



Unleash the Creative Spirit of Young People

Music Relief Foundation

Disciplinary and Grievance Procedures

Organisation	MRF
Scope of policy	Applies to all staff and volunteers and all services, activities, training and general running of the organisation.
Policy operational date	04/01/2021
Policy prepared by	Olga Shaumyan (Administrator)
Reviewed/Amended	
Review date	04/01/2023 (every 2 years or sooner if required)
Distributing	This policy will be available on the MRF website and staff shared drive. It will be a requirement for all trustees and staff to read the policy after appointment or after its review. A summary of all relevant policies will be included in the volunteer handbook with clear signposting to the full text. Volunteers will be kept up to date with any changes that might affect their role.

Disciplinary Procedure

SCOPE

Music Relief Foundation (MRF) will use this Disciplinary Procedure only when necessary and as a last resort. Additional supervisions or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

A staff member (employee/volunteer) can discuss any part of this policy with their union representative or their line manager. They can help clarify a staff member's rights as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during the disciplinary process.

SUSPENSION

Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation, for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others, or to prevent possible interference with evidence. Only the manager in charge of that individual, at that time or their superior, has authority to suspend an individual.

An employee suspended from duty will receive written confirmation within **three (3)** days of:

- the reason for the suspension,
- the date and time from which the suspension will operate,
- the timescale of the ongoing investigation,
- the right of appeal to the immediate manager of the suspending manager should the suspension last more than **seven (7)** days.

ADDITIONAL SUPERVISION

Additional supervision is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:

- what is expected in terms of improving shortcomings in conduct or performance,
- the time scale for improvement,
- when this will be reviewed,
- the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

A record of the supervisions should be given to the employee and a copy retained in their personnel file. It is imperative that any supervision should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employee's file.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

PROCEDURE FOR FORMAL INVESTIGATION

1. Formal investigations should be carried out by the most appropriate manager (or trustee) who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.
2. A report should be prepared which outlines the facts of the case. This should be submitted to the appropriate senior manager/trustee who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.

3. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate senior manager/trustee, who would be accompanied by another manager/trustee. The investigating manager would be asked to present his/her findings in the presence of the employee who has been investigated. Witnesses should be called at this stage, and the employee (or their representative) allowed to question these witnesses. The employee has a right of representation at this hearing.
4. Following the full presentation of the facts, and the opportunity afforded to the employee to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the senior manager/trustee hearing the case and the other manager/trustee. They would discuss the case and decide which of the following option is appropriate:
 - take no further action against the employee,
 - recommend additional supervisions for the employee,
 - proceed to a disciplinary hearing.
5. All parties should be brought back, and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:
 - the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that they have the right of representation;
 - they have been told in advance what the nature of the complaint is, and have had time to consult with a representative;
 - all the facts have been produced at the investigatory hearing, and the manager or trustee is in a position to decide on disciplinary action;
 - The manager should inform the employee and their representative that the hearing will now become a formal disciplinary hearing and invite them to say anything further in relation to the case.
6. It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of the employee.
7. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

WARNINGS

Minor misconduct

Below are listed examples of misconduct which may warrant either a verbal warning or a first written warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor timekeeping.
- Absence from work, including going absent during work, without valid reason, notification or authorisation.
- Smoking within unauthorised areas.
- Failure to work in accordance with prescribed procedures.
- Unsatisfactory work performance.
- Unreasonable standards of dress or personal hygiene.
- Littering or otherwise creating unsanitary conditions.
- Safety violation.
- Unauthorised operation of equipment.
- Unfriendly or uncooperative attitude in dealing with clients, staff members or volunteers.
- Conducting personal business during your shift, including excessive personal telephone use.

Verbal warning

A verbal warning is appropriate when it is necessary for the manager in charge to take action against an employee for any minor failing or minor misconduct.

First written warning

A first written warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

Gross misconduct

Listed below are examples of misconduct which may be considered to be gross misconduct and may warrant a final warning, demotion or dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a final warning, demotion or dismissal.

- Failure to observe MRF rules, regulations or procedures.
- Breach of confidentiality or security procedures.
- Physical assault, breach of peace or verbal abuse.
- Being unfit for duty due to drugs or alcohol.
- Incompetence or failure to apply sound professional judgement.
- Refusal to carry out a management instruction which is within the individual's capabilities and which would be seen to be in the interests of MRF.
- Breaches of confidentiality, prejudicial to the interest of MRF.
- Theft, including unauthorised possession of MRF property.
- False declaration of qualifications or professional registration.
- Wilful damage of property at work.
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe.
- Serious breach of the health & safety rules.

Final written warning

A final written warning is appropriate when:

- an employee's offence is of a serious nature falling just short of one justifying dismissal;
- an employee persists in the misconduct which previously warranted a lesser warning.

Time scales for the expiry of warnings

Warnings issued to employees shall be deemed to have expired after the following periods of time:

- Verbal warning: 6 months
- First written warning: 12 months
- Final written warning: 18 months (or as agreed and recorded at the hearing)

These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

Letter of Warning

All warnings must contain the following information:

- The letter must be issued within **seven (7)** days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the employee for improvement.
- The employee's right to appeal to the manager directly above that of the one issuing the warning.
- A copy of the warning and any supporting documentation must be attached to the individual's personnel file.
- The employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to who they can make that appeal.

DOWNGRADING OR TRANSFER TO ANOTHER POST

This action is appropriate when:

- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee;
- an employee is considered by their line manager to be incompetent or otherwise unfit to fulfil the duties for which they are employed but where dismissal is not thought to be appropriate.

