



Grace Eyre POLICES AND PROCEDURES

Disciplinary and Grievance Policy and Procedure

Date Approved:	October 2021
Approved By:	SMT
Date of Review:	October 2024
Contact Person:	HR Manager
Who is the policy for?	
All GEF and CIC Employees:	Yes
Shared Lives Carers:	No
Volunteers:	No

<p>Main Changes:</p> <p>General</p> <ul style="list-style-type: none">• Amalgamation of disciplinary and grievance policies• Addition of collective grievance policy <p>Disciplinary Policy</p> <ul style="list-style-type: none">• (1.2) Clarification of informal procedure• (1.2 & 1.3.1) Additional information on fact-finding and investigations• (1.3.3) Disciplinary sanctions renamed and specific timescales allocated to each sanction• (1.3.3) Additional examples of misconduct added• (1.4) Additional examples of gross misconduct added• (1.5) Clarification on how to appeal• (1.7) Additional information about delegation of roles during disciplinary process <p>Grievance Policy</p> <ul style="list-style-type: none">• (2.2) Clarification of informal procedure• (2.2) Additional information in investigations• (2.4) Addition of mediation information

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1. Disciplinary Policy and Procedure

1.1 Purpose and scope

We operate a disciplinary procedure to ensure the proper operation of our organisation and the health and safety of our employees. We will apply the following procedure in all instances where management regards disciplinary action as necessary, other than in cases of minor misconduct where an informal investigation may be appropriate.

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

All disciplinary matters will be dealt with promptly and the procedures will be applied equally to all employees.

Grace Eyre will ensure that any disciplinary procedures are free of any discriminatory practice in line with current legislation and Grace Eyre's Equalities, Diversity and Inclusion Policy.

Should your conduct fail to meet the standards expected, you will be entitled to fair and proper hearings in line with the disciplinary procedure set out below. At every stage of the formal procedure managers are required to consult with HR to ensure that a consistent approach in dealing with disciplinary action is adopted.

The HR03 – Managing Performance and Capability Policy should be followed to address any performance concerns.

1.2 Informal procedure

Depending on the nature of the misconduct Grace Eyre may deem it necessary to do an informal investigation or 'fact finding' to determine the nature of the allegations.

You do not have the right to be accompanied to any meeting during informal proceedings.

Following an informal investigation, the investigator may decide that;

- a formal investigation is required, or
- no further action is required, or
- there is evidence of minor misconduct, but that the misconduct is not serious enough to warrant a formal investigation. In this case an informal meeting may be arranged to discuss the misconduct, how you will need to improve your conduct and how your conduct will be monitored in future.

The person who conducts the informal investigation may be assigned the formal investigator role.

Evidence obtained during the informal investigation may be used in the formal investigation with the exception of statements from anyone under investigation.

1.3 Formal Procedure

1.3.1 Investigation

The purpose of the investigation is to allow management impartially to investigate any alleged or suspected misconduct. The objective will be to establish all the facts of the particular case before a decision is taken as to whether or not there are proper grounds to invoke the formal disciplinary procedure.

You will be invited to attend an investigation meeting; we will normally give minimum 3 days' notice of the meeting.

If you cannot make arrangements for your representative to attend on a set date, Grace Eyre can arrange a later date, this will normally be no longer than 7 days later than the original date set

In investigating alleged misconduct, the investigating officer may:

- a. examine any relevant written records, for example previous disciplinary warnings, appraisal reports, and managers' notes;
- b. access electronic information as relevant to the investigation, including but not limited to your Grace Eyre email account, phone records or other electronic information;
- c. consult any other managers with whom you have come into contact to help establish relevant facts;
- d. talk to any employees who may have evidence relating to the alleged misconduct or who may have been witness to any relevant incident, and produce an accurate written summary of any such evidence; The investigating officer will complete the investigation statement form for any such evidence.
- e. conduct an investigatory interview with you, making sure you know that the purpose of the interview is to establish the facts and that the interview is not part of Grace Eyre's disciplinary procedure. The investigating officer will complete the investigation statement form for any such interview.
- f. take an objective and balanced view of any information that comes to light, and avoid allowing personal views, opinions, and likes or dislikes to influence the assessment of your conduct.
- g. Complete the investigation report and pass it onto the deciding manager to consider the recommendations. If they decide there is a case to answer they will usually hear the disciplinary.

