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Policy Name	Disciplinary and Grievance Policy
Policy Author	Director
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West Whitlawburn Housing Co-operative will provide this policy on request at no cost, in larger print, in Braille, in audio or other non-written format, and in a variety of languages. Please contact the office.



Registered with the Scottish Housing Regulator No. 203
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Registered society under the Co-operative and Community Benefit Societies Act 2014

The Disciplinary Procedure is detailed in section A13 of the Terms and Conditions of Employment

1. Disciplinary

1.1 Introduction

West Whitlawburn Housing Co-operative (WWHC) requires you to maintain the highest possible standards of attendance, conduct and performance. The purpose of this policy is to help you understand these and encourage you to maintain them.

This policy will inform you of our expected standards of conduct, performance and attendance. Please speak to your line manager if you are unsure of the standards expected of you. If you do not meet our standards, then we will manage this in accordance with this disciplinary procedure.

This policy and procedure applies to all employees.

1.2 Policy Aims

- To make sure that you know the standards expected in respect of conduct, performance and attendance.
- To manage you in accordance with the procedures in this policy should you fall short of our expected standards.
- To manage any fall in standards in a fair and consistent manner.

1.3 Expectations

You can expect WWHC to:

- Inform you of all the allegations against you and give you the opportunity to state your case.
- Not take any formal disciplinary action until we have fully investigated the allegations against you.
- Conduct our own investigation irrespective of any police proceedings and make decisions in accordance with this policy based on evidence and information available to us at the time.
- Pay you full pay if we decide to suspend you pending any investigation outcome.

- Proceed with disciplinary action after an appropriate investigation has taken place.
- Not take any disciplinary action or suspend you if you are a trade union representative until we have had discussions with a full-time official of the union. If the full-time official is not available, we will contact a regional officer.
- Give you the right to be accompanied by either a trade union representative of your choice, or a workplace colleague at any stage of the formal procedure.
- Make sure if any action is taken against you, (other than dismissal) that we make clear the standards of improvement required, the timescale within which we expect this to be achieved, the frequency of reviews, and the consequences of inadequate or un-sustained improvement.
- Not dismiss you if this is the first issue with your conduct, performance or attendance unless you have committed gross misconduct. In this case, the penalty will normally be summary dismissal without notice or pay in lieu of notice.
- Provide you with a right of appeal if we issue you with any formal action.
- Keep records on your personal file of any live disciplinary action, which will only be available to you and your line manager.
- Refuse the use of recording devices (in normal circumstances) during any investigation, disciplinary or appeal hearings.
- Apply the procedure at any stage depending on the seriousness of the allegations against you.

We expect that you will:

- Be honest and transparent in all aspects of your work for us.
- Treat all colleagues, clients, partners and anyone in connection with us with respect and tolerance.
- Not abuse WWHC's facilities.
- Not disclose any confidential information obtained in connection with your employment with us.
- Be frank and upfront about any connections you may have in any business that we deal with.
- Not publish or profit from any work done within WWHC as this belongs to us until such time as we give permission for its use
- Not accept any gift, favour or inducement from businesses or individuals in connection with us.

- Be loyal and ask permission before taking up any other work (paid or unpaid) – particularly if this in any way affects your ability to work for us.
- Meet the standards set out in all our policies and procedures and in particular, our code of conduct, equality and diversity and dignity at work, regardless of any personal or political beliefs you may hold.
- Maintain high standards of performance and carry out your role to the best of your ability.
- Maintain high levels of attendance as described in our attendance and absence policy.
- Follow instructions and requests from your line manager and any other senior member of staff.
- Participate as much as reasonably possible in all parts of the disciplinary procedure.

1.4 Investigation

Before any informal or formal action takes place, we will conduct an appropriate investigation. The purpose of this is to establish the facts surrounding the allegations against you. This will normally involve speaking to you and anyone else that may provide us with relevant information. We will also collect any other information we deem to be relevant. This meeting is not formal and does not form part of the formal disciplinary process.

The length and complexity of the investigation will be determined by the circumstances and the nature of the allegations. If you are unable, or choose not to participate in the investigation, we will proceed without your input.

The nominated investigator will be neutral and impartial and present their findings in an unbiased, factual, coherent and relevant way. The investigation report will include all evidence referred to. All information will be made available to both you and the disciplinary officer/panel.

On completion of the investigation, the investigator will make one of the following three recommendations:

- No further action
- Informal action
- Formal disciplinary action

1.4.1 Police Involvement and Criminal Offences

We may treat any criminal investigation, charge or conviction connected to you as a disciplinary matter if we consider it relevant to your employment with us.

