

## BATTLE SCARS CIO DISCIPLINARY AND GRIEVANCE POLICY / PROCEDURE

<b>Introduction</b>	
<b>Organisation</b>	Battle Scars
<b>Scope of policy</b>	Applies to all staff and volunteers and all services, activities, training and general running of the organisation.
<b>Policy operational date</b>	04/01/21
<b>Policy prepared by</b>	Jenny Groves – CEO
<b>Reviewed</b>	03/01/23
<b>Amended</b>	No
<b>Date approved by Board</b>	09/01/23
<b>Policy review date</b>	By 31/01/25 Every 2 years or sooner if required
<b>Distributing</b>	This policy will be available on the Battle Scars website and staff shared drive. It will be a requirement for all trustees and staff to read the policy after appointment or after its review. A summary of all relevant policies will be included in the volunteer handbook with clear signposting to the full text. Volunteers will be kept up to date with any changes that might affect their role.
<b>Disciplinary procedure - introduction</b>	
<b>Scope</b>	The Battle Scars disciplinary procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but it's acknowledged that sanctions may have to be applied in some circumstances. An employee can discuss any part of this policy with their Line Manager or obtain external advice. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during the disciplinary process.
<b>Suspension</b>	Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation, for example, to allow time for a 'cooling down period' for both parties, for their own or others' protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the Manager

	<p>in charge of that individual at that time or their superior, have the authority to suspend an individual. An employee suspended from duty will receive written confirmation within three days of:</p> <ul style="list-style-type: none"> <li>• the reason for the suspension</li> <li>• the date and time from which the suspension will operate.</li> <li>• the timescale of the ongoing investigation.</li> <li>• the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 days</li> </ul> <p>A volunteer suspended from duty will be verbally notified and the reasons for the suspension will be explained. Some indication of the timescale of the ongoing investigation will be offered.</p>
<b>Counselling</b>	<p>Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. It's best facilitated by preferably an impartial member of staff or trustee who is not directly involved with the incident being investigated and has, at least in part, the necessary skills.</p> <p>Where improvement is required, the employee must be given clear guidelines as to:</p> <ul style="list-style-type: none"> <li>• what is expected in terms of improving shortcomings in conduct or performance</li> <li>• the time scales for improvement</li> <li>• when this will be reviewed</li> <li>• the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.</li> </ul> <p>A record of the counselling should be given to the employee and a copy retained in their personnel file. It is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employee's file.</p> <p>A volunteer will be offered similar counselling and their training and support needs will be reviewed.</p> <p>If during counselling or upon investigation it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.</p>
<b>Disciplinary procedure – procedure for formal investigation</b>	
<b>Procedure for formal investigation</b>	Formal investigations should be carried out by the most appropriate manager (or trustee) who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. All the relevant

	<p>facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.</p> <p>A report should be prepared which outlines the facts of the case. This should be submitted to the appropriate senior manager/trustee who will decide whether further action is required. Where appropriate, this report may be made available to the individual (and their representative).</p> <p>In most circumstances where misconduct or serious misconduct of employees is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate Senior Manager/trustee, who would be accompanied by another manager/trustee. The investigating manager will be asked to present their findings in the presence of the employee who has been investigated. Witnesses should be called at this stage, and the employee allowed to question these witnesses. The employee has a right of representation at this hearing.</p> <p>Following the full presentation of the facts, and the opportunity afforded to the employee to state their side of the case, the hearing should be adjourned, and everyone will leave the room except the senior manager/trustee hearing the case, and the other manager/trustee. They will discuss the case and decide which of the following option was appropriate:</p> <ol style="list-style-type: none"> <li>1. take no further action against the employee</li> <li>2. recommend counselling for the employee</li> <li>3. proceed to a disciplinary hearing</li> </ol> <p>All parties should be brought back and informed as to which option has been chosen.</p> <p>Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:</p> <ul style="list-style-type: none"> <li>• the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that they have the right of representation</li> <li>• they have been told in advance what the nature of the complaint is, and had time to consult with a representative</li> <li>• all the facts have been produced at the investigatory hearing, and the manager/trustee is in a position to decide on disciplinary action</li> <li>• the manager should inform the employee and their representative that the hearing would now become a formal disciplinary hearing and invite them to say anything further in relation to the case.</li> </ul>
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	<p>It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of the employee.</p> <p>Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.</p> <p>Proceedings involving volunteers will be more informal to avoid distressing someone who may be a vulnerable adult. The volunteer manager will be the person responsible for any investigations provided they are impartial or if not, a trustee will take the lead. Statements from everybody involved will be obtained if possible and the case will be presented to the trustees. They will discuss the case and decide which of the following option is appropriate:</p> <ol style="list-style-type: none"> <li>1. take no further action against the volunteer</li> <li>2. recommend counselling or further training for the volunteer</li> <li>3. proceed to disciplinary action</li> </ol>
<b>Disciplinary procedure – Warnings</b>	
<b>Examples of minor misconduct</b>	<p>Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.</p> <ul style="list-style-type: none"> <li>• persistent lateness and poor timekeeping</li> <li>• absence from work, including going absent during work, without valid reason, notification or authorisation</li> <li>• smoking within unauthorised areas</li> <li>• failure to work in accordance with prescribed procedures.</li> <li>• incompetence.</li> <li>• unreasonable standards of dress or personal hygiene.</li> <li>• failure to observe Battle Scars regulations and procedures.</li> </ul>
<b>Verbal warning</b>	<p>A Verbal Warning is appropriate when it is necessary for the manager in charge to take action against an employee or volunteer for any minor failing or minor misconduct.</p>
<b>First written warning</b>	<p>A First Written Warning is appropriate when:</p> <ul style="list-style-type: none"> <li>• a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed</li> <li>• an offence is of a more serious nature for which a written warning is more appropriate</li> </ul>