1.3.2 Disciplinary Hearing

Following a full investigation, if it is felt that there is a case to answer then you will be invited to attend a disciplinary hearing; this will not normally be with less than 7 days' notice.

You will be given copies of evidence concerning the allegations, witness statements, a copy of this policy and information about your rights to be accompanied by a colleague or union representative. You will also be informed of the purpose of the hearing and its possible consequences. This will not normally be issued with less than 7 days' notice of the hearing date.

1.3.3 Disciplinary Sanctions

You will not normally be dismissed for a first breach of discipline except in cases of gross misconduct. Grace Eyre reserves the right to initiate the procedure at any stage (including dismissal) or to jump stages, depending upon the circumstances of the case.

Stage 1 – Verbal Documented Warning

In the event of minor incidents of misconduct, you will normally be given a verbal documented warning. This will give details of the offence, the improvements required and the timescale. It will also inform you of the consequences of failure to improve conduct to acceptable standards. This warning shall be disregarded for disciplinary purposes after a period of **6** months, subject to satisfactory conduct.

Stage 2 – First Written Warning

In the event of further misconduct, or if the misconduct is sufficiently serious, you will normally be given a first written warning. This will give details of the offence, the improvements required and the timescale. It will also inform you of the consequences of failure to improve conduct to acceptable standards. This written warning shall be disregarded for disciplinary purposes after a period of 6 months, subject to satisfactory conduct.

Stage 3 - Final Written Warning

In the event of further misconduct, or if the misconduct is sufficiently serious, you will normally be issued with a final written warning. This will give details of the offence and warn that any further misconduct may render you liable to dismissal. This final written warning shall be disregarded for disciplinary purposes after a period of 12 months, subject to satisfactory conduct.

Stage 4 - Dismissal

In the event of further misconduct, or if the misconduct is sufficiently serious, dismissal will normally result.

Grace Eyre may, however, consider other possible disciplinary action as an alternative to dismissal. Examples include (but are not limited to) demotion, transfer or loss of seniority. If you are dismissed you will be provided as soon as reasonably practicable, with written confirmation of the dismissal and the date on which the employment terminated or will terminate.

Examples of misconduct include, but are not limited to, the following:

- Failure to report suspected abuse
- Persistent lateness
- Unauthorised absence

- Persistent failure to complete tasks on time
- Attitudinal problems
- Offensive behaviour
- Carelessness / Neglect of duty
- Misuse of Grace Eyre's property
- Breaches of organisational policy and procedure but not serious enough to warrant summary dismissal
- Offences that could be deemed as minor but through repetition have become more serious
- Minor breaches of the code of conduct
- Refusal to carry out reasonable management instructions

1.4 Summary Dismissal

Grace Eyre is entitled to summarily dismiss an employee, i.e. without your contractual notice period or payment in lieu of notice in the event of gross misconduct, or some other substantial reason.

Examples of gross misconduct which may render an employee liable to summary dismissal include, but are not limited to, the following:

- Breach of standards of professional practice i.e. the Grace Eyre Code of Conduct and other relevant professional standards
- Any kind of discrimination or harassment which is counter to Grace Eyre's Equalities, Diversity and Inclusion Policy
- Abuse, assault or attempted assault
- Acts of gross insubordination
- Acts of deceit or dishonesty, such as the submission of false claims for expenses, failure to disclose information on application forms in accordance with the Rehabilitation of Offenders Act 1974
- Theft or attempted theft of property
- Falsification of records
- Working under the influence of alcohol or drugs
- Insulting, aggressive, bullying or abusive behaviour
- Indecent or immoral behaviour
- Serious breach of Grace Eyre's rules, including, but not restricted to, health and safety rules and rules on computer use;
- Grace Eyre Data protection breaches, for example, communication to a third party of confidential information, relating to the employer or any of its service users or partner agencies, without authority to do so.
- Conviction for any serious criminal offence which would render the employee unfit to be employed by Grace Eyre
- Failure to report a conviction, caution or bind over whilst in the employment of Grace Eyre
- Bringing Grace Eyre into disrepute
- Wilful damage to property of Grace Eyre
- Refusal to carry out reasonable management instructions
- Covert recording of managers or colleagues
- Persistent unauthorised absence

- Gross negligence

1.5 Appeals

If you wish to appeal against a disciplinary sanction you should inform the nominated manager in writing within 7 days of the notification of the disciplinary decision.

