



Zenith Professional Training Ltd

...providing creative business and management solutions

DISCIPLINARY AND GRIEVANCES POLICY

DISCIPLINARY POLICY:

Zenith Professional Training (ZPT) wants to ensure employees clearly understand the standards of conduct and behaviour that is required of them in their job.

ZPT recognises that failure to meet the required standards can arise from either conduct or capability & performance 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:

For the 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 six-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 Line Management/one-to-one meetings with managers and within six monthly performance reviews.
- 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.

THE PROCEDURES:

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 (this may be adjourned for further investigations).
- 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 a ZPT 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.
- An employee may be suspended with pay pending the outcome of an investigation.
- 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. There must have been advice, guidance, discussion and two warnings with the employee.

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.

GRIEVANCE POLICY AND PROCEDURE

This policy outlines the rules and procedures concerning grievance at work. ZPT is required to communicate the written grievance policy and procedures to all employees. 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.

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

PURPOSE OF THE POLICY

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 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.

PRINCIPLES

- The grievance policy and procedures adhere to some basic principles that represent good employment practices and set standards for both ZPT and its employees. These principles are listed below:
- ZPT will encourage the employees to raise any valid grievances against a colleague or 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 will be advised of the complaint 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 or a trade union representative. 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.

STAGES OF GRIEVANCE

- 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.
- 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.
- 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 right to be accompanied. All parties must take all reasonable steps to attend.

- However, if the outcome is not satisfactory or the investigation raises serious concern then the formal grievance procedure will be instigated. The Managing Consultant will be involved in all the formal stages.
- The matter will be thoroughly investigated and the outcome will determine the actions taken.
- In the case of a senior manager with a grievance this will be raised in the first instance with the Managing Consultant
- If the matter of Grievance relates to the Managing Consultant, a Human Resources Consultancy will be engaged if deemed appropriate by the board of directors. This would be the case in matters concerning Gross Misconduct, Safeguarding Vulnerable Adults or Evidence of Fraudulent activities.
- The decision of the Chairman of board of directors to adjudicate on the issue shall be final and binding. A copy of the decision will be recorded in the employee's file.

KEEPING RECORDS

ZPT 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.

This policy is subject to review from time to time.

Date of this review: 13/06/2022

Next Review Date: 12/06/2023