



GRIEVANCES AND DISCIPLINARY POLICY

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I. Staff Grievance Policy – Veterans Coastal Retreats

Overview

The aim of these procedures is to ensure that all who work with Veterans Coastal Retreats (VCR) feel valued, are treated fairly and with respect and that they have a formal mechanism in place to voice any concerns or grievances.

Veterans Coastal Retreats will always seek to resolve disciplinary and grievance issues in the workplace. Where this is not possible the VCR Trustees may consider using an independent third party to help resolve the problem. The third party need not come from outside VCR but could be an internal mediator, so long as they are not involved in the disciplinary or grievance issue. In some cases, an external mediator might be appropriate.

In the event that a Trustee, or personnel working with or for VCR has a grievance, they should follow the procedures outlined below to help achieve a satisfactory outcome.

2. Grievance Procedure General Principles:

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against personnel until the case has been fully investigated.

For formal action personnel will be advised of the nature of the complaint against him or her and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.

Personnel will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure personnel will have the right to be accompanied by a trade union representative, or work colleague.

No personnel will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

Personnel will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the worker's alleged misconduct warrants this.

3. Reporting a Grievance

STAGE 1

In the first instance, personnel should raise the grievance verbally with their line manager who will try to resolve the problem without the requirement for a grievance hearing.

There are occasions when it is appropriate to move immediately to Stage 2 and omit Stage 1.

This may be appropriate in the following circumstances:

- The grievance involves your line manager, or you genuinely feel that you cannot approach them about the complaint to resolve it informally
- The grievance involves a sensitive issue you do not feel comfortable talking to your line manager about (i.e. discrimination/harassment/bullying)
- The grievance falls within the scope of the Safeguarding policy and it should therefore be taken to the safeguarding trustee.

STAGE 2

If the initial meeting cannot resolve the problem to your satisfaction, you should put your grievance in writing to the Trustee deemed most appropriate to deal with the grievance. If there is doubt as to whom should be approached, the grievance should be brought to the safeguarding trustee. The trustee will arrange a grievance hearing at which your issue can be heard by no fewer than two members of the board of trustees. Following the grievance hearing, the chairperson will then undertake such investigations as they deem appropriate. A further meeting may be arranged with you to advise you of whether your grievance is being upheld and to inform you of any action to be taken or recommendations to be made.

STAGE 3

If you are dissatisfied with the outcome of your grievance at Stage 2, you should write to a trustee, where possible not previously involved, explaining why you remain dissatisfied. You must do this within 5 working days of being notified of the outcome of your grievance at Stage 2. A grievance appeal hearing will then be arranged and will again be heard by trustees, where possible not previously involved. The decision reached at this stage will be final with no further right of appeal. It is likely that the board of trustees will seek third-party advice in the case of an appeal hearing.

However, due to restricted management structure within the business, it may not be possible for the appeal to be conducted by a person previously uninvolved in the grievance process.

Therefore, with any appeal that is submitted there will be a thorough review of all the facts/evidence of the case, the procedures which were employed, the fairness and reasonableness of the findings and any mitigating factors were fully considered.

Accompaniment

At Stages 2 and 3 of this process, you may be accompanied at the hearing by a fellow worker of the company of your choice who is not connected to the same grievance, or a trade union official, or someone who is certified by a trade union to act as a worker's companion at such hearings. You are not entitled to be accompanied by any other person.

4. Outcomes of the Grievance Procedure

In the event that the procedure above leads to the Trustees believing that disciplinary action is warranted to be taken against a worker the following actions may be taken:

First stage:

- **an improvement note** for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 12 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

- **a first warning for misconduct** if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the worker that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after 12 months.

Further disciplinary actions:

Final written warning. If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the worker. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction. If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer. Dismissal decisions can only be taken by the appropriate senior manager, and the worker will be provided in writing with reasons for dismissal, the date on which the relationship with VCR will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the worker will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustenance of satisfactory conduct or performance.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If a worker is accused of an act of gross misconduct, they may be suspended from work (on full pay if remunerated), normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

5. Appeals

A worker who wishes to appeal against a disciplinary decision must do so within five working days. The trustee will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.