

# Employee Relations Policy

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## EMPLOYEE RELATIONS PLAN

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## INTRODUCTION

Since its inception, FSS has established a culture centred on the principles of communication, mutual respect, and trust. Good interpersonal and group connections are cultivated and maintained on a daily basis by FSS management and staff, who are required to do so as a fundamental component of their work.

Given the variety of cultures and countries in which we operate, we view diversity as a strength. Respecting national and international law is essential for every one of us. The laws and agreements pertaining to operations and positions in the countries and jurisdictions in which they operate shall be complied with by all FSS employees.

This Policy upholds FSS's dedication to long-term business success by encouraging open communication among its employees in keeping with Establishing Mutual Benefits. Also, to promote adherence to the required performance and conduct standards and, in the event that compliance is lacking, to guarantee that employees are treated justly and fairly while protecting the interests of all parties.

### Purpose and Scope of Policy

The purpose of this policy is to give new and existing employees clarity and ensures that the entire company remains on the same page. Information on the company's mission, culture, and values can also help the organisation avoid issues from within and outside of the legal system.

It is acknowledged that when employee relations issues do occur, they should be resolved quickly while giving careful thought to the unique circumstances of each situation. It is hoped and expected that problems can be settled in this fashion, as swiftly and as pleasantly as possible.

It is the duty of local management to maintain effective employee relations; employee relations problems should typically be resolved through early.

The focus of employee relations is on interpersonal and group dynamics at work. High levels of employee involvement, commitment, and engagement in a favourable work environment can enhance corporate results and promote employee wellbeing.

The policy applies to all managers, employees and prospective employees of each Company and is fully supported and endorsed by both the Management Teams and Chief Executive.

### Policy Statement - A Company that Clients and Employees Trust

To gain the trust of its clients and employees, FSS is dedicated to advancing knowledge and comprehension as well as the fundamental application of its Corporate Business Principles. FSS complies with the laws in the countries in which it operates.

Thus, the Company supports appropriate global initiatives with the goal of consistently enhancing working conditions.

We are committed to ensuring the fair and inclusive treatment of all employees and job applicants to ensure equality of opportunity. To gain the trust of its clients and employees, FSS is dedicated to advancing knowledge and comprehension as well as the fundamental application of its Corporate Business Principles. FSS complies with the laws in the countries in which it operates.

### A Proactive and Targeted Strategy

FSS aspires to develop its ties with internal and external employment groups in a proactive and ongoing manner. Using corporate and local Human Resources departmental structures, the company implements its strategy, concentrating on implementing the following strategic areas:

- Adherence to this policy, pertinent international labour commitments, and the ethical components of our corporate business principles.

- Support of the FSS of Business Conduct, the FSS of Management and Leadership Principles, and the FSS Corporate Business Principles.
- Improvement of group talks and discussions with labour unions and other representative associations.
- Creation and maintenance of an open discussion on labour issues with outside parties.

Both the corporate and local levels must work together to implement the policy: the corporate level will define the direction and provide guidance to local operations so they may adhere to this framework, and the local level will take all necessary steps to do so.

In addition to upholding the values, guidelines, and standards of the FSS group, local management is responsible for encouraging cooperation and uniformity between all FSS operations.

The local management continues to have a clear responsibility for employee relations.

As a result, they will be resolved appropriately, first at the site level and then nationally in accordance with laws and customs.

#### Business Ethos

The application of a set of Principles that have guided our Company from its founding serves as a roadmap for FSS's dedication to enduring collective relationships with our employees.

Therefore, we shall make a constant effort to raise staff members' awareness of, comprehension of, and engagement with our corporate business principles.

Globally, our Corporate Business Principles are communicated to employees in the most effective way possible and are available in the language of the country.

#### Working Conditions

FSS works hard to make sure we give our workers safe working conditions and the resources they need to thrive in their professions because we know how important they are to our company's success.

Our goal is to provide a hygienic and safe work environment for our staff. In order to make sure we fulfil the standards of working conditions we have set for ourselves, we use our Injury and Illness Prevention Programme (IIPP) as a guide and teach all of our employees in our company Code of Conduct.

#### How Our Code of Conduct Directs Our Business Practices

A copy of the company's code of conduct is distributed annually to every employee as well as to all executives and directors. The Code establishes guidelines for moral conduct in all facets of our business, such as offering equal employment opportunities, protecting the safety of our workers, upholding the calibre of our services, respecting our agreements with vendors and suppliers, and abiding by all laws and rules, including those pertaining to bribery and corruption.

Upon joining the company and on an ongoing basis after that, all workers get training on the Code of Conduct. Every employee must sign an acknowledgment confirming that they have read the code and understand their responsibilities. Employees are given the option to report concerns or infractions through the confidential Integrity Help Line. The CEO must approve any changes to the Code.

Our employees' techniques for being informed about workplace safety and health issues are reviewed in our communications guidelines. These consist of giving new hires thorough orientations, setting up frequent staff safety briefings, and posting information. We also rely on workers to provide us input on working conditions. Workers are encouraged to make anonymous or in-person comments to enhance their workspaces.

It is the duty of every worker to report hazardous working conditions or injuries right away. This guarantees precise documentation and examination of the underlying reason for the hazardous situation or injury.

Additionally, it gives supervisors and workers the chance to implement corrective measures. Every corrective action is monitored in order to give our regulators documentation and help with injury treatment when required.

