



**IJ Tours Ltd t/a “International House Manchester or IH Manchester”**

**Disciplinary and Grievance Policy and Procedure**

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## DISCIPLINARY POLICY AND PROCEDURE

The Company's Disciplinary Policy and Procedure are non-contractual.

### Disciplinary Policy

It is essential for the maintenance of good staff relations that all employees are fully aware of the standards expected of them, and of the action that will be taken if they are not met.

The primary responsibility for control of such standards lies with management.

It is very important to note that the Disciplinary Policy and Procedure are not intended to replace day-to-day counselling in relation to general good order and productivity. Such counselling will be informal in nature and not the subject of formal proceedings.

It is the Company's intention that, wherever possible, disciplinary procedures are intended to remedy issues of conduct or performance, rather than punish.

As far as is possible, the Company will ensure that Managers follow the procedure in a way that will objectively establish the circumstances of a case and ensure that employees are treated fairly and consistently.

The Disciplinary Procedure will apply when the Company contemplates dismissing or taking disciplinary action against an employee and, while it does not confer any contractual rights, the Policy will apply to all employees.

All cases of disciplinary action under this procedure will be recorded and placed on an employee's record. An employee's record will be treated as confidential and will be kept for no longer than is necessary in accordance with the Data Protection Act 1998. A copy of the employee's disciplinary record will be supplied to the employee on request.

This Policy and Procedure apply to all employees who have successfully completed a probationary period, if any. All such employees should, therefore, familiarise themselves with its provisions.

### Informal Counselling

Where any minor case of unsatisfactory conduct or performance has apparently occurred, the Line Manager of the employee concerned may informally warn the employee or explain that such conduct or performance is not acceptable. This is not deemed to be part of the formal disciplinary process. Instead, this should be viewed as normal day-to-day counselling that is simply part of good management. Such counselling will not form part of the employee's disciplinary record, although it may be evidence that an employee was aware that certain behaviour or performance was unacceptable.

However, if an instance of unsatisfactory conduct relates to a safeguarding of welfare concern, this is termed a "low level concern" and will be recorded and assessed for signs of patterns of concerning behaviour, the identification of which may result in a referral to the MCC Designated Officer.

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Issues that should be dealt with under this Disciplinary Policy fall into three categories, namely:

- Poor performance
- Misconduct
- Gross Misconduct

All cases of disciplinary action under these headings will be dealt with in accordance with the Disciplinary Procedure outlined below.

### Capability and Poor Performance

First and foremost, it is the company's intention at all times to assist and support all employees to perform satisfactorily. In the event that a line manager believes that an employee is not performing with sufficient skill, speed or quality, then the capability procedure will be employed.

For the purpose of the Capability Procedure, capability is defined as:

"Where a member of staff is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner, either due to a lack of ability, inadequate training or lack of experience. Such failings will be identified by use of the following procedures and steps taken to improve performance. Where such steps prove unsuccessful the member of staff may have their employment terminated on the grounds of incapacity".

The procedures set out in this document aim to ensure that there is:

- A means of monitoring performance and establishing performance criteria.
- A degree of consistency in how staff with widely differing responsibilities and duties are given opportunities to attain satisfactory levels of performance.
- Assistance in identifying the most appropriate form(s) of support and providing that support.

If a member of staff fails to overcome their difficulties, any consequent action will be based on:

- Adequate evidence that the member of staff is incapable of performing their duties satisfactorily.
- A fair procedure.
- The fact that the member of staff was given all reasonable assistance to overcome such failings.

For more information, please see the Capability Policy and Procedure

### Misconduct

Issues of discipline will fall under two general headings, being "Misconduct" and "Gross Misconduct". There may be occasions when it is not possible to determine at the outset of an investigation whether an offence constitutes misconduct or gross misconduct. It is important to note, however, that events that occur outside of the workplace may on some occasions give rise to disciplinary proceedings according to this Policy. This will be where the nature of

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the offence risks bringing the Company's reputation into disrepute, or the nature of the occurrence casts doubt on whether the Company can continue to trust the employee.

