



Disciplinary and Grievance Policy

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| Last Reviewed | September 2024 |
| Reviewed by | Naomi Fearon |
| Reviewed by Governors: | |
| Governor Names: | |
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Disciplinary and Grievance Policy

Review and Scope

This policy was last reviewed in September 2024 and will be reviewed annually to ensure compliance with the latest legislation and safeguarding guidelines. The policy applies to all employees who have passed their probation period, including those working directly with vulnerable groups.

Key Principles

- 1. Safeguarding:** Take 1 Studios is committed to safeguarding and promoting the welfare of vulnerable groups, including children and adults at risk. Any conduct by staff that undermines this commitment will be treated seriously and could result in disciplinary action, up to and including dismissal.
- 2. Equality and Non-Discrimination:** In line with the Equality Act 2010, we will make reasonable adjustments for disabled employees and ensure that no employee is subject to discrimination, harassment, or victimisation during the disciplinary or grievance processes.
- 3. Transparency and Fairness:** The policy follows the ACAS Code of Practice and adheres to legal requirements for fairness, transparency, and timeliness in resolving disciplinary and grievance issues. All allegations will be thoroughly investigated, and all employees will be given a fair opportunity to respond.
- 4. Right to Representation:** Employees involved in formal disciplinary or grievance processes have the right to be accompanied by a trade union representative or colleague. Legal representation is not permitted unless deemed appropriate due to exceptional circumstances.

Safeguarding Concerns

Employees must report any safeguarding concerns involving the welfare of vulnerable individuals (e.g., children, young adults) to their manager or the designated safeguarding officer. Failure to report safeguarding issues may result in disciplinary action. Gross misconduct related to safeguarding could lead to immediate dismissal without notice.

Disciplinary Procedure

The disciplinary process is designed to address employee performance and conduct issues in a structured manner, aimed at improving behaviour while maintaining a respectful work environment.

1. Initial Response (Informal Stage)

- **Objective:** The goal is to resolve issues quickly and informally through open dialogue between the employee and their manager.

- How it works:

If a manager identifies an issue with performance or behaviour, they will speak directly with the employee to clarify expectations and agree on corrective actions. This informal resolution does not typically involve a written record unless the problem recurs.

2. Formal Warnings

These occur when informal resolution is insufficient or if the issue is more serious. There are three escalating levels:

- **Verbal Warning:** The manager will give a verbal warning, which will be documented. This warning may not have serious consequences if the issue is resolved.

- **Written Warning:** Issued if the issue persists or if there are concerns about safety or wellbeing. This is a more formal step and will be recorded in the employee's file.

- **Final Written Warning:** Given in cases of severe misconduct or failure to improve after prior warnings. It serves as the last step before possible dismissal.

3. Gross Misconduct

- Definition:

This refers to serious breaches of conduct that may result in immediate dismissal (without notice). Examples include safeguarding failures, physical violence, harassment, or insubordination.

- Procedure:

Upon suspicion of gross misconduct, the employee may be suspended while an investigation is conducted. If the misconduct is proven, dismissal can follow without prior warnings.

Grievance Procedure

The grievance procedure allows employees to raise concerns about their work environment, relationships, or any aspect of their employment, and it ensures fair and timely resolution.

1. Informal Resolution

- Objective:

Most grievances are intended to be resolved informally, often through discussion with the employee's line manager.

- How it works:

The employee should first raise the issue directly with their manager. If the issue relates to safeguarding, they should contact the safeguarding officer. Managers are expected to address these concerns respectfully and aim to reach a quick resolution.

2. Formal Grievance

- When used:

If the issue cannot be resolved informally or is of a serious nature, the employee can submit a formal grievance in writing.

- Procedure:

Once the formal grievance is lodged, HR steps in to ensure the complaint is handled impartially and professionally. Both sides (employee and management) will be heard, and efforts will be made to resolve the issue fairly.

3. Appeals Process

- Objective:

The appeals process allows employees to challenge the outcome of their grievance if they believe it was not handled fairly.

- How it works:

An independent manager who was not involved in the initial grievance will review the case and make a decision on the appeal.

