Disciplinary and Grievance Policy

Supportive Bridge Ltd | Community Support and Healthcare Staffing | Bradford, England

POLICY AT A GLANCE

- **Nothing should be a surprise.** Most problems are dealt with informally first, through supervision and support.
- **Investigate before you decide.** No one is disciplined without a fair investigation and a chance to respond.
- **You have the right to be accompanied** at any formal hearing by a work colleague or a trade union representative.
- **You have the right to appeal** any disciplinary decision, heard by someone not previously involved.
- **Suspension is a neutral act,** not a punishment, is on full pay, and is kept as short as possible.
- **Safeguarding comes first.** Where a person may be at risk, we refer to the council and, where required, to CQC and the police before or alongside our own process.
- **Grievances are welcome,** not resented. Raise it informally first if you can, then in writing, and we will hear it properly.
- **Whistleblowing is different.** Concerns about safety or wrongdoing go through the Whistleblowing Policy and carry legal protection.

SERVICE DETAILS (fill in before issuing)

Registered Manager	
Nominated Individual (usually hears appeals)	
Office phone	
Date issued	
Next review date	

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1. PURPOSE AND STATUS

1.1 This policy explains how Supportive Bridge Ltd ("Supportive Bridge", "we", "us") deals with conduct and performance that falls below the standards we expect, and how workers can raise a complaint about their own employment.

1.2 It follows the ACAS Code of Practice on disciplinary and grievance procedures. An employment tribunal can increase or reduce compensation by up to 25 per cent where either side has unreasonably failed to follow the Code.

1.3 It also supports Regulation 17 (Good governance) and Regulation 19 (Fit and proper persons employed) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

1.4 This policy is **not contractual** and may be amended. It does not form part of the contract of employment.

2. SCOPE

2.1 Supportive Bridge Ltd operates two arms, and this policy applies to both: our **healthcare staffing service**, supplying care and support workers to care homes, hospitals and other providers; and our **community support service**, where our own support workers visit adults and older people in their own homes, including council housing, on morning and evening shifts, to support them with daily living.

2.2 Supportive Bridge does **not** provide personal care. Personal care is a regulated activity under the Health and Social Care Act 2008 and we will provide it only if and when we are registered with the Care Quality Commission. Our support workers provide non-personal support such as companionship, meal preparation, shopping, domestic help, prompting, and support to get out and about. This policy is written to meet both local authority provider assurance requirements and the standards we will be assessed against at CQC registration.

2.3 It applies to all employees. Bank, zero-hours and agency workers are dealt with under a proportionate version of the same principles: they will be told the concern, given a chance to respond, and told the outcome.

2.4 Where a concern relates to the Registered Manager, the Nominated Individual takes their place throughout, and an independent person may be appointed.

3. OUR APPROACH

- **Deal with it early and informally where we can.** Most issues are better resolved through a conversation, supervision, retraining or support than through a formal process;
- **Separate conduct from capability.** Conduct is about choices; capability is about ability or health. They need different responses;
- **Look at the system, not only the person.** Before blaming an individual we ask whether the rota, training, plan or equipment made the mistake likely;
- **Be consistent and fair,** and free of discrimination;
- **Act promptly,** without unreasonable delay at any stage;
- **Keep it confidential,** discussed only with those who need to know.

3.1 An honest mistake reported straight away is treated very differently from one that is hidden. We say this clearly because an open reporting culture keeps people safe.

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4. EXAMPLES OF MISCONDUCT AND GROSS MISCONDUCT

Misconduct (usually warnings first)	Gross misconduct (may lead to dismissal without notice)
Lateness or poor attendance; failing to follow the sickness reporting procedure; minor breaches of policy; poor record keeping; unauthorised absence from a shift; failure to follow a reasonable instruction; unprofessional language or attitude; misuse of a phone during shifts.	Abuse, neglect or ill-treatment of a person we support; theft or fraud; falsifying records, MAR charts or timesheets; a sexual or romantic relationship with a person we support; accepting money or a bequest contrary to policy; working under the influence of alcohol or drugs; serious breach of confidentiality, including social media; failure to report a safeguarding concern; discrimination, harassment or violence; abandoning a person or leaving a shift without authority; carrying out a task not trained or authorised for, risking harm; serious breach of health and safety; deliberately concealing a serious mistake.

4.1 These are examples, not a complete list. Whether conduct is gross misconduct depends on the circumstances, and is decided after investigation.

5. INFORMAL ACTION

5.1 Where the concern is minor or a first occurrence, the manager speaks to the worker privately, explains what needs to change, agrees support and a timescale, and makes a brief note. The worker is told this is informal and not a disciplinary sanction.

