SOUTH WEST INTERVENTION SERVICES

CONDUCT, GRIEVANCE, DISCIPLINARY, & APPEALS POLICY

This policy clarifies our approach to the fair and reasonable management of disciplinary and professional conduct matters, as well as grievances and appeals. The policy includes guidance about the unacceptable bullying and harassment of colleagues.

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SECTION ONE: INTRODUCTION

This policy applies to all South West Intervention Services ("SWIS") colleagues.

SWIS aim to be a responsible and fair employer, and we make no secret of the importance and value we place upon our colleagues. We firmly believe that we can only be as effective as the people we employ. Therefore, we expect that colleagues will have high expectations of leadership and management at all levels within the organisation. Equally, SWIS expect that colleagues will always conduct themselves with exemplary levels of professionalism.

The guidance, protocols and procedures detailed within this policy are mandatory. It has been implemented to provide colleagues with help in dealing with any problems they may encounter at work.

It's important to note from the onset that unless stated otherwise, SWIS will comply fully with statutory and regulatory reporting requirements as applicable.

SECTION TWO: PURPOSE

Our Conduct, Grievance, Disciplinary, and Appeals Policy aims to provide:

- **Accessible and helpful guidance about expectations of conduct.**
- **Important information about what to do if there are concerns about harassment and/or bullying.**
- **Clarification of procedures relating to accusations and allegations.**
- **Information and guidance about long-term illness and stress.**
- **Information and guidance about mental health and mental ill health.**
- **Clarification of our grievance procedure.**
- **Clarification of our disciplinary and appeals process.**

In addition, the policy provides a range of supplementary guidance and information that aims to support colleague's knowledge and understanding of what must be done to maintain responsible, fair, and effective professional practice. Ultimately, we hope that colleagues will not experience problems at work. However, if problems do occur, we expect that these will be handled with honesty and openness.

SWIS promote a psychologically safe environment, where colleagues are actively encouraged to speak up about matters of concern without fear of negative retribution or disadvantage. This is essential in promoting trust and confidence in one another and a crucial part of embedding a safe environment for everyone involved with SWIS.

SECTION THREE: HARASSMENT & BULLYING

SWIS's policy on diversity and inclusion underpins our position that harassment or bullying will not be tolerated. Harassment and bullying, and the hurt caused, can too easily be trivialised. However, it should be recognised that it can be one of the most upsetting experiences a person can suffer.

SWIS recognise that harassment and bullying can also carry an economic cost to our company in terms of low morale, reduced productivity, and quality of service delivery. We must all take responsibility for ensuring that our working environment is safe, and free from harassment and bullying.

SECTION FOUR: WHAT IS HARASSMENT?

One of the difficulties about harassment is how to define it. There are differing views about what constitutes harassment. But what matters is how the person being harassed is affected, not the harasser's intent.

Harassment is any unwanted physical, verbal, or non-verbal conduct associated with a protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them.

Harassment can include:

- **Displaying, keeping, or circulating offensive material to colleagues or individuals.**
- **Physical threats or verbal abuse, including explicit, derogatory, or stereotyped remarks and statements, which can cause someone to feel intimidated or humiliated.**
- **Unwelcome attention, overly familiar behaviour, innuendo, mockery, or stereotype jokes.**
- **Unwanted intrusive or persistent questioning about a person's marital status, sexual interest or orientation or questions about a person's racial/ethnic origin, including their culture or religion.**
- **Suggestions that sexual favours may further a person's career, or that not granting them may adversely affect their career. This includes sexual favours for matters not related to work but involving work colleagues.**
- **Offensive behaviour such as leering and rude gestures or unnecessary bodily contact.**
- **Physical violence or bullying.**
- **Nuisance contact, or attempted contact (i.e., Anonymous phone calls, social media contact, messaging, etc.).**

Although harassment normally takes the form of repeated actions and incidents, one single incident can also constitute harassment if it is sufficiently serious.

SECTION FIVE: WHAT IS BULLYING?

Bullying is also 'harassment,' and is used to describe a threatening or intimidating work environment, in which a group of people or an individual may become fearful or intimidated because of the negative or hostile behaviour of another group of people or individual.

It is usually persistent, often unpredictable and may be vindictive, cruel, or malicious. However, it can also arise even when a person is unaware of the effect their behaviour is having on someone else.

Examples of bullying are:

- **Verbal abuse, such as shouting or swearing at colleagues either in public or private.**
- **Personal insults.**
- **Belittling or ridiculing a person, or his/her abilities, either in private or in front of others.**
- **Spreading malicious rumours about someone.**
- **Sudden rages or displays of temper against an individual or group, often for trivial reasons.**
- **Subjecting someone to unnecessary excessive or oppressive supervision, monitoring everything they do or being excessively critical of minor things.**
- **Persistent and unjustified criticism.**
- **Setting menial or demeaning tasks which are inappropriate to the job or taking away areas of work responsibilities from an individual for no justifiable reason.**
- **Ignoring or excluding an individual (i.e., from social events, team meetings, discussions and collective decisions or planning).**
- **Making threats or inappropriate comments about career prospects or job security.**

Please note that the above list is not exhaustive.

SECTION SIX: THE IMPACT OF HARASSMENT & BULLYING

Harassment or bullying can be extremely upsetting. Either can cause anxiety, stress, fear, and they can have a dramatic impact upon a person's mental health and wellbeing. Harassment and bullying can lead to mental ill health, including anxiety, depression, and trauma. In extreme cases, harassment and bullying can suicidal intent, suicidal ideation, and suicide.

Additionally, harassment and bullying can lead to increased absenteeism and lack of motivation. This can impact upon efficiency and quality, thereby compromising the effectiveness of support provided.

