

## MESH

### DISCIPLINARY AND GRIEVANCE POLICY

#### Disciplinary Rules

MESH requires high standards of discipline from our employees, together with satisfactory standards of work. These disciplinary procedures and rules apply to any misconduct or failure to meet standards of performance or attendance. The procedure is referred to in your Contract of Employment but is not contractual. For minor cases of misconduct or poor performance, MESH may decide to take informal action outside of the disciplinary procedure. However, in the event of an employee failing to comply with the rules of conduct or failing to meet standards of performance / attendance or being in breach of the terms and conditions of employment we will take appropriate formal action.

While it is impossible to detail every circumstance in which disciplinary action may be appropriate, examples of misconduct and gross misconduct are listed below. These are intended to give an indication of the types of behaviour likely to justify formal disciplinary action.

#### Examples of misconduct

- Failure to adhere to working hours, e.g. persistent lateness
- Failure to report as unfit for work due to illness on the first day or at the earliest opportunity
- Unacceptable level of absence
- Refusal or failure to obey a reasonable instruction
- Disregarding safety practices, procedures and rules
- Being an accessory to a disciplinary offence by another employee
- Failure to follow our procedures
- Breach of MESH policies
- Inappropriate dress or appearance which is below acceptable standards

#### Examples of Gross misconduct

- Theft from the Company, another employee, a volunteer, a service user or suppliers
- Dishonesty, defrauding the Company or falsifying records
- Removal of Company property or property of other employees, volunteers or service users or our suppliers without authorisation
- Wilful damage to or deliberate misuse and/or neglect of any item of property belonging to us, a member of staff, a volunteer, a service user or any third party
- Misuse of Company facilities including computer facilities either deliberately or through negligence
- Unauthorised access to, amendment, removal, destruction or deliberate falsification of official records
- Assaulting another employee, a volunteer or a service user
- Negligent, abusive or violent behaviour
- Serious breach of security
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- A serious act of insubordination
- Failure to comply with a reasonable instruction or contractual requirement
- Serious breaches of health and safety or safeguarding rules and procedures

- A serious breach of MESH employment policies and procedures
- Attending work unfit for duty as a result of the misuse of alcohol, taking non-prescribed drugs or substances
- Bullying or harassment of or discrimination against any employee, volunteer or member of the public on grounds of age, sex, marital status, race, nationality, sexuality, disability or religious belief
- Committing an act outside work, or being convicted for a criminal offence, which is liable to seriously undermine the performance of the contract of employment and/or the relationship between you and us
- Failure to disclose correct information on your application form
- Unauthorised absence
- Words or actions that may be to the detriment of the Company
- A serious breach of the confidentiality provisions detailed in your contract of employment subject to the Public Interest Disclosure Act 1998
- A serious breach of our Data Protection Policy including disclosure of the personal data of our employees or former employees, volunteers, service users, contractors or suppliers without their consent or obtaining or allowing unauthorised access to such personal data
- Bringing the MESH into serious disrepute
- A serious breach of the MESH's Computer use and Telecommunications Policy
- Carrying out work or engaging in any other business without our prior written consent, not applicable to freelance staff
- Being directly or indirectly engaged, concerned or interested in or providing advice to any business, organisation or venture which competes with us or is one of our potential or existing clients without our prior written consent
- Engaging in activities outside normal working hours which have or could have, in our reasonable opinion, a detrimental effect on our business or reputation

#### Poor Performance

If a staff member fails to perform duties to a satisfactory standard then MESH may review their performance at intervals determined by us. The staff member will be liable to appropriate disciplinary action in accordance with this procedure and rules.

At each stage the staff member will be informed of the extent to which performance fails to meet satisfactory standards, the improvement required and over what period, and the consequences of failure to meet satisfactory standards

#### Procedure

##### Investigations

MESH will not take disciplinary action until the case has been investigated. In cases where there are reasonable grounds for suspecting that a disciplinary offence has been committed, or where relationships have broken down, or it consider that MESH property or responsibilities to other parties are at risk, a staff member may be suspended while the case is being investigated. Any such suspension will be on full pay and benefits and will normally last only as long as required to investigate the circumstances and convene a disciplinary hearing. This suspension is not a punishment or a form of disciplinary action.

## Step One

The staff member will be informed in writing of the nature of the complaint or allegations against them and the basis for the complaint.