We restart communications by informing employees about new policies and tools put in place to protect them from risk and minimise their exposure to hazards as conditions improve and potential hazards are reduced.  
Building a Positive Work Environment

The FSS Blog - Is a monthly staff newsletter that highlights site, department, and individual accomplishments across where we are operating. It is issued in both native language and English.

Employee Appreciation Events - All our locations and offices host events throughout the year to honour and appreciate the amazing contributions made by our team members.  
Regard for one and Other

We place a strong emphasis on respect, dignity, and teamwork when working together. We interact with each other in a fair, reasonable, and kind manner. We respect our differences.  
Equal Employment Opportunity

FSS is dedicated to fostering a discrimination-free environment and is an equal opportunity employer. It is our duty as employees and the company's policy to treat our coworkers fairly, respectfully, and with dignity. Without regard to race, colour, sex, sexual orientation, gender identity, religion, marital status, age, national origin, disability, veteran status, citizenship status, or any other protected group status as defined by applicable federal, state, or local laws, we will provide equal employment opportunities for all people by assigning the most qualified individual to each job.

Our goal is to create a welcoming environment where everyone can develop, contribute, and have pleasure. Our goal is to ensure that every individual has the chance to flourish, develop, and add to the overall success of our company. It is our collective duty to establish an environment at work where everyone is treated fairly, with integrity, and with respect. We do not tolerate forced labour, indentured labour or exploited bonded labour.  
Grievance

It is acknowledged that employees, or groups of employees, may occasionally have issues or worries about their jobs, working environments, or relationships with coworkers, which they would like to bring up with management. Issues with terms and conditions of employment, health and safety, relationships with coworkers, workplace dignity, bullying, harassment, discrimination, or victimisation are a few examples of what this could encompass.

Any employee, or group of employees, may choose to file a grievance if they feel they have a good enough reason to do so. They will be required to support their claims with documentation. Additionally, it will be anticipated in every case that the employee outlines their intended course of action, or the steps they are doing to have their grievance resolved.  
All parties' main priority will be resolving the grievance throughout.

Grievances must be filed as soon as possible and no later than three months from the date of the incident or event that gave rise to the complaint (or, in the event that there have been several related incidents or events, after the last occurrence of the incident or event that gave rise to the complaint).

Grievances should, whenever feasible, be aired informally with the line manager in the hopes of reaching a consensus to employ mediation or another suitable process for addressing and resolving the problem. A higher-ranking manager should handle the grievance in the first place when it involves the line manager. The senior manager may want to speak with HR in certain situations.

When an employee files a grievance over changes to their job or workplace, it could be necessary to take into account whether it would be appropriate to make additional changes while the grievance is being investigated. Any choice regarding maintaining the status quo will be based on the most important needs for service delivery and will be weighed against how the changes will affect the specific employee. If it is decided that the status quo can and will apply to the workplace or working circumstances, this will be the case from the time the employee or their agent formally lodges the grievance until the grievance procedure is finished.

The current arrangements that were in place, agreed upon, or generally applied before the grievance was raised are referred to as the status quo. In cases when a modification necessitates official consultation but has been executed without said consultation, the pre-change arrangements will constitute the status quo. If an employee files a grievance after a change that was agreed upon with them following proper consultation is implemented, the change will be considered the status quo.

Maintaining the status quo (such as the current line management structure) could not be appropriate in cases where bullying and/or harassment issues are reported, or in extraordinary situations when prompt implementation of the change is necessary to meet urgent service delivery needs.

Employees must use the FSS Incident Report Form to provide as much information as possible about the reasons behind their grievance in order for their case to move forward to the formal stage of the grievance procedure. This is to make sure that the settlement process is facilitated by providing as much pertinent information as possible from the outset. Before a formal grievance meeting is called, a formal investigation will be conducted based on the data supplied in the Incident Report Form.

All formal grievances filed within their Service Area are expected to be reported to the Department Manager. The Incident Report Form will be submitted to the Department Manager in the first instance regarding any formal grievance citing alleged bullying and/or harassment. This is done to raise their awareness and make sure they are given the proper amount of investigation until the issue is resolved.

#### Formal Grievance Meeting

Establishing the facts of an employee's grievance and deciding what (if any) reasonable action(s) may be taken to reach a resolution are typically the goals of a formal grievance meeting.

The grievance meeting shall be chaired by a manager with suitable seniority who is not a part of the line management relationship and has not participated in any informal attempts to address the grievance up to this point. A representative from the Human Resources department will counsel them, offering counsel and direction solely on procedural issues. The Director of HR should be contacted first for any grievance pertaining to the Chief Executive Officer (CEO). Should a grievance filed against the CEO go to the official phase, the FSS Board Chair will take the matter under consideration.

When the grievance investigation report is received and distributed to all parties, the manager handling the grievance will schedule a meeting with the employee and, if applicable, their representative for a time that is convenient for both of them. If all parties agree, this deadline may be extended. In cases where a trade union is representing the employee, the representative and the employer will decide on a meeting date.

The employee will try to do everything to make it to the meeting. The chair will reschedule the meeting for a new day, usually within 10 working days of the initial meeting date, if the employee is unable to attend on the suggested date.

No more dates will be granted if the employee misses the rescheduled meeting without a valid excuse.