Although non-exhaustive, the points above are major determining factors in SWIS's commitment to maintaining a zero tolerance of harassment or bullying, in whatever form it may take.

SECTION SEVEN: WHO TO SPEAK TO ABOUT HARASSMENT & BULLYING

Colleagues are encouraged to speak with the following people as required:

- Harassment or bullying allegations can be escalated to their line manager. They can seek to resolve the issues and they will offer support and advice. The matter will be treated as confidential, but colleagues should be aware that the manager may have to report instances where there is evidence that serious offences may have been committed.
- If a manager or supervisor is causing the harassment/bullying, colleagues can speak with:

  i. A colleague who is not causing the problem.
  ii. An advocate who could speak on behalf of the colleague with concerns to any of the above as a first step.
  iii. A Director or HR colleague.

SECTION EIGHT: WHAT TO DO IF THE HARASSMENT & BULLYING CONTINUES

In circumstances where a colleague has demonstrated sufficient understanding that their behaviour was unacceptable, and taken credible and sincere steps to make amends, we expect that it will stop. However, if a colleague continues to harass or bully after having agreed to stop, the concern will be escalated a director or a senior HR colleague. In such circumstances disciplinary procedures, including a thorough investigation will be initiated. Colleagues are reminded that substantiated allegations of bullying and harassment will be regarded as gross misconduct.

In all circumstances, if the behaviour is considered to have criminal implications (i.e., such as if a person is physically or sexually assaulted, the behaviour is consistent with a hate crime or there are threats of violence for example), SWIS will speak with the alleged victim and support them if they choose to report the matter to the Police. SWIS will not put any pressure upon an alleged victim(s) to make any particular decision. If they do not want to tell the police, they do not have to.

In most cases, SWIS will likely support the alleged victim(s) decision. However, SWIS will inform the Police if there are reasonable grounds to suspect there's likely to be:

- An ongoing risk to their safety or the safety of others.
- An increased risk to their safety because they're a vulnerable person, for example they have a mental health condition.

In such circumstances, SWIS will speak with the alleged victim(s) and let them know once the Police have been informed. Additionally, SWIS reserve the right to get specialist and/or legal advice as required.

SECTION NINE: PREVENTING HARASSMENT & BULLYING

As individuals, colleagues should be aware that SWIS will not tolerate any form of bullying or harassment and should take care to ensure that their own behaviour does not cause offence or misunderstanding.

As previously stated, SWIS promote a psychologically safe environment, where colleagues are actively encouraged to speak up about matters of concern without fear of negative retribution or disadvantage. This is essential in promoting trust and confidence in one another and a crucial part of embedding a safe environment for everyone involved with SWIS. A culture that tolerates or excuses inappropriate behaviour and conduct is not consistent with a psychologically safe environment. Therefore, we all have a duty and responsibility to speak up about any concerns that could fracture or diminish the culture of openness and honesty we seek to maintain.

All managers have a responsibility to set a good example. We expect managers will address concerns or allegations of harassment or bullying promptly and sensitively. If managers require guidance or support, they must speak with a senior colleague who will provide guidance and direction.

SECTION TEN: IF YOU SEE OR HEAR OF A COLLEAGUE BEING HARASSED OR BULLIED

If colleagues witness inappropriate or seemingly unacceptable behaviour towards another person, they are advised to speak to the individual and ask them if they find the behaviour a problem. If they do, the [witnessing] colleague should suggest that the individual makes this clear to the person directly or that they speak with a manager. The [witness] colleague may offer to accompany them if that is thought to be helpful.

SECTION ELEVEN: FALSE ACCUSATIONS

Complaints of harassment or bullying will be assumed to have been made in good faith unless there is evidence to the contrary. However, if an accusation of harassment or bullying is shown to be deliberately false and was not a genuine mistake, disciplinary action will be initiated.

SWIS will take such behaviour extremely seriously. This is because it could (non-exhaustively):

- **Result in harm to a persons' wellbeing and impact upon their mental health.**
- **Undermine and/or damage morale.**
- **Undermine and/or damage our commitment to maintaining a psychologically safe environment.**
- **Cast a shadow over a colleague's integrity.**

SECTION TWELVE: MENTAL HEALTH & MENTAL ILL-HEALTH

SWIS Colleagues should not allow any undue stress to undermine work or general health. If stress or anxiety becomes a concern, colleagues are strongly advised to speak with their line manager or the Mental Health First Aider (MHFA).

MENTAL HEALTH FIRST AIDER

The role of a Mental Health First Aider (MHFA) in an organisation is to provide support for individuals who may be experiencing mental health issues or emotional distress. The MHFA will be a point of contact for any employee who experiences mental health issues including stress. They are not trained therapists, but they can recognise the signs of mental ill health, listen, and provide guidance. The MHFA can:

- **Identify early signs and symptoms of mental ill health.**
- **Talk to individuals to provide support through discussion.**
- **Listen to the individual without judging them.**
- **Assess the risks to the individual e.g., from work activities, self-harm, or suicide.**
- **Encourage the individual to seek help.**
- **Contact emergency services if appropriate.**
- **Maintain appropriate levels of confidentiality.**
- **Complete required documentation where there is an emergency.**

IMPORTANT

- **The MHFA must be qualified prior to taking up the role.**
- **They must protect themselves physically and mentally when performing the MHFA role.**

WELLNESS ACTION PLANS

A wellness action plan is a confidential document that is agreed between the employer and employee to identify what will protect the employee's mental health and well-being at work. Every colleague should have a wellness action plan whether they have an existing mental health problem or not. A wellness action plan is a proactive approach, rather than a reactive response to managing mental health. A wellness action plan should include:

- **Approaches that an individual can use and adapt to support their own mental wellbeing.**
- **Individualised signs and symptoms of stress or mental ill health.**
- **Any triggers in the workplace that could lead to stress or mental ill health for the employee.**
- **Potential impacts of stress or mental ill health on performance.**
- **Reasonable adjustments SWIS and colleagues can take if there are signs of mental ill health.**

SUPPORTING COLLEAGUES WITH THEIR MENTAL HEALTH

Generally, supporting people with their mental health can involve:

- **SHORT-TERM SUPPORT** - Where someone is experiencing stress or mental ill health, they should be supported. SWIS have a duty of care which means we should support individuals in the workplace. In the short term, talking to colleagues and finding out about any issues will help in providing the support they need. Support might include helping them to prioritise workloads, allowing extra rest breaks, reducing their workload temporarily or simply talking through issues with them or referring them to someone in the environment who can help.
- **LONG-TERM SUPPORT** - Where mental health declines or there is a more serious mental health issue, colleagues may need time off from work because they may not be well enough to do the work they need to do, or because they are taking medication which may mean they are unable to carry on with their work. Reasonable adjustments should be made following discussion with the individual and agreement as to what is appropriate and possible. Occupational health specialists may help in identifying suitable adjustments. Any proposed adjustments should be documented, monitored to ensure they are appropriate and reviewed to ensure they provide the right level of support.

SECTION THIRTEEN: COMPASSIONATE LEAVE

Losing someone close to you can be very difficult. We'll do what we can to support you. Time off is the least we can do. If someone dies or is seriously ill and is very close to you, your manager will liaise with you about the support that we can offer. They'll decide whether we can offer paid or unpaid leave and any other support.

SECTION FOURTEEN: SICKNESS ABSENCE

SICKNESS ABSENCE

We care about your health and welfare. If you can't come to work because you're ill you need to let us know so that we can support you and ensure your team can handle things in your absence, where appropriate. Please follow the process below.

REPORTING YOUR SICKNESS

Telephone personally your manager at least four hours before you are expected to start work (or where you are on holiday the time you would have been expected to start work).

When telephoning your manager, please explain:

a) What you're suffering from.
b) How long you're likely to be absent.
c) How we can contact you.
d) Any urgent work that requires attention.

If you get through to your manager's voicemail then you need to leave a message confirming the date and time of the call, the fact of your absence and the best telephone number to contact you on. If your manager is absent from work, please call a member of the senior management team in the same way. Please note:

- You must not inform us of your absence by email, text, or message, or via friends, family, or colleagues.
- We might contact you during your absence to understand more about what you're suffering from, anything that might be urgent or need completing during your absence (e.g., handover notes, checking any emails, outstanding communications with professionals), and when you're likely to return.

ABSENSE NOTES

You must provide a completed self-certification form for absences up to and including seven calendar days in any 30-day period.

For absences of more than seven calendar days in a 30-day period (or for absences during or immediately before or following a period of annual or statutory leave or where you are subject to disciplinary, performance improvement, capability or grievance proceedings or on suspension) you must obtain a certificate from an appropriate health care professional (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. This should be provided by hand or posted by registered delivery to your manager under 'private and confidential – addressee only' cover immediately on receipt of the Statement of Fitness for Work (and before the period of absence to which it relates). Any further absences must be covered by Statements of Fitness for Work until you return to work.

If we are concerned about your reason for absence, or the number of short-term absences you have had, we may require a Statement of Fitness for Work even if such absences are for seven calendar days or less within a 30-day period. In such circumstances, we will cover any costs incurred in obtaining such Statements.

You'll accrue holidays that you're entitled to under the 'Working Time Regulations' during sickness absence but not any additional holiday. In a year when you're absent we'll offset the first holidays that you take against your holiday entitlement under the Working Time regulations.

APPROPRIATE BEHAVIOUR DURING ABSENSE

Please don't do anything inconsistent with the improvement of your condition or that means you won't be able to return to work in the shortest possible time.

We understand that some activities might be helpful for your recovery but unless explained could seem inappropriate. To avoid confusion, avoid sports, social activities, home improvements or working elsewhere whether paid or unpaid (unless you've mentioned to us in advance, and we agree they won't slow down your return to work). Colleagues must note that:

- **Cosmetic surgery and any connected absence are not considered to be sickness absence for the purposes of this policy – they need to be booked as annual leave.**
- **Where you book time off in advance for sickness absence reasons which involves treatment or surgery, please give us the reason for that absence. We might also need evidence of the treatment or surgery.**
- **In some circumstances, we may need to continue with a disciplinary, performance or other formal process during your absence.**
- **To protect you and us during any period of absence we may remove your access to our systems including emails.**
- **Any breach of our sickness absence procedure will be dealt with under our disciplinary procedure.**

MEDICAL EXAMINATIONS

It is a term of your contract that you agree to consent to a medical examination by a doctor, consultant or occupational health consultant nominated by us (at our expense) at our request. This means you agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor, consultant, or occupational health consultant.

'WELCOME BACK' MEETINGS

You may be invited to a 'welcome back' meeting when your sickness absence comes to an end. The meeting will discuss the details of your absence and may attempt to agree with you steps to avoid further absence for the same reasons in the future.

FORMAL SICKNESS ABSENCE REVIEW MEETINGS

There may be times when we need to meet with you because we consider your sickness absence to be excessive, significant, or pattern-forming.

You should expect a formal sickness absence review meeting where you have been off work for sickness absence reasons on four or more occasions in any consecutive twelve-month period. Beyond that we will decide when we consider it appropriate to approach you with concerns that we have about your levels of absence. Generally, where you have been absent for 10 working days or more in any 12 months you should expect a formal sickness absence review meeting.