4. Whistleblowing

- Purpose:

Employees are encouraged to report concerns about illegal activities or safeguarding issues without fear of reprisal.

- How it works:

Whistleblowing concerns can bypass regular channels and go directly to higher authorities, ensuring the employee's anonymity and protection from retaliation.

In both disciplinary and grievance procedures, the principles of **safeguarding, equality, and transparency** are emphasized to ensure fairness and adherence to legal standards.

In both the **disciplinary** and **grievance** procedures, investigations play a crucial role in ensuring fairness and transparency. Here's how the investigation process typically works:

Disciplinary Investigations

When a disciplinary issue, especially gross misconduct, arises, an investigation is initiated to gather facts before any formal action is taken. The key steps in a disciplinary investigation are as follows:

1. Notification of Investigation

- The employee is informed that an investigation will be conducted. This is often accompanied by a letter detailing the nature of the issue, who will conduct the investigation, and the possible outcomes.

- In cases of gross misconduct, the employee may be **suspended** with pay during the investigation. This is to prevent further issues and ensure an impartial process.

2. Appointment of an Investigator

- An independent investigator, usually a manager or HR representative who is not directly involved in the case, is appointed to ensure neutrality. This person gathers evidence and interviews relevant parties.

3. Gathering Evidence

- The investigator collects all relevant information. This could include:

- Documents such as emails, reports, or other records.
- Witness statements from colleagues or other employees.
- Physical or digital evidence related to the alleged misconduct.

4. Interviews with Involved Parties

- The investigator will interview the employee in question to get their side of the story. The employee has the right to be accompanied by a colleague or trade union representative during the interview.

- Any witnesses to the incident or those with relevant information may also be interviewed to provide a full picture of the situation.

5. Report Creation

- Once the evidence is collected, the investigator writes a report summarizing their findings. This report will include details of the investigation process, the evidence gathered, and any conclusions drawn.

- The report does not make a decision but presents the facts clearly for a disciplinary hearing or further action.

6. Disciplinary Hearing

- If the investigation confirms the need for formal action, a disciplinary hearing is convened where the employee is allowed to defend themselves and present any further evidence.
- Based on the investigation report and the hearing, management will determine the appropriate action, which could range from a warning to dismissal in serious cases.

Grievance Investigations

When an employee files a formal grievance, an investigation is similarly conducted to address their complaint. The investigation steps are quite similar to those in a disciplinary case but with some nuances specific to grievances.

1. Grievance Filing

- The employee submits a ****formal grievance**** in writing. This will detail the issue and the outcome they seek.

2. Appointment of an Investigator

- As with disciplinary investigations, an impartial investigator is appointed. They should not have any direct involvement in the grievance issue to ensure fairness.

3. Collecting Evidence

- The investigator reviews documents, emails, records, and any other material relevant to the grievance.
- They will also interview the employee who raised the grievance and any other individuals involved in the issue, such as supervisors or colleagues.

4. Employee Interviews

- The person raising the grievance is interviewed first to understand the full scope of the issue. Any witnesses or individuals named in the grievance will also be interviewed.
- Like in disciplinary cases, the employee has the right to be accompanied during these discussions.

5. Report and Conclusion

- After gathering all the facts, the investigator compiles a report that summarizes the findings of the investigation and recommends actions.
- In some cases, mediation or other forms of conflict resolution might be recommended if the grievance involves interpersonal conflicts.

6. Grievance Hearing and Outcome

- A grievance hearing may follow, where the report is discussed, and a decision is made. The employee is entitled to appeal the outcome if they feel it was unjust.

Key Considerations in Investigations:

- Impartiality:

The investigator must be neutral and have no prior involvement in the issue.

Timeliness:

Investigations should be conducted promptly to avoid unnecessary delays.

- Confidentiality:

Information gathered during the investigation must be kept confidential to protect the privacy of all parties involved.

- Right to Representation:

Employees can be accompanied by a colleague or union representative during interviews, ensuring that their rights are protected.

In both grievance and disciplinary investigations, the goal is to uncover all relevant facts and ensure that any actions taken are based on objective evidence.