When lodging an appeal, you should state:

1. the grounds of appeal; and
2. whether you are appealing against the finding that you committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

Where possible, the appeal will be heard by a more senior level of management in Grace Eyre than that taking the disciplinary hearing.

The appeal hearing manager will invite you to an appeal hearing within seven days of receiving the written appeal, giving seven days' notice of the hearing. The outcome of the hearing shall be confirmed in writing within seven days and will be final and binding on all parties.

If the appeal decision upholds a decision to dismiss, the date of termination will take effect from the date on which the original dismissal was notified to you. You will not be entitled to be paid or reinstated (unless you are entitled to notice) between the date of dismissal and the conclusion of the appeal process. In the event however that we overturn the dismissal on appeal, you will be reinstated with immediate effect and be paid for any period between the date of the original dismissal and the successful appeal decision. Your continuous service will not be affected.

1.6 The right to be accompanied

You have the right to be accompanied by a Grace Eyre work colleague or a trade union representative at any point during the formal investigation and disciplinary process. If you invite a trade union representative to attend, Grace Eyre may ask to see evidence in the form of a certificate from their union.

Your representative has the right to address the hearing to put forward your case, sum up the case and respond on your behalf to any view expressed at the hearing. You may confer with your representative during the hearing and they may ask questions of the employer's witnesses, but have no right to answer questions on the employee's behalf. There is no requirement for the employer to permit the companion to address the hearing where the employee indicates that they do not wish this.

If you cannot make arrangements for your representative to attend on a set date, Grace Eyre can arrange a later date, this will normally be no longer than 7 days later than the original date set. Only one postponement of a meeting is acceptable.

Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence.

1.7 Delegation of roles

Grace Eyre will appoint an investigating officer to carry out an investigation of the facts.

Grace Eyre will also appoint a deciding manager. This manager will usually be more senior than the investigating officer and will review the recommendations of the investigation report and decide on subsequent action to take.

Where an investigation report recommends disciplinary action, it will only recommend as such and will not recommend a level of sanction.

Should the deciding manager believe there is a case to answer, they will usually be appointed the role of disciplinary manager.

Should your manager not be assigned a role within the investigation or disciplinary process, they will be informed of the outcome and any recommendations. They, along with Grace Eyre, will support you as much as is reasonably possible to affect development and change, and will honour the outcomes and recommendations.

1.8 Suspension

There may be instances where suspension with pay is necessary while the investigation is carried out. This may be because, for example, working relationships have broken down or there is a risk to an employee's or Grace Eyre's property or responsibilities to other parties.

Suspension with pay will be imposed only after careful consideration and will be reviewed to ensure that it does not become unnecessarily protracted. It is not an assumption of guilt or a disciplinary penalty. It will be used as a last resort. Consideration will also be given to a partial suspension or temporary relocation and whether you can continue with some your duties.

1.9 Witnesses

Advance notice should be given where either party intends to call relevant witnesses to the disciplinary hearing. You will be able to call your own witnesses and they will be permitted to set out your evidence.

You will be given a reasonable opportunity to ask questions, present evidence and raise points about any information provided by witnesses of either party.

Grace Eyre reserves the right to withhold the name of a witness if it is reasonably felt that that person is at risk if their identity is disclosed; if this is authorised all efforts will be made to corroborate what they are saying and why they are making a statement to ensure that their motives are genuine.

1.10 Criminal Charges

If you are charged and found guilty of an offence outside of work, it will not automatically be seen as a disciplinary offence if you have disclosed the offence. If disclosed, it will depend on what bearing it has on your job. However, if you fail to disclose a caution, conviction or bind over when it is given then this may be viewed as gross misconduct under this policy.

Where your misconduct is also considered to be a potential criminal matter, the police should be informed immediately, and advice sought as to whether Grace Eyre can proceed with their internal investigations, and if appropriate, disciplinary process.

Depending on the nature of the alleged offence, the police may request that Grace Eyre put the investigation or disciplinary process on hold until the police investigations are complete.

1.11 Safeguarding and Referrals to the Disclosure and Barring Service (DBS)

Where misconduct is also considered to be a potential safeguarding matter, HR and/or the Investigating Officer should inform the relevant Manager or Director. The appropriate manager will liaise with the relevant local authority at the earliest opportunity.