5.2 Where the issue is about ability rather than choice, an improvement plan is agreed under our Supervision and Appraisal Policy, with retraining, mentoring or adjustments, and reviewed at agreed intervals.

6. SUSPENSION

6.1 Suspension is considered only where there is a risk to people we support, to an investigation, or to the worker, and where no alternative such as a change of duties or allocation will do. It is not a sanction and does not imply guilt.

- suspension is on full pay, authorised by the Registered Manager or Nominated Individual;
- the worker is told in person where possible, and in writing, with the reason, who to contact, and that it is a neutral act;
- it is kept as short as possible and reviewed at least weekly, with the worker kept updated;
- the worker is given a named contact and is not left without information;
- a suspended worker must remain available during working hours and must not contact people we support, colleagues involved, or discuss the matter.

7. INVESTIGATION

7.1 A manager not involved in the matter carries out a proportionate investigation, promptly. They will gather records, rotas, logs, statements and any other evidence, and meet the worker to hear their account.

7.2 An investigation meeting is not a disciplinary hearing and there is no statutory right to be accompanied, although we will normally allow it. The worker is told it is an investigation, and notes are taken and shared.

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7.3 The investigator produces a written report setting out the facts found, the evidence, and a recommendation: no further action, informal action, or referral to a disciplinary hearing. They do not decide the outcome.

7.4 Where the matter involves a person we support, the Registered Manager first considers a safeguarding referral to Durham County Council on 03000 267 979, a CQC notification once registered, and whether the police should be involved. **Our internal process never delays or replaces a safeguarding referral**, and where the police or the council are investigating, we agree with them before proceeding.

8. DISCIPLINARY HEARING

8.1 Where there is a case to answer, the worker is invited to a hearing in writing, normally with at least five working days' notice. The letter sets out:

- the allegations, in enough detail to prepare a response;
- copies of the evidence, including the investigation report and any statements;
- the date, time and place;
- the right to be accompanied by a work colleague or a trade union representative;
- the possible outcomes, including that dismissal is possible where relevant.

8.2 If the worker or their companion cannot attend, the hearing is rearranged once, normally within five working days of the original date. Where a worker fails to attend without good reason, the hearing may proceed in their absence and a decision made on the evidence available.

8.3 At the hearing the allegations and evidence are presented, the worker responds, may ask questions, call evidence and put forward mitigation. The companion may address the hearing and confer with the worker, but does not answer questions on their behalf.

8.4 The chair adjourns to consider, and gives the decision in writing within five working days wherever possible, with the reasons and the right of appeal.

9. DISCIPLINARY OUTCOMES

Outcome	When	Lasts
No further action	Allegations not upheld, or no case to answer	-
Informal action or improvement plan	Minor matter, or capability rather than conduct	As agreed
First written warning	Misconduct, or unsatisfactory performance after informal action	6 months
Final written warning	Serious misconduct, repeated misconduct, or no improvement after a first warning	12 months
Dismissal with notice	Further misconduct after a final warning, or unresolved capability	-
Dismissal without notice (summary)	Gross misconduct	-
Alternative to dismissal	Where appropriate: demotion, transfer, redeployment, with a final written warning	As stated

9.1 Warnings are confirmed in writing, stating what must improve, by when, how it will be reviewed, the consequences of no improvement, the period the warning remains live, and the right of appeal. Expired

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warnings are disregarded for future decisions, though they remain on file.

9.2 Only the Registered Manager or Nominated Individual may dismiss. Where dismissal is for reasons connected with harm or risk of harm to an adult or child, a referral to the Disclosure and Barring Service is a legal duty and is made even if the worker resigns first.

10. APPEALS

10.1 A worker may appeal any disciplinary decision by writing to the Nominated Individual within five working days of receiving the decision, setting out the grounds.

10.2 The appeal is heard, wherever possible, by someone senior who was not involved in the original decision, and as soon as reasonably practicable. Where the company is too small for that, we will use an independent person rather than have the same person hear it twice.

10.3 The worker has the right to be accompanied at the appeal. The appeal may confirm, reduce or overturn the decision, but will not increase the sanction. The outcome is given in writing and is final within the company.

11. GRIEVANCES

11.1 A grievance is a concern, problem or complaint a worker has about their own employment: their treatment, working conditions, pay, workload, or the behaviour of a colleague or manager.

11.2 Concerns about the safety or quality of care, or about wrongdoing, are dealt with under our Whistleblowing Policy instead, which carries legal protection. If someone raises a whistleblowing matter as a grievance, we will treat it under the right policy and tell them.