The procedure for a formal grievance meeting will be as follows:

- The manager chairing the meeting will introduce the meeting and invite those present to introduce themselves and confirm their respective roles. The chair will then explain the purpose of the meeting and how it will be conducted;
- The chair will confirm that the meeting is being conducted as part of FSS formal grievance procedure and that a written record of the meeting will be made and shared with all parties present;
- The chair will invite the employee to state his/her case, i.e. the circumstances that have led to the grievance being raised, the precise detail of the grievance and why he/she feels aggrieved (the grounds for the grievance). The employee may do this personally, or the employee's representative (if he/she has elected to be represented) may do this on his/her behalf;

- The employee will refer to any documentation on which he/she is seeking to rely. The chair will refer to any written evidence that has been gathered in the course of any investigation that has taken place, including the consideration of witness statements where appropriate;
- The chair may ask the employee (and any witnesses who may be available) questions about the circumstances of the grievance in order to establish all the relevant facts, background and circumstances;
- At any point during the hearing, the chair may adjourn the proceedings and reconvene at a later date if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made;
- Once all the evidence has been heard, the chair will summarise the key points of the meeting and invite the employee or their representative to make a final statement should they so wish. The chair will then inform the employee as to when a decision will be made about the outcome of the grievance and confirmed in writing;
- The chair will inform the employee that if the grievance is not upheld he/she will have the right to appeal against the outcome of the grievance meeting if he/she is not satisfied with it, and that this will be confirmed to the employee in writing as part of the formal grievance meeting outcome within 10 working days. This timescale can be extended with the agreement of all parties.

### **Formal Grievance Appeal Meeting**

The purpose of a formal grievance appeal meeting will normally be to consider an employee's grounds for appealing the original decision regarding his/her grievance and to determine whether FSS should amend its decision.

In order to lodge an appeal against the outcome of the original grievance meeting, the employee must write to the Human Resources, no later than 10 working days following the date on which they received written notification of the outcome.

Arrangements will be made for the appeal meeting to take place as soon as possible after receipt of the appeal pro forma and in any case no longer than 10 working days after receipt. This deadline can be extended with the agreement of all parties. The appeal meeting will be chaired by an appropriate senior manager, who has had no previous involvement in the procedure.

The procedure for a formal grievance appeal meeting will be as follows:

- The manager chairing the appeal meeting will introduce the meeting and invite those present to introduce themselves and confirm their respective roles. The chair will then explain the purpose of the appeal meeting and how it will be conducted;
- The chair will state that the appeal meeting is being conducted as part of the formal grievance procedure and confirm that a written record of the meeting will be made and shared with all parties present;
- The chair will invite the employee to state his/her case, i.e. the specific grounds for appealing the original decision regarding his/her grievance, what outcome he/she is seeking and why. The employee may do this personally, or the employee's representative (if he/she has elected to be represented) may do this on his/her behalf;
- The employee will refer to any documentation on which he/she is seeking to rely. The chair will refer to any written evidence that has been gathered in the course of any investigation that took place into the original grievance and (if applicable) following the submission of the appeal, including the consideration of witness statements where appropriate;

- The chair may ask the employee (and any witnesses who may be available) questions about the circumstances of the grievance to establish all the relevant facts, background and circumstances;
- At any point during the meeting, the chair may adjourn the proceedings and reconvene at a later date if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made;
- Once all the evidence has been heard, the chair will sum up the key points of the appeal meeting and will then inform the employee as to when a decision will be made about the merits of their appeal and what action will be taken to resolve or otherwise deal with the grievance if his/her appeal is upheld;
- The chair will inform the employee that there is no further right of appeal against the outcome and that this will be confirmed in writing to the employee as part of the formal grievance appeal meeting outcome within 10 working days. This timescale can be extended with the agreement of all parties.

### **Grievances of Former Employees**

If a former employee of FSS wishes to raise a grievance, they may do so by writing to their former line manager (or their former senior line manager if more appropriate) no later than 3 months after their last date of employment with FSS.

The Grievance procedure outlined in this policy will not automatically apply to grievances raised by former employees of FSS. Upon receipt of a grievance from a former employee, the appropriate FSS manager will consider the issues raised and determine how the grievance is to be progressed and responded to. Where practicable, the former employee may be invited to a meeting as part of the process of seeking to resolve the grievance. If this is not practicable, or where there is agreement to do so, the grievance may be responded to by way of correspondence only. There will be no recourse for a former employee to appeal against the outcome of their grievance.

#### **Dignity at Work**

FSS is committed to supporting, developing and promoting equality and diversity across every aspect of organisational practice and in the services it provides. FSS aims to establish an inclusive culture, free from any form of discrimination and based upon the values of dignity and respect (towards and between all employees). Central to this is the belief that all staff are entitled to be treated with dignity and respect at work.

Acts of bullying, harassment, discrimination and/or victimisation are unacceptable forms of behaviour and will not be tolerated. We will treat any such behaviour, where it is shown to exist, as misconduct and deal with it as such. Where bullying and/or harassment is related to an individual's protected characteristic (as defined in the Equality Act 2010), this may also constitute a criminal offence for which an individual or group may be held personally liable.

FSS has a duty of care to protect the health, safety and wellbeing of all its employees, which it takes very seriously. The Health and Safety at Work Act (1974) places a statutory duty upon all employers in this regard, which includes a duty to take all reasonable measures to protect employees from the effects of bullying and harassment.

