



Yenaa Housing

Disciplinary, Grievance & Appeals Policy

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Policy Checklist	
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Disciplinary, Professional Conduct, Grievance & Appeals

Introduction

This policy applies to all Yenaa Housing staff.

The systems and procedures identified within this policy are mandatory. The policy has been designed to provide staff with help in dealing with any problems they may encounter at work. Unless stated otherwise, this policy is not intended to form part of a contract of employment. This policy and integrated procedures will support the safety and welfare of all children in our care.

When help is needed

These sections outline where to go for help in dealing with specific difficulties, then looks at some potential problems in more detail and describes how to go about making a complaint if necessary. The section also explains the procedures followed in disciplinary matters. It is hoped that staff will experience few problems at work. However, some information is given here about a few specific difficulties that could arise.

1. Harassment and Bullying

Yenaa Housings policy on equality and diversity underpins our view that harassment or bullying of any kind will not be tolerated. Harassment and the hurt caused can too easily be trivialised and can be one of the most upsetting experiences a person can suffer.

Harassment can also carry an economic cost to our company in terms of low morale, reduced productivity and quality of service. We must all take responsibility for ensuring that our working environment is free from harassment.

1.1 What is harassment?

One of the difficulties about harassment is how to define it. There are differing views about what constitutes harassment. But what matters is how the person being harassed is affected, not the harasser's intent.

1.2 Harassment can include:

- Displaying, keeping or circulating offensive material within company premises.
- Physical threats or verbal abuse, including explicit, derogatory or stereotyped remarks and statements, which can cause someone to feel intimidated or humiliated.
- Unwelcome attention, overly familiar behaviour, innuendo, mockery or stereotype jokes.
- Unwanted intrusive or persistent questioning about a person's marital status, sexual interest or orientation or questions about a person's racial/ethnic origin, including their culture or religion.
- Suggestions that sexual favours may further a person's career, or that not granting them may adversely affect their career.
- Offensive behaviour such as leering and rude gestures or unnecessary bodily contact.
- Physical violence or bullying.
- Anonymous phone calls, etc.

Although harassment normally takes the form of repeated actions and incidents, one single incident can also constitute harassment if it is sufficiently serious.

1.3 What is bullying?

Bullying is also 'harassment' and is used to describe a threatening or intimidating work environment, in which a group of people or an individual may become fearful or intimidated because of the negative or hostile behaviour of another group of people or individual. It is usually persistent, often unpredictable and may be vindictive, cruel or malicious. However, it can also arise even when a person is unaware of the effect his or her behaviour is having on someone else.

1.4 Examples of bullying are:

- Verbal abuse, such as shouting or swearing at staff or colleagues either in public or private;
- Personal insults;
- Belittling or ridiculing a person, or his/her abilities, either in private or in front of others;
- Spreading malicious rumours about someone;
- Sudden rages or displays of temper against an individual or group, often for trivial reasons;
- Subjecting someone to unnecessary excessive or oppressive supervision, monitoring everything they do or being excessively critical of minor things;
- Persistent and unjustified criticism;
- Setting menial or demeaning tasks which are inappropriate to the job or taking away areas of work responsibilities from an individual for no justifiable reason;
- Ignoring or excluding an individual e.g. From social events, team meetings, discussions and collective decisions or planning;
- Making threats or inappropriate comments about career prospects or job security.

1.5 The effect of harassment or bullying

Harassment or bullying can be one of the most upsetting or humiliating experiences a person can suffer. It can too easily be trivialised. It can lead to increased absenteeism and lack of motivation resulting in emotional stress. It can, therefore, have considerable effects on the efficiency of the work of the team, and on the health and personal wellbeing of the individual.

1.6 Who to speak with if harassed or bullied?

Staff are encouraged to speak with the following people for advice:

- Staff can report the harassment or bullying to their Line Manager. They can seek to resolve the complaint and they will offer support and advice. The matter must be treated as confidential, though the manager may have to report instances where there is evidence that serious offences may have been committed. Staff can also ask that a Director deal with a complaint formally.
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- If the Manager is/are causing the harassment/bullying, staff should speak with:
 - a) An individual who is not causing the problem and/or;
 - b) A trusted friend or colleague, who could speak on behalf of the staff member to any of the above as a first step;

1.7 What to do If harassment or bullying continues

If an individual will not stop the behaviour which is found to be distressing or continues to harass or bully after having agreed to stop, the concern may be raised with the Operations Manager.

