

Staff Discipline and Grievance Policy

Version Control Sheet

VERSION	DATE OF REVIEW	IMPLEMENTED AND AUDITED BY	STATUS	COMMENTS
4	01/04/2024	Ann Kelly (Registered Manager)	Active	To be reviewed 01/04/2025

Purpose

The need to provide detailed information and guidance on how disciplinary issues, and grievances are to be handled within Clinical24 Staffing Limited is an “essential” feature of good employment practice. This policy satisfies this need.

Statement

Clinical24 Staffing Limited and workers “should always seek to resolve disciplinary and grievance issues in the workplace”. Where this is not possible, they should consider using an independent third party to help resolve the problem. The third party need not come from outside the organisation 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.

Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally”.

 **Code of Practice on Disciplinary and Grievance Procedures**

Clinical24 Staffing Limited will deal with disciplinary issues in line with best practice and in accordance with this code.

No worker will be dismissed for a first breach of discipline except in cases of gross misconduct.

Procedure and Guidance

Disciplinary Procedure

Clinical24 Staffing Limited will always attempt to solve disciplinary problems informally but will implement this policy in all cases of alleged misconduct where it does not appear that the matter can or should be dealt with in such a way. Issues related to performance and/or capability, bullying, harassment and whistleblowing will be dealt with using policies written specifically to address each subject. This procedure is intended to be used primarily so that workers understand the nature of any shortcomings they may have and are able to comprehend how they can improve their performance and/or behaviour to Clinical24 Staffing Limited's satisfaction.

Inform the worker:

The first step, upon believing that misconduct has occurred is to inform the worker of the allegations against them, and the available supporting evidence, as soon as possible, and that these allegations are currently under investigation.

Investigation:

Before proceeding to a formal disciplinary interview, Clinical24 Staffing Limited will investigate, without any undue delay, what has happened. This may involve simply gathering the facts, or additionally, talking to the worker concerned, or to others, such as witnesses to any incident, so that the facts of the case can be obtained. If a formal investigatory meeting is held, the worker will be told of the purpose of the meeting and given time to prepare.

Any discussions with the worker, are, at this stage, purely investigatory, with the sole purpose of collecting facts and forming a conclusion as to how to proceed. It may be the case that after further investigation, it may be sensible to deal with the matter informally, rather than moving forward to arranging a formal disciplinary hearing. If not, Clinical24 Staffing Limited will proceed to advise the worker of the intention to hold a formal disciplinary hearing.

Clinical24 Staffing Limited does not permit the worker to be accompanied at any formal meeting which is purely investigatory.

Suspension:

There may be instances where suspension is necessary while investigations are carried out. For example, where relationships have broken down, in gross misconduct cases or where there are risks to a worker's or Clinical24 Staffing Limited's property or responsibilities to other parties. If, as a result of the investigation process it is considered that the best way to move forward is to temporarily suspend the worker, then this will be communicated to the worker both verbally and in writing. It will be confirmed to the worker that this action is not

considered, by itself, a disciplinary sanction, and that the suspension will be for as brief a period as possible and kept under review.

Informing the worker of the intention to hold a formal disciplinary hearing:

Clinical24 Staffing Limited will write formally to the worker inviting him/her to a formal disciplinary hearing.

The letter will state:

- a) The nature of the alleged misconduct.
- b) The purpose of the hearing.
- c) Who will attend on behalf of Clinical24 Staffing Limited.
- d) The right to be accompanied.
- e) The possibility of sanctions.
- f) The names of any witnesses intended to be called upon at the hearing.

Copies of any written evidence, which may include any witness statements, will accompany the letter. The letter will provide details of the location of the meeting, the date and the time. The date will be determined having allowed sufficient time for the worker to have prepared his/her case, held discussions with their companion, (should one be selected) etc. Where practicable, the person conducting the hearing should not be the person who undertook the investigatory work.

Companions:

The worker will have the statutory right to be accompanied at a disciplinary hearing when the resultant action could be:

- a) A formal warning being issued.
- b) The taking of some other disciplinary action.
- c) The confirmation of a warning or some other disciplinary action (appeal hearings).

The statutory right is to be accompanied by a **fellow worker, a trade union representative, or an official employed by a trade union.**

A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. A worker may alter their choice of companion if they wish. This right is particularly helpful where a worker has difficulty in expressing themselves properly. If a worker wishes to exercise his/her right to be accompanied, then he/she must make a reasonable request, which need not be in writing or within a certain timeframe.