	<ul style="list-style-type: none"> <li>the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.</li> </ul> <p>It may be decided that when dealing with a volunteer's minor misconduct a second verbal warning is preferable to a written warning. Repeated misconduct will result in termination of volunteering.</p>
<b>Examples of gross misconduct</b>	<p>Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning, Demotion or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.</p> <ul style="list-style-type: none"> <li>theft, including unauthorised possession of Battle Scars property</li> <li>breaches of confidentiality, prejudicial to the interest of the organisation</li> <li>being unfit for duty because of the misuse/consumption of drugs or alcohol</li> <li>refusal to carry out a management instruction which is within the individual's capabilities and which would be seen to be in the interests of the organisation</li> <li>breach of confidentiality or security procedures</li> <li>bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe</li> <li>physical assault, breach of the peace or verbal abuse</li> <li>false declaration of qualifications or professional registration</li> <li>failure to observe Battle Scars rules, regulations or procedures</li> <li>wilful damage of property at work</li> <li>incompetence or failure to apply sound professional judgement</li> <li>serious breach of the health and safety rules</li> </ul>
<b>Final written warning</b>	<p>A Final Written Warning is appropriate when:</p> <ul style="list-style-type: none"> <li>an employee's offence is of a serious nature falling just short of one justifying dismissal</li> <li>an employee persists in the misconduct which previously warranted a lesser warning.</li> </ul>
<b>Downgrading or transfer to another post</b>	<p>This action is appropriate when:</p> <ul style="list-style-type: none"> <li>previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.</li> <li>an employee is considered by the Manager of the department to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate. See the <i>Battle Scars Capability Policy</i>.</li> </ul>
<b>Dismissal</b>	Dismissal is appropriate when

	<ul style="list-style-type: none"> <li>• an employee's or volunteer's behaviour is considered to be Gross Misconduct</li> <li>• an employee's or volunteer's misconduct has persisted, exhausting all other lines of disciplinary procedure</li> <li>• a volunteer is deemed to be a serious risk to the organisation's reputation, service users, other volunteers or staff because of their actions.</li> </ul>
<b>Time scales for the expiry of warnings</b>	<p>Warnings issued to employees shall be deemed to have expired after the following periods of time.</p> <ul style="list-style-type: none"> <li>• Verbal Warnings: 6 months</li> <li>• First Written Warnings: 12 months</li> <li>• Final Written Warnings: 18 months (or as agreed and recorded at the hearing)</li> </ul> <p>These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.</p> <p>Warnings issued to volunteers do not have expiry dates but every effort will be made to support them and avoid a similar situation from occurring.</p>
<b>Letter of warning</b>	<p>All Warnings must contain the following information:</p> <ul style="list-style-type: none"> <li>• the letter must be issued within 7 days of the date of the disciplinary hearing</li> <li>• the nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken</li> <li>• the period of time given to the employee for improvement.</li> <li>• the employees right to appeal to the manager directly above that of the one issuing the warning</li> <li>• a copy of the warning and any supporting documentation must be attached to the individuals personnel file</li> <li>• the employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person</li> <li>• in the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to who they can make that appeal.</li> </ul>
<b>Letter confirming dismissal</b>	<p>The letter confirming dismissal will contain the following information:</p> <ul style="list-style-type: none"> <li>• the reason for dismissal and any administrative matters arising from the termination of their employment or volunteering</li> <li>• the employee's right of appeal and to whom they should make that appeal.</li> </ul>
<b>Criminal Charges</b>	<p>Where the employee's or volunteer's conduct is the subject of a criminal investigation, charge or conviction an investigation of</p>

	<p>the facts will take place before deciding whether to take formal disciplinary action. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee or volunteer is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.</p> <p>A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to the person's employment or volunteering.</p>
<p><b>Disciplinary procedure – Appeals</b></p>	
<p><b>Appeals</b></p>	<p>Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:</p> <ul style="list-style-type: none"> <li>• that the organisation's procedure had not been followed correctly</li> <li>• that the resulting disciplinary action was inappropriate</li> <li>• that the need for disciplinary action was not warranted</li> <li>• that new information regarding disciplinary action, has arisen.</li> </ul> <p>An appeal should be put in writing. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning or dismissal letter. An appeal hearing will be arranged within 20 working days of receipt of the appeal letter.</p> <p>Even though volunteers do not have employee rights, if they wish to appeal, they should put it in writing and address it to the Chair of the Board of Trustees. Battle Scars is under no obligation to hold an appeal hearing but the appeal will not be dismissed without consideration.</p>
<p><b>Appeals against verbal and first warnings</b></p>	<p>In the case of verbal and first warnings, the appeal will be heard by the manager next in line to the one who issued the warning or a trustee.</p>
<p><b>Appeals against downgrading, final warnings and dismissal</b></p>	<p>The hearing and determining of appeals against final warnings and dismissal will be heard by the Chief Executive or the Chair of the board of trustees. They may also involve another senior manager/trustee not previously involved with the case. When dealing with an appeal against a Final Warning or Dismissal written statements of case may be submitted no later than 2 days prior to the date of Appeal Hearing. No additional written evidence will be admitted by the Appeal Committee on the date of the Hearing.</p>

