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Section18 – DisciplinaryProcedure

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5.3. HumanResourcesPoliciesandProcedures

NB:

- x ExtractCoverSheetMust Remainwith Extract
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- x WherePossiblean Extractshouldbe Readin Conjunctionwith the Parent Document



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18 DisciplinaryProcedure

TheCentreexpectsall employeesto conductthemselvesin an appropriatema an



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- x the allegations regarding work, conduct, or omission of the employee
- x a clear invitation to the employee to be accompanied by a representative

The letter should be issued sufficiently far in advance to allow the employee the opportunity to be accompanied by an appropriate representative. Every effort should be made to rearrange the date of the hearing if, in the view of the senior manager, the employee has made reasonable efforts to obtain representation but has been unsuccessful.

Should the employee or their representative wish to seek clarification on any issues arising from the investigatory process including interviews they must submit their questions in writing to the investigating officer(s) no less than 3 days before the proposed disciplinary hearing date. The investigating officer(s) will then seek to clarify the questions raised by carrying out a further investigation where necessary prior to the disciplinary hearing. In cases where the matter of concern is under external investigation, it will not be possible to submit questions to the witnesses as this may undermine the external investigation.

Where an additional investigation is carried out by the investigating officer(s) he/she may then take the decision not to proceed with any disciplinary action thus cancelling the disciplinary hearing. This decision will be communicated in writing to the employee.

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- x Failureto take reasonablecare of Kibble property or using it for personaluse without necessary authorisation
- x Persistentoffencesof misconductmayleadto the termination of employment.

Any misconductof a sufficiently seriousnature may be deemedto be grossmisconductand dealt with accordingly.Examplesof behaviourthat may constitute grossmisconductare shown below. Again these examplesare not exhaustive.

Examplesof grossmisconduct

- x Assaulton anotheremployee,serviceuseror memberof the public
- x Breachof

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days. Once a decision is reached the hearing may be reconvened and the employee informed of the outcome.

In either case the employee will be provided with a written statement.

18.7 Referral to professional bodies and/or regulatory bodies

In some cases, the Centre will be required to inform professional bodies (e.g. SSSC, GTC, SHC, PCBP, S etc.) and/or regulators (e.g. Care Inspectorate, Scottish Government etc...) of the charge(s), conviction(s) or investigation(s), especially those relating to the abuse or suspected abuse or inappropriate behaviour towards young people. This referral will be made regardless of the employee's registration status.

This is not limited to criminal proceedings but referrals may also be made where internal investigations or disciplinary proceedings are involved.

18.8 Grievance Procedure

The Centre is keen to provide a positive and supportive working environment for all of its employees and as such will take every step to resolve issues in the workplace quickly and efficiently, at the lowest possible level. It provides a framework within which to deal with complaints, and allows for complaints to be resolved informally where possible, or through a formal grievance procedure where necessary. Where employees have a complaint about the outcome or management of other formal internal processes (e.g. disciplinary or capability procedures, promotion processes or requests for flexible working), they should always pursue such complaints through the appeals/ review procedures set out in the relevant policy.

Exceptionally this grievance procedure may be used where employees believe that the Centre's policies and procedures have not been complied with and there is no appropriate appeal mechanism through which they can make their complaint.

The grievance procedure is not a substitute for good day to day communication where employees are encouraged to discuss and resolve daily working issues. Many problems can be resolved informally if channels of communication are kept open and work well. If problems cannot be resolved informally a grievance may be raised and will be investigated as quickly



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18.9GrievanceProcess

To ensurethat any grievancesrelating to employmentwithin Kibbleare settled fairly, speedily,and as near to the point of origin as



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18.10 Formal Disputes

In the event of a formal dispute being declared by either Kibble or the trade union(s) involved, the conditions which