We'll always write to you before the meeting explaining what the meeting is about and give you two working days' notice of the meeting (wherever possible). The letter will include any documents you might want to consider before we meet. Your manager will hold the meeting. The letter will explain the possible outcome of the meeting.

The first formal sickness absence review meeting will be arranged to consider:

- **The reasons for your absence.**
- **How long the absence is likely to last or whether it is likely to recur again.**
- **Whether you have been doing anything outside of working hours that might not improve your condition.**
- **The cause(s) of the absence and how it might be avoided in the future.**
- **Whether medical opinion is required.**
- **If medical opinion has already been secured, how that opinion can assist your return to work and whether further medical opinion is required.**
- **The timing of a further review.**
- **What level of future absence is considered acceptable and over what period.**
- **Benefits and benefits in kind to which you are entitled and whether you continue to be entitled to them.**
- **The consequences of unacceptable levels of absence in the future.**
- **Any other issue considered relevant and appropriate.**

We may issue you with an absence warning following this meeting that lasts between six and twelve months and details the level of absence that would be considered acceptable over that period. That warning will explain how you can appeal the decision.

A second formal sickness absence review meeting will be arranged if your absence continues to be considered as excessive, significant or pattern- forming during the life of the absence warning. In addition to the issues covered in the first meeting, the second meeting will also consider:

- **Your ability to return to/remain in your job considering our needs and your capability.**
- **Any other roles that you might be able to carry out.**
- **A return-to-work schedule.**
- **Any other issue considered relevant and appropriate.**

We may issue you with a second absence warning following this meeting that lasts between six and twelve months and details the level of absence that would be considered acceptable over that period. That warning will explain how you can appeal the decision.

A further formal sickness absence review meeting may be arranged to discuss your absence if it remains excessive, significant or pattern forming during the life of the second absence warning. In addition to the issues covered in the previous two meetings, this meeting will also consider:

- **A review of the meetings that have already taken place and what was agreed in those meetings.**
- **Whether the reasons for your absence have changed.**
- **Whether any condition you have is improving.**
- **Any matters you wish to put forward.**
- **When you might be able to return to work without further absence.**
- **The possibility of ending your employment.**
- **Whether there are any alternatives to ending your employment.**
- **Any sick pay or permanent health insurance that you may still be entitled to.**
- **Any other issue considered relevant and appropriate.**

Following this sickness absence review meeting we may end your employment. You are likely to be entitled to notice (unless there has been any gross misconduct or gross negligence on your part).

Whether you are entitled to any pay during that notice period will depend on the amount of notice you are contractually entitled to and whether you have exhausted your sick pay entitlement. You will be notified in writing within seven days (where possible) of any decision made at or following a sickness absence review meeting or appeal.

You may appeal any decision in writing stating your full grounds of appeal. The person you should appeal to will be identified in the letter confirming the outcome of the sickness absence review meeting. You should appeal in writing within seven days of the date on which you were informed in writing of the decision.

COMPANION

You can bring a companion to a sickness absence review meeting or appeal under this procedure. Your companion may be either a trade union representative or a colleague. Please tell us who your chosen companion is at least two clear working days before the meeting (just in case we need to ensure that we're not understaffed and make other arrangements).

Your companion will be able to provide support at any absence review meeting or appeal. However, they can't answer questions that you're asked directly where we only want the answer to come from you.

If a trade union representative is your chosen companion, they will only be able to attend the meeting if they bring with them evidence to identify themselves and confirmation that they are a trade union representative. If they are not able to provide both pieces of evidence, they will not be able to attend the meeting and it will carry on in their absence.

We understand everyone has busy diaries, but it's important that an absence review meeting or appeal takes place as soon as possible. If your companion can't attend the first scheduled meeting (or appeal) then we'll suggest one more alternative date for the meeting within five working days from our first suggested date. If they can't attend that date, then the meeting will either go ahead without them or with a companion you have selected that is able to attend on that day.

THINGS YOU'LL WANT TO KNOW ABOUT THIS SECTION

The following provides some helpful information, of which you should be aware:

- **We think it's a good idea to make a record of discussions at sickness absence review meetings (and any appeal). The record will be recorded on your personnel file. The person taking notes won't get involved in making or influencing any decision and will keep confidential everything that is discussed. We'll share our record of discussions with you.**
- **To maintain the integrity, discretion and sensitivity of any sickness absence review meeting or appeal please keep confidential the discussions at those meetings.**
- **The person responsible for the meeting and the decision (and any appeal) will be someone chosen by us (and could be someone from outside SWIS). We may change the person dealing with any meeting as appropriate.**
- **Where possible, the decision maker at any appeal will be more senior than the decision maker at the initial meeting. At each stage of the process the decision maker will be different.**
- **We will not and you must not audio record any meeting that takes place under this procedure. This includes recordings made by mobile devices, such as smartphones for example.**
- **You should expect that any disciplinary or performance procedure that was underway when you became absent may continue during your absence.**
- **You must make reasonable efforts to attend a sickness absence review meeting or appeal – if not it could be misconduct. We may go ahead with the meeting or appeal in your absence if we're not able to rearrange another meeting within seven days of the first scheduled meeting.**

SECTION FIFTEEN: UNAUTHORISED ABSENCE & INDUSTRIAL ACTION

Colleagues who take part in a strike or other industrial action may be in breach of their contract of employment. Colleagues who fail to attend for work due to unauthorised absence will not be paid for the period of absence.

Flexible working hours will be suspended for those on unauthorised absence and the conditioned hours for each day of absence will apply. Please note that other pay and conditions that may be affected by unauthorised absence include overtime pay.

