



**APRIL COMPLETE CARE SOLUTIONS LTD
(The “Company”)**

Disciplinary & Grievance Policy

April Complete Care Solutions Ltd

14 Hendre Road,
Pencoed, Bridgend
CF35 5NW

Telephone 01656 863963

Fax 01656 865373

Issued – 2.11.2016

POLICY STATEMENT

April Complete Care Solutions Ltd is committed to resolving any disciplinary or grievance as quickly and effectively as possible taking into account both the Employment Rights Act 1996 and section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992. This gives a clear code of practice on disciplinary and grievance procedures within April along with a timeframe to which we will hopefully resolve any disputes or concerns raised.

1. GRIEVANCE PROCEDURE

April believes that grievances should be settled as quickly as possible, and, if you have a grievance, you should put it in writing in the first instance, and discuss it with your immediate supervisor. Every effort should be made to resolve the grievance at this stage.

The Registered Manager will deal with the matter within three working days (both verbally and in writing).

If you are not satisfied with the Manager's decision, you may request an interview with one of the Directors. A decision will be given within five working days.

Finally you have a right of appeal to the Managing Director, whose decision will be final and will be given as soon as practically possible.

At all meetings you have the right (if you wish), to be accompanied by a colleague or a Union Representative not acting in a legal capacity

2. CODE OF CONDUCT

All Workers are expected to act in such a way to promote and safeguard the interests of April.

April, as an employer, also has the duty to ensure all Workers have ascertained the necessary training and education to enable them to carry out their function.

All Workers will be made aware of the rules and guidelines governing their conduct and actions whilst employed by April. The following are the main rules, which apply:

- a. Workers must observe and adhere to clients' procedures.

- b. Workers are responsible for responding to our clients' needs and ensuring they carry out the function to the best of their abilities. You must adhere to each client's care plan and it must be signed at the end of your assignment. Any improvement or deterioration must be documented and any concerns reported to April immediately. There is a duty Manager on call 24 hours, 7 days a week.
- c. Workers must respect client confidentiality gained during the course of their employment with April.
- d. Workers must wear the appropriate uniform at all times when sent to an assignment. For nurses this incorporates a dress with the April logo or a tunic with the logo and smart trousers. For carers or domestics, the uniform consists of a polo shirt with the April logo and a smart pair of trousers.
- e. All Workers must be courteous and polite at all times when carrying out an assignment.
- f. Workers must not discriminate any other Worker or clients on the basis of race, religion, gender or marital status.
- g. Workers must ensure their personal hygiene is of the highest standard.
- h. Workers are responsible for familiarising themselves with our clients premises and ensure they are adequately briefed about tasks requiring attention. You must adhere to each client's care plan and it must be signed at the end of your assignment. Any improvement or deterioration must be documented and any concerns reported to April immediately. There is a duty Manager on call 24 hours, 7 days a week.
- i. Workers have a responsibility to ensure and maintain their professional knowledge and competence, and make known to April any training needs.
- j. Workers are responsible for reporting any incident which could result in a complaint being brought against April, as a result of their actions.

The rules within this guide must be read in conjunction with the above and the Administration of Medicines Procedure.

Failure to comply with any procedure or rule will give rise to disciplinary action being taken against the Worker or Workers concerned.

3. DISCIPLINARY PROCEDURE

April carries out high quality and reliable work for all its clients, who it should be recognised, pay for all our expenditure including wages and benefits. April expects all employees to maintain similar high standards of work and discipline. Our aim is to encourage and help all employees to reach the required standards.

If, after guidance, coaching and training from a supervisor or manager, these standards are not attained and constantly maintained, or employees deviate from such standards and acceptable behaviour, it may be necessary for either or both informal and formal disciplinary action to be taken (which will be commenced by the employer stating the nature of the offence in writing to the employee).

3.1 Principles

The following principles apply to the use of Aprils Disciplinary Process:

Disciplinary action will be taken only after an investigation has been carried out relating to any alleged incident. This may include statements from any witnesses or anyone involved.

You will be informed in advance of any disciplinary hearing and the allegations made against you in writing and you will have the right to be accompanied by a work colleague at the disciplinary hearing or Trades Union Full Time Official.

The nature of the allegation will be clearly explained to you and you will be given the opportunity to state your case. The case will be given due consideration before a decision is made.

In cases of gross misconduct you may be dismissed without notice and without pay.

April may implement additional disciplinary action at any stage of the procedure if your conduct warrants such action.

Demotion may be considered following a disciplinary hearing.

You will have the right to appeal against the outcome of a disciplinary hearing.

3.2 Disciplinary Action - Process

There are five stages to the process as set out below:

3.2.1 Stage 1 – First Stage Warning/Counselling

A formal Verbal written warning and counselling will be given in the case of minor offences.

3.2.2 Stage 2 – Second Stage Warning

If conduct or performance does not meet the acceptable standards, the Manager will normally issue you with a written Second Stage warning.

You will be informed of the details of the complaint, the improvement required and in what time-scale. You will also be informed that action under Stage 3 will be considered if there is no satisfactory improvement. Your right of appeal will be explained. The warning will be placed in your personal file and will remain current for six months.

You will be asked to sign a record to signify that you are aware that you have received a Second Stage warning.

3.2.3 Stage 3 - Written Warning

If a serious offence, or if a further offence is deemed to have occurred, a formal written warning will be issued. An appropriate member of the April Management Team will hold the disciplinary hearing.

You will be informed of the details of the complaint, the improvement required and in what time-scale. You will also be informed that action under Stage 4 will be considered if there is no satisfactory improvement. Your right of appeal will be explained.

