCEDURE AND MONITORING

This policy and procedure will be monitored and reviewed regularly by the Impactful Governance management team. Any changes will be ratified by the Board of Directors and communicated to all employees.

This policy and the consequential procedures have been adopted by:  
"Impactful Governance - Community Interest Company" (the organisation) by its Directors.



Signed and endorsed by.....

PRINT NAME IN CAPITALS. ...Andrew Waite (CEO)..

<b>Date of last review</b>	N/A
<b>Date of next review</b>	August 2022
<b>Date it was first implemented</b>	August 2021
<b>Author(s)</b>	Chief Executive
<b>Audience</b>	Directors, Associates, Employees and Volunteers.
<b>Other relevant policies and/or procedures</b>	Conflicts of Interest Policy, Data Retention, Whistle Blowing policy, Disciplinary Policy and the Equality, Diversity & Inclusion Policy.
<b>Where it is saved</b>	<a href="http://www.ig-CIC.org.uk">www.ig-CIC.org.uk</a>

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**Appendix 1**  
**Standard format for grievances**

<b>Name:</b>
<b>Post:</b>
<b>Location:</b>
<b>If this is a group grievance please provide the above information for all who wish to raise this grievance. State if you wish to nominate one contact person, who will receive all correspondence, or if all would like to be communicated with separately.</b>
<b>Please state who your grievance is against.</b>
<b>Please state your concern, problem or complaint.</b>
<b>Outline your main complaint (eg that a policy has been breached, you have been treated unfairly, you have been bullied or discriminated against); it is also helpful if you can give some examples of the treatment you are complaining of. Please state what you hope to achieve through this grievance.</b>
<b>What would be a satisfactory outcome for you?</b>
<b>Please state any dates in the next 3 weeks when you know you will be unavailable to attend a meeting.</b>
<b>Impactful Governance's aim is to resolve grievances as speedily as possible. You will be invited to a meeting in the near future. You have the right to be accompanied at that meeting; you can invite a work colleague to attend. Your grievance should be addressed to your line manager. If your complaint is against your line manager, you should write to your manager's manager or exceptionally the Chief Executive.</b>