SECTION SIXTEEN: MAKING A COMPLAINT

SWIS strive to be a fair employer in all matters. For this reason, there are established channels through which colleagues can make a complaint if they feel, at any time, they have been unfairly treated. All complaints and grievances will be dealt with as quickly as possible, but there must be no "corners cut" that would compromise openness and fairness.

Where complaints cannot be resolved informally, colleagues should use the formal grievance procedure. The grievance procedure is in place to ensure that such issues are dealt with fairly and speedily before they develop into major problems or disputes. The procedure is designed to maintain good relations within the company and colleagues are encouraged to make use of it should any problem arise that they are unable to resolve satisfactorily with a manager.

SECTION SEVENTEEN: GRIEVANCE PROCEDURE

USING THE GRIEVANCE PROCEDURE

Using the grievance procedure will not prejudice your future employment prospects in any way. Records or written evidence of matters raised under the procedure will not be retained on your personal file after the problem has been resolved. There is a separate procedure for appeals against action taken under the disciplinary procedure (Please refer to Section Eighteen). Most grievances can be resolved quickly and informally through discussion with a line manager or a senior colleague. If this does not resolve the problem, colleagues should initiate the formal procedure set out below. This procedure applies to all colleagues regardless of length of service. However, it does not apply to agency workers or self-employed contractors. This procedure does not form part of any colleague's contract of employment. It may be amended at any time and SWIS may depart from it depending on the circumstances of individual cases.

STEP 1: WRITTEN GRIEVANCE

Staff should put any grievance in writing and submit it to their line manager. If the grievance concerns a line manager, staff submit it to an appropriate senior professional (such as a member of the Senior Management Team). The written grievance should set out the nature of the concern, including any relevant facts, dates, and names of individuals involved so it can be investigated.

STEP 2: MEETING

The line manager will arrange a grievance meeting, normally within [one week] of receiving a written grievance. The colleague concerned must make every effort to attend.

Colleagues may bring a companion to the grievance meeting if a reasonable request in advance is made, and line manager is informed of the name of the chosen companion. The companion may be either a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as a companion. If the companion cannot attend at the time specified, the line manager must be informed as soon as possible. The line manager will try, within reason, to agree an alternative time.

The line manager may adjourn the meeting if further investigations are required, after which the meeting will usually be reconvened.

The line manager will write to the colleague with the grievance, usually within one week of the last grievance meeting, to confirm the final decision and outline any further action necessary to resolve the grievance. There will be a right of appeal.

STEP 3: APPEALS

If the grievance has not been resolved to the satisfactory standard, colleagues may appeal in writing to a member of the Senior Management Team (SMT) or a Director, stating the full grounds for appeal, within [one week] of the date upon which the decision was sent or given.

An appeal meeting will be held (normally) within two weeks of receiving the appeal. This will be dealt with impartially by a [more senior] manager who has not previously been involved in the case. The colleague making the appeal will have a right to bring a companion (as above). A final decision will be made in writing, usually within one week of the appeal hearing. There is no further right of appeal.

SECTION EIGHTEEN: DISCIPLINARY PROCEDURE

In most cases we'll try and resolve minor issues of misconduct through informal discussions. If the informal discussions don't lead to anticipated changes or we think things are too serious for an informal discussion, then we'll follow our formal procedure. Colleagues should note that SWIS might not follow any procedure if you're subject to a probationary period.

This procedure is used to deal with misconduct and gross misconduct. It's not a contractual procedure. Examples of misconduct and gross misconduct feature at the end of this procedure.

INVESTIGATIONS

We'd like any investigation to be as helpful as possible to our understanding of a situation. This means you might be asked to let us know the names of any relevant witnesses, give us any appropriate documents, and meet with us to help with our investigation.

It's important that we have an open and honest conversation if we need to investigate something with you. Therefore, you won't be able to bring a companion to an investigation meeting and we might not give you notice of the investigation.

PROCEDURE AT A FORMAL DISCIPLINARY MEETING

If we need you to attend a formal disciplinary meeting then we'll write to you inviting you to a meeting, giving you information about the allegations and the possible outcomes of the meeting. The letter could also include a summary of relevant information, a copy of the documents that you'll need to prepare for the meeting and witness statements.

We will give you at least two clear working days' notice of any disciplinary meeting.

Once a decision has been made, you'll be told of it in writing within seven days of the meeting (where possible).

SUSPENSION

We may suspend you on full pay where you are subject to an investigation or disciplinary proceedings. You agree you won't visit our premises, contact, or liaise with any of our clients, customers, suppliers, contractors, or employees, unless you have been authorised in writing to do so by your manager. Please note that if you choose not to comply with this provision that in itself may amount to misconduct.

We might require you to return any company property to us during suspension (even if that company property is a contractual benefit of yours). If we do, we don't need to compensate you for the loss of property.

To protect us and you during any period of suspension we may remove your access to our systems, including email.

Please note that in situations where there has been an allegation or disclosure that could meet the harm threshold, you will likely be suspended from duties until such time as matters arising are addressed. For further information, please refer to our Allegations Policy.

DISCIPLINARY OUTCOMES

We might decide to issue an informal warning following an informal discussion. Where this is the case that warning will last for six months and will be recorded on your personnel file.

The disciplinary outcomes which are set out below cannot be issued other than following a formal disciplinary meeting. The following is not an exhaustive or exclusive list.

STAGE 1: FIRST WRITTEN WARNING

A first written warning usually lasts six months (but possible to last for 12 months depending on the circumstances) and appropriate where the allegations relate to a first act of misconduct where there are no other active written warnings on your disciplinary record.