The details will be confirmed in writing. Details of the investigation and a copy of the warning will be kept on your file but the warning will expire after 12 months, subject to a satisfactory and sustained improvement in conduct and performance. A copy of the warning will be made available to you and you will be asked to sign it to signify receipt and understanding of the content of the warning.

3.2.4 Stage 4 - Final Written Warning

If there is still a failure to improve and conduct or performance remains unsatisfactory, or if the misconduct is deemed sufficiently serious, a final written warning will be issued. AN appropriate member of April's management team will hold the disciplinary hearing.

You will be informed of the details of the complaint and will be warned that dismissal will occur if there is no satisfactory improvement within a given time-scale. Your right of appeal will be explained.

The details will be confirmed in writing. Details of the investigation and a copy of the warning will be kept on your file but the warning will expire after 12 months, subject to satisfactory and sustained improvement in conduct and performance. You will be asked to sign a copy of the warning to signify receipt and understanding of the content.

3.2.5 Stage 5 - Dismissal

If conduct or performance is still unsatisfactory and you still fail to reach the prescribed standards, then you will be dismissed. The Manager will hold the disciplinary hearing.

You will be informed in writing of the reason for dismissal and the date your employment will be terminated. Your right of appeal will be explained.

3.2.6 Summary Dismissal

If you are deemed to have committed gross misconduct, you may be dismissed summarily without notice and without pay. In addition, you may be suspended without pay, pending investigation. Your right of appeal will be explained.

3.3 Counselling

In cases where, after investigation, a manager considers that formal disciplinary action is inappropriate, you may be counselled. This counselling does not constitute a verbal warning and no formal record will be made. The aim of counselling is to ensure that you understand the nature of your actions and that appropriate remedial measures are taken.

3.4 Gross Misconduct

Gross misconduct, in general terms, is any material breach of duty or any conduct which brings April into disrepute, or any action which is inconsistent with the continuance of the relationship of trust required between an employer and an employee.

Certain acts of gross misconduct may warrant summary dismissal.

Examples of serious/gross misconduct:

- Theft from the company and/or its employees and/or its clients.
- Fighting on company premises and/or work assignments.
- Damaging company, clients and/or employees' property.
- Actions on our premises and/or our clients' premises, or to our staff/clients constituting a criminal offence.

- Substance abuse or inciting another to abuse a substance.
- Discrimination or harassment - See the Equal Opportunities Policy.
- Violent, dangerous or intimidatory conduct.

Such lists are included for example only and are NOT meant to be exhaustive.

3.5 The Appeal Procedure

You are entitled to appeal against disciplinary action. The process is outlined below:

3.6 The Appeal Hearing

All appeals shall be made in writing to the Managing Director and must be received within five working days after a disciplinary hearing. The Managing Director or designate, will hold all appeal hearings.

3.7 Principles of the Appeal Procedure

The outcome of the disciplinary hearing will be re-evaluated and all evidence considered.

You will be informed of the outcome of the appeal in writing with the reasons for the decision.

Appeals will be heard as soon as possible, usually within three working days on receipt of written notice of appeal.

3.8 Right to be Accompanied

You will have the opportunity to be accompanied to any stage of the disciplinary process by another employee or a Trade Union Official.

4. APPEALS PROCEDURE

The aim of the Appeals Procedure is to allow April to hear an appeal from a member of staff without bias and with regard to equal treatment and consistency of approach. It is the intention that all grievances and disciplinary outcomes should be resolved locally and at the nearest point of origin.

Where the local process has been exhausted, but where the member of staff considers that he/she has been unfairly treated, and then the member of staff may appeal against that decision. To exercise the right of Appeal, the employee must write to the Managing Director clearly stating the grounds of the appeal in detail. The appeal must be sent in writing within 10 working days of the letter confirming disciplinary action/ grievance outcomes being received by the employee.

Any additional information must be submitted five days before the hearing.

The appeal is against the manager's decision and would normally be heard by the managing director. The appeal will be heard by a panel comprising two senior managers who have not previously been involved with the disciplinary process.

4.1 REPRESENTATION

Members of staff will be advised that they have the right to be supported at the appeals process by a Trade Union representative, member of their professional organisation, work colleague or friend. As these matters are viewed purely as internal matters, April precludes the right to legal representation by either party during any stage of these procedures.

4.2 WITNESSES

It is the responsibility of each party concerned to arrange for the attendance of their witnesses. Where witnesses are employees of April, time off with pay will not unreasonably be refused. It is the responsibility of the employee (or his/her representative) to request time off from the witness' manager in order that the witness may attend the hearing.

4.3 OBSERVERS

Where the person hearing the grievance permits observers into the proceeding, such permission may only be given if both parties agree to their attendance. It is the responsibility of the observer to declare any/all interests or associations with April.

4.4 TERMS OF REFERENCE

April will delegate to the Appeal Panel responsibility for hearing and deciding individual grievance cases which remain unresolved after all the earlier stages of the procedure have been exhausted.

The appeal panel would be responsible for ensuring that any process relating to disciplinary action had been fairly applied.

The panel will consider and decide on the following points:-

- Whether there were reasonable grounds for a grievance/level of disciplinary action.
- Whether the grievance/disciplinary was adequately investigated.
- Whether the company procedures, policies and practices were correctly and fairly applied by both parties.
- Whether the action taken by the manager or disciplinary action was reasonable.

- If new information is to be submitted to the Appeals hearing, the manager who took the final hearing or continue with the hearing taking into account of the new information.

The panel shall report its decision to April in confidence.

4.5 CONSTITUTION

The appeal panel will consist of the disciplining manager' and one other manager of the same level. The Manager and office staff member who heard the grievance/disciplinary will be in attendance to explain the reason for their original decision.

4.6 APPEALS DECISION

The appeal panel's decision will be final. The decision will be confirmed in writing to the manager and employee within 10 working days following the hearing.