The request, however, must be in sufficient time for Clinical24 Staffing Limited to deal with the companion's attendance at the meeting.

Workers should also consider how they make their request so that it is clearly understood, for instance by letting Clinical24 Staffing Limited know in advance the name of the companion where possible and whether they are a fellow worker or trade union official or representative.

If a chosen companion will not be available at the time proposed for the hearing by the employer, Clinical24 Staffing Limited will postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

The Disciplinary Hearing

Preparation:

Clinical24 Staffing Limited will:

- ensure that all the relevant facts are available, such as disciplinary records and any other relevant documents (for instance absence or sickness records) and, where appropriate, written statements from witnesses.
- check if there are any special circumstances to be taken into account. For example, are there personal or other outside issues affecting performance or conduct?
- be careful when dealing with evidence from a person who wishes to remain anonymous. Clinical24 Staffing Limited will take written statements, seek corroborative evidence and check that the person's motives are genuine.
- consider what explanations may be offered by the worker, and if possible, check them out beforehand.
- allow the worker time to prepare his or her case. Copies of any relevant papers and witness statements should be made available to the worker in advance.
- try and get a written statement from any witness from outside the organisation who is not prepared to or is unable to attend the hearing.
- allow the worker to call witnesses or submit witness statements.
- consider the provision of an interpreter or facilitator if there are understanding or language difficulties (perhaps a friend of the worker, or a co-worker). This person may need to attend in addition to the companion though ideally one person should carry out both roles.

The Hearing:

The hearing will be conducted in private and before the start of the hearing the Chair of the meeting will:

- introduce those present to the worker and explain why they are there.
- introduce and explain the role of the accompanying person if present.
- explain that the purpose of the meeting is to consider whether disciplinary action should be taken in accordance with the organisation's disciplinary procedure.
- explain how the meeting will be conducted.

At the meeting the chair will explain the complaint against the worker and go through the evidence that has been gathered. The worker will be allowed to set out his/her case and answer any allegations that have been made.

The worker will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.

When a companion is present, he/she will be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing, in private, if necessary. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent Clinical24 Staffing Limited from explaining their case.

Consideration will be given to adjourning the meeting for any investigation that may be necessary. Where a worker raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Clinical24 Staffing Limited will arrange for someone who is not involved in the case to take a note of the meeting and to act as a witness to what was said.

Decision on appropriate action:

After the hearing and after due reflection and deliberation Clinical24 Staffing Limited will decide whether or not disciplinary or any other action is justified and reasonable in view of all the circumstances. Clinical24 Staffing Limited will inform the worker accordingly in writing.

Written Warnings:

Where misconduct is confirmed, it will normally be the case that the worker will be given a written warning. A further act of misconduct within a set period would normally result in a final written warning. If the worker's first act of misconduct is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the worker's actions have had, or are liable to have, a serious or harmful impact on Clinical24 Staffing Limited. A first or final written warning should set out the nature of the misconduct and the change in behaviour required (with timescale). The worker will be told how long the warning will remain current. The worker will also be informed of the consequences of further misconduct, within the set period following a final warning. For instance, that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority.

Currency Periods of Warnings:

Except in special circumstances, any disciplinary action taken will be disregarded for disciplinary purposes after a specified period of satisfactory conduct or performance. For example, a first written warning will be valid for up to six months while a final written warning will remain in force for 12 months (or more in exceptional circumstances).

Warnings will cease to be 'live' following the specified period of satisfactory conduct. There may be occasions however where a worker's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter.

Where a pattern emerges and/or there is evidence of abuse, the worker's disciplinary record will be borne in mind in deciding how long any future warning should last.

Dismissal:

A decision to dismiss will only be taken by a manager who has the authority to do so. The worker will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal. Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. But a fair disciplinary process will always be followed, before dismissing for gross misconduct.

In all cases decisions taken as to the level of sanction to be applied (Formal written warning, final formal written warning, or dismissal) will be subject to the test of reasonableness after consideration of all the circumstances.

An opportunity to appeal:

Where a worker feels that disciplinary action taken against them is wrong or unjust, they may appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place. Workers are required to let Clinical24 Staffing Limited know the grounds for their appeal in writing, and within five days of the date of the letter informing them of the decision to impose a sanction.

Appeal Hearings:

Wherever possible, an appeal hearing will be conducted by a manager who has not previously been involved in the case. The worker has a statutory right to be accompanied at an appeal hearing.

Workers will be informed in writing of the results of the appeal hearing as soon as possible.

