



The ATLAS Foundation

Disciplinary and Grievance Procedure

Disciplinary Procedure

Exemplary standards of behaviour and conduct is essential to the conduct of Atlas' affairs. Atlas has responsibility for ensuring that fair and effective procedures exist for dealing with disciplinary matters.

The procedures set out in this document provide a basis for consistency of treatment and fair decisions to be reached.

This policy is for PAYE employees, trustees, self-employed contractors, volunteers representing Atlas eg. through use of an Atlas email address.

This paper is set out in two sections.

The first will deal with the circumstances that normally lead to instant dismissal.

The second section outlines the general rules and systems for dealing with less serious incidents.

General notes on the procedure are also attached.

Section 1. Gross Misconduct

Offences under this heading are so serious that an employee who commits them may after proper investigation be summarily dismissed.

In such cases The Atlas Foundation reserves the right to waive notice of termination and payment in lieu of notice.

The following examples give an indication of the Foundation's view of gross misconduct.

1. Theft of Atlas Foundation property or other theft committed on Atlas premises or while conducting Atlas business
2. Violent behaviour or threats of violence (subject to certain exceptions)
3. Certain types of insulting behaviour, discriminatory or bullying behaviour towards employees, trustees, champions, ambassadors, project staff or beneficiaries
4. Breach of confidentiality
5. Incapacity or incapability as a result of alcohol or illegal drugs
6. Acts of insubordination or insolence
7. Abuse of Atlas internet or email systems
8. Failure to disclose gifts or hospitality and/or acts of bribery

9. Placing in jeopardy the integrity of The Atlas Foundation or behaving in such a manner as to bring the Atlas Foundation into disrepute
10. Certain gross breaches of duty which have an immediate and substantial effect on the individual's capacity to do his/her job may justify the use of section (1) procedure.

The Atlas Foundation reserves the right to suspend the employee concerned with pay if such a suspension is necessary, while an investigation of the allegations takes place.

Authority to suspend an employee can only be given by the Chair, or in their absence a member of the Board of Trustees designated as acting for the Chair. Such suspension will last for as short a period as possible, and in all but the most exceptional circumstances, not longer than two weeks.

The first stage in the procedure is that an investigation into the circumstances surrounding the alleged breach will take place. Depending on the circumstances of the case, the employee and/or other witnesses may be invited to attend an investigatory interview. The employee will be informed at the outset that the interview is an investigatory interview. There is no right for employees to be accompanied and the interview can take place with minimal notice. If the findings of the investigation find there is a case to answer, the second stage of the procedure is a disciplinary hearing, the complaint against the employee and their rights under this procedure will be explained in writing, including the right to be accompanied by a person of their choice or a union representative at the hearing. The disciplinary hearing will take place as soon as possible after the investigation whilst giving the employee reasonable time to prepare. During the hearing Atlas will explain the alleged misconduct, the findings of the investigation and give the employee a chance to answer the allegations

Before a decision is reached the case will be assessed by the Chair, or in their absence by a member of the Board of Trustees designating as acting for them. The employee is entitled to appeal against any decision made and will be advised of this right by the Chair. This appeal must be made to a specially convened group nominated by the Board of Trustees within five working days of the decision to dismiss, and the appeal should be heard within a further five working days. This group will hear the appeal and make a formal recommendation on its acceptance or rejection to the Board of Trustees whose decision on the outcome of the appeal is final. The Board must notify the employee of its decision within five working days of the hearing of the appeal by the specially convened group. (see note (J) General Notes on procedure for the composition and role of the special group.)

Section 2: General Rules and Procedure for dealing with less serious incidents.

The same procedure as outlined above will take place, but the organization reserve the right to issue the following sanctions for less serious incidents. Atlas retains the right to move straight to any of the sanctions below depending on the severity of the misconduct, as well as to move through them sequentially them as laid out below.

First stage

The employee will be given a formal oral warning. The employee will be advised of the reason for

the warning and that this warning constitutes the first stage of the disciplinary procedure. They will also be informed that the warning remains in force for 4 months.

After the end of that period, subject to satisfactory conduct, the warning will be deleted from the records. The employee will then be informed that this has been done.

