



## **Grievance and Disciplinary Procedures**

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PiPeLine Productions Academies LTD will take seriously any grievance and disciplinary matter and will act to ensure that all such matters are investigated and handled with all due speed and diligence.

PiPeLine Productions expect excellent standards of conduct from its staff, volunteers, and contractors. Adherence to all of PiPeLine Productions' policies and procedures is required at all times. Failure to comply will be considered a matter for the Disciplinary Procedure.

This procedure should be read in association with associated procedures and PiPeLine Productions terms and conditions of employment contract.

With regards to professional conduct, everyone is required to respect the confidentiality of PiPeLine Productions and its clients/customers.

PiPeLine Productions fully intends that all grievance and/or disciplinary matters are dealt with and resolved as quickly and efficiently as possible and will follow the procedure as set out below:

### **Grievance Procedure (Employees)**

When an employee feels aggrieved, they can raise such a grievance with a Director and/or a Manager. The purpose of the Grievance Procedure is to try and resolve disputes at an early stage. Employees are encouraged to make suggestions towards how this may be achieved, from their perspective.

The aim is to ensure fair treatment for all. No disciplinary action will be taken against an employee until the case has been fully investigated and the individual given an opportunity to state their case.

No member of staff may take part in the procedure if they have been previously involved in the grievance. At all stages, an employee will be entitled to be accompanied by a Trade Union representative or other colleague of their choice. Time limits may be adjusted by mutual agreement and where extended, the reasons will be recorded as part of the process.

All meetings will be held in private and confidentiality will be respected at all times. Whenever the employer arranges a meeting to discuss the employee's grievance, the employee has the right to be accompanied by a person of his/her choice or a Trade Union representative.

Current legislation has been amended to the adoption of the ACAS Code – a copy of which is available via the ACAS website.

As a minimum, and supplemental to the ACAS Code, PiPeLine Productions will expect the following procedure to be used:

### **Informal stage**

The employee should first attempt to resolve any grievance by raising it informally (as above) before entering into the formal procedure. If the grievance remains unresolved or is sufficiently serious the formal procedure should be entered into – as below.

### **Stage 1 – in writing**

The employee should set out their grievance in writing to their supervisor, a Director or a Manager. The employee should receive a reply to their letter within 10 working days.

The person receiving the written grievance must establish the nature, extent and facts of the grievance and attempt to establish what may be a mutually acceptable resolution to the issue.

### **Stage 2 – meeting**

If the nature of complaint is such as to require it, a meeting will be convened to hear the case. In certain cases, it may be decided that in order to fully action this procedure it is necessary to conduct a full investigation. Where this is the case, time limits will need to be extended and agreed in order to carry out such investigation. All employees are required under statutory terms of contract of employment to contribute to any investigation where requested.

Normally the Investigating Officer will be one of the Directors or other person appointed to hear the grievance. In exceptional circumstances and where appropriate an Investigating Officer may be appointed who is an external party brought in for the purposes of conducting the investigation.

At the end of the meeting and within a limit of 5 working days, the employee will be informed of the decision. If the grievance has not been upheld in full, the employee will be informed of their right to appeal.

### **Stage 3 – appeal**

If the employee wishes to appeal, they must state this in writing to the Directors giving their reasons for appeal, within 14 days of receiving the decision.

The Directors will convene a team to hear the appeal – to consist of at least 3 people, including at least one person who has no prior knowledge of the case.

This panel shall meet within 14 days of receiving the case, or as soon as possible thereafter – by mutual agreement between the parties involved. If the meeting is likely to have to be scheduled any later than 14 days the employee will be notified of this in writing. The employee has the right to be accompanied by an employee of his/her choice or a Trade Union representative at the appeal meeting.

Appeal Panel should ensure that there is a third party present to take confidential notes of the proceedings. In the event of any of the participants in the grievance hearing being unable to attend at the mutually agreed time, the meeting may be postponed once to another time to suit all parties. In the event of sickness of the person making the appeal, the meeting may be postponed for up to 4 weeks.