STAGE 2: FINAL WRITTEN WARNING

A final written warning last up to twelve months and is appropriate for:

- **Misconduct where there is already an active written warning on your record, or**
- **Misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.**

STAGE 3: DISMISSAL

Dismissal is appropriate where there is further misconduct during the life of a final written warning, serious misconduct during the life of a warning or gross misconduct. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice.

Sometimes there can be confusion over the date when a person's employment has ended. For clarity, it's when you're told that your employment has come to an end (even if you've not had it confirmed in writing at that point) or your receipt of our decision in writing to end your employment.

Where a warning has expired it will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

ALTERNATIVES TO DISMISSAL

If we think there is a workable alternative to terminating your employment, we'll explore it with you and might decide to implement the alternative.

Where we do decide to implement the alternative, you'll also receive a final written warning. Examples of alternatives to dismissal include:

- **Demotion.**
- **Transfer to another team or job.**
- **A period of suspension without pay.**
- **Loss of seniority.**
- **Reduction in pay.**
- **Loss of future pay, increment or bonus.**
- **Loss of overtime.**

Please note that alternatives to dismissal will not be implemented where there are substantiated allegations or disclosures that meet the harm threshold.

APPEALS

You might decide that you disagree with the outcome to any formal disciplinary meeting and want to challenge it or the process we've used. If so, you must write to us (as directed in the outcome letter you received) within seven days of the date we informed you of our decision.

We'll write to you asking you to meet with us to talk about your appeal.

If you are appealing against dismissal, the date on which the dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no break of service or loss of pay.

Following the appeal meeting we may confirm the original disciplinary decision or withdraw it or substitute a different outcome. We will inform you in writing of our final decision as soon as possible, usually within seven days of the appeal meeting. Where possible we will also explain this to you in person or over the telephone. There will be no further right of appeal.

COMPANION

You can bring a companion to any formal disciplinary meeting or appeal under this procedure. Your companion may be either a trade union representative or a colleague. You must tell us who your chosen companion is at least two clear working days before the meeting (just in case we need to ensure that we're not understaffed and make other arrangements). Please note that if your chosen companion is involved in the particular disciplinary issue, we may ask you to choose another companion who is not involved. You may use your companion for support at any formal disciplinary meeting or appeal. However, they can't answer questions that you're asked directly where we only want the answer to come from you.

We understand everyone has busy diaries but it's important that a formal disciplinary meeting or appeal takes place as soon as possible. If your companion can't attend the first scheduled formal disciplinary meeting (or appeal) then we'll suggest one more alternative date for the meeting within five working days from our first suggested date. If they can't attend that date, the meeting will either go ahead without them or with a companion you have selected that is able to attend on that day.

If a trade union representative is your chosen companion, they will only be able to attend the meeting if they bring with them evidence to identify themselves and confirmation that they are a trade union representative. If they are not able to provide both pieces of evidence, they will not be able to attend the meeting and it will carry on in their absence.

THINGS YOU'LL WANT TO KNOW ABOUT THIS SECTION

The following provides some helpful information, of which you should be aware:

- **You must make reasonable efforts to attend any meeting under this policy, noting that non-attendance at the meeting could amount to misconduct. We might also go ahead with the meeting in your absence if we've tried to rearrange the first scheduled meeting within seven days of it and you still can't attend.**
- **We will ensure a written record is completed of informal discussions, formal disciplinary meetings, and appeal meetings. The record will be retained within your personnel file. If we use a note taker, they won't get involved in making or influencing any decision at an informal discussion, formal disciplinary meeting or appeal and will keep confidential everything that is discussed. We'll share our record of formal disciplinary meetings and appeals with you.**
- **To maintain the integrity, discretion and sensitivity of any meeting or discussion that takes place pursuant to this procedure we'd like you to keep confidential the content of any informal discussion, investigation, formal disciplinary meeting, or appeal.**
- **The person responsible for the meeting and the decision (and any appeal) will be someone chosen by us (and could be someone from outside SWIS. We may change the person dealing with any meeting as appropriate.**
- **Where possible, the decision maker at any appeal will be more senior than the decision maker at the disciplinary meeting. At each stage of the disciplinary process the decision maker will be different.**
- **We may ask for a witness to explain what they saw or heard to help us understand the facts in connection with any alleged misconduct or gross misconduct. You can ask witnesses to attend a formal disciplinary meeting or appeal to explain their version of events. We'd like to know at least two clear working days in advance which witnesses you intend to call (and if we think the witness isn't going to help inform our view then we might explain to you that they're not able to attend).**

- Generally, we will not - and you must not - audio record any meeting that takes place under this procedure. The only exception to this might be where the subject matter of the disciplinary is technical in nature and our note taker might struggle to note everything said. In which case, we will notify you in advance of our intention to audio record the meeting. If we decide to audio record the meeting, a note taker will still be present at the meeting to take notes. The recording will only be used as a reference tool to check the notes taken at the meeting and will not be transcribed in full.
- If you become sick during a disciplinary procedure, we may continue with that procedure during your sickness absence if we consider the matter is so serious that it cannot wait or where waiting might mean memories fade.

EXAMPLES OF MISCONDUCT

The following are examples of matters that we classify as misconduct and will be dealt with under our disciplinary procedure:

- Minor breaches of our policies or your contract of employment.
- Poor timekeeping.
- Excessive use of our telephones for personal calls.
- Excessive personal e-mail or internet usage.
- Time wasting.
- Unintended damage to our property.
- Negligence in the performance of your duties.

This list is intended as a guide and is not exhaustive.