Informal stage

11.3 Wherever possible, raise it with your manager first. Many issues are resolved by a straightforward conversation, and raising it early is not disloyal.

Formal stage

- put the grievance in writing to the Registered Manager, or to the Nominated Individual if it concerns the Registered Manager, saying what has happened and what outcome you want;
- we acknowledge it within **five working days**;
- a grievance meeting is held, normally within ten working days, and you have the right to be accompanied;
- we investigate as needed, which may include speaking to others;
- we give the outcome in writing, normally within five working days of the meeting, with the reasons and the right of appeal;
- you may appeal in writing within five working days, and the appeal is heard by someone not previously involved.

11.4 Where a grievance concerns bullying, harassment or discrimination, it is taken seriously, handled sensitively, and may also be dealt with under the disciplinary procedure in relation to the person complained about. No one will be victimised for raising a grievance in good faith.

11.5 Mediation may be offered where a relationship between colleagues has broken down, with both parties' agreement.

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11.6 Where a grievance is raised during a disciplinary process, we may deal with both together, or pause the disciplinary process, depending on whether they are related.

12. ABSENCE, ILL HEALTH AND CAPABILITY

12.1 Where poor performance or absence is caused or affected by ill health or disability, we will seek the worker's consent to obtain medical advice, consider reasonable adjustments under the Equality Act 2010, and follow a supportive capability process rather than a disciplinary one. Dismissal on capability grounds is a last resort, after adjustments and alternatives have been considered.

13. RECORDS AND CONFIDENTIALITY

13.1 Records of investigations, hearings, decisions, warnings and appeals are kept on the personnel file, securely, and handled under our Data Protection Policy. They are retained for six years after employment ends.

13.2 Everyone involved must keep matters confidential. Recording meetings covertly is not permitted by either side.

13.3 A worker may request a copy of anything held about them through a subject access request.

14. ROLES

Role	Responsibilities
Nominated Individual	Hears appeals; deals with matters concerning the Registered Manager; makes sure the process is fair, prompt and consistent; may dismiss.
Registered Manager	Decides whether to investigate, appoints an investigator, chairs hearings, decides outcomes, makes safeguarding referrals, CQC notifications and DBS referrals.
Investigating manager	Gathers evidence fairly and promptly, meets the worker, reports the facts and a recommendation; does not decide.
Workers	Cooperate with investigations, attend meetings, keep matters confidential, and raise concerns through the right route.

15. MONITORING AND REVIEW

15.1 The Registered Manager records all formal disciplinary and grievance cases, and the Nominated Individual reviews them at least quarterly for fairness, consistency, timeliness and any pattern, including any suggestion of discrimination.

15.2 This policy is reviewed every year, or sooner if the law or the ACAS Code changes.

16. LEGISLATION AND GUIDANCE

- ACAS Code of Practice 1: Disciplinary and grievance procedures, and the ACAS non-statutory guide
- Employment Rights Act 1996
- Employment Relations Act 1999, section 10 (right to be accompanied)
- Equality Act 2010
- Public Interest Disclosure Act 1998

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- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Regulations 13, 17, 19 and 20
- Safeguarding Vulnerable Groups Act 2006 (duty to refer to the DBS)
- Care Act 2014
- UK General Data Protection Regulation and Data Protection Act 2018

17. RELATED POLICIES AND FORMS

Related policies: Staff Code of Conduct and Professional Boundaries; Supervision, Appraisal and Spot Checks; Whistleblowing; Safeguarding Adults; Equality, Diversity and Inclusion (Staff); Safer Recruitment, Selection and DBS; Sickness Absence; Data Protection and Confidentiality; Governance and Quality Assurance.

Forms: Investigation Report template; Invitation to Disciplinary Hearing; Warning letter templates; Dismissal letter template; Appeal form; Grievance form (Appendix A); Disciplinary and Grievance Log; DBS Referral form.

18. DOCUMENT CONTROL

Version	Date	Approved by	Role	Reason
1.0			Nominated Individual	New policy for local authority assurance and CQC registration

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APPENDIX A: GRIEVANCE FORM

Use this to raise a formal grievance. You can also simply write a letter or email. Concerns about the safety of people we support go through the Whistleblowing Policy instead.

Your name and role	
Date	
Have you raised this informally? With whom, and when?	
What is your grievance? (what happened, when, who was involved)	
How has this affected you?	
What outcome would resolve this for you?	
Any evidence or witnesses	
Do you want to be accompanied at the meeting? By whom?	

Signed: _____ Date: _____

Office use: Received by _____ Date _____ Acknowledged (5 working days): _____ Meeting held: _____ Outcome sent: _____ Appeal received: _____ Appeal outcome: _____

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