Depending on the nature of the alleged offence, the local authority and / or police may request Grace Eyre to put the investigation or disciplinary process on hold until their investigations have been completed. Grace Eyre will work cooperatively with any relevant local authority where there is a potential safeguarding issue.

Where a Police investigation is required, the Police will lead the criminal investigation, and the local authority and Grace Eyre as the employer will communicate with them regarding any actions to be taken to ensure any criminal investigation is not compromised.

Grace Eyre as employer remains responsible for employee investigations, and in most instances the local authority will request the employer to also undertake the safeguarding enquiry. However, there may be situations where it is not appropriate for the employer to undertake the safeguarding enquiry due to a conflict of interest, for example, where there is no one with sufficient authority and independence in the employer organisation to undertake an enquiry. In these instances, the local authority will undertake the safeguarding enquiry, but the employer retains responsibility for all actions regarding their employees.

Grace Eyre has a duty of care to raise a Safeguarding Vulnerable Adults (SVA) concern with the appropriate body in cases of suspected abuse. This may result in the individual being referred to the Disclosure and Barring Service (DBS) under their referral procedures and relevant professional bodies.

Grace Eyre will refer workers (including agency workers, volunteers, carers and employees) to the DBS if they are reasonably considered guilty of causing harm (or risk of harm) to a vulnerable adult and who has been suspended, dismissed or moved to a non-care position or would have been if they had not left their post before these actions could have been taken. This will be done in line with guidance from the DBS which operates under the Safeguarding Vulnerable Groups Act 2006.

Referral to the DBS does not automatically mean that the person will be placed on the list, this will only happen once the offence has been investigated and it is reasonably believed that the person was responsible for the harm (or risk of harm) caused.

2. Grievance Policy and Procedure

2.1 Purpose and scope

Grace Eyre believes that good communication can help to avoid misunderstandings. However, we realise that problems are bound to occur from time to time, wherever people work together.

It is our experience that when a problem is discussed openly it can be dealt with quickly and easily. A problem left unresolved may grow into a grievance. You are encouraged to discuss ordinary day to day issues informally with your line manager. Other opportunities for informal discussion include one to one meetings and team meetings. Informal discussions help concerns to be heard and responded to as soon as possible.

Issues that you may wish to raise a grievance about include:

- Disagreements with colleagues
- Bullying or harassment
- Discrimination
- Work
- Pay and working conditions
- Terms of employment

This policy provides you with a course of action if you have a grievance which you are unable to resolve through regular communication with your line manager.

It is the responsibility of everyone in the management team to listen and respond to any matter, which is of concern. The procedure outlined below is designed to speed solutions to benefit both you and Grace Eyre.

2.2 Procedure

Stage 1 – Informal

If you have a grievance, you should talk it through with your line manager as soon as possible. If the grievance involves your line manager and you feel unable to approach them, you may talk it through with a more senior manager instead.

You and your manager may be able to agree a solution. Notes of this discussion should be taken by your manager and then placed your personal file in the HR department.

Stage 2 – Formal

If the informal grievance is not resolved or if you wish to raise the matter formally, you may submit a formal grievance to your line manager in writing as soon as possible. Where the grievance involves your line manager and you feel unable to approach them, you may submit your grievance to a more senior manager or HR instead.

This written statement will form the basis of the subsequent hearing and any investigations, so it is important that you set out clearly the nature of your grievance

and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance hearing.

You will be invited to a stage 2 formal grievance as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within seven days of the receipt of your written complaint.

Where an investigation is required, the organisation will appoint an investigation officer. The investigation officer will usually hear the grievance.

Where an investigation has taken place and evidence has been gathered, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

The outcome of the hearing shall be confirmed in writing to you within seven days.

If any timescales cannot be adhered to you will be notified in writing outlining the reasons for the delay and the new timescales.

Stage 3 – Appeal

If you are unhappy with the outcome of the stage 2 formal grievance hearing you may appeal in writing to a more senior manager who has not previously been involved in matter. The appeal should be submitted within seven days of receiving the written outcome of the stage 2 hearing. The written appeal should state the reason for the appeal, any new evidence and the desired outcome.

The manager will invite you to a stage 3 appeal hearing within seven days of receiving the written appeal. The outcome of the hearing shall be confirmed in writing to you within seven days and will be final and binding on all parties.

2.3 The right to be accompanied

You have the right to be accompanied to stage 2 grievance hearings and stage 3 appeal hearings by a work colleague or a trade union representative. If the trade union representative is not a member of staff then they may be required to produce evidence to confirm that they are competent to accompany a worker by their union.