Harassment and/or bullying can have a devastating effect on the victim. Individuals can suffer fear, anxiety and stress, which can cause or exacerbate physical or mental illness, detrimentally affect performance, affect individual and/or team morale, increase absenteeism and even lead to resignation and high workforce turnover. Hence where harassment and/or bullying are alleged, FSS will take all necessary and appropriate steps to address such concerns.

#### **Responsibilities with regards to Dignity at Work**

**Responsibilities of Managers** – In seeking to prevent dignity at work complaints

from arising and in order to deal with them quickly and effectively when they do arise, managers have a responsibility to ensure the following:

- A work environment that is free from any discrimination, bullying and/or harassment;
- Any such behaviour is swiftly and resolutely challenged / addressed;
- Any complaints about the infringement of an individual's dignity at work are treated seriously; any evidence is obtained and promptly assessed so that appropriate action can be taken as soon as possible if required;
- Appropriate support is in place for all members of staff affected by complaints, including those against whom a complaint has been made, whilst requisite investigations are undertaken; this should include alternative arrangements for line management where this is deemed appropriate and feasible by FSS as the employer;
- Attempts are made to resolve complaints at the lowest appropriate level of formality, contingent upon the circumstances;
- Timelines set out in the procedures are observed, unless there is agreement by both the employee and FSS to set them aside;
- Any task, action or outcome from a formal or informal resolution procedure is properly implemented, monitored and/or reviewed, where the manager is tasked with doing this. It is recognised that normal working relationships may take some time and careful management to be rebuilt following a formal or informal resolution procedure. It is anticipated that the resolution procedure will address the necessary steps to be taken post - procedure in terms of conciliation. However, managers need to be mindful of their role in this and may need to consider whether a meeting is required with the relevant employees (involving HR as necessary and appropriate) in order to look at, for example:
  - a) The need for ongoing / future review.
  - b) Specific Learning and Development / Training.
  - c) Internal / external support mechanisms to facilitate positive working relationships.
- No form of victimisation is allowed to occur following the outcome of an informal or formal resolution to concerns around bullying and/or harassment. Victimisation occurs when a person is treated less favourably than another person because she/he has referred to or has asserted their rights under a relevant statutory provision / protected characteristic or has raised a complaint under FSS procedures.
- This would include anyone raising a complaint or bringing a claim under the legislation/procedures, acting as a witness in any procedures brought by another employee.
- No pressure is exerted on an individual to raise a formal complaint where they have no desire to do so. However, it is the responsibility of a manager to take appropriate steps if they witness bullying or harassing behaviour towards an employee, or if such behaviour is independently witnessed and reported to them by another employee.

**Responsibilities of all Employees** – Employees have a Responsibility to:

Ensure that they challenge discrimination, bullying and/or harassment, and report such behaviour to their line manager (or another line manager if appropriate) in order to promote an inclusive and safe working environment;

Be aware of their own behaviour and conduct and the impact that it can have on others in the workplace;

Talk in confidence to any colleague who may wish to discuss their concerns about being bullied or harassed and encourage them to follow the guidance and processes outlined in this policy.

## Harassment and Bullying

At FSS, harassment and bullying is not accepted. Fairness, respect, and dignity are expected of all parties involved—FSS staff members, clients, vendors, and guests.

At FSS, disrespectful, insensitive, or unwelcome comments or behaviours are strictly prohibited.

### Definitions of Harassment or Bullying

Harassment - is unwanted conduct affecting the dignity of individuals and groups. It can occur through a single explicit incident or may be sporadic or persistent. Harassment has the purpose or effect of violating the individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Bullying - may be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, insult or injure the recipient. The misuse of power can be linked to issues such as race, gender, disability, and/or linked to positions of seniority within an organisation.

### Informal Resolution of Concerns

It is hoped that the overriding principle of this policy, in terms of informal resolution in the first instance, can be adhered to wherever possible when dealing with any grievance relating to alleged bullying and/or harassment.

If you believe you are being harassed and/or bullied you should do the following:

- Tell someone else about it, but ideally your line manager. If the behaviour you are experiencing is from your manager, then you can speak to their line manager or alternatively to a member of the Human Resources. If you are feeling uncomfortable about a situation and are not sure if it is harassment or bullying, it will normally help to talk to someone about it;
- Keep a written record of the offending behaviour. Write down the dates, times and places when events occurred and what was said or done. If anyone else witnessed any of the instances make a note of whom it was.
- Make it clear to the person who you believe is harassing or bullying you that their behaviour is unwelcome and that you want it to stop. In most cases, once the person knows that her/his behaviour is unwelcome, they will stop.

Where a case is resolved informally no written records will be kept on the complainant's personnel file or that of the person(s) being complained about, nor will any disciplinary action be taken against the person(s) complained about.

Outcomes that may be achieved in cases where concerns are resolved informally include:

- a) A letter of apology;
- b) A face to face apology;
- c) A mediated solution regarding the future working relationship;
- d) A request for the working environment to be changed;
- e) Relocating the complainant if this is their wish. (N.B. the person being complained about cannot be relocated without their consent at the informal stage).

### Formal Procedure

Any employee, or group of employees, has the right to raise a formal grievance in respect of alleged bullying and harassment. Such a grievance will be addressed in accordance with FSS formal procedures policy.

Any employee who wishes to progress matters to the formal stage of the grievance process in respect of alleged bullying and harassment is required to provide as much detail as possible about the grounds for their grievance, using the FSS Incident Report Form. The purpose of this is to ensure that as much relevant information as possible is provided at the outset, to enable the process of resolution. Based on the information

provided in the Incident Report Form, a formal investigation will be undertaken, prior to a formal grievance meeting being convened.