EXAMPLES OF GROSS MISCONDUCT

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice us or our reputation or irreparably damage our working relationship or the trust between you and us or make it impossible for you to do your job. Gross misconduct will normally lead to dismissal without notice or pay in lieu of notice. The following are non-exhaustive examples of matters that are normally regarded as gross misconduct:

- Obscene language or other offensive behaviour with colleagues, children and young people, suppliers, and customers.
- Unauthorised use of SWIS property.
- Unauthorised absence from work.
- Undertaking unauthorised paid or unpaid employment during your working hours.

(Continued Over)

- Deliberate damage to our buildings, fittings, property or equipment, or the property of a colleague, child or young person, contractor, agent, customer, or member of the public.
- Repeated or serious failure to obey instructions, or any other serious act of insubordination.
- Causing loss, damage, or injury through serious negligence.
- Serious misuse of our property or name.
- Deliberately accessing internet sites containing pornographic, offensive, or obscene material or in breach of our policy on emails, the internet, and our equipment.
- Breach of our data protection policy.
- Theft or fraud.
- Actual or threatened violence, or behaviour which provokes violence or bullying.
- Bringing our organisation into serious disrepute.
- Being or appearing to be under the influence of alcohol, illegal drugs or other substances during working hours.
- Breach of our alcohol, drugs, and smoking policy.
- Unauthorised use, processing, or disclosure of personal data.
- Use or disclosure of confidential information intentionally or otherwise directly or indirectly.
- Breach of our anti-bribery and corruption policy.
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, commissioning authorities or the public, or otherwise affect your suitability or ability to continue to work for us or do your job.
- Serious neglect of duties, or a serious or deliberate breach of your contract of employment.
- Harassment of, or discrimination against, colleagues, customers, children and young people or members of the public, related to gender, marital or civil partner status, gender reassignment, religion or belief, race, caste, colour, nationality, ethnic or national origin, disability, or age contrary to our policies on equal opportunities or dignity and respect at work.
- Taking shared parental, maternity, parental, paternity, adoption, or annual leave when not eligible.
- Falling asleep during working hours.
- Making a disclosure of false or misleading information under our policy on whistleblowing, allegations, or low-level concerns maliciously, for personal gain, or otherwise in bad faith.
- Giving false information as to qualifications or entitlement to work in England.
- Providing false information on a document provided by you to us to secure employment with us.
- Making untrue allegations in bad faith against a colleague.
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our policies on dealing with harassment, whistleblowing, allegations, low-level concerns or anti-bribery and corruption, grievance procedure, disciplinary procedure or otherwise.
- Misuse of developed or licensed software or use of unauthorised software.
- Dishonest conduct.

SECTION NINETEEN: APPEALS

Colleagues might decide that they disagree with a decision that we make following a meeting and want to discuss the issues again or the process we've used. If that's the case, you must write to SWIS within seven days of the date we informed you of our decision. Your appeal should be to the person identified within the outcome letter as responsible for any appeal.

Where possible, the decision maker at any appeal will be more senior than the decision maker at the initial meeting. At each different stage of the process the decision maker will be different.

We'll write to you asking you to meet to talk about your appeal. If you are appealing against dismissal, the date on which the dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the decision to dismiss you is overturned you will be reinstated with no break in service or loss of pay.

Following the appeal meeting we may confirm the original decision or withdraw it or substitute a different outcome. We will inform you in writing of our final decision as soon as possible, usually within seven days of the appeal meeting. Where possible we will also explain this to you in person or over the telephone. There will be no further right of appeal.

COMPANION

You can bring a companion to a meeting or appeal. Your companion may be either a trade union representative or a colleague. Please tell us who your chosen companion is at least two clear working days before the meeting (just in case we need to ensure that we're not understaffed and make other arrangements).

You'll probably rely on your companion for support at any meeting or appeal, but you must be aware that they can't answer questions that you're asked directly where we only want the answer to come from you.

If a trade union representative is your chosen companion, they will only be able to attend the meeting if they bring with them evidence to identify themselves and confirmation that they are a trade union representative. If they are not able to provide both pieces of evidence, they will not be able to attend the meeting and it will carry on in their absence.

We understand everyone has busy diaries, but it's important that a meeting or appeal takes place as soon as possible. If your companion can't attend the first scheduled meeting (or appeal) then we'll suggest one more alternative date for the meeting within five working days from our first suggested date. If they can't attend that date, then the meeting will either go ahead without them or with a companion you have selected that is able to attend on that day.

SECTION TWENTY: STANDARDS OF PROFESSIONAL CONDUCT

"DOS" – APPROPRIATE & ACCEPTABLE PROFESSIONAL BEHAVIOUR

The following provides examples of acceptable behaviour. Colleagues must always:

- **Respect and promote the rights of children and young people.**
- **Speak up about/raise any concerns you may have about the behaviour of any colleague, including any low-level concerns.**
- **Be responsible and accountable.**
- **Promote an environment that supports openness and transparency.**
- **Be open to reasonable challenge and welcome opportunities to enhance practice.**
- **Be empathic and understanding.**
- **Be polite, courteous, and friendly.**
- **Be honest.**
- **Work transparently.**
- **Respect the need for professional boundaries.**
- **Respect personal space.**
- **Respect the privacy of children and young people.**
- **Listen to children and young people. Take any concerns they have concerns seriously.**
- **Be factual when reporting or recording information.**
- **Communicate effectively with all stakeholders.**
- **Be punctual.**
- **Maintain confidentiality and share information responsibly (on a need-to-know basis).**
- **Turn off personal mobile phones (or any personal portable internet enabled device) when working with children and young people.**
- **Protect sensitive information.**
- **Engage in training and development opportunities, with particular regard to core training requirements.**
- **Engage with team meetings, supervisions, and appraisals.**
- **Work together to safeguard children and young people.**
- **Protect the welfare of children and young people.**
- **Advocate for children and young people.**
- **Be familiar with the DSL and NSL, as well as their function within the organisation.**
- **Ask a senior colleague if in any doubt about what to do.**

SWIS recognise that the above list is non-exhaustive. However, it does provide a simple way to promote a safe working environment for everyone. SWIS expect that all colleagues will embrace and maintain the above mandatory requirements, which are regarded as fundamental standards of conduct.

