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Charity Number 111626 Company Number 5535863

PROCEDURES FOR STAFF AND DIRECTORS / TRUSTEES GRIEVANCE AND DISCIPLINARY POLICY

These procedures deal with grievances and disciplinary issues arising within the Company in the context of the employment of staff, or membership of the Directors / Trustees. Grievances involving service users are dealt with by Activ8's Complaints Policy.

These procedures are intended to ensure the rapid and effective resolution of disputes, whenever possible by amicable discussion, within a framework of law. Nothing in these procedures should be taken as infringing anybody's statutory rights.

A. GRIEVANCE PROCEDURE

1. Grievances should whenever possible be settled by discussion between those directly involved, within the context of Activ8 Learning policies. Only if this process is not effective in reaching a solution acceptable to both parties should the following procedures be applied.
2. Unless the Centre Manager is involved in the grievance as the complainant or subject of complaint, grievances involving members of staff should be raised verbally with the Centre Manager, who will use her / his best endeavours to resolve the grievance amicably and as quickly as possible by discussion with all those concerned.
3. If the grievance appears to raise a disciplinary issue, then this will be investigated and dealt with as detailed in the Disciplinary Procedure.
4. In the absence of a disciplinary issue, if a solution agreeable to all parties cannot be reached by informal discussion, the next stage is for the aggrieved person to refer the grievance in writing to the Chairperson.
5. Grievances involving the Centre Manager or a Director / Trustee other than the Chairperson should be referred in writing to the Chairperson. If the Chairperson is unable to resolve the issue personally, then s/he will convene a Disputes Panel comprising two Directors, at not less than 48 hours nor more than one week's notice.

6. Any Director / Trustee who is party to a grievance will have the same rights and status as other parties, and will not take part as a Director / Trustees in adjudicating the grievance.
7. Grievances involving the Chairperson should be referred in writing to the Centre Manager. If the Centre Manager is unable to resolve the issue personally, then s/he will convene a Disputes Panel comprising her/himself and two Directors, at not less than 48 hours nor more than one week's notice. An equivalent process to the one outlined in paras. 5-6 will then be followed.
8. Any party to the grievance will have the right to attend and speak, without the right to vote, at any meeting of the Board where the matter is to be discussed, and to be accompanied by a friend who may speak on his / her behalf, without the right to vote.
9. The decision of the Disputes Panel will be communicated in writing to the parties to the grievance by the Chair of the panel, together with notice of their rights to appeal.
10. All those involved in grievance procedures, whether as parties, investigators or Directors / Trustees, should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.

B. DISCIPLINARY PROCEDURE

1. Any conduct by an employee or Director / Trustee of Activ8 Learning which fails to conform to legal requirements, contractual agreements, established working practices or the policies of Activ8, or Learning which brings Activ8 Learning into disrepute, may be subject to disciplinary procedure.
2. Instances of such behaviour should be reported to the Centre Manager. Where the Centre Manager is the complainant or the subject of complaint, reports should be made to the Chairperson. Where a Director / Trustee is the subject of the complaint, the Centre Manager will consult the Chairperson. Where the Chairperson is the subject of complaint, the Manager will consult the other Directors / Trustees.
3. Following investigation of the incident, the Centre Manager or Chairperson, as appropriate, will if necessary deliver a verbal warning which makes clear the nature of the unacceptable behaviour and the required behaviour, with any relevant date for compliance. This verbal warning will be recorded, with date.
4. If necessary, the verbal warning will be followed by a written warning signed by the Centre Manager or Chairperson, which will clearly itemise the unacceptable behaviour, state clearly the improvement required, state any action to be taken by other staff or Directors / Trustees in support of this improvement, and give a time scale for implementation and review.

5. If this review does not see the situation satisfactorily resolved, a further written warning may be issued.
6. If the problem persists after two written warnings, in the case of an employee, procedure for dismissal without notice may follow.
7. In the case of a Director / Trustee, procedure for termination of membership may in some circumstances follow as provided in the Memorandum and Articles of Association of the Company.
8. All those involved in disciplinary procedures, whether as parties, investigators or Directors / Trustees, should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.

C. DISMISSAL WITHOUT NOTICE

1. If two or more written warnings are disregarded, or in case of proven serious misconduct (see below), procedure for dismissal of an employee without notice may commence as follows.
2. The Centre Manager, or if necessary the Chairperson, will communicate in writing to suspend the employee from duty with immediate effect without loss of pay.
3. A Disciplinary Panel comprising two Directors / Trustees will ~~meet not less~~ than 48 hours nor is more than one week after the suspension notice received.
4. The employee shall have the right to attend and speak at this meeting, without the right to vote, and to be accompanied by a friend who may also speak on her / his behalf, without the right to vote.
5. Following this meeting, the Disciplinary Panel may decide to re-instate, with or without conditions, or to dismiss the employee with immediate effect. Any decision of the meeting will be given to the employee in writing, signed by the Chair of the Panel.
6. Notice of dismissal, if applicable, will be in writing and signed by the Chair of the Panel. It will give a clear statement of the reasons for dismissal, a summary of the events leading up to dismissal, and a notice of right to appeal.
7. Examples of serious misconduct include, but are not limited to, the following:
 - Any form of abuse of a child or vulnerable adult
 - Any deliberate or negligent act, or failure to act, which places a child or vulnerable adults at risk of significant harm
 - Concealment or falsification of information relevant to DBS checks.

- Any form of harassment, abuse or violence to anybody associated with Activ8 Learning or its business partners.
 - Any serious dishonesty or deliberate damage involving property or premises of Activ8 Learning or its business partners.
 - Any serious dishonesty or malpractice in relation to the conduct of training, assessment or verification or the awarding of qualifications.
 - Any behaviour that seriously damages the good reputation of Activ8 Learning or its staff.
8. All those involved in dismissal procedures, whether as parties, investigators or Directors / Trustees, should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.

D. APPEALS

1. Following any Disputes Panel decision, verbal or written disciplinary warning, termination of membership or dismissal, an appeal may be made by the person affected.
2. Notice of intention to appeal must be delivered in writing to the Centre Manager or Chairperson of Directors / Trustees not more than five working days after the issuing of the decision, warning, termination or dismissal against which appeal is to be made. The Centre Manager or Chairperson will then convene an Appeal Panel comprising two Directors / Trustees, at not less than 48 hours nor more than one week's notice.
3. Directors / Trustees involved in the original decision / warning / termination / dismissal may not be members of an Appeal Panel.
4. At any appeal hearing, the appellant will be entitled to attend and speak, without the right to vote, and to be accompanied by a friend who may speak on her / his behalf, without the right to vote.
5. The decision of the Appeal Panel will be communicated in writing to the appellant by the Chair of Directors and will be final within Activ8 Learning. Any further appeal may be made only to an authoritative outside body agreed by both parties or as prescribed by law.
6. All those involved in appeals procedures, whether as parties, investigators or Directors / Trustees, should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.

E. REVIEW PROCESS

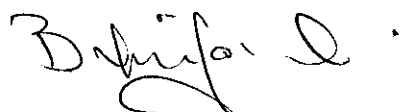
This Grievance and Disciplinary procedures will be reviewed by the Board of Director / Trustees at intervals of not more than three years.

F. Date of adoption and review

This Policy on dealing with Grievance and Disciplinary Procedure was adopted by the Directors / Trustees on: 20th May 2014

Signed on behalf of Chair of Trustees:

B Linford



Date of next review: Sep 2020

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