Second Stage

A repetition of the offence, or lack of improvement (which may be within 4 months depending on the nature of the problem) will lead to a further warning. This will be in writing and set out the nature of the offence as well as the likely consequences of further offences. The employee will be reminded that this is the second stage of the procedure and that the warning will remain in force for six months.

After the end of that period, subject to satisfactory conduct, the warning will be deleted from the records and the employee informed.

Final Stage

Failure to meet the requirement set out in the written warning will normally lead to dismissal with appropriate notice of termination or payment in lieu of notice.

General Notes on the Disciplinary Procedure

- a) In order that these procedures are operated consistently and fairly the employee's line manager must consult with a nominated Atlas Foundation Trustee before taking formal action. At this stage evidence should be available that informal warnings and assistance to improve have taken place. If the employee undergoing the procedure is the CEO, then the nominated Trustee will replace them in operating the procedure, consulting with the Chair or Trustees before taking formal action.

Investigation

Atlas retain the right to monitor employee activity (e.g email and telephone calls) and use these during an investigation.

Right to be accompanied

- b) At all stages of the formal procedure, the individual may be accompanied by a colleague of their choice from within the organisation or a Union representative.

Right to state case

- c) Formal warning or the decision to dismiss will only be given after the individual concerned has had the opportunity to state their case.

Notification of Disciplinary Meetings

- d) Employees will receive a written notice of disciplinary meetings. This will include an indication of the areas to be covered and what the supporting evidence is and inform the employee of the right to be accompanied. Such meetings will take place as soon as practicable.

Format of Disciplinary meeting

- e) The line manager will inform the employee of what they are alleged to have done and what the supporting evidence is. The employee will be given the opportunity to give their version of the facts and to add any new facts. If the line manager decides further investigation is necessary, the meeting should be adjourned. If the line manager considers that there are sufficient grounds for taking disciplinary action, the employee will be informed of what that action is and of their right to appeal. If appropriate, discussion will also take place on plans for overcoming the problem and any other action that may be required. There may be cases, particularly in regard to sub-standard work, where this will include provision of training, regular review of the work programme and progress and the granting of a reasonable period to attain the required work standard. If the line manager considers that there are no grounds for taking disciplinary action, the action will be withdrawn and any relevant records will be destroyed.

Personnel Authorised to Issue Warnings

- f) Informal warnings and the first stage of the procedure will be the responsibility of the line manager.
The second stage of the procedure will be conducted by the line manager in consultation with the nominated Trustee.

Record of warning

- g) At all stages of this procedure a copy of the warning issued to the employee will be kept on the employee's personal file. Copies of the warnings issued in the first stage of the procedure will be kept on file for four months from date of issue.
Copies of warnings issued at the second stage of the procedure will be kept on file for six months from the date of issue.

Appeals

- h) Employees are entitled to appeal against any decision made in the course of the operation of this procedure.

At each warning stage the employee will be reminded of their right to appeal.

FIRSTLY – Appeals against warnings must be made within five working days of the issue of the warning and will be to the person issuing the warning. The appeal will be heard by the nominated Trustee. The appeal should be heard within five working days of the receipt of the notice of appeal.

SECONDLY – Appeals must be made to a specially convened group nominated by the Board of Trustees within a further ten working days of notification of outcome of appeal being received by

the Chairman. The appeal should be held within ten working days. The group will hear the appeal and will make a formal recommendation of its acceptance or rejection to the Board of Trustees whose decision on the outcome of the appeal is final. The Board of Trustees must notify the employee of its decision within five working days of the hearing of the appeal by the specially convened group. (see note J. General notes on procedure for the composition and role of the special group).

At this time the employees shall be advised of their rights under employment legislation should they dispute the fairness or otherwise of their dismissal.

When no appeal is registered within the specified time for any stage of the procedure it will, unless the undermentioned NOTE applies, be assumed that the decision is accepted.

j) Composition and procedure for the special group nominated by the Board of Trustees

a. Composition

The group will consist of three Trustees from the Board of The Atlas Foundation.