1.8 Preventing harassment

As individuals, staff be aware of the issue and make sure that their own behaviour does not cause offence or misunderstanding.

All managers have a responsibility to set a good example and to deal promptly and sensitively with complaints of harassment. Full consideration will be given to complaints about conduct which is either deliberately, or likely to be perceived as, harassing or offensive.

1.9 What to do if someone is being bullied or harassed

Staff are advised to speak to the individual and ask him or her if they find the behaviour a problem. If they do, staff should suggest that they make this clear to the person directly, or speak to a Manager. Staff should accompany him or her if that is thought helpful.

1.10 False Accusations

Complaints of harassment or bullying will be assumed to have been made in good faith unless there is evidence to the contrary. However, if an accusation of harassment or bullying is shown to be deliberately false and was not a genuine mistake, the Operations Manager will consider whether action should be taken against the complainant.

1.11 Stress

Staff should not allow any undue stress to undermine work or general health. If stress or anxiety becomes a concern, staff are advised to speak with their line manager.

Making a complaint

Yenaa Housing strive to be a fair employer in all matters. For this reason, there are established channels through which staff can make a complaint if they feel at any time they have been unfairly treated. All complaints and grievances will be dealt with as quickly as possible.

2.1 Grievance procedure

Most grievances can be resolved quickly and informally through discussion with a manager or Director. If this does not resolve the problem, staff should initiate the formal procedure set out below. This procedure applies to all employees regardless of length of service. [It does not apply to agency workers or self-employed contractors.] This procedure does not form part of any employee's contract of employment.

STEP 1: WRITTEN GRIEVANCE

Staff should put any grievance in writing and submit it to their manager. If the grievance concerns a manager, staff submit it to an appropriate senior professional (such as a director). The written grievance should set out the nature of the concern, including any relevant facts, dates, and names of individuals involved so it can be investigated.

STEP 2: MEETING

The manager will arrange a grievance meeting, normally within [one week] of receiving a written grievance. The staff member concerned must make every effort to attend.

Staff may bring a companion to the grievance meeting if a reasonable request in advance is made and managers informed of the name of the chosen companion. The manager may adjourn the meeting if further investigations are required, after which the meeting will usually be reconvened.

The manager will write to the staff member, usually within one week of the last grievance meeting, to confirm the final decision and notify the staff member of any further action necessary to resolve the grievance. There will be a right of appeal (see over).

STEP 3: APPEALS

If the grievance has not been resolved to the satisfactory standard, staff may appeal in writing to a Director, stating the full grounds for appeal, within [one week] of the date upon which the decision was sent or given.

An appeal meeting will be held (normally) within two weeks of receiving the appeal. This will be dealt with impartially by a [more senior] manager who has not previously been involved in the case. A final decision will be made in writing, usually within one week of the appeal hearing. There is no further right of appeal.

3. Discipline at work

It is important that all members of staff are fully aware of and adhere to expected standards of professional conduct, as outlined in Staff Handbook.

The Company's disciplinary procedures are designed to help management deal fairly with any member of staff whose behaviour falls below these standards. The procedures are intended as an aid to good management and not primarily as a means of punishing staff. However, depending on the circumstances, penalties may be imposed if rules are broken. Such action can, in certain circumstances, involve suspension from duty and dismissal.

Disciplinary procedures are designed to cope with problems related to behaviour, professional conduct, unsatisfactory performance and poor attendance. Disciplinary procedures may be initiated if an alleged misconduct occurs out of the work environment, provided the conduct has a bearing on the employee's position in the company or significantly damages the reputation of the Company. Please note: Criminal convictions will be likely grounds for disciplinary proceedings.