Special cases:

Where disciplinary action is being considered against a worker who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the worker's agreement. If a worker is charged with or convicted of a criminal offence, this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the worker's suitability to do the job and their relationship with their employer, work colleagues and customers. In such situations Clinical24 Staffing Limited will seek appropriate advice.

Mediation:

An independent third party or mediator can sometimes help resolve disciplinary or grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. Mediators may be workers trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs. Or they may be from an external mediation provider. They can work individually or in pairs as co-mediators. If, in the judgement of Clinical24 Staffing Limited, mediation might usefully be employed in order to reach a satisfactory outcome, then its use may be recommended.

Written records:

Clinical24 Staffing Limited will retain written records of all formal disciplinary cases and hearings. The records will include:

- the complaint against the worker.
- the worker's defence.
- findings made and actions taken.
- the reason for actions taken.
- whether an appeal was lodged.
- the outcome of the appeal.
- any grievances raised during the disciplinary procedure.
- subsequent developments.
- notes of any formal meetings.

Records will be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 2018.

Failure to attend a Disciplinary Hearing:

There may be occasions when a worker is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including genuine illness or a refusal to face up to the issue.

Clinical24 Staffing Limited will need to consider all the facts and come to a reasonable decision on how to proceed. Considerations may include the seriousness of the disciplinary issue under consideration; the worker's disciplinary record (including current warnings), general work record, work experience, position and length of service; medical opinion on whether the worker is fit to attend the meeting, and how similar cases in the past have been dealt with. Where a worker continues to be unavailable to attend a meeting Clinical24 Staffing Limited may conclude that a decision will be made on the evidence available. The worker will be informed where this is to be the case.

Rules of Behaviour:

In order to ensure that everyone understands standards of behaviour expected by Clinical24 Staffing Limited, we have drawn up the following examples of rules of behaviour which must be followed by all workers. Breaches of these rules of behaviour may result in formal disciplinary action, such as a formal written warning. Gross misconduct may result in summary dismissal. Dismissal may also occur where a worker ignores a formal written warning and repeats offences.

Timekeeping:

Workers are expected to start and finish work at the agreed time and not to abuse rest periods.

Absence:

Clinical24 Staffing Limited has a written policy on absence from work. This policy details what action he/she must take if they unable to undertake their scheduled duties, including timely notification.

Health and Safety:

All workers are required to undertake their duties with full consideration of their responsibilities to act at all times in such a manner as protect the health, safety and welfare of themselves, fellow workers and those entrusted to their care. Failures in this regard can be serious and Clinical24 Staffing Limited will not tolerate any significant abuse of standards of safe practices at work.

Discrimination, bullying and harassment:

All workers are required to follow Clinical24 Staffing Limited's policies and procedures regarding such matters.

Personal appearance:

All workers are required to observe the requirements of Clinical24 Staffing Limited's policy on standards of dress and appearance.

Sanctions:

Typically, offences related to the above will result in a formal written warning.

Gross misconduct:

Set out below are details of behaviour that Clinical24 Staffing Limited views as gross misconduct, which is likely to result in dismissal without notice. This list is not exhaustive. Such behaviour includes:

- assault, acts of violence or aggression.
- breach of confidentiality, including the unauthorised disclosure of Company information to the media or any other party.
- bullying.
- causing loss, damage or injury through serious negligence.
- conviction of a criminal offence that makes you unable or unsuitable to carry out your duties.
- deliberately accessing internet sites containing pornographic, offensive or obscene material.
- engaging in unauthorised employment during hours when contracted to work for Clinical24 Staffing Limited or during periods of designated leave, for example annual or sick leave, time off for training, etc.
- 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 (Northern Ireland) Order 1978.
- falsification of records or other company documents, including those relating to obtaining employment; timesheets, overtime or expense forms.
- harassment of a serious nature.
- making malicious or unfounded allegations of a serious nature.
- misconduct at work or away from work of such a serious nature as to bring into disrepute either the worker's position or the organisation.
- possession or use of or being under the influence of non-medicinal drugs or alcohol on company or client's premises or during working hours.
- refusal to carry out reasonable management instructions.
- serious breach of health and safety policies and procedures.

