



# **Grievance and Disciplinary Policy**

<b>Name of Policy</b>	<b>Grievance and Disciplinary Policy</b>
<b>Aim of Policy</b>	<b>The purpose of the policy is to ensure a culture whereby workers are accountable for themselves</b>
<b>Related Organisational Aims &amp; Objectives</b>	
<b>Intended Audience</b>	<b>Council Members, Staff and Volunteers</b>
<b>Approved By</b>	<b>NAT Council</b>
<b>Date Approved</b>	<b>09.04.2019/review 11.01.2022</b>
<b>Review Cycle</b>	<b>2 years</b>
<b>Review Due Date</b>	<b>January 2023</b>
<b>Individual Responsible for Review</b>	<b>Director</b>
<b>Comments on Last Review</b>	

## Norfolk Archaeological Trust GRIEVANCE AND DISCIPLINARY PROCEDURES

### 1. Grievance procedure

- 1.1 If you have any grievance relating to your employment you should raise the matter with the Chairman of the Trust. You will be required to confirm any such grievance in writing. If the grievance relates to the Director, you should raise it with the Chairman of the Trust.
- 1.2 Having enquired into your grievance the Chairman will discuss it with you and will then notify you in writing of their decision
- 1.3 If you believe that you are being sexually or racially harassed or the victim of some other form of harassment or unlawful discrimination you should report any incident(s) to the Chairman who will investigate. Your report will be treated as confidential unless you agree otherwise

### 2. Disciplinary procedures

- 2.1 The purpose of the disciplinary procedures is to ensure that the Trust behaves fairly in investigating and dealing with allegations of unacceptable conduct or performance. Accordingly, the Trust reserves the right to depart from the precise requirements of its disciplinary procedure where it is expedient to do so and where the resulting treatment of the Employee is not less fair. The procedure will only apply to employees who have successfully completed twelve (12) months continuous employment
- 2.2 All cases of disciplinary action under these procedures will be recorded and placed in the Trust's records. A copy of the Trust's disciplinary records concerning you will be supplied to you at your request
- 2.3 Offences under the Trust's disciplinary procedures fall into four (4) categories namely: -
  - misconduct
  - gross misconduct
  - incapability
  - unsatisfactory sickness record
- 2.4 The following steps will be taken as appropriate in all cases of disciplinary action: -
  - 2.4.1 Investigations: No action will be taken before a proper investigation has been undertaken by the Trust into the matter complained of. If appropriate the Trust may by written notice suspend you while the investigation takes place. If you are so suspended your contract of employment will continue together with all your rights under your contract including the payment of salary, but you will not be required to perform any duties during the period of suspension. The decision to suspend you will be confirmed in writing
  - 2.4.2 Disciplinary hearings: If the Trust decides to hold a disciplinary hearing about the matter complained of you will be given details of the complaint against you at least two (2) days before the hearing. At the hearing you will be given an opportunity to state your case. You may be accompanied by a representative of any recognised Trade Union of which you are a member. No disciplinary penalty will be imposed without a disciplinary hearing, but a hearing may proceed in your absence if you fail to turn up
  - 2.4.3 Appeals: As a result of your seniority and the size and management structure of the Trust all disciplinary matters will initially be dealt with by the Council of the Trust (i.e., at the

highest available level) and accordingly any appeal will usually be dealt with by way of rehearing before the Council. If you wish to appeal a disciplinary decision you must do so within 7 days of the original decision. Any such appeal should give the grounds upon which the appeal is made and be in writing addressed to the Chairman.

## 2.5 Misconduct

2.5.1 The following offences are examples of misconduct: -

- Unauthorised absence
- Minor breach of Trust rules
- Failure to observe Trust procedures

These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure

2.5.2 The following procedure will apply in cases of alleged misconduct: -

First warning: This will be given by the Chairman and may be oral or written according to the circumstances. In either event you will be advised that the warning constitutes the first formal stage of this procedure. If the warning is verbal a note that such a warning has been given will be placed in the Trust's records

Final warning: This will be given by the Chairman and confirmed to you in writing. This warning will state that if you commit a further offence of misconduct during the period specified in it your employment will be terminated

Dismissal: The decision to dismiss you will be notified to you in writing

## 2.6 Gross misconduct

2.6.1 The following offences are examples of gross misconduct: -

- Abusive and/or bullying behaviour
- Damage to Trust property
- Falsification of reports accounts expense claims or self-certification forms
- Refusal to carry out duties or reasonable instructions
- Serious breach of Trust rules
- Violent dangerous or intimidatory conduct
- Sexual racial or other discrimination and/or harassment

These examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure

2.6.2 Gross misconduct will result in immediate dismissal without notice or pay in lieu of notice. Dismissal will be notified to you in writing

## 2.7 Incapability

2.7.1 The following are examples of incapability: -

- Poor performance
- Incompetence
- Unsuitability
- Lack of application

These examples are not exhaustive or exclusive and instances of a similar nature will be dealt with under this procedure

2.7.2 The following procedure will apply in cases of incapability: -

First warning: This will be given by the Chairman and will be confirmed to you in writing

This warning will specify the improvement required and will state that your work will be reviewed at the end of a period specified

Final warning: This will be given by the Chairman and confirmed to you in writing. This warning will state that unless your work improves within a period specified your employment will be terminated

Dismissal: The decision to dismiss you will be notified to you in writing

## 2.8 Unsatisfactory sickness record

- 2.8.1 The following are examples of unsatisfactory attendance: -
- long-term absence due to injury or sickness
  - frequent short-term absence due to minor ailments
- 2.8.2 In appropriate circumstances the Trust may require you to be examined by an independent medical practitioner of its choosing. In this event you agree to co-operate with such a request and to permit the medical practitioner to discuss with the Trust the findings of his examination and his prognosis for your future recovery. The findings of the medical practitioner will be taken into account when the Trust considers the kind of action if any which it will take against you in respect of your absence from work.
- 2.8.3 If appropriate after such examination, you may be given a first warning by the Chairman which will be confirmed to you in writing. This warning will specify a period the length of which will depend upon your particular health difficulties-
- 2.8.3.1 over which your attendance will be monitored by the Trust and a specified measure of improvement will be required of you or
- 2.8.3.1 at the end of which you will be expected to have returned to work
- 2.8.4 If appropriate at the end of such period, you may be required to undergo another examination the results of which the Trust will take into account when it considers the kind of action if any which it is appropriate to take against you
- 2.8.5 Such action may include: -
- 2.8.5.1 the removal reduction or suspension of your eligibility for Trust Sick Pay and/or
- 2.8.5.2 the issue of a final warning by the Chairman which will be confirmed to you in writing and will specify a further period over which your attendance will be monitored, and the level of improvement expected of you during such period. This warning will state that failure to show the necessary improvement within the specified period will result in your dismissal or
- 2.8.5.3 your dismissal on notice if the Trust concludes following your medical examination that you are not likely to be fit to return to work in the foreseeable future and that in all the circumstances the needs of its business render it impracticable to await further your return to health or fitness
- 2.8.6 The decision to dismiss you will be notified to you in writing
- 2.9 Subject to satisfactory performance and conduct any warning under these procedures will be removed from the Trust's records after two (2) years.

Date of change	Changed by	Comments
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09/06/2019	CD	Policy approved by the Trustees Council 09/06/2019