At the end of the meeting and within a limit of 5 working days, the panel will inform the employee of the decision. The decision of the appeal panel is final and no further appeal will be accepted.

### **Suspension and/or disciplinary procedures**

In cases where there is reasonable grounds for believing that continued presence at work of an employee connected with the grievance will be detrimental to the progress of the grievance procedure, investigation and/or the continued working of the organisation, that employee may be suspended on full pay.

On occasion, a grievance may give rise to a disciplinary issue, in which case the disciplinary procedure will be invoked. The content of the disciplinary procedure will be subject to the normal constraints of confidentiality.

A disciplinary procedure may not itself be the subject of a grievance until the disciplinary procedure is completed, unless there is an accusation of unlawful harassment or of unlawful discrimination.

### **Disciplinary Procedures**

When the work, capability, or conduct of a PiPeLine Productions employee is reported as observed to be unsatisfactory, or an allegation has been made of gross misconduct, the disciplinary procedure shall apply.

PiPeLine Productions' aim is to encourage all employees to maintain standards in individual conduct and work. This procedure sets out the action that will be taken in response to cases of alleged misconduct and poor work performance. The procedure is designed to establish the facts quickly and to deal consistently and fairly with any disciplinary issues.

No disciplinary action will be taken against an employee until the case has been fully investigated. No disciplinary sanction will be taken against an employee until the individual has been given an opportunity to state their case.

All meetings will be held in private and confidentiality will be respected at all times. Whenever the employer arranges a meeting to discuss the matter, the employee has the right to be accompanied by a colleague of his/her choice or a Trade Union representative.

PiPeLine Productions reserves the right to involve individuals from outside the organisation to assist with investigation and/or the conduct of disciplinary hearings and/or appeals. Any such third parties will agree to be bound to respect confidentiality.

Where an employee has a recognised disability, appropriate reasonable adjustments will be made to the procedure. This might involve, for instance, allowing a reader or sign language interpreter to attend, or giving assistance with written submissions.

In such circumstances where an informal meeting has failed to resolve the matter, where satisfactory improvements in employee performance have not been made, or where the issue is sufficiently serious to bypass the informal stage the formal procedure shall be implemented.

Current legislation has been amended to the adoption of the ACAS Code – a copy of which can be found on the ACAS website.

As a minimum, and supplemental to the ACAS Code, PiPeLine Productions will expect the following procedure to be used:

### **Informal/ Formal Verbal Notices**

With the exception of acts that may be deemed as gross misconduct, PiPeLine Productions will attempt to deal with all disciplinary subject matters informally prior to commencing formal disciplinary action. An informal meeting will be held between the employee and the employer (supervisor) to discuss the matter and see if a resolution can be reached by informal dialogue - except where the matter is sufficiently serious to bypass this stage. The procedure for informal meeting will be similar to that for a Grievance Procedure meeting (informal stage). No record of an Informal Verbal will be made and the matter will not appear on an employee's employment record. The purpose of this stage is to attempt to deal with a matter quickly, informally, and with as little stress to all parties as possible in the knowledge that sometimes a nudge is sufficient to positively modify behaviour and performance.

If warranted due to acts which are repeated or slightly more serious, a Formal Verbal Notice will be issued. A meeting will be held between the employee and the employer (supervisor) to discuss the matter - except where the matter is sufficiently serious to bypass this stage. The procedure for a Formal Verbal will be similar to that for an Informal Verbal as again, the aim is to less formally come to a resolution while minimising stresses. However, as the Verbal warning

is formal and will be recorded on the employee's record, a slightly more formal approach will be taken. A letter, including statement of the issues under consideration will be sent to the employee via email, formally inviting the employee to attend a meeting to discuss the matter. The letter will inform the employee of the date, time, and location of the meeting and of their right to request, within reason, re-scheduling of the meeting if they or their companion are unable to attend. The employee has the right to be accompanied by a person of his/her choice or a Trade Union representative.