### **Counter Allegations**

Where, following a complaint of bullying or harassment against an individual, that individual then makes a counter allegation against the complainant, the investigating officer will consider the counter allegation as part of their investigation of the initial complaint.

### **Performance Capability**

Maintaining acceptable and effective standards of performance amongst all staff is crucial in ensuring that a high quality of service is provided at all times. FSS will encourage and support staff to achieve their best possible performance at work.

Where performance is perceived to drop below the expected standard this will normally be raised informally with the employee concerned by the relevant manager at the earliest opportunity, with a view to identifying the reasons for this and putting supportive remedial measures in place as swiftly as possible. In most circumstances performance issues should be addressed and resolved through the normal performance management processes, including day-to-day situational supervision, regular performance and learning review (PLR).

Where there are serious and/or long-term performance concerns, FSS reserves the right to address these concerns in a Formal Procedure.

### **Formal Procedure**

The Line Manager will arrange a formal meeting with the employee concerned at the earliest opportunity, once the decision has been made to progress matters to the formal stage of the procedure. At this point it will be expected that efforts will be made to identify a mutually convenient date for the formal meeting, when the employee is able to be represented by either HR or work colleague.

The employee will be invited by letter to attend the meeting; the letter will also set out the specific detail of the performance concerns to be addressed. The evidence to substantiate these performance concerns will also be provided and the employee notified of their right to be accompanied by a chosen colleague or HR.

The objective of the formal meeting will be for the manager to:

- Explain precisely which required standards of performance have not been met and in what way, and provide evidence to support this assessment;
- Provide an opportunity for the employee to respond to what is regarded as the below-standard performance and to ask the manager any questions they may have about the situation;
- Discuss supportive remedial measures with the employee, such as additional training, mentoring or supervision;
- Set agreed targets for improvement, a realistic timescale for their achievement and a date for a formal review meeting at the end of the improvement period (this will normally be a period of between 4 and 6 weeks);
- Implement a Performance Improvement Plan (PIP) that will detail the specific, measurable, achievable, realistic and time-bound (SMART) objectives to be achieved by the employee and the timescales in which these improvements need to be achieved. The PIP will also set out the evidence that it has been agreed will be required to show that the employee's performance has improved;
- Decide the specific support that will be given to the employee during the formal improvement period e.g. any specific training and development, coaching and/or mentoring required.

The performance of the employee will be monitored and reviewed by the appropriate manager regularly throughout the formal improvement period, in line with the provisions of the PIP.

The employee has a shared responsibility, with support from their HR representative where necessary and applicable, to bring to the attention of their manager any issue(s) which arise during the improvement period if they believe these may impact upon their ability to achieve the improvement objectives. Such issues must not be left unstated by the employee until the end of the improvement period.

Depending on the circumstances it may be necessary, during the formal improvement period, for the manager to convene a further interim meeting with the employee to discuss and agree adaptations or amendments to the detail of the PIP if there is an objective justification for this. This may also be appropriate where the employee or their HR representative has raised any issues that require consideration during the formal improvement period.

At the formal review meeting, the manager will consider the performance of the employee throughout the formal improvement period, taking into account all evidence which has been gathered. The employee will have a full opportunity to contribute to this meeting and to make their case in respect of their performance, perceived level of improvement and any other issues they regard to be relevant.

At the end of the meeting the manager will decide on one of the following courses of action:

- End the formal procedure and return to normal performance management arrangements;
- Extend the formal improvement period and redefine the details of the PIP if required;
- Convene a formal performance capability hearing to consider the employee's continued employment.

Formal Performance Capability Hearing

A Formal Performance Capability Hearing will be convened after attempts have been made to restore effective performance through the application of the formal performance procedure and where the employee's manager believes that there is no realistic prospect of the expected improvement in performance being achieved within a further 4 weeks of the end of a formal improvement review period.

The manager will prepare a detailed report, which s/he will present to the hearing, outlining the detail of the performance concerns, the measures taken to address these concerns and the reasons for bringing the matter to a formal hearing. The report will be shared with the employee no later than 10 working days in advance of the Formal Performance Capability Hearing.

An employee can appeal the outcome of a Formal Performance Capability Hearing.

Disciplinary Procedure

Misconduct may be defined as any conduct and/or behaviour, by an individual or group, which is unacceptable and/or improper and which falls beneath the expected standards of professional conduct and/or behaviour within FSS. Consideration must also be given to whether conduct or behaviour has infringed any applicable rules on professional standards of conduct laid down by relevant regulatory bodies.

Disciplinary procedures may be instigated by an appropriate manager, following an initial assessment of the seriousness of the alleged misconduct. Instigation of formal procedures will normally only be necessary where informal attempts to address and improve unacceptable conduct and/or professional behaviour have been unsuccessful, or in more serious cases where immediate formal intervention is deemed necessary.

In assessing whether a particular incident should be regarded as misconduct, the nature of the conduct/behaviour, its circumstances and its consequences will be considered. If there is a case of alleged misconduct and it is decided that informal resolution is not appropriate, then the disciplinary procedure should be followed and an investigation should be initiated.

No employee may be dismissed for a first breach of this policy, except in the case of gross misconduct.