Should you be subject to any police investigation, we will conduct our own independent investigation, and proceed regardless of the status of any police involvement.

If you are subject to any of the above and believe this may in any way affect your ability to do your job or our reputation, you must discuss this with your line manager as soon as you possibly can.

1.4.2 Suspension

We will suspend you on full pay if the allegations against you are gross misconduct. We will aim for your suspension to last no longer than one week. If the investigation has not finished within this time, we will write to you and update you on its progress. While on suspension you should not have any contact with any other employees other than the person named on your suspension letter.

We may also suspend you if we feel you are interfering with an investigation in any way, even if the allegations are not at gross misconduct level.

1.4.3 Time Limits of Warnings

We may extend the time limits referred to throughout this procedure, depending on the circumstances of individual cases.

1.5 Alternatives to Disciplinary Action

In addition to issuing warnings, the disciplinary panel/officer may consider other actions instead of dismissal including, redeployment, demotion, or an extension to the time limit of a warning.

Examples when the Disciplinary Procedure may be used:

- Any issues relating to your conduct/performance/attendance.
- Poor timekeeping and/or attendance.
- Unauthorised absence.
- Failure to follow absence notification procedures.

- Abuse of flexi time and/or TOIL.
- Failure to meet and/or maintain the improvements required in an informal action.
- Breaches of our policies.
- Performance below our expected standards.
- Deliberate misuse or damage of our property (including corporate clothing, electronic devices, email and internet).
- Not following our health and safety instructions.
- Unsafe working practices.
- Willful and persistent refusal to obey reasonable instructions.
- Professional incompetence.

The level and type of warning issued will depend on the circumstances and severity of individual cases.

1.6 Informal Procedure

We will normally use the informal procedure first. If your performance, conduct or attendance does not meet our required standards then your line manager will meet with you informally if appropriate. They will discuss the issues with you, and tell you what improvements are required, the support available, and explain any further consequences if you do not meet or maintain the standards we require. We will provide all this information in writing in an Informal Action Note.

1.7 Formal Procedure

We will follow our formal process when attempts to improve any conduct, performance and/or attendance have not improved through the informal process. We will also use the following formal process straight away for more serious matters. If you are invited to a formal hearing, this will be done as soon as reasonably practical on conclusion of the investigation. You will also be given a minimum of 2 working days' notice of the hearing. If we issue you with a formal warning, you will have the right to appeal, and we will give you the details of how to do this in the letter confirming the outcome of your hearing. We will not apply any formal stages of this procedure unless an appropriate investigation has taken place.

We have three stages in our formal procedure:

1.7.1 First Stage

If you do not meet our standards detailed at the informal stage, or the matter is serious, a manager will invite you, in writing, to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence, including your response and we believe this to be unsatisfactory, and/or it is still appropriate, we will issue you with a first written warning or performance note. This will remain on your file for six months.

1.7.2 Second Stage

If you have a live written warning and remain below our standards or, if we consider the matter very serious, a manager will invite you, in writing, to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence, including your response and we believe this to be unsatisfactory, and/or it is still appropriate, we will issue you with a final written warning. This will remain on your file for 12 months.

1.7.3 Third Stage

If you have a live final written warning and remain below our standards, or if we feel you may have committed an act of gross misconduct, a senior manager will invite you, in writing, to attend a formal disciplinary hearing. The purpose of the hearing is to provide you with an opportunity to state your case and consider all appropriate evidence. If, after considering all the evidence we deem it appropriate, we may dismiss you. Representatives of the Management Committee have the authority to dismiss. We will make a payment in lieu of notice if the reason for dismissal is anything other than gross misconduct. If we dismiss you for gross misconduct, we will not give you notice or make a payment in lieu of notice. If you are dismissed, your annual leave entitlement may be reduced to the statutory minimum entitlement of 28 days. The JNC Appeal Chair will hear appeals against dismissal.