	<p>Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.</p> <p>It is the responsibility of the management representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.</p>
<p><b>Grievance procedure</b></p>	
<p><b>Scope</b></p>	<p>The grievance procedure is intended as the tool by which a member of staff may formally have a grievance, regarding any condition of their employment, heard by the management of the organisation. The aggrieved employee has the right to representation by a Trade Union Representative, a professional organisation, a staff association or a colleague/friend.</p> <p>In the event of a member of staff wishing to raise a grievance, it is preferable for the grievance to be satisfactorily resolved as close to the individual and their line manager as possible. It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve the organisation's employees.</p> <p>If a volunteer wishes to raise a grievance, it will be resolved by the volunteer manager or, if it concerns the volunteer manager, by the trustees. Battle Scars has no obligation to follow the following steps but the Complaints &amp; Compliments Policy and Procedure will be followed.</p> <p>Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended if it is agreed upon by both parties.</p> <p>This procedure is not intended to deal with:</p> <ol style="list-style-type: none"> <li>1. dismissal or disciplinary matters which are dealt with in a separate procedure</li> <li>2. disputes, which are of a collective nature and which are dealt with in a separate procedure.</li> </ol>
<p><b>Stage 1</b></p>	<p>An employee who has a grievance, should raise the matter with their manager immediately either verbally or in writing. If the matter itself concerns the employee's immediate manager, then the grievance should be taken to their superior.</p> <p>If the manager is unable to resolve the matter at that time then a formal written grievance form should be submitted (see appendix 1). The manager should then respond <b>within 2 working days</b> (i.e. the manager's normal working days) to the</p>

	grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the manager's decision and who to appeal to if still aggrieved.
<b>Stage 2</b>	<p>In most instances the organisation would expect the manager's decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision of the manager concerned.</p> <p>The appeal, to the manager next in line must be made within ten working days of the original response to the employee's grievance. The appeal must be in writing (see appendix 2) and contain the original formal Grievance form. This manager/trustee will attempt to resolve the grievance. A formal response and full explanation will be given in writing, as will the name of the person to whom they can appeal if still aggrieved, <b>within 7 working days.</b></p> <p><b>Where the 'next in line' manager at this stage is the Chair of the board of trustees, then the grievance should immediately progress to stage 3.</b></p>
<b>Stage 3</b>	<p>If the employee remains aggrieved there will be a final level of appeal to the Chair of the board of trustee. This appeal must be made in writing (see appendix 3), enclosing a copy of the original Formal Grievance form, to the Chair within ten working days of receipt of the Stage 2 response. The Chair will arrange and hear the appeal with another management representative and respond formally with a full explanation <b>within 20 working days.</b></p> <p>There is no further right of appeal. Where however <b>both</b> parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.</p>
<b>Policy review</b>	
<b>Responsibility</b>	It is the responsibility of the CEO to review this policy unless the task has been delegated to an appropriate volunteer or employee before the policy review date.
<b>Procedure</b>	All volunteers and employees can have input in this policy's review via their supervision.
<b>Timing</b>	The review must be completed within a month of the review date.

***Grievance Procedure - Appendix 1***

*To:*

*From:*

*Date:*

*Immediate Superior:*

Dear

I wish to take a formal grievance out against:

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in line with the Battle Scars' Grievance Procedure.

The details of my grievance are shown below :

Yours sincerely,

***(Manager should respond to this formal written grievance within 2 working days unless an extended period for response is mutually agreed)***

**Grievance Procedure - Appendix 2**

To:

From:

Date:

Immediate Superior:

Dear

On *(within 10 days of the response to the initial formal grievance)* my grievance against

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was heard by

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I am not satisfied with the outcome of this meeting and would like to appeal to yourself for a further hearing of my grievance, in line with the Battle Scars' Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

***(Manager should respond to this formal written grievance within 7 days unless an extended period for response is mutually agreed)***

**Grievance Procedure - Appendix 3**

To (Chair of the board of trustees):

From:

Dept:

Date:

Immediate Superior:

Dear

On (within 10 days of the response to the second stage of the formal grievance) I appealed to against the decision made at my initial grievance against

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I remain dissatisfied with the outcome of this meeting and would like to appeal to you for a further hearing of my grievance, in line with the Battle Scars' Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

***(Chair should respond to this formal written grievance within 20 working days unless an extended period for response is mutually agreed)***