## Step Two

MESH will invite the staff member to a hearing at a reasonable time and place where the issue can be discussed. The staff member must take all reasonable steps to attend. They have a right to be accompanied to all disciplinary hearings by either a Trade Union Representative or a work colleague, who may address the hearing to put their case, sum up their case and respond on their behalf to any view expressed at the hearing. The staff member will be given reasonable time to confer privately with their representative. If the staff member's chosen representative is not available to attend on a proposed date they will be offered an alternative date which must be within 5 working days of the date first proposed.

MESH will give the staff member written notice of all hearings, normally 2 working days' notice of the meeting. The staff member will be supplied in advance with any relevant documentation that will be referred to at the hearing, as well as all relevant written statements or, if this is not possible, MESH will provide a summary of the contents of those statements.

Where, after an investigation and a hearing have taken place, there are reasonable grounds for believing that the staff member has committed an act of misconduct or has failed to meet adequate standards of work, MESH will decide on the level of sanction.

The outcome of hearings/meetings will be confirmed in writing and, if appropriate, the improvement or change in behaviour required, the timescale allowed for this, any sanction imposed and the right of appeal against any action taken.

## Step Three

A staff member has the right of appeal if they are dissatisfied with the decision. An appeal must be made in writing within 5 working days of the date on which the decision was sent and the appeal must state the grounds of the appeal. The staff member will invite to attend an appeal hearing and has the right to be accompanied to any appeal hearing by a representative as outlined in the procedure above.

The final decision will be confirmed in writing after the appeal hearing

MESH reserve the right to vary the timings contained in this procedure in appropriate circumstances.

## Sanctions

Other than in cases of gross misconduct, a staff member will not normally be dismissed for a first offence. The action taken will depend upon the seriousness of the breach of discipline, seniority and any other relevant circumstances, such as whether it is the first or second offence.

## Written Warnings

This will be appropriate for relatively minor offences of misconduct or poor performance. The warning will remain in force for 6 months from the date of the warning.

## Final Written Warning

Where there is a failure to improve performance or conduct during the currency of any prior warning or where the misconduct or poor performance is sufficiently serious a staff member will be given a final written warning.

A note of the warning will remain on a staff member's file for a period of 12 months from the date of the warning.

## Dismissal

In the event of any further misconduct or failure to achieve satisfactory standards, or in cases of misconduct not amounting to gross misconduct but warranting dismissal, having regard to a staff member's disciplinary record, the outcome of the disciplinary and dismissal procedure may be dismissal.

## Summary Dismissal

In cases of gross misconduct, a staff member will normally be dismissed without notice or pay in lieu of notice. In exceptional circumstances, or if there are any genuine mitigating circumstances, alternative disciplinary action may be taken.

## Information relating to all steps of the procedure

MESH will keep the proceedings, witness statements and all records confidential and retain them in accordance with the Data Protection Policy.

## **Grievance procedure**

### Informal procedure

If a staff member feels aggrieved about an issue, it should first raise it informally with their Manager. If the grievance remains unresolved, a staff member can use the formal procedure. The procedure applies where the staff member is aggrieved about an action that was taken by MESH in relation to you, and where you assert that the action was taken wholly or mainly by reason of something other than the staff member's conduct or capability. This will include warnings and investigatory suspensions, but will exclude other disciplinary action or dismissals. The formal procedure also applies when a staff member wishes to complain about action taken by colleagues. The formal procedure is as follows:

### Formal procedure

#### Step 1

The staff member must set down in writing the nature of their grievance and send it to their Manager, or if the grievance relates to [the Manager] then you should send it to a Trustee. Once a formal grievance has been submitted MESH wish to investigate it even if the staff member decides that they do not want to pursue it, depending upon the nature of the grievance.

#### Step 2

The staff member will be invited in writing to at least one hearing at a reasonable time and place to discuss the grievance. At that meeting the staff member must outline the basis for the grievance. They must take all reasonable steps to attend the meeting. After the meeting MESH will advise the staff member of our decision and offer you the right to appeal if you are unhappy with the decision.

### Step 3

If the staff member disagrees with the decision, they may appeal by notifying MESH in writing within 5 days of the decision being communicated. After the meeting, the final decision will be communicated in writing.

### Right to be accompanied

At all stages of the grievance procedure a staff member has the right to be accompanied by a work colleague or a trade union representative. This representative may participate in any hearings and address the hearing to put the staff member's case, sum up the case and respond on their behalf to any view expressed at the hearing. If the chosen representative is not available on a proposed date, a staff member will be offer a reasonable alternative date which must be within 5 working days of the date first proposed.