Like poor performance, the following range of disciplinary sanctions is available to the Line Manager:

- Written warning
- Final written warning
- Dismissal

In cases of misconduct, the Line Manager may apply any one of the sanctions listed depending on the circumstances of the case.

The considerations for the Line Manager, when assessing what level of disciplinary sanction is appropriate, are:

- The seriousness of the offence
- The impact on the Company
- The length of service of the employee
- The employee's honesty in confronting the issue
- Any remorse
- Previous occurrences
- Any other mitigating factors put forward by the employee

Examples of conduct issues that will warrant disciplinary action are:

- Poor timekeeping
- Repeated poor performance
- Absence without authorisation or reasonable cause
- Unauthorised activities during working hours or on Company premises
- Negligence
- Failure to follow set down procedures

This is a non-exhaustive list.

Where warnings are given, they will be given with a time limit during which the warning will remain current on the employee's record. Expired warnings will not normally be taken into account when deciding on the appropriate level of sanction in relation to an offence, except inasmuch as the expired warning demonstrates that the employee was aware that the particular course of conduct was inappropriate.

## Gross Misconduct

Gross misconduct describes conduct on the part of the employee that is so serious that the Company may terminate the employee's employment without notice. Examples of gross misconduct are as follows:

- Theft of or damage to the Company's property
- Breach of the Data Protection Act 1998

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- Refusal to comply with lawful and reasonable instructions
- Failure to disclose information or giving inaccurate information to the Company when applying for employment
- Misappropriation or embezzlement of funds or property of the Company or its employees (whether attempted or actual)
- Unauthorised viewing and/or disclosure of any information of the business of the Company or its employees, including security information
- Assault or other indecent behaviour
- Gross negligence in the performance of duties including infringement of health and safety rules
- Disorderly conduct including violence or incapability at work brought on by alcohol or non-prescribed drugs
- Any act which is deemed to be detrimental to the conduct of the Company's business or to the employees of the Company
- Harassment, bullying or discrimination of any kind
- Criminal offences outside employment which affect the employee's work
- Conduct bringing the Company into disrepute such as unacceptable behaviour towards clients, customers or visitors
- Any conduct which undermines the trust that exists between the Company and the employee

This is a non-exhaustive list.

In the event an employee is suspected of gross misconduct, he or she may be suspended on full pay while an investigation is carried out. Following such investigation and suspension, the employee may then be dismissed immediately without notice or pay in lieu of notice. Such dismissal will be notified to the employee in writing.

## Suspension

Suspension will be used by the Company to facilitate investigations and protect all employees (including any employee accused of misconduct) during an investigation. Suspension will also be used where the offence in question is so serious that no risk of reoccurrence can be tolerated, pending full investigation.

During any period of suspension, the employee may not contact colleagues at work. Prior to suspension taking place, the employee's Line Manager will normally attempt to agree what explanation should be given to staff for the employee's absence, as the fact that the employee is suspended may cause unnecessary embarrassment.

Suspension will normally be for a finite period and, wherever possible, an end date to the suspension will be set out for the employee.

Suspension will normally be on full basic salary.

## Appeals

An employee who wishes to appeal against any disciplinary decision must do so in writing to either John O'Leary or Peter Hayes within five working days of the disciplinary decision. The employee should set out as fully as possible the reasons for the appeal.

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An appeal will be heard by an independent person where available.

In the event that a grievance arises in relation to either the process of a disciplinary investigation or a matter that is the subject of disciplinary proceedings, the Company will attempt to agree with the employee how the matter should be dealt with. This may result in both matters being investigated and heard at the same time.

In the event that the employee has any questions in relation to the operation of the disciplinary investigation, they should speak to their Line Manager.

## DISCIPLINARY PROCEDURE

Employees should be aware that this procedure is not intended to replace day-to-day informal counselling and discipline, which would normally be expected in an employment relationship. However, when an employee's Line Manager feels that more formal action is necessary, the following procedure will apply.

### Stage 1- Establish the facts of each case

Where appropriate, the Company will carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases, this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing.