At every formal stage in the procedure, employees will be advised in writing of the detail of the concern or allegation against them and will be given a full opportunity to respond. A copy of this section of the policy must be made available to employees entering any formal stage of the procedure. Formal procedures must be conducted by the appropriate level of management. Advice should be sought from Human Resources prior to the instigation of formal procedures.

#### Investigation

Where allegations of misconduct or unprofessional behaviour arise, it is important that steps are taken as quickly as possible to investigate the circumstances, prior to any decisions being taken about disciplinary action. The scope of any investigation will be dependent upon the detail and seriousness of the alleged misconduct or unprofessional behaviour and on the extent to which the allegations and any known facts of the case are disputed by the employee. The purpose of an investigation is purely to gather information and to summarise this in the form of a report which will make recommendations about next steps and whether there is a case to answer.

On receipt of the Investigating Officer's report, if the employee's senior line manager considers that there is a case to answer of misconduct, a disciplinary hearing will be convened. If the employee's senior line manager, however, considers that there is no case to answer, then she/he will write to the employee to advise her/him of this and to confirm that no disciplinary action will be taken, that the case will be closed forthwith and that no reference to these proceedings will be retained on the employee's personal file.

There may be certain, specific circumstances where the need for a full formal investigation (and potential subsequent hearing) can be avoided by the issuing of an agreed disciplinary sanction (up to but not including dismissal), where this option is accepted by all parties as a suitable means of resolving the matter in question. Advice must always be sought from HR before any discussion is held with an employee on the possibility of agreeing a sanction without any hearing / investigation etc. This will only be an appropriate option in a limited number of scenarios.

It is expected that the level of any agreed disciplinary sanction applied via the above route will take into account, as a form of mitigation, the acceptance of an agreed sanction by the individual, whereby this acceptance clearly reflects their recognition and contrition regarding the misconduct in question, and a desire to resolve matters swiftly and move forward positively.

It is not expected that the agreed sanction option will become routine as an alternative to the formal investigation process. The agreed sanction route may not be used for the same individual more than once.

It is crucial that the agreed sanction route reinforces the importance of learning and reflection in dealing with issues of misconduct, in the same way that the formal investigation route does; this can help to prevent further occurrences of the same or similar misconduct.

#### Suspension

Advice must always be sought from Human Resources before suspending an employee.

There may be occasions when it is necessary and appropriate to suspend an employee, either at the outset or during the course of an investigation or subsequent disciplinary process<sup>2</sup>. In such circumstances the employee will be suspended on full pay. Any decision to suspend an employee will be taken by a Senior Manager or above.

The following may give rise to consideration of suspension (this list is not exhaustive):

- Alleged misconduct so serious that it may constitute Gross Misconduct, which could lead to dismissal; and/or
- Where there is a potential risk if the employee were to remain in the workplace. This may include (but is not limited to) a risk to the employee themselves, other employees, service users and/ or any stakeholder of FSS. Such a risk could, for example, be associated with health, safety, wellbeing, safeguarding, organisational reputation or financial risk; and/or
- The course of an investigation and / or another formal process may be prejudiced or hindered by the continued presence of the employee in the workplace; and/or
- Where illegal or other acts committed (or allegedly committed) outside of the workplace give rise to concerns regarding an employee's honesty or integrity, their suitability to work in a social care or children's safeguarding capacity, or where these acts have the potential to bring Cafcass into serious disrepute.

Any period of suspension will be kept to an absolute minimum. Suspension will only be imposed after careful consideration and will be reviewed regularly in order to ensure that it remains necessary; the suspended employee will be kept informed regarding the continued need for their suspension and the reasons for this. Any suspension will be imposed without prejudice to the outcome of any subsequent investigation or process and is not a form of disciplinary action.

The suspended employee will be written to as soon as possible after the suspension has taken effect, setting out the reason(s) for the suspension and the next steps in the procedure to follow. A copy of the letter of suspension will be sent to HR.

During any period of suspension, the suspended employee must treat the matter in the strictest confidence and will be required to refrain from all of her/his FSS duties. She/he should not discuss the situation leading to her/his suspension with any colleagues. The suspended employee will not be allowed to enter any FSS premises during the course of their suspension, unless s/he has the express permission of her/his senior line manager or another appropriate senior manager to do so. It will be normal practice for a suspended employee also to have their IT and FSS mobile phone accounts temporarily suspended for the duration that they remain suspended. Where this occurs, supervised access to the IT system may subsequently be necessary and will be provided to the suspended employee, where they need to acquire information directly relevant to the disciplinary proceedings for preparation of their case. If such information can be accessed on their behalf by another appropriate FSS employee, and forwarded to them, then this option should be explored in advance of supervised access to the IT system being agreed.

An employee who is suspended will be expected to make themselves available to attend any meetings in relation to an on-going investigation or subsequent disciplinary process, including any formal disciplinary hearing that may be convened.

If, during any period of suspension, an employee wishes to make a new request for annual leave in order to take a holiday, she/he must contact her/his line manager in the normal manner in order to do so. Any annual leave arrangements which have already been booked and authorised previously, but that fall during a period of subsequent suspension, will usually be honoured by FSS. If an employee wishes to cancel any such pre-booked leave, rather than utilise it during a period of suspension, they have the option to do so. If an employee becomes ill during a period of suspension, she/he must notify their line manager in the usual way. Any period of sickness will override suspension and must therefore be accurately recorded.