3.1 The following list of examples illustrates conduct which could result in disciplinary procedures being initiated:

- Breach of working hour rules and recording of the former.
- Not completing administration tasks to the correct standards
- Breach of relevant Acts, Regulations and Standards associated with the Company's operations.
- Misuse of email and Internet systems;
- Possession of Alcohol and/or Drugs and misuse of former.
- Harassment/Bullying;
- Disruptive or unacceptable behaviour.
- Refusal to carry out a reasonable instruction and insubordination.
- Failure to comply with the Company's policies and procedures;
- Theft, dishonesty or fraud.
- Smoking on company premises.
- Sleeping during working hours.
- Assault, acts of violence, threatening and or aggressive behaviours.
- Use of obscene or abusive language.
- Damage to company, employee and/or customer property.
- Negligence.
- Bringing the Company, its officers or employees into disrepute.

- Falsification of company records and documentation.
- Acts of discrimination.
- Persistent lateness
- Not reaching agreed supervision targets.
- Breach of health and safety policies.
- Breach of company, employee, client, purchaser and relevant others' confidentiality.
- Unauthorised use including copying of the Company's materials.

The above list is by no means exhaustive but should serve to indicate actions that can invoke disciplinary procedures.

4. Disciplinary procedure

This procedure is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance.

Minor conduct or performance issues can usually be resolved informally with a manager. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally. The procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

4.2 INVESTIGATIONS

Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for fact-finding and no disciplinary action will be taken without a disciplinary hearing.

In some cases of alleged misconduct, Yenaa Housing may need to suspend an employee from work during the investigation or disciplinary procedure (or both). While suspended, staff should not visit work premises or contact any clients, customers, suppliers, contractors or staff, unless authorised to do so.

Suspension is not considered to be disciplinary action.

4.3 THE HEARING

Yenaa housing will give the employee written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences. This will enable the employee to prepare. The employee will normally be given copies of relevant documents and witness statements.

Staff may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as a companion.

Staff should let us know as early as possible if there are any relevant witnesses who could attend the hearing or any documents or other evidence that should be considered.

Yenaa Housing will inform the employee in writing of the decision, usually within one [working] week of the hearing.

Disciplinary procedure

4.4 DISCIPLINARY ACTION AND DISMISSAL

The usual penalties for misconduct or poor performance are:

- a) **Stage 1: First written warning** [or improvement note]. Where there are no other active written warnings [or improvement notes] on a staff member's disciplinary record, the member of staff will usually receive a first written warning [or improvement note]. It will usually remain active for six months.
- b) **Stage 2: Final written warning**. In case of further misconduct or failure to improve where there is an active first written warning [or improvement note] on a staff member's record, the staff member will usually receive a final written warning. This may also be used without a first written warning [or improvement note] for serious cases of misconduct or poor performance. The warning will usually remain active for 12 months.
- c) **Stage 3: Dismissal or other action**. Staff may be dismissed for further misconduct or failure to improve where there is an active final written warning on a staff member's record, or for any act of gross misconduct. Examples of gross misconduct are given below Staff may also be dismissed without a warning for any act of misconduct or unsatisfactory performance during the probationary period.
- d)

4.5 APPEALS

Staff may appeal in writing within one week of being told of the decision. The appeal hearing will, where possible, be held by someone [senior to or other than] the person who held the original hearing. Staff may bring a colleague or trade union representative to the appeal hearing.

Yenaa housing will inform the staff member concerned in writing of the final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.

5. GROSS MISCONDUCT

Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

- a) Theft or fraud;
- b) Harm to a resident in any way
- c) Physical violence, bullying, deliberate and serious damage to property;
- d) Serious misuse of the organisation's property or name, as well as bringing the organisation into serious disrepute;
- e) Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- f) Serious insubordination;
- g) Unlawful discrimination or harassment;
- h) Serious incapability at work brought on by alcohol or illegal drugs;
- i) Causing loss, damage or injury through serious negligence;
- j) A serious breach of health and safety rules;
- k) A serious breach of confidence.

This list is intended as a guide and is not exhaustive.

Records

A full record of disciplinary proceedings which have resulted in a finding against a member of staff charged with an offence will be placed in the member of staff's personal file and kept in confidence.

Excluding very serious offences, no account will be taken of any earlier offence or any subsequent disciplinary proceedings after a lapse of 12 months.