1.8 Gross Misconduct

Gross misconduct equates to a serious breach of contract and includes actions that will have a serious effect on our business, reputation or damage the relationship of trust and confidence between us. We will normally regard the following as gross misconduct: *(this list is not exhaustive)*

- Theft and/or serious willful damage or misuse of our property from us, our staff, clients, customers or anyone connected with us.
- Bullying, threatened/actual violence, or provoking violence.
- Under the influence due to alcohol or any other substance.
- Possession, use, supply or attempted supply of illegal and/or legal substances.
- Fraud, forgery or other dishonesty including, fraudulent wage claims or falsification of records/expenses including time sheets and overtime.
- Harassment, discrimination or victimisation.
- Serious infringement of health and safety rules and procedures, or any other policies, operating procedures or workplace rules put in place by us.
- Acts of gross professional incompetence.
- Bringing WWHC into serious disrepute.
- Serious breaches of security or confidentiality, including misuse or disclosure of confidential information.
- Acceptance of bribes or other concealed payments.
- Deliberately accessing internet sites containing illegal, pornographic, offensive, obscene, and/or information to incite or carry out any acts of violence.
- Being charged or convicted of a criminal offence that in our opinion may affect our reputation, or relationships with staff, clients, customers or anyone connected with us, and/or affects your suitability to work for us.
- If we become aware of any official information from outside agencies that may compromise your suitability for your role, e.g., PVG scheme, Credit Check.
- Malicious or untrue allegations against others.

1.9 Notice of Decision

We will issue you with the outcome of our decision, including the reasons for this in writing to you within 5 working days of the formal disciplinary hearing. This letter will detail the reasons for the formal warning and what we expect of you. If we dismiss you, we will provide you with details of your last date of employment and inform you of any outstanding payments that we will make to you in your final salary.

1.10 Appeals

You have the right to raise an appeal against any formal disciplinary action. We will tell you in writing when and how you can use this right when the outcome is issued.

Any appeal will be taken, where possible, by someone who was not involved in the original disciplinary hearing.

Appeals against any formal warnings will be made to one level above at which the disciplinary action was taken, if possible.

At all levels, the outcome of an appeal hearing may:

- Confirm a previous action;
- Dismiss the previous action; or
- Substitute a lesser penalty.

1.10.1 Appeals Procedure

First Written Warning

- You have a right to one internal appeal against the first written warning.
- You should make your appeal within 5 working days of our notice of the decision. All internal appeal hearings will be held within 10 working days of the appeal being lodged.

Final Written Warning

- There is one right of appeal against the final written warning and after this it will be made to the JNC Appeal Chair.
- Your appeal should be made within 5 working days of our notice of the decision. All internal appeal hearings will be held within 10 working days of the appeal being lodged.
- Appeal hearings to the JNC Appeal Chair should be made within 5 working days and will be held within 20 working days where possible.

Dismissal – JNC appeals

- If you are appealing against dismissal, you must do so to the JNC Appeal Chair. The JNC Appeal Chairs are independent people appointed by the Joint Negotiating Committee.

- You should make your appeal within 5 working days of our receiving notice of the decision. Appeal hearings to the JNC Appeal Chair should be held within 20 working days (where possible).

The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedure available. The Secretary to the JNC Appeal will send you a copy of the guidance notes following your appeal request. The Chair's decision is followed by a written report and sent to you and us.

1.11 Authority to take disciplinary action

- First written and final warning
- Line manager or supervisor
- Dismissal Management Committee

1.12 Records

We will keep records on your personal file of any disciplinary action, which will only be seen by you, your line manager and the senior officer if appropriate. Your manager will remove disciplinary warnings from your file when no longer live.

The Grievance Procedure is detailed in section A14 of the Terms and Conditions of Employment

2. Grievance

2.1 Introduction

Grievances are concerns, problems or complaints you may have with regard to your employment with WWHC e.g., concerning the job, working environment or any of your colleagues.

While you are employed with us, we want to make sure you feel comfortable that any issues or disputes you raise will be looked at and resolved wherever possible. We encourage you to raise your concerns immediately at the lowest possible level and we will do our best to resolve the majority of these quickly, using our informal process. However, we know that sometimes a formal procedure is also needed when the informal process does not reach a satisfactory conclusion, or where it is not appropriate to use. This policy provides the details of both the informal and formal processes.

This policy applies to all staff within WWHC.

2.2 Policy Aims:

- To provide a mechanism for addressing staff concerns in a fair and consistent manner.
- To make sure WWHC complies with its responsibilities within employment law and best practice.

2.3 Expectations

You can expect WWHC to:

- Listen to any concerns you raise either informally or formally and in line with the procedures set out below.
- Investigate your concerns, as we deem appropriate.
- Provide you with the opportunity for a maximum of two appeals as part of the formal process.

We expect that you will:

- Raise any concerns you have promptly, while following the correct procedure.
- Use the informal process in the first instance (where appropriate) and only use the formal process where it is necessary.
- Let us know what your concerns are and how you would like to see them resolved.
- Complete WWHC's grievance form and pass this to the appropriate manager.
- Co-operate and participate as required in any investigations we see fit.
- Start the process with the view of achieving an acceptable outcome for all concerned.