## **Disciplinary Hearings**

### **Part 1 – Invitation to Attend a Hearing**

If the employer is not satisfied with the outcome of the Informal Verbal or Formal Verbal notices, or similar behaviour is repeated, or the employer elects to miss out the verbal stages (due to seriousness of the issue involved), then the next step is to set a date for a formal disciplinary meeting.

A letter, including statement of the issues under consideration will be sent to the employee via email, formally inviting the employee to attend a meeting to discuss the matter. The letter will inform the employee of the date, time and location of the meeting and of their right to request, within reason, re-scheduling of the meeting if they are unable to attend. The employee has the right to be accompanied by a person of his/her choice or a Trade Union representative. The date of the meeting will always be scheduled with not less than 5 days' notice unless there is sufficient reason to attempt to expedite the meeting.

If either the employee or their companion is not available to attend the meeting on the proposed date, the meeting may be postponed to a mutually convenient time proposed by the employee. Where the original meeting was scheduled with no less than 5 days' notice, this proposed reschedule must be no more than 5 working days after the day originally proposed. If either side for good reason fails to attend an agreed meeting, the meeting may be rearranged once. Any subsequent agreed meeting may proceed without the person who is unable to attend.

The employee will be informed of the names of the panel and any witnesses that may be called. In cases of possible gross misconduct, the employee will be informed of this and told that the likely sanction under consideration is dismissal.

In certain cases, it may be decided that in order to fully action this procedure it is necessary to conduct a full investigation. Where this is the case, time limits will need to be extended and agreed, in order to carry out such an investigation. All employees are required under statutory terms of contract of employment to contribute to any investigation where requested.

### **Part 2 – The Meeting**

The meeting will take place in a private location and be conducted without interruption.

At the meeting, the disciplinary panel will outline the complaint against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be allowed to ask questions, present evidence, call witnesses and raise points about any information provided by witnesses.

In cases of harassment or personal abuse/assault, the disciplinary panel must make appropriate arrangements to protect the personal safety of any witnesses.

The format for the hearing will be as follows:

- The person or body responsible for initiating the disciplinary action and any Investigating Officer will present their reasons for the disciplinary action and may call witnesses or present other evidence to the panel as appropriate.
- The employee may present their case to the panel, calling witnesses and presenting other evidence as appropriate to the case.
- In cases of harassment or personal abuse/assault, the disciplinary panel must make appropriate arrangements to protect the personal safety of any witnesses.

Once all evidence has been presented from both sides the disciplinary panel will consider the evidence and determine whether disciplinary sanctions are justified/should be imposed and the level of sanction.

Where it is decided that no action is justified the employee will be informed. Where it is decided that disciplinary action is justified the panel will decide what form this should take. Before making any decision, account will be taken of the employee's disciplinary and general record, length of service, actions taken in any previous similar case, the explanations given by the employee and whether the intended disciplinary action is reasonable in the circumstances.

The employee will be informed of the results of the disciplinary hearing and the reasons for the decision as soon as possible. This will be confirmed in writing. The employee retains, and will be informed in the letter of their right to appeal against the decision and any part of it.

No person directly involved in any allegation of misconduct or who is a significant witness in the case may be a member of the disciplinary panel.

### **Part 3 - Appeal**

The right to appeal shall apply to all aspects and outcomes of a disciplinary hearing and shall be exercised by the employee by writing to the Directors within 14 days of notification of the decision, giving the grounds of the appeal. Any appeal will be held as soon as practicable following receipt of the appeal letter. The appeal hearing may take place before or after

disciplinary action or dismissal has taken effect. Employees have the right to be accompanied or represented by a person of their choice at the appeal hearing.

