

WELLCOME CARE HOMES LTD	Reviewed April 2020
DISCIPLINARY & GRIEVANCE PROCEDURE	Page 1

Wellcome Care Homes Limited operates a fair disciplinary & Grievance Procedure, following the ACAS code of conduct.

Policy Statement

This policy should be read together with your individual contract of employment and relevant Employee Agreement. This policy is non-contractual applies to all permanent, bank and contracted employees who are employed on a full or part-time basis by the company.

1. Disciplinary Procedure

A procedure is necessary to deal with cases where the Manager feels it needs to institute disciplinary action against any employee who fails to maintain the required work standards or conduct.

The purpose of this procedure is to ensure that there should be a fair and systematic approach to matters of discipline affecting all employees. The procedure should operate without delay and should provide full consideration for every disciplinary case.

As some stages of the procedure may be separated by considerable periods of time, you need to be informed that under the Data Protection Regulations 2018 (DPA) that all decisions will be recorded and files in the employee's personnel record.

The authority for dismissal lies with the Registered Manager. There may be occasions when that person is not available and some action is deemed necessary to be taken. In such circumstances the person in charge may decide to send the employee off the premises instructing him/her to report to the Registered Manager as soon as they becomes available. The person in charge will inform the Registered Manager of his/her decision to remove this employee from the workplace at the earliest opportunity.

Warning procedure

Apart from an informal verbal warning, an employee has the following rights in relation to disciplinary action:

- To be informed of the allegations of misconduct or poor performance to be addressed at any disciplinary hearing.
- To be provided with any supporting evidence to be used in the hearing at least 24 hours before the hearing takes place.
- To be accompanied by a work colleague or by a trade union official.
- To appeal against any disciplinary action.

Stage 1: Written warning.

The first written warning will be issued following a disciplinary hearing where there is a current formal verbal warning on file. This record will remain on file for 12 months.

Stage 2: Final Written warning.

If the employee's capability or conduct continues to be unsatisfactory, another disciplinary hearing will be held. If no satisfactory explanation is offered, a final written warning will be issued. This written warning will remain on file for 12 months.

Stage 3: Termination

If the employee's capability or conduct is still unsatisfactory after the written warnings, notice of termination will be given. This will include the reasons for the termination and in this circumstance, the home will not be obliged to pay the employee in lieu of the notice period specified in the employee's contract of employment. A copy of the notice will be handed to the employee and one will be filed in the employee's personnel file,

Stage 4: Right of Appeal

At each stage of the disciplinary procedure an employee has the right of appeal. An appeal may be made in writing to the Responsible Individual within five working days of receiving written confirmation of the disciplinary decision taken against you.

Summary Dismissal (i.e. without use of the warning procedure)

Any occasion of gross misconduct would justify the use of summary dismissal without notice. Some illustrations of gross misconduct are as follows:

- Intoxication
- Physical or Verbal abuse to residents
- Divulging incorrect information to a resident's family
- Theft
- Destruction defacement or misappropriation of the home's or resident's property
- Falsification of documents
- Blatant violation of safety rules
- Insubordination or wilful refusal to follow reasonable instructions of the Registered Manager or Senior member of the team in charge of a shift.

In any case of a summary dismissal the person so dismissed has the right of appeal. The forgoing action does not imply that the home will not also take action in a criminal court of law.

2. Grievance Procedure

This procedure is designed to maintain or improve the relationships that currently exist between the home and its employees.

The Directors and the Responsible Individual and Registered Manager wish each employee to be fully aware that the aim of the procedure is to settle any grievances fairly and as near as possible to the point of origin. The rules of the procedure are simple and designed to enable any justified grievance to be rectified quickly with the intention that they will enable discussions to take place in a good manner and atmosphere.

Stage 1:

Any employee who has a grievance should first discuss the matter with the Registered Manager.

Stage 2:

If the matter is not settled at Stage 1, then a meeting with the Responsible Individual should be requested in writing. This meeting should take place within five working days of the receipt of the request and a written reply given within a further five working days containing a final decision.