2.4 Informal Process

We encourage all staff to raise any concerns with their line manager. They will discuss the issues and any reasonable solutions with you. If you are unhappy with the outcome using this method, you will have the option of raising your concerns formally.

2.5 Formal Process

The following rules apply for the formal grievance process:

- If you wish to raise a formal grievance, you must complete the grievance form (appendix 1 at the end of this policy). If you do not complete the form and give it to the appropriate manager, we will not treat your complaint as a grievance.
- At all stages of the formal process you will have the right to be accompanied by a trade union representative or a workplace colleague. Your chosen companion is allowed to summarise your case and confer with you. However, they do not have the right to answer questions on your behalf.
- We will not make any changes connected to your complaint, until it is resolved, the procedure is exhausted, or you do not wish to pursue the matter further.
- If your concerns relate to or involve a manager, your complaint will be dealt with at the level above the manager involved.
- We will keep a written record of your grievance and any proposed solutions in your personnel file
- You have the right of appeal against any formal decision taken in a grievance issue. If the matter is not resolved to your satisfaction, you can raise up to two appeals, including JNC appeal depending at which stage your grievance is heard at.

2.5.1 Stage 1

You should first raise your grievance with your line manager, who will try to resolve the matter within 2 working days. We will give you a decision within two working days of hearing your grievance.

2.5.2 Stage 2

In the first instance, you should ask for a meeting with a more senior manager within 5 working days.

They will hold a meeting within 3 working days of your request and carry out an investigation if required to give you a decision within 5 working days of the meeting.

2.5.3 Stage 3

If you are still not satisfied, you should present the grievance in writing to the chair of the staffing sub-committee or equivalent. The chair will then arrange a meeting of the representatives of the committee within 10 working days.

The chair will tell you the date and time of the hearing. After hearing the grievance, the staffing sub-committee or equivalent will give their decision in writing to you within 3 working days of date of meeting.

2.5.4 Stage 4

Appeals from the decision of the representatives of the committee will be to the JNC Appeal Chair.

You should appeal in writing within 7 days of receiving notice of the decision, stating the reasons for your appeal.

The hearing will be arranged within 20 working days, where possible. After hearing the grievance, The JNC Appeal Chair will give their decision in writing to both you and your trade union within 5 working days of the date of the hearing.

This is the final stage of internal appeal process.

2.6 JNC appeal

The Secretary to the JNC Appeal will send you a copy of the guidance notes if you make a valid request for an appeal. The Chair's decision is followed by a written report.

Please note that if your original grievance is heard by the Committee, there will only be one appeal to the JNC making the process two stages only.

2.7 Timescales

We may amend the timescales at any stage of the procedure if you and we agree. For JNC hearings, each side may apply for an extension to the JNC Chair.

2.8 Outcome

After we have heard your concerns at the grievance hearing, an appropriate investigation will take place based on the information you have provided. We will write to you with our findings once we complete our investigation.

The outcome of your complaint will be one of the following:

- Your concerns have been upheld
- Some of your concerns have been upheld, and others have not.

- Your concerns have not been upheld.

Where it is possible, we will give you the reason/s why any decisions have been made. This does not mean you will automatically have access to the investigation nor witness statements that we have taken. WWHC takes confidentiality of all its staff very seriously and must ensure that it complies with Data Protection requirements. As a result, only information concerning yourself that does not breach the confidentiality of others may be made available to you. If we take action against one of your colleagues because of your complaint, we will not inform you of this under any circumstances.

2.9 Grievances raised after your employment has ended

If you raise a grievance after your employment has ended, we will consider it and respond to you in writing (without holding a meeting).

2.10 Collective grievances

Collective grievances are complaints raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These should be raised at Stage 2 of the formal process.

If the issue is not resolved after going through the internal procedure, either you or we may refer the matter to ACAS conciliation.

General Data Protection Regulations

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in WWHC's employee privacy notice.

3. Equalities

We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, irrespective of factors such as gender, race, disability, age, sexual orientation, language or social origin, or other personal attributes.

4. Review

This policy will be reviewed 3 yearly or before if there are legislative changes.

Appendix 1 Grievance Form

If you wish to raise a formal grievance you must complete the following form and give it to your line manager (unless the complaint concerns your line manager, in which case you should give the completed form to the manager at the next level).

Section 1 – About you

Name	
Job Title	
Section	
Manager	

Section 2 – What is your complaint?

Section 3 – Please provide brief details of the outcome you would like considered

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Signed

Signature	
Date	