The format of an Appeal Meeting will be similar to that of the Disciplinary Meeting. No person directly involved in any allegation of gross misconduct, a significant witness or anyone who has been involved in previous decisions will take part as a member of any appeal body. Where possible, appeal bodies will be made up of more senior staff than those who conducted the original disciplinary hearing and/or staff who were not involved in the original disciplinary hearing. Where it is not possible for this to be the case, appeal panels must be provided with full authority to overturn, downgrade, and/or upgrade any and all previous decisions. And where staff involved in the original disciplinary hearing also conduct the appeal, a statement of commitment to impartially hearing the appeal must be written and provided to the employee. Decisions of appeal bodies are final and there is no further appeal.

### **Forms of disciplinary sanction:**

#### ➤ **Informal Verbal Warning**

An Informal Verbal Notice may be issued for relatively minor offences. This will not be recorded on the employee's personal record and is more of an informal chat to make an employee aware of a potential issue.

#### ➤ **Formal Verbal Warning**

A Formal Verbal Warning may be issued for relatively minor offences or where issues dealt with via an Informal Verbal Warning have been repeated. This will be recorded on the employee's personal record and kept on file for a period of 3 months.

#### ➤ **Written Warning**

This ranges from a 'First Stage - Written Warning', a 'Second Stage - Written Warning' to a 'Final Written Warning'.

A Written Warning sets out the nature of misconduct; expected changes in behaviour by the employee and timescale within which the employer expects this change to have been achieved.

The Final Written Warning would normally be disregarded for disciplinary purposes after a period of 12 months. Formal warnings will be recorded on the employee's personal record and kept on file for a period of up to 12 months. Final written warnings will be archived from the employee's file.

#### ➤ **Termination of Employment**

**The employers can move to any stage/form/level of disciplinary commensurate with the seriousness of the issue and as long as a consistent and logical rationale can be provided. The**

**employers reserve the right to seek external third parties to conduct disciplinary hearings and/or appeals.**

### **Disciplinary rules**

The disciplinary procedure and associated sanctions shall apply where:

- There are concerns about an employee's performance during the probationary period in a post
- The work (capability) or conduct of an employee appears to be unsatisfactory
- Employees breach the rules contained in their terms and conditions of employment
- Employees are accused of harassment or victimisation.
- Employees' conduct is contrary to established or common-sense practice with the particular work setting.
- Employees' conduct is contrary to mandated practice and directives given by management and/or directors and entered into the minutes of meetings.

This is an indicative, but not exclusive list.

### Misconduct can include:

- Misuse of PiPeLine Productions facilities including computer facilities (e.g. email and the Internet)
- Poor timekeeping
- Unauthorised absences
- Acting contrary to common sense and established ways of working in specific settings
- Breaches of health and safety rules
- Breaches of other policies and procedures including risk assessments

This is an indicative, but not exclusive list.

### Gross Misconduct:

Acts that will be deemed to be gross misconduct and may lead to summary dismissal (dismissal without notice) for the first offence include:

- Theft, fraud and deliberate falsification of records
- Physical violence or assault
- Deliberate damage to property
- Serious abuse of email or internet policy
- Fraudulent misuse of the organisation's property or name

- Incapacity for work due to being under the influence of alcohol or illegal drugs
- Serious negligence which causes unacceptable loss, damage or injury
- Serious acts of insubordination
- Serious infringement of health and safety rules
- Serious breach of confidentiality
- Serious breach of PiPeLine Productions Equality and Diversity policy
- Serious breach of common-sense or established practices when working with young people
- Bringing the company into disrepute or acting in a manner likely to damage the company's standing and reputation
- Any other acts which are deemed to be of sufficient seriousness as to constitute gross misconduct.

This is an indicative, but not exclusive list.

### **Suspensions**

Occasionally it may be necessary to suspend a member of staff while matters are investigated. Wherever possible, other arrangements will be made that avoid the necessity for suspension but at all times the safeguarding of pupils will be the first consideration when deciding on a course of action and sometimes a suspension will be necessary to keep a member of staff away from pupils while matters are investigated. During a suspension, staff pay and benefits will be unaffected and they are expected to continue working their usual working hours. Further, they are expected to fully and reasonably cooperate with all investigations into matters to resolve any issues.