Any employee who is suspended remains bound by the terms of their contract of employment in relation to undertaking any other work outside of FSS. The normal expectation will be that an employee who is suspended will not undertake any other form of employment outside of FSS for the duration that they remain

suspended. If, however, an employee does wish to undertake any other form of work during a period of suspension, they will be required to inform FSS of this prior to commencing that work, in order that any conflict of interest or potential risk (to the employee or to FSS as an organisation) can be properly assessed and managed in the usual way.

#### Representation

In line with the general provisions of this Policy, employees are entitled to be represented at all stages of this formal procedure by an FSS representative, or supported by a work colleague should they so wish; they will be advised of this in writing at each stage of the procedure. It will not be appropriate for an employee to be accompanied by a Trade Union who may also be interviewed as part of the investigation or who may become the subject of parallel or related proceedings.

FSS will not be responsible for bearing any costs incurred by an employee in seeking or obtaining their right to representation or advice.

FSS will make every attempt to communicate with a worker's trade union or work colleague to arrange a time, date, and appropriate venue for any official meetings or hearings.

Should an employee's Trade Union representative or chosen work colleague be unavailable to attend a formal meeting or hearing the employee shall have the right to request that the meeting / hearing should be re-arranged at a later date, normally within 10 working days of the original date.

#### Disciplinary Hearings

If the Senior Line Manager decides that a disciplinary hearing is necessary, arrangements shall be made to convene the hearing, which shall be chaired by another appropriate senior manager who has had no involvement in the process to that point. If a possible outcome of the hearing is dismissal, the Chair shall be an appropriate senior manager with authority to dismiss.

Once the date for the hearing has been set, the Chair of the hearing (or the Human Resources/colleague supporting the Chair) shall write to the employee to confirm that they are required to attend. This letter shall set out in detail the allegations that are to be considered at the hearing. The letter shall either be accompanied by the documents to be considered at the hearing, or shall confirm that these documents will be sent to the employee by an agreed deadline.

The outcome of the formal disciplinary hearing shall be notified in writing to the employee.

An employee may appeal the outcome of a formal disciplinary hearing.

#### Witnesses

It will be the responsibility of both the relevant manager and the employee concerned to identify to the Investigating Officer any witnesses who may be able to contribute to the investigation, so that the Investigating Officer can contact these witnesses and obtain statements from them at the earliest opportunity.

The Investigating Officer will also have the prerogative to determine for themselves any other person(s) whom they deem relevant to their enquiries and who shall be contacted as a potential witness as part of the investigation.

Witnesses may be required to attend in person any investigatory meetings or disciplinary hearing that is convened and should be notified of this, in writing, by the Investigating Officer.

Where a witness is not an employee of FSS, it is recognised that she/he

cannot be compelled to attend a Hearing. In these circumstances, it is expected that the individual shall be interviewed and a statement taken by the Investigating Officer.

Where children or vulnerable adults are identified as witnesses, the Investigating Officer should seek appropriate professional advice as necessary regarding the process of evidence collection in sensitive cases. Children and vulnerable adults will not be required to attend any disciplinary hearings.

## **Appeals**

In order to lodge an appeal against the outcome of a formal disciplinary hearing, the employee must write to the Director of Human Resources, no later than 10 working days following the date on which they received written notification of the outcome.

In lodging an appeal, the employee is required to set out the detailed grounds of appeal. The appeal will not normally lead to a re-hearing of the case, but will be focused on the specific grounds of appeal and will involve a review of the outcome of the original hearing.

Arrangements shall be made for the appeal hearing to take place as soon as possible and in any case no longer than 10 working days after receipt. That may be extended with the agreement of all parties. The appeal hearing will be chaired by an appropriate senior manager, who has had no previous involvement in the procedure.

If the employee is unable to attend a properly convened appeal hearing and steps to facilitate her/his involvement have been unsuccessful, the Chair of the appeal may choose to hear the case in her/his absence.

In addition to the documentation presented to the original disciplinary hearing, the Chair of the appeal hearing shall also consider statements of case, which shall be submitted by both the employee and the Chair of the original disciplinary hearing. Both parties shall submit their statements of case to the Chair of the appeal hearing no later than five working days before the date of the hearing. The statement shall include the facts of the case; for the Chair of the original disciplinary hearing this will include the basis for their determination. For the employee this will mean an explanation of their grounds of appeal and, where appropriate, any mitigating circumstances they wish to highlight. The appeal pro forma alone shall not be considered sufficient to constitute the employee's statement of case.

Any decision about the admissibility of new evidence for consideration at an appeal hearing will rest solely with the Chair of the appeal hearing, whose determination will be final.

The outcome of the appeal hearing will be notified in writing to the employee by an agreed deadline.  
Reassurances Regarding its Dedication to Labour Peace

FSS have established procedures to guarantee that any complaints, if any, are addressed and fairly assessed. All possible difficulties are discussed at regularly scheduled meetings, and early leadership involvement promotes unity.

**Dedicated Communication:** The Area Operations Manager provides the Managers with information about any new or modified FSS programmes, making sure the Managers are aware of the changes and are able to tell all FSS employees about them.

**Customised Training:** Our training is designed to answer the queries our staff members pose, guaranteeing that avoidable problems don't arise.

Strict Adherence to Grievance Procedures: FSS holds weekly pre-grievance meetings to discuss and address issues, complaints, and other matters. If issues are not handled at an early stage, the organisation participates in a formal grievance process that includes monthly grievance hearings.