In misconduct cases, where practicable, different people will carry out the investigatory and disciplinary hearing.

An investigation may include taking statements from relevant witnesses.

### Stage 2- Inform the employee of the problem

If the Line Manager believes that there are grounds for disciplinary investigation, he or she will take the following steps:

Write to the employee, setting out the following:

- That the employee is to be investigated as part of the Disciplinary Procedure;
- The grounds on which disciplinary process is being contemplated;
- The evidence currently suggesting those grounds apply;
- The date, time and location for the meeting, in addition to who will be present to investigate the allegation;
- That the employee may be accompanied by a work colleague, a trade union representative or an official employed by a trade union; and
- That the process may lead to dismissal.

Provide the employee, whenever possible, with copies of whatever evidence there is against the employee, including any witness statements.

### Stage 3- Hold a meeting with the employee to discuss the problem

The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.

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At the meeting, the Line Manager will explain the allegations against the employee and review whatever evidence is available with the employee.

The employee will be provided with an opportunity to explain his/her actions or performance in full and answer any allegations that have been made. The employee will also be given reasonable opportunity to ask questions, present evidence and call relevant witnesses. The employee is required to give the Company prior notice if he or she intends to call any witnesses to the meeting. No cross examination of witnesses will be permitted at the meeting.

If necessary, the meeting will be adjourned to allow the Line Manager a reasonable period of time to carry out further investigations based on the employee's explanation.

After the meeting and following a full investigation of all of the facts put forward by the employee, the employee will be informed of his/her Line Manager's decision in writing and the reasons for that decision. If the decision is to dismiss the employee, the employee will also be informed of the date of termination of his or her contract of employment and of whether he or she will receive notice or payment in lieu of notice. If the decision is to impose another disciplinary sanction, the employee will be informed of this, of how long the sanction will remain on the employee's file, and of the result of any further misconduct or poor performance. The employee will also be notified of his/her right of appeal (please see Stage 3 below).

#### Stage 4- Provide employees with an opportunity to appeal

An employee has the right to appeal against any disciplinary decision. An employee must do so in writing to John O'Leary or Peter Hayes within five working days of the disciplinary decision. The employee should set out as fully as possible the reasons for the appeal.

An appeal will be heard by an independent person where available without unreasonable delay and ideally at an agreed time and place.

Employees have the right to be accompanied at an appeal meeting by a work colleague, a trade union representative or an official employed by a trade union.

The decision on appeal will be final.

#### Suspension

In some circumstances, it may be necessary to suspend an employee while an investigation is being carried out.

Only John O'Leary or Peter Hayes has the right to suspend.

In these circumstances, the following procedure will apply.

John O'Leary or Peter Hayes will meet the employee (in as private a location as possible) to inform the employee of his/her suspension. John O'Leary or Peter Hayes will outline:

- Why the suspension is necessary;
- How long the suspension will last; and
- Who will be the employee's point of contact at work while the employee is on suspension.

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An employee, while suspended from work, is not permitted to contact colleagues at work.

To avoid unnecessary embarrassment and difficulty for the employee in returning to work after any suspension, John O’Leary or Peter Hayes will attempt to agree with the employee what explanation will be given to staff for the employee’s absence.

During suspension, the employee must give up all passwords, keys, access codes and items belonging to the Company to his or her Line Manager, in addition to mobile phones where appropriate.

### **Role of employee’s colleague or representative**

A work colleague, trade union representative or official employed by a trade union may accompany the employee if the employee makes a reasonable request. The role of this colleague or representative is to support the employee. The colleague or representative may put and sum up the employee’s case and confer with the employee during the hearing. The colleague or representative does not, however, have the right to answer questions on the employee’s behalf, address the hearing if the employee does not wish it or prevent the Company from explaining its case.

The Company can refuse an employee’s chosen companion if, for example, the Company reasonably believes that the companion may prejudice or disrupt the hearing.







## GRIEVANCE POLICY AND PROCEDURE

The Company has adopted this Policy and Procedure for employees to resolve any grievances relating to their employment. This Policy and Procedure is not contractual and may be departed from.