DISMISSAL

Dismissal is appropriate when:

- an employee's or volunteer's behaviour is considered to be gross misconduct;
- an employee's or volunteer's misconduct has persisted, exhausting all other lines of disciplinary procedure;

- a volunteer is deemed to be a serious risk to the MRF's reputation, service users, other volunteers or staff because of their action.

The letter confirming dismissal will contain the following information:

- the reason for dismissal and any administrative matter arising from the termination of their employment;
- the employee's right of appeal and to whom they should make that appeal.

APPEALS

Appealing a disciplinary decision

Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- The procedure had not been followed correctly.
- The resulting disciplinary action was inappropriate.
- The need for disciplinary action was not warranted.
- New information regarding disciplinary action has arisen

An appeal should be put in writing. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within **ten (10)** days of receipt of the warning or dismissal letter. An appeal will be arranged within **twenty (20)** working days of receipt of the appeal letter.

Even though volunteers do not have employee rights, if they wish to appeal, they should put it in writing and address it to the Chair of the Board of Trustees. MRF is under no obligation to hold an appeal hearing but the appeal will not be dismissed without consideration.

Appealing verbal and first warnings

In the case of verbal and first warnings, the appeal will be heard by the manager next in line to the one who issued the warning or a trustee.

Appeals against downgrading, final warnings and dismissal

The hearing and determining of appeals against final warnings and dismissal will be heard by the chief executive or the Chair of the board of trustees. They may also involve another senior manager/trustee not previously involved with the case.

When dealing with an appeal against a final warning or dismissal, written statements of case may be submitted no later than **two (2)** days prior to the date of appeal hearing. No additional written evidence will be admitted by the appeal committee after that deadline.

Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give **five (5)** days prior notice that they intend to call specific persons involved or associated with the case under consideration. It is the responsibility of the management representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.

Grievance procedure

SCOPE

The grievance procedure is intended as the tool by which a member of staff (employee or volunteer) may formally have a grievance, regarding any condition of their employment, heard by the management of the organisation. The aggrieved employee has the right to representation by a trade union representative, a professional organisation, a staff association or a colleague/friend.

In the event of a member of staff wishing to raise a grievance, it is preferable for the grievance to be satisfactorily resolved as close to the individual and their line manager as possible. It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve the organisation's employees.

If a volunteer wishes to raise a grievance, it will be resolved by the volunteer manager or, if it concerns the volunteer manager, by the trustees. MRF has no obligation to follow the following steps but the Complaints & Compliments Policy and Procedure will be followed.

Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended if it is agreed upon by both parties.

This procedure is not intended to deal with:

1. dismissal or disciplinary matters which are dealt with in a separate procedure;
2. disputes, which are of a collective nature.

STAGE 1

An employee who has a grievance, should raise the matter with their manager immediately either verbally or in writing. If the matter itself concerns the employee's immediate manager, then the grievance should be taken to their superior.

If the manager is unable to resolve the matter at that time then a formal written grievance form should be submitted (see appendix 1). The manager should then respond within **two (2)** working days (i.e. the manager's normal working days) to the

grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the manager's decision and who to appeal to if still aggrieved.

STAGE 2

In most instances the organisation would expect the manager's decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision of the manager concerned.

The appeal to the manager next in line must be made within **ten (10)** working days of the original response to the employee's grievance. The appeal must be in writing (see appendix 2) and contain the original formal Grievance form. This manager/trustee will attempt to resolve the grievance. A formal response and full explanation will be given in writing, as will the name of the person to whom they can appeal if still aggrieved, within **seven (7)** working days.

Where the 'next in line' manager at this stage is the Chair of the board of trustees, then the grievance should immediately progress to stage 3.

STAGE 3

If the employee remains aggrieved there will be a final level of appeal to the Chair of the board of trustee. This appeal must be made in writing (see appendix 3), enclosing a copy of the original Formal Grievance form, to the Chair within ten working days of receipt of the Stage 2 response. The Chair will arrange and hear the appeal with another management representative and respond formally with a full explanation within **twenty (20)** working days.

There is no further right of appeal. Where however both parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

Policy review

RESPONSIBILITY

It is the responsibility of the CEO to review this policy unless the task has been delegated to an appropriate volunteer or employee before the policy review date.

PROCEDURE

All volunteers and employees can have input in this policy's review via their supervision.



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TIMING

The review must be completed within a month of the review date.



Appendices

APPENDIX 1

. FORMAL WRITTEN GRIEVANCE FORM

To:

From:

Date:

Immediate Superior:

Dear _____,

I wish to take a formal grievance out against _____

in line with the MRF Grievance Procedure.

The details of my grievance are shown below:

Yours sincerely,

(Manager should respond to this formal written grievance within 2 working days unless an extended period for response is mutually agreed.)

APPENDIX 2. GRIEVANCE DECISION APPEAL

To:

From:

Date:

Immediate Superior:

Dear

On (date within **10** days of the response to the initial formal grievance) my grievance against _____ was heard by _____.



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I am not satisfied with the outcome of this meeting and would like to appeal to yourself for a further hearing of my grievance, in line with the MRF Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely,

(Manager should respond to this formal written grievance within 7 days unless an extended period for response is mutually agreed.)

APPENDIX 3. FINAL GRIEVANCE APPEAL

To (Chair of the board of trustees):

From:

Date:

Immediate Superior:

Dear _____,

On (date within **10** days of the response to the second stage of the formal grievance) I appealed to _____ against the decision made at my initial grievance against _____.

I remain dissatisfied with the outcome of this meeting and would like to appeal to you for a further hearing of my grievance, in line with the MRF Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely,

(Chair should respond to this formal written grievance within 20 working days unless an extended period for response is mutually agreed.)