It is not appropriate to be accompanied by a representative whose presence may prejudice the hearing.

At any hearing or appeal hearing, your chosen representative will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing

are essentially meetings between Grace Eyre and you, so any questions put directly to you should be dealt with by you and not your companion.

If you cannot make arrangements for your representative to attend on a set date, Grace Eyre can arrange a later date, this will normally be no longer than 7 days later than the original date set.

2.4 Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of an internal or a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

3. Collective Grievance Policy and Procedure

3.1 Purpose and scope

If you and another employee (or more than two of you) have identical grievances and you all wish them to be addressed in the same grievance process, you and your colleagues can raise a grievance via this collective grievance procedure.

Grievances may be concerned with a wide range of issues, including

- the allocation of work
- your working environment or conditions
- the opportunities that you have been given for career development
- the way in which you have been managed.

However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under the grievance procedure.

You and your colleagues are encouraged to discuss ordinary day to day issues informally with your line manager. Other opportunities for informal discussion include one to one meetings and team meetings. Informal discussions help concerns to be heard and responded to as soon as possible. If following discussions with your manager the issue is not resolved you and your colleagues can raise a formal collective grievance.

You and all your colleagues raising the collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this. You and your participating colleagues will be entitled to only one grievance hearing and (if applicable) one appeal hearing.

If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish them to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you. If there is no one nominated representative, you and your colleagues will be entitled to address concerns individually at the grievance hearing,

but you will have no additional right to be accompanied beyond having your colleagues present.

If you and your colleagues have elected a trade union representative or a colleague to act on your behalf and you do not wish to attend formal meetings, Grace Eyre will honour your request to be absent and will confirm this in writing.

If you or your colleagues wish to be represented by your trade union representatives on an individual basis, Grace Eyre will arrange to hear your grievances under Grace Eyre's normal grievance procedure.

3.2 Procedure

Stage 1 – Informal

You and any other members of staff with an identical grievance should talk it through with your line manager as soon as possible. Where the grievance involves the line manager and you feel unable to approach them, you may talk it through with a more senior manager or HR instead.

The staff members and manager may be able to agree a solution between them. Notes of this discussion should be taken by the manager and then placed on the staff members' personal files in the HR department.

Stage 2 – Formal

If the informal grievance is not resolved or if the staff members wish to raise the matter formally, they may submit a formal collective grievance to their line manager in writing as soon as possible. Where the collective grievance involves the line manager and the staff members feel unable to approach them, they may submit their collective grievance to a more senior manager or HR instead.

This written statement will form the basis of the subsequent hearing and any investigations, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your grievance can be submitted on one document, but it must:

- identify you and each of your colleagues who wish to raise the grievance;
- identify any nominated trade union representative or colleague to represent you all;
- state that you have all voluntarily consented to use the collective grievance procedure; and
- confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.

If your complaint relates to the way in which you believe your line manager is treating you, the complaint may be sent to human resources. If you and your colleagues wish to submit individual grievance letters, each of the letters must contain the information set out above and they must all be sent to the same manager.

Depending on the nature of your grievance further attempts may be made to resolve the matter informally. However, if you and your colleagues are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance hearing.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

You and your participating colleagues will be notified individually of the outcome at each stage of the process. The outcome of the hearing shall be confirmed in writing to you within seven days.

If any timescales cannot be adhered to you will be notified in writing outlining the reasons for the delay and the new timescales.

If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, Grace Eyre will arrange to hear your grievances using Grace Eyre's grievance procedure on an individual basis.

Stage 3 – Appeal

If you and your colleagues are unhappy with the outcome of the stage 2 formal grievance hearing you may appeal in writing to a more senior manager who has not previously been involved in matter. The appeal should be submitted within seven days of receiving the written outcome of the stage 2 hearing. The written appeal should state the reason for the appeal, any new evidence and the desired outcome.

The manager will invite the staff members to a stage 3 appeal hearing within seven days of receiving the written appeal, giving seven days' notice of the hearing. The outcome of the hearing shall be confirmed in writing to the staff members within seven days and will be final and binding on all parties.

If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal. If only one employee wishes to pursue the appeal, Grace Eyre's normal grievance procedure will apply to the appeal.

You and your colleagues should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in the absence of you and/or some of your colleagues.