The line manager will be in attendance.

b. Procedure

The appeal group procedure will be as follows:

1. The person making the appeal or their representative presents the case including providing evidence or any other evidence as necessary.
2. The appeal group and the line manager may question the person making the appeal.
3. Other evidence as necessary.
4. The line manager will present their case, including providing documentary or other evidence as necessary.
5. The appeal group and the person making the appeal or their representative may question the line manager.
6. The appeal group may provide an opportunity for either party to respond to any new material.
7. The line manager and the person making the appeal or their representative will make a final statement without presenting new material.
8. As part of their group the appeal group will establish whether or not the disciplinary action followed the procedure.
9. The appeal group will then make a decision on the outcome of the appeal based on the evidence presented to them. They will present their recommendations to the Board of Trustees for the final decision.

Note:

It is recognised that there will be occasions when named post holders (including union representatives or colleagues earlier involved) are not available (for instance because of holiday or sickness) within the time scales outlined above and, on such occasions, either the time scale will be

altered or a nominated alternate will deal with the matter. The decision on which option will be taken will be discussed and agreed with the employee and Union representative or work colleague if appropriate.

Grievance procedure

This grievance procedure exists to ensure that any problems or issues an employee may wish to raise except for those related to decisions made in the course of the operation of disciplinary procedures are dealt with as quickly and effectively as possible and to the satisfaction of everyone concerned. An employee may be accompanied by a fellow employee or a trade union official at grievance procedure interviews.

Stage 1

In the first instance the employee will try to resolve the matter informally. If unresolved, an employee who has a grievance should raise this with their line manager in writing, making it clear that this is being brought forward as a formal grievance. The employee will be required to demonstrate what steps they have taken so far to resolve the issue. Their line manager will either take action on the grievance or discuss it with the employee within two working days. If the line manager does not have the authority to make a decision they will, with the minimum possible delay, refer the matter to a nominated Trustee who has authority, and will inform the employee of the action taken.

In this event, action on the grievance or a discussion will take place within 5 working days. The line manager's decision may be given orally in the first instance, but will be confirmed in writing, giving the reason. A copy will be recorded on the employee file.

Stage 2

If the employee is not satisfied with the decision of the line manager, they have the right to refer the matter to the nominated Trustee. This will be submitted in writing, giving full details of the grievance and redress sought, within 5 working days of the stage one decision being given. The line manager will arrange to meet the employee within 5 working days of receiving the request. Within a further three working days the line manager will inform the employee of the action they have taken.

Stage 3

If the employee is still not satisfied with the decision, they have the right to refer the grievance to a specially convened group by the Board of Trustees. This will be submitted in writing within 10 working days. The specially convened group will arrange to meet the employee within 10 working days of receiving the request.

The composition and procedure of this special group is as follows.

a. Composition

The group will consist of three Trustees of the Board of The Atlas Foundation. The line manager will be in attendance.

b. Procedure

The group procedure will be as follows:

- i. The person submitting the grievance or their representative presents the case including providing documentary or any other evidence as necessary.
- ii. The group and the line manager may question the person submitting the grievance and/or representative as necessary.
- iii. The line manager will present their case including providing documentary or other evidence as necessary.
- iv. The group and the person submitting the grievance or their representative may question the line manager.
- v. The group may provide an opportunity for either party to respond to new material.
- vi. The line manager and the person submitting the grievance or their representative will make final statements without presenting new material.
- vii. The group will then make a decision based on the evidence presented to them. They will present their recommendation to the Board of Trustees for ratification.

Within a further three working days the Board of Trustees will inform the employee of the action they have taken. Decisions of the Board of Trustees will be final, but consideration may be given to requests that ACAS be approached in a conciliation capacity.

Grievances of a general nature involving more than one member of staff should be initiated at stage 2.

NOTE

1. It is recognised that there will be occasions when named post holders are not available (for instance because of holiday or sickness absence) within the time scales outlined above and, on such occasions, either the time scale will be altered or a nominated alternate will deal with the matter. The decision on which option will be taken will be discussed and agreed with employee.
2. Where the employee undergoing the grievance and disciplinary procedure is the CEO, the CEO's role in the procedure will be undertaken by the nominated Trustee.

Created: December 2019

Last revision: November 2024

Last reviewed by trustees: December 2024