"DON'TS" – INAPPROPRIATE & UNACCEPTABLE BEHAVIOUR

The following provides examples of unacceptable behaviour. SWIS expect that colleagues will speak up and raise a concern if they (a) witness, (b) hear of, or (c) suspect an adult of any of the following points. For clarity. If a colleague becomes aware of a:

- **Low-level concern they must follow the procedure outlined in this policy.**
- **Concern that may meet the harm threshold, they must follow the conditions of our Allegations Policy and/or our Safeguarding Policy.**

Colleagues must never:

- **Be overfriendly with children or young people.**
- **Have favourites or treat individual children and young people differently from their peers.**
- **Engage with a child or young person on a one-to-one basis in a secluded area or any such location or environment. For example, behind the closed door of a young person's bedroom.**
- **Arrange to meet or see a child or young person outside working hours without the knowledge and agreement of a manager.**
- **Take a child or young person to their home or other such private address.**
- **Disclose personal information to children and young people, and their families.**
- **Accept "friend requests" from children and young people on social media platforms.**
- **Belittle or humiliate children and young people, thereby creating a sense of shame.**
- **Be abusive or rude to any child, young person, and/or any adult.**
- **Strike, lash out or in any way physically harm any child, young person, and/or any adult.**
- **Be sexist or make any comments with deliberate sexual innuendo.**
- **Exhibit prejudice towards any individual or group (i.e., regarding their religious belief, race, gender, sexual orientation, etc.).**
- **Use their personal mobile phone (or any camera) to take picture of children or young people.**
- **Drive above speed limits and/or dangerously (i.e., without due care and attention).**
- **Falsify any record and/or attempt to cover up or hide a matter of concern.**
- **Give or lend children and young people any keys to property, cars, etc.,**
- **Let children and young people drive personal vehicles or company vehicles (where applicable)**
- **Consume alcohol or smell of alcohol.**
- **Consume illegal drugs/smell of illegal drugs.**
- **Smoke or vape in front of children and young people.**
- **Give children or young people any of your personal possessions or purchase gifts for them.**
- **Purchase anything from children or young people.**
- **Make promises to children to keep their confidence.**
- **Ignore or dismiss any matter, issue or occurrence that could indicate a low-level concern or a concern that potentially meets the harm threshold. (N.B., Not raising such a concern could be seen as a form of complicity).**

SECTION TWENTY-ONE: CONDUCT OUTSIDE WORK

Any colleague who is subject to a criminal investigation, charge, or prosecution (except a traffic offence for which the penalty does not include or has not included imprisonment or disqualification from driving) must report the facts as quickly as possible to their manager. Failure to do so will likely result in disciplinary proceedings being invoked.

SWIS will consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure. Consideration will be given to what effect the investigation, charge or conviction may have on the colleague's suitability to do the job and their relationship with the company, colleagues and the children or young people who access our services.

PUBLIC CONFIDENCE

All colleagues have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of the children, young people and families for whom SWIS provide support.

It is expected that colleagues will adopt high standards of personal conduct to maintain the confidence, trust and respect of the children and young people, their colleagues or the public in general and all those with whom they work. There may be times, for example, when a colleague's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with vulnerable children, young people and adults. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Colleagues should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting, including their use of social media.

All colleagues should note that the behaviour of a partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to vulnerable children, young people, and adults.

IN SUMMARY

Colleagues must not:

- **Behave in a manner that would lead any reasonable person to question their suitability to work with children and young people or act as a role model.**
- **Make, or encourage others to make, unprofessional personal comments that scapegoat, demean or humiliate, or which might be interpreted as such.**

Colleagues must:

- Be aware that behaviour in their personal lives may impact upon their work with vulnerable children, young people, and adults.
- Understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with vulnerable young people and adults.
- Comply with company policy, specifically duties and responsibilities around behaviour and conduct (as detailed in this policy).

SECTION TWENTY-TWO: WHISTLEBLOWING

SWIS aim to maintain a safe working environment and actively encourage colleagues to speak up if they have any concerns about an individual colleague, colleagues, or the organisation. However, if you think SWIS is putting a young person at risk and you are not being listened to, even if you're not certain, contact the NSPCC Advice Line to talk through your concerns.

IF YOU HAVE ANY CONCERNS ABOUT THE CONDUCT OR BEHAVIOUR OF A COLLEAGUE, IT IS IMPERATIVE THAT IT IS RAISED – WITHOUT DELAY.

COLLEAGUES HAVE SEVERAL REPORTING OPTIONS:

THE DESIGNATED SAFEGUARDING LEAD (DSL) FOR EACH SERVICE
THE NOMINATED SAFEGUARDING LEAD (NSL) FOR SWIS
EXTERNAL REPORTING TO DESIGNATED TRISTONE PROFESSIONALS

IF YOU HAVE RAISED A CONCERN &
YOU ARE NOT SATISFIED WITH SWIS' RESPONSE

YOU CAN CONTACT THE NSPCC ADVICE LINE TO TALK THROUGH YOUR CONCERNS

CALL 0800 028 0285
EMAIL HELP@NSPCC.ORG.UK

IF A CHILD OR YOUNG PERSON IS IN IMMEDIATE DANGER - CALL 999.

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SOUTH WEST INTERVENTION SERVICES