- 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).
- serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury.
- serious insubordination.
- serious misuse of Clinical24 Staffing Limited's property or name.
- serious or persistent IT misuse.
- sleeping during working hours.
- smoking on company or a third party's premises or in a vehicle belonging to Clinical24 Staffing Limited.
- supplying security access codes to any unauthorised person.
- the giving or receiving of bribes or unauthorised gifts.
- theft, dishonesty or fraud.
- unacceptable use of obscene or abusive language.
- unauthorised absence.
- unauthorised accessing or use of company records or data
- unauthorised copying of computer software.
- wilful or reckless damage to company, worker or third-party property.

Sanctions:

A worker guilty of gross misconduct may be dismissed summarily, i.e., without notice. However, a fair disciplinary process will normally be followed in all cases prior to any decision to dismiss.

Grievance Procedure

The Worker's duty to let Clinical24 Staffing Limited know of the grievance:

Workers may have a work-related grievance from time to time, and in many cases, as with disciplinary issues, the problem can successfully be managed informally, through discussion. The informal approach is always the best initial course of action. On occasion, however, the grievance may be more serious, and may be better handled through a formal procedure where the issues can be properly explored. In such cases, the worker should explain the nature of their grievance in writing and submit this to an appropriate member of the management/supervisory team, usually the Registered Manager. If the the Registered Manager is the subject of the grievance, then the letter should be given, if possible, to someone else who is capable and competent to deal with the grievance.

Formal meeting:

Clinical24 Staffing Limited will arrange a formal meeting (ideally in private), preferably within 5 working days of receipt of the formal written grievance to discuss the matter. Participants will include:

1. A Manager/Supervisor appointed to hear the grievance.
2. The worker
3. Someone able to take notes and act as a witness as to what was said.
4. A companion* for the worker (if requested by the worker: it is not obligatory)

Workers have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by Clinical24 Staffing Limited to the worker.

So, this would apply where the complaint is, for example, that the employer is not honouring the worker's contract, or is in breach of legislation. Being accompanied may prove particularly useful if the worker concerned has some difficulties in expressing herself/himself through language or other difficulties, for example.

The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union, and it is good practice to advise Clinical24 Staffing Limited of the name of the companion, and their status, if they wish to be accompanied. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany the worker. Workers may also alter their choice of companion if they wish. As a matter of good practice, in making their choice workers should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

If the chosen companion will not be available at the time proposed for the hearing Clinical24 Staffing Limited will postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

The companion will be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

Workers will be encouraged to explain their grievance and how they think it should be resolved. Consideration will be given to adjourning the meeting for any investigation that may be necessary. The essence of the meeting will be promoting discussion and dialogue, and every attempt will be made to avoid any unnecessary confrontation or hostility.

Deciding on appropriate action:

If it is clear that the matter can be resolved amicably, and to the satisfaction of both sides, at the conclusion of the meeting, then such action will be taken. However, a degree of reflection may be necessary, (or time needed to check facts arising from the meeting) and

Clinical24 Staffing Limited will explain the likely period to the worker, and when they might receive Clinical24 Staffing Limited's written response. Clinical24 Staffing Limited's response will include a notification that the worker may appeal if they are not happy with what is being proposed. If the response is that the worker's grievance is not upheld, then the reasons will be carefully explained in the letter.

Handling an Appeal:

If a worker is not content that the matter has been satisfactorily resolved, and she/he wishes to appeal, then they should communicate this to Clinical24 Staffing Limited, as soon as possible, stating the grounds for their appeal. Appeals will be heard without unreasonable delay and at a time and place which will be notified to the worker in advance. As far as reasonably practicable the appeal will be conducted by the Registered Manager. The right to be accompanied remains, as with the original hearing, and the worker may choose an alternative companion if he/she so chooses.

Written Records:

Clinical24 Staffing Limited will retain written records of all formal grievance cases and hearings. The records will include:

- The nature of the grievance
- findings made and actions taken.
- the reason for actions taken.
- whether an appeal was lodged
- the outcome of the appeal
- subsequent developments
- notes of any formal meetings

Records will be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 2018.

Mediation:

An independent third party or mediator can sometimes help resolve disciplinary or grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement.

Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.


Mediators may be workers trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs. Or they may be from an external mediation provider. They can work individually or in pairs as co-mediators.

If, in the judgement of Clinical24 Staffing Limited, mediation might usefully be employed in order to reach a satisfactory outcome, then its use may be recommended.

Review and Updates

This Policy will be reviewed annually to ensure its effectiveness, relevance, and compliance with evolving regulatory requirements.

Next Review

Reviewed by:	Ann Kelly
Title:	Registered Manager
Signed:	
Last Review Date:	01/04/2024
Actions:	Address Updated

Next Review Date: April 2025