

SHANNON COURT CARE HOME LTD.	Issue Date: April 2019	Reviewed October 2022
	Next Review: 10/25	
DISCIPLINARY & GRIEVANCE POLICY		

1. **Disciplinary Rules & Action**

1.1 **Introduction**

A procedure is necessary to deal with cases where the Management Team feels it needs to institute disciplinary action against any employee who fails to maintain the required work standards or conduct.

The purpose of this procedure is to ensure that there should be a fair and systematic approach to matters of discipline affecting all employees. The procedure should operate without delay and should provide full consideration for every disciplinary case.

As some stages of the procedure may be separated by considerable periods of time, it is important that all decisions be recorded and filed in the employee's personnel records.

The authority for dismissal lies with the Directors or the Registered Manager. There may be occasions when none of these is available and some action is required to be taken. In such circumstances the person in charge may decide to send the employee off the premises, instructing them to report to a Director or the Registered Manager as soon as they become available.

1.2 **Warning Procedure**

Where an employee's capability or conduct is unsatisfactory the Management Team will use the following procedure:

Stage 1: Notice of Verbal Warning

Only one verbal warning will be given and details of the warning must be noted in the employee's personnel file.

Stage 2: Written Warning

If the employee's capability or conduct continues to be unsatisfactory, the Deputy Manager will then give the employee a written warning, outlining the areas in which improvement is required. If appropriate, this may be done in the presence of a colleague or trade union representative.

Stage 3: Final Written Warning

If the employee's capability or conduct continues to be unsatisfactory, a Final Written Warning will be issued outlining the areas that require immediate improvement. This will take place in a formal meeting. If appropriate, this may be done in the presence of a colleague or trade union representative.

Stage 4: Termination

If the employee's capability or conduct is still unsatisfactory after the final written warning, notice of termination may be given, if appropriate in the presence of a colleague or trade union representative. This will include the reasons for the termination and, in this circumstance the Home will not be obliged to pay the employee in lieu of the notice period specified in the employee's contract of employment. Documentation connected with this procedure will be completed in duplicate. One copy of the notice will be given to the employee and one will be filed in the employee's personnel file.

Stage 5: Right of appeal

An appeal may be made by the employee to the Manager within 14 days of the hearing. This appeal must be heard within two weeks of its receipt and will be dealt with within 1 month wherever possible.

Depending on the severity of the offence, The staging system may not be followed. Please see below for the staging to be used depending on the offence level:

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Offence	First Occasion	Second Occasion	Third Occasion	Fourth Occasion
Unsatisfactory Conduct / Performance	Notice of Verbal Warning	Written Warning Recorded on file	Final Written Warning Recorded on file	Dismissal
Misconduct	Written Warning Recorded on file	Final Written Warning Recorded on file	Dismissal	
Serious Misconduct	Final Written Warning Recorded on file	Dismissal		
Gross Misconduct	Dismissal			

1.3 Examples of offences

This list of examples is not exhaustive, but aims to provide an overview of Shannon Court’s expectations of all staff members

Unsatisfactory Conduct / Unsatisfactory Performance- examples

- Arriving late to work (3 occasions within 3 months)
- Late notice of absence from work (at least 2 hours notice required)
- Dress code violations
 - Not following the dress code
 - Wearing a watch on shift
 - Loose Jewelry
 - False Nails/ Nail Polish
- Returning late from your break
- Taking a break of any length without permission from your line manager
- Using your personal phone on shift for none-work purposes
- Unnecessary Loitering during your shift
- Causing Disruption in the workplace (for yourself and others)
- Taking sick leave immediately before/after annual leave
- Not completing training when required
- Not meeting Shannon Court’s Standards (as outlined in your job description)
- Unsatisfactory progress in your second development plan
- Failure to follow instructions from your line manager
- Failure to complete tasks on time
- Failure to input required information on the LogmyCare system
- Not attending at least 25% of mandatory meetings

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Misconduct- Examples

- Inappropriate language in front of other staff members
- Making personal phone calls from the landline without permission
- Failure to follow our safety rules and regulations
- Failure to abide by the Code of Conduct
- Being absent on a day where you were denied a leave request

Serious Misconduct- Examples

- Inappropriate language in front of Service Users
- Inappropriate language / behaviour in front of Service Users or family members
- Smoking on company premises, except in designated areas
- Soliciting or collecting funds for any purpose during work time without permission from a Manager/Director
- Engaging in Malicious Gossip
- Statements made orally or in writing (including over the internet) that disparages Shannon Court or it's staff members (this could also be Gross Misconduct, depending on severity)

Gross Misconduct

Any occasion of gross misconduct would justify the use of summary dismissal without notice. Some illustrations of gross misconduct are as follows:

- Destruction, defacement or misappropriation of the Home's or Service User's Property
- Drunkenness or inebriation of any kind
- Physical or verbal abuse to Service Users or the guests of our Service Users
- Physical or verbal abuse to staff members
- Sexual Harassment
- Divulging incorrect information to a Service User's family
- Divulging incorrect or confidential information to the media
- Stealing
- Insubordination or wilful refusal to carry our reasonable instructions from your line manager
- Falsification of documents or records
- Blatant violation of safety rules
- Leaving your shift without permission
- Sleeping on shift
- Statements made orally or in writing (including over the internet) that severely disparages Shannon Court or it's staff members

In any case of summary dismissal, the person so dismissed has the right of appeal. The forgoing action does not imply that the Home will not also act in a criminal court of law.

1.4 Required Investigations

All necessary investigations will be carried out prior to any disciplinary meeting with you, to establish the facts of the case. Investigations may need to be carried out in order to determine whether disciplinary action is required. These investigations may be carried out by your line manager, or the designated person involved in the disciplinary process. These investigations will usually not be completed by members of staff who would be involved in reviewing an appeal, unless there is no other option available.

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2. Grievance Procedure

This grievance procedure is designed to maintain or improve the relationships that currently exist between the Home and its employees. The Directors and the Registered Manager wish each employee to be fully aware that the aim of the procedure is to settle any grievances fairly and as near as possible to the point of origin. The rules of the procedure are simple and designed to enable any justified grievance to be rectified quickly with the intention that they will enable discussions to take place in a good manner and atmosphere.

Stage 1	Any employee who has a grievance should first raise the matter with their Line Manager, if they feel comfortable doing so.
Stage 2	If the matter is not settled at Stage 1, then you should contact the Deputy Manager, in writing, with your grievance.
Stage 3	If the matter is not settled after Stage 2, you should contact the Registered Manager, in writing, with your grievance.
Stage 4	If the matter is not settled at Stage 3, then a meeting with a Director should be requested in writing. This meeting should take place within ten working days of receipt of the request and a written reply given within a further five working days containing a final decision.

If a staff member wishes to raise a grievance in the workplace, the following applies:

- Any grievance should be raised as close to the time of the grievance as possible, so it may be settled in a timely manner
- You will be allowed to be accompanied at any formal grievance meeting by another employee, a trade union representative or an official employed by a trade union
- All grievances will be treated fairly and respectfully