

Discipline & Grievance
Proposed Changes to Current System

Topic	Current Position	Proposed Change	Impact	Necessary for Implementation
Nipping in the bud	PM4 talks of informal disciplinary action, but no mechanism other than to sit down with employee, other than “counselling approach”	<p>More focus on nipping in the bud.</p> <p>Greater emphasis in the procedure on the obligations of all parties to take much quicker action to stop problems from growing or festering</p>	<p>Need to guide managers.</p> <p>Remind everyone of FC Values.</p> <p>Advise managers of their role to promote harmonious workforce</p> <p>Advise managers of the involvement of HR Services (perhaps make reference to HR mandatory)</p> <p>Advise managers and employees of the potential input at this stage to Trade Union, People Support</p> <p>Consider training for managers in how to</p>	<p>Change in policy and procedure</p> <p>Training for managers on how to manage potentially difficult circumstances.</p> <p>Training Union, People Support & HR Services on how to manage potentially difficult situation, so they are better placed to advise managers, with aim of rolling out training to all managers (part of L&D strategy about manager’s passport/MDP)</p> <p>Pulling together by HR Services case managers of database</p>

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			<p>manage difficult situations (L&D recently piloted such a session for the MDP with very good feedback – more linked to L&D strategy that this project group)</p>	<p>for all cases, to ensure consistency of advice.</p> <p>Promotion of People Support</p> <p>Reminder of Union contact details and function.</p>
<p>Classification of misconduct / responsibility for taking action.</p>	<p>Only 2 separate levels for dealing with misconduct, Minor (line manager) then serious/gross (senior staff)</p>	<p>3 separate classifications: minor (line manager to handle); serious (unit manager can handle) and gross (SSG/director can handle)</p>	<p>Managers given greater responsibility.</p> <p>More managers involved in process</p> <p>Unit managers have new role in disciplinary process, right up to dismissal for cumulative offences (i.e. written warning, final written warning, dismissal with notice).</p> <p>Need guidance on what happens if during the</p>	<p>Change in policy and procedure;</p> <p>Training for unit managers on how to conduct disciplinary hearings</p> <p>Managers Guide</p>

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			course of the investigation, it changes from minor to serious to gross, or the other way round)	
Investigation	If serious/gross then external investigation	Greater ability for manager to decide on what type of investigation is appropriate, i.e. formal or informal; internal (to the unit) or external.	<p>Managers need to be able to consider what investigation is appropriate and take decisions on this.</p> <p>Managers need to know how to conduct investigations</p>	<p>Change in policy and procedure;</p> <p>Training for managers to conduct investigations (part of the wider manager's passport/MDP)</p> <p>Managers guide</p>

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Disclosure	No disclosure in terms of PM4 of any statement or report Employee given details in the charge letter on which they can defend themselves	Disclosure of all statements and reports to relevant parties (i.e. accused gets the lot, each individual witness gets their own statement)	<p>Managers and employees need to be aware that disclosure exists.</p> <p>Managers need to be alive to the possible fallout from disclosing these statements.</p> <p>Managers and investigators need to know how to properly record information.</p>	<p>Change in policy and procedure;</p> <p>Training on how to prepare investigation reports and statements.</p> <p>The MDP training for managers on how to deliver difficult messages would be useful, particularly in relation to the fallout from any disclosure.</p>
Removal of hearing stage	If the charges which amount to serious/gross misconduct are denied, then there is a 'disciplinary hearing' before a panel of 2 people who then make recommendations to the director. There is then a further hearing with the	If the investigation concludes that charges should be drawn up, then the person is invited to a disciplinary hearing before the decision maker (unit manager or director) sitting alone (with someone to take	<p>Unit managers and directors need to be aware of the function of the revised disciplinary hearing.</p> <p>More managers will be required to lead hearings.</p>	<p>Change in policy and procedure;</p> <p>Training for managers and directors on how to conduct disciplinary hearings.</p>

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	director, if dismissal is an option, who will largely re-hear the case presented at the 'disciplinary hearing'	minutes).		
Appeal	<p>Appeal against dismissal to DG</p> <p>No need to give grounds for appeal</p>	<p>Appeals for all matters to be heard at appropriate level.</p> <p>Appropriate level is as follows:-</p> <ol style="list-style-type: none"> 1. For dismissal with notice (cumulative offence – dismissed by unit manager) = Chief Exec; Country Director 2. For summary dismissal (dismissed by SSG, then appeal to Country Director) 3. For minor misconduct to unit 	<p>More unit managers and directors will be expected to conduct appeal hearings</p>	<p>Change in policy and procedure;</p> <p>Training on how to conduct appeal hearings.</p> <p>Managers' Guide on what is the purpose of an appeal.</p>

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		<p>manager.</p> <p>Guidance in policy on what are the general grounds of appeal.</p> <p>Request for grounds of appeal</p>		
Map procedure	People simply given copy of PM4	At initial stage – advised of investigation; if charged, then advised of who will be conducting the disciplinary hearing, who will hear the appeal and the timescales to be applied.	More HR Services input in identifying disciplining and appeal officers.	Change in policy; Co-operation of units on identifying suitable officers.
Parity of Punishment	Lists identifying what is seen as minor or serious/gross	Involvement of HR Services in advice and monitoring of treatment/punishment	More HR Services case managers updated and more retention of data to ensure fairness of punishment	Change in policy; HR Case Management database set up to record and monitor punishments .

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Link between disciplinary and grievance	No link. Cannot proceed with disciplinary whilst linked grievance ongoing	<p>Dual process in which the 2 can run concurrently (if appropriate) ensuring that timescales for both are consistent.</p> <p>Consideration at an early stage of whether or not the 2 are able to run concurrently – taken by HR Services.</p> <p>Part of the consideration is whether or not one investigation can cover both the disciplinary and the grievance issue.</p>	More detail in the policy about the interaction of both policies. Ideally one policy and procedure for all. May be able to conduct one investigation for both disciplinary and grievance matters.	<p>Change in policy and procedure;</p> <p>Collating database by HR Case Managers of previous cases, to ensure consistency of application. Database should be anonymised, to ensure compliance with Data Protection Act 1998.</p>
Layout of policy	PM4 layout, whilst comprehensive is not popular or user friendly	More akin to OGB format	<p>Policy to be translated into clearer language and supported with flowcharts, mandatory elements, recommendations etc</p> <p>Proposal is that</p>	<p>Re-draft policy for approval.</p> <p>Pass to Oliver Williams for translation/adaption.</p>

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			document be split into 3 separate 'sections':- <ol style="list-style-type: none"> 1. Policy (a very general description of what is the purpose of the policy and procedure) 2. Procedure (which details the mechanics and timescales), and 3. Guidance (for managers and employees) 	
Alternative Method of Resolving Grievances, particularly bullying & harassment	If informal line management action does not resolve matters, then immediately embark upon formal procedure	More active role for Trade Unions; People Support and HR Services in suggesting an alternative route. Certified mediators to facilitate an all parties formal mediation	Proposed to put more people through the 5-day mediation course. Compile a list of all those certified mediators who may be able to facilitate a formal mediation, if both parties are willing to do this.	Change in policy and procedure Promotion of this alternative dispute resolution, outwith the formal grievance procedure. Ensure that there are sufficient numbers of trained mediators.