Following the appeal meeting, you will be informed of the outcome within seven days.

3.3 The right to be accompanied

You and your colleagues have the right to be accompanied to state 2 and stage 3 appeal hearings either by a jointly nominated colleague or trade union official. If the trade union representative is not a member of staff from Grace Eyre then they may be required to produce evidence to confirm that they are competent to accompany a worker by their union.

It is not appropriate for staff to be accompanied by a representative whose presence may prejudice the hearing.

The choice of representative is a matter for you and your colleagues to agree. Please note that individual workers are not obliged to agree to accompany you. At any hearing or appeal hearing, your chosen representative (if applicable) will be allowed to address the meeting, respond on behalf of you or your colleagues to any view expressed in the hearing and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between Grace Eyre and the group of employees bringing the collective grievance, so any questions put directly to you should be dealt with by you and not your representative.

If you cannot make arrangements for your representative to attend on a set date, Grace Eyre can arrange a later date, this will normally be no longer than 7 days later than the original date set.

1.4 Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of an internal or a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

4. Applicable to the disciplinary and grievance policy

4.1 Notes and Record Keeping

A member of the HR team will be present at all formal meetings and may be present at informal meetings to ensure a fair process and to take summary notes. The notes will be kept in your personal file and a copy will be issued to you for your own records.

4.2 Overlapping Grievance and Disciplinary Cases

Grievances or collective grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. If the grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure.

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

4.3 Reasonable adjustments and accessibility

Adjustments will be made to prevent anyone with a disability being discriminated against in the operation of this policy and procedure; this may include allowing an advocate to attend for a person with a learning disability or holding meetings at different times or venues to enable someone to contribute more easily. Staff should inform the relevant manager or HR if reasonable adjustments are required.

If you have difficulties in reading or comprehending information presented to you during the procedure, all reasonable efforts will be made to help you understand the issues being discussed, your rights in the process and the structure of the process involved.

4.4 Dealing with delays

If you are genuinely unable to attend a disciplinary, grievance or appeal hearing, for example, because of ill-health, the manager will offer you a reasonable date and time as an alternative. If your representative cannot make the rearranged hearing, you and the manager must agree another date and time no more than seven days after the date of the rearranged hearing.

If you fail to attend a rearranged hearing, the hearing may be held in your absence and the manager can make their decision there and then. However, where there is a genuine reason, for example ill-health, the manager may use their discretion to rearrange the hearing again.

4.5 Variations to Timescales

If any timescales cannot be adhered to you will be notified in writing outlining the reasons for the delay and the new timescales.

4.6 Recording of Meetings

You, and any person acting on your behalf, are not normally permitted to record electronically any meeting held as part of the investigation, disciplinary or grievance process. Any breach of this provision may lead to disciplinary action, up to and including dismissal.

In certain limited circumstances, we may permit the meeting to be recorded electronically (for example where it is a reasonable adjustment for an employee with a disability). Where we permit the meeting to be recorded electronically, we will take responsibility for making the recording.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

4.7 Remote Meetings

Where it is not possible to hold a face-to-face meeting, we will conduct a remote meeting. We will ensure that you have access to the necessary technology for participating in the

process. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

4.8 Conducting the disciplinary and grievance procedures

Everyone involved in the disciplinary and grievance process is entitled to be treated calmly and with respect. Grace Eyre will not tolerate abusive or insulting behaviour from anyone taking part in or conducting the procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

4.9 Data protection

We process personal data collected during the investigation stage and any subsequent stages of the formal procedures in accordance with our data protection policy. In particular, data we collect as part of the investigation stage and any subsequent stages of formal action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary or grievance procedure.

You should report any inappropriate access or disclosure of employee data in accordance with Grace Eyre's GDPR compliance policy immediately as this constitutes a data breach. It may also constitute a disciplinary offence, which we will deal with under this disciplinary procedure.

Records of any disciplinary or grievance proceedings, evidence involved, mitigating circumstances and decisions will be kept in accordance with the Data Protection Act 2018. They will be kept confidentially within Human Resources.

4.10 Employee Assistance Programme

We recognise that informal and formal procedures can be stressful and upsetting experience for all parties involved and encourage the use of our employee assistance programme which offers a wide range of independent support and advice.

employeeassistance.org.uk
login access code is Graceeyre
24/7 freephone: 0800 328 1437