

Bringing service to life

serco



Quick reference guide to problem solving at work

Discipline, grievance and appeals



If you've been invited to a disciplinary hearing or have a problem at work then read on – this leaflet is designed to give you some practical guidance on how to deal with a disciplinary issue or raise a grievance.

What is a disciplinary issue?

Disciplinary issues arise when problems of conduct or capability are identified and management seeks to address them through well recognised procedures.

Capability – is where an employee is unable to meet the required standards

Misconduct – is where an employee has failed to follow the rules, policies or procedures

Gross Misconduct – is a very serious breach of the Company's rules or other misconduct of a very serious nature. It will normally result in summary dismissal i.e. without any notice or prior warnings

If disciplinary action is considered appropriate, the possible outcomes could be:

- A verbal warning
- A first or final written warning
- Dismissal – either with or without notice or pay in lieu of notice

What happens next?

You will receive a letter inviting you to a disciplinary hearing. The letter will tell you what will be discussed, where and when the interview will be held and who will be there. The hearing will normally be held with your line manager, or sometimes with someone from another establishment or from Human Resources.

The letter will tell you that you can bring a representative.

What is a representative?

A representative may be a friend or colleague from work or a trade union official. A representative may not be a solicitor, a close relative or anyone (apart from a trade union official) who does not work for the Company.

What does the representative do?

Your representative can speak on your behalf (but not answer questions), give you support throughout the process and help you prepare for the meeting.



What if I can't attend the hearing?

If you or your representative are unable to attend the meeting you can suggest an alternative date within 5 working days. If you don't want to attend, a decision will be made in your absence.

What should I do before the hearing?

- You should tell the person conducting the disciplinary hearing the name of your representative
- You should prepare carefully, thinking about what is to be said. You should discuss this with your representative

What happens at the hearing?

- The person conducting the hearing will tell you what will be discussed
- You will be given the opportunity to state your case, and to answer and challenge the allegations
- A record of the hearing will be taken by a member of staff
- You can ask your representative questions
- The person conducting the hearing may adjourn the interview. The adjournment will not normally last longer than 24 hours. An adjournment is used so that additional information can be collected, and so that the person

conducting the hearing can consider what the outcome should be before announcing their decision

What happens after the hearing?

You will be advised verbally of the outcome of the hearing and any disciplinary action to be taken, and this will be confirmed in writing. The letter will include:

- The decision and any specific reason for it
- The action taken
- The length of time it will remain on your personnel file and the date it expires (an oral warning will remain on your file for 6 months and a written warning will remain for 12 months)
- Improvements needed, where appropriate, and consequences of no improvement
- When the situation will be reviewed (if appropriate)
- Who you can address an appeal to (see section 'How do I appeal?')

You will also receive a copy of the record of the hearing.



I've been suspended – what does that mean?

In some cases you may be suspended for a brief period of time while an investigation is carried out. You will remain on full basic pay during this time. Suspension is a precautionary action and is not a punishment or disciplinary penalty.

What if I'm not satisfied with the decision of the disciplinary hearing?

You can appeal against any disciplinary action if you think that:

- The judgement is unfair/ there are mitigating circumstances
- The penalty is too severe
- New evidence has come to light
- The issue was not dealt with correctly

How do I appeal?

Once you have received your letter confirming the outcome of the disciplinary hearing, you need to lodge your appeal within 5 working days. You must make your appeal to the person who is named in the letter you received.

You will receive a letter inviting you to an appeal hearing where your appeal will be heard. You can bring a representative.

The person hearing the appeal will consider the case and inform you in writing of their decision within five working days. This decision is final.

You will receive a copy of what was discussed at the appeal hearing.

Want to raise a grievance?

Grievances are concerns, problems or complaints. Like all problems, grievances are best resolved if they are acted upon quickly. Wherever possible you should try to resolve any problems through informal discussions with your manager or HR. Where this doesn't work, you can use the grievance procedure.

Why is it important to raise a grievance if something is wrong?

You should raise a grievance so that problems can be resolved quickly and fairly.

You will not be able to bring a claim at an employment tribunal unless you have raised a grievance in writing and waited a further 28 days before presenting the tribunal claim.

How do I raise a grievance?

Raise the matter in writing with your manager, making it clear that it is being raised as a grievance, and set out how you would like your grievance to be settled. You must do this even if you have just left or are about to leave the Company.



If the grievance is against your manager, you should approach your manager's manager, or another manager within the Company.

What happens next?

- You will receive a letter inviting you to a meeting at which you can raise your concerns
- The letter will tell you that you can bring a representative

What happens after the grievance hearing?

- You will receive a letter confirming the outcome of your grievance, normally within five working days
- The letter will tell you that you can appeal against the decision, and who you should appeal to

How do I appeal?

- Once you have received your letter confirming the outcome of the grievance hearing, you need to lodge your appeal within 5 working days
- You must make your appeal to the person who is named in the letter you received
- You will receive a letter inviting you to an appeal hearing where your appeal will be heard
- You can bring a representative

- The person hearing the appeal will consider the case and inform you in writing of their decision within five working days

If, in exceptional circumstances you are still unhappy with the outcome after the two meetings have been held, you may appeal to the director of your business. The outcome of this appeal will be final.

Where can I find out more about discipline and grievance?

Further details can be found in the booklet 'Problem Solving at Work' which is available from your Human Resources department.

Your checklist

When	You have?	Yes	No
Before the hearing:	Received a letter inviting you to a disciplinary hearing, outlining what will be discussed, where and when the meeting will be held, who will be there, and that you can bring a representative?	<input type="checkbox"/>	<input type="checkbox"/>
	Told the person conducting the hearing who your representative will be?	<input type="checkbox"/>	<input type="checkbox"/>
	Prepared for the meeting, and discussed what you are going to say with your representative?	<input type="checkbox"/>	<input type="checkbox"/>
After the hearing:	Received a copy of what was discussed at the hearing?	<input type="checkbox"/>	<input type="checkbox"/>
	Received a letter telling you:	<input type="checkbox"/>	<input type="checkbox"/>
	Why the disciplinary action was taken	<input type="checkbox"/>	<input type="checkbox"/>
	What standards of performance/conduct you need to display in the future	<input type="checkbox"/>	<input type="checkbox"/>
	What happens if you fail to improve	<input type="checkbox"/>	<input type="checkbox"/>
	How long any warning will remain on your file	<input type="checkbox"/>	<input type="checkbox"/>
	When the situation is to be reviewed	<input type="checkbox"/>	<input type="checkbox"/>
	That you have the right to appeal against the decision	<input type="checkbox"/>	<input type="checkbox"/>

For further information, please contact:

Anne Woolcott
 Head of Employment Policy
 Group Human Resources
 Serco House
 16 Bartley Wood Business Park
 Bartley Way, Hook
 Hampshire RG27 9UY
 United Kingdom

T +44 (0)1256 745900
E anne.woolcott@serco.com

April 2006