The Company recognises that occasionally employees may have grievances relating to their employment. In this respect, the Company encourages free communication between employees and their Line Managers, to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved informally, quickly and to the satisfaction of all concerned.

Employees should be aware that at all times grievances should, wherever possible, be raised informally with their Line Manager in the first instance. Where a grievance cannot be resolved informally, it should be dealt with under the procedure set out below, except in the following circumstances:

- Where the matter constitutes an appeal against a disciplinary decision, it should be dealt with in accordance with the Company's Disciplinary Procedure.
- Where the matter relates to bullying, harassment or discrimination, it should be dealt with in accordance with the Company's Bullying and Harassment Policy.
- Where an employee or the Company has reasonable grounds to believe there is a threat to an employee's person or property, e.g. in cases of abusive behaviour or harassment, then the Disciplinary Procedure and suspension under that procedure may be appropriate.
- Where an employee raises a concern about wrongdoing under the Company's Whistle blowing Policy, this should be dealt with in accordance with that Policy.

## GRIEVANCE PROCEDURE

### Step 1- Let the Company know the nature of the grievance

Where an employee has a grievance arising from his/her employment which has not been resolved informally, the employee should set out as clearly as possible the grounds for the grievance in writing to his/her Line Manager.

An employee may also discuss his/her concerns with a member of senior management prior to informing his/her Line Manager.

An employee will be invited to attend a meeting at a mutually convenient time in order to discuss the details of the grievance. An employee has the right to be accompanied by a work colleague, trade union representative or official employed by a trade union if he/she wishes.

### Step 2- Hold a meeting with the employee to discuss the grievance

At the meeting, the employee will have the opportunity to explain his/her grievance, and the employee should be prepared to state what action he/she feels will settle the matter. If any further investigation is necessary, the meeting may be adjourned until such time as that investigation can be carried out.

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After due consideration of the grievance, the Line Manager will give the employee a decision in writing and, where appropriate, will set out what action the Company intends to take to resolve the grievance. The Employee will be notified of his/her right of appeal at this stage.

### Step 3- Allow the employee to take the grievance further if not resolved

In the event that an employee is dissatisfied with the Line Manager's decision, he/she may appeal in writing to John O'Leary or Peter Hayes within 5 days of receiving the decision.

A statement summarising the main details of the grievance and the reasons for the failure to agree must be prepared and signed by both parties.

An appeal meeting will then take place without unreasonable delay and at a time and place which should be notified to the employee in advance. As before, the employee has the right to be accompanied by a work colleague, trade union representative or official employed by a trade union. The appeal will be heard by an independent person where available.

A decision will be given to the employee in writing following the meeting. This decision is final.

In the event of a failure to agree, the parties may consider whether conciliation or arbitration is appropriate. The Company may refer the dispute to the Advisory Conciliation and Arbitration Service (ACAS), whose findings may, by mutual prior agreement, be binding on both parties.

### Post termination grievances

In exceptional circumstances, an ex-employee may feel that there is cause to enter a grievance following the termination of his/her employment. In these circumstances, the ex-employee should notify his/her Line Manager in writing, setting out details of the grievance.

The Line Manager will deal with this notification and the ex-employee will be asked to agree whether or not a face-to-face meeting should take place, or whether the grievance can be dealt with via correspondence.

If a meeting takes place, the ex-employee has the right to be accompanied by a work colleague or trade union representative.

Following any meeting and investigation, the Line Manager's decision will be communicated to the ex-employee in writing, setting out the reasons for this decision.

If the ex-employee is dissatisfied with the response to his/her grievance, he/she has the right to appeal in writing to John O'Leary or Peter Hayes within 5 days of the date of the decision.

### Confidentiality

All proceedings and records relating to grievance matters will be treated as confidential. Wherever possible, only those individuals directly involved, e.g. Line Managers, witnesses and companions, will be aware of the details of the case. Obviously, however, in a bid to conduct a fair investigation, it may not be possible to keep the matters entirely confidential.

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