Priorities for Corporate Labour

FSS encourages periodic improvements to working conditions, with a focus on the following corporate labour priorities:

- Respect our workers' freedom to form and join organisations of their choosing, as well as their ability to participate in constructive discussions.
- Offer competitive pay and benefits so that employees may meet their needs in line with prevailing living standards in the area.
- Observe the company's policies regarding "temporary employees," which state that hiring temporary workers should only happen in situations where it makes sense given the nature of the position and won't lead to unfair disparities in working conditions.
- Observe the corporate policies on "outsourced activities," which provide that only non-core business operations may be outsourced and that those who carry them out will always be treated fairly.
- Respect our workers' family lives and ensure a safe and healthy work environment by putting the corporate principles for working hours into practice.
- Treat every employee with dignity and without any tolerance for discrimination, harassment, or abuse.

Compliance

Our operations in each country will take all required actions and set up systems to guarantee that employees follow this policy, the FSS Code of Business Conduct, and the FSS Business Principles.

All employees are required by the FSS of Business Conduct to report instances of Code non-compliance, which must be thoroughly examined. When applicable, local management will set up the processes and mechanisms to handle complaints that are presented in a confidential and discreet manner. Retaliation against any employee or employee representative for exercising their right to file a complaint within the applicable national or local legal framework is strictly forbidden by FSS.

Collective Dialogue

We see to it that management and all of our workers, have open, regular, and direct communication at work.

Frequent communication with managers and employees provides a forum for discussing issues of shared interest and enables employees to fully comprehend the company's goals and operations.

As part of our commitment to ongoing development, we promote communication with our employees that extends beyond the conventional parameters of collective bargaining. This allows us to exchange ideas and work together to identify opportunities pertaining to other significant issues, like environmental preservation and workplace health and safety.

FSS is in favour of a long-term employment policy. If it becomes necessary to close down or alienate an FSS operation, we shall do it in a way that fully complies with all relevant laws and our corporate business principles. In these situations, a social plan will be developed while taking into consideration the legitimate rights and interests of all parties involved, and employees and their representatives will be notified in a reasonable amount of time.

### **Group Discussions**

FSS supports its employees' freedom of association and the legitimate acknowledgement of their right to engage in collective bargaining.

In the event of collective negotiations, they will:

- Be formed inside each countries legal framework;

- be impartial and helpful, founded on the ideas of sincerity and honest communication of facts;
- relate to essential workplace conditions including pay, benefits, and the ability to engage in union activity;
- Prioritise addressing shared interests in order to enhance our competitive edge, including the working environment.

It is expected that both the Company and employee representatives will exert every conceivable effort to establish fair and productive negotiations, get over any obstacles they may face, come to a sustainable agreement, and carry it out.

#### Open Social Dialogue outside the Organisation

At every stage of its operations, FSS consistently looks for opportunities for communication, discussion, and understanding. In addition to local and international employees that include workers and unions like the International Union of Food Workers (IUF), this also involves communities and authorities. By doing this, we increase our understanding of social realities, spread our goal of sustainable growth, and never stop looking for ways to get better at what we do.

The local ILO office, employer associations, business associations, etc. are examples of external specialists that should be consistently contacted at the local level in order to share perspectives on labor-related issues and learn about pertinent market trends.

## APPENDIX 1 – Formal Hearing and Appeals Procedures (Disciplinary and Performance Capability)

### **General principles:**

1. Once the need for a formal hearing / appeal has been determined, arrangements shall be made for it to take place without undue delay. A minimum of 15 working days' notice will be provided for any formal hearing. The date for the hearing will be agreed with the Trade Union representative in line with the overarching principles of this policy.
2. All papers for consideration at a formal hearing / appeal will be disseminated as soon as practicable, but not later than 10 working days in advance of the hearing.
3. The employee should provide a copy of any additional documentation, upon which he/she intends to rely, no later than 5 working days in advance of a formal hearing / appeal. This should not normally introduce new information which has not previously been presented during the proceedings, unless this information was not previously available.
4. Notes will be taken and will be shared with all parties who were in attendance at the hearing / appeal, as soon as possible following its conclusion. Notes will normally be shared no later than 15 working days after the hearing / appeal, unless agreed otherwise.
5. An adjournment to another date may be requested at any point during the hearing / appeal by any of the parties present and it will be a matter for the Chair to consider and agree to the adjournment, and also to determine the appropriate duration. Any such adjournment is only envisaged as being necessary in exceptional circumstances and the decision of the Chair is final regarding any requested adjournment. The Chair may, at his/her discretion, adjourn the hearing so that further evidence can be produced or specific matters investigated. Any party may request and be granted a short break / period of respite during a formal

hearing.

6. The outcome of any formal hearing / appeal will normally be notified to the employee in writing no later than 10 working days following the conclusion of the hearing. The employee shall also be notified of their right of appeal where applicable.

7. If the 10 working day deadline for notification of the outcome needs to be extended for any reason (e.g. unplanned absence of the chair due to unforeseeable circumstances or because information needs to be clarified by the Chair before a decision can be reached), then the Chair shall inform the employee of a new deadline, which should be within 30 days of the hearing in most circumstances.

### **Formal Hearing:**

8. The hearing will be chaired by a manager of appropriate seniority (given the circumstances of the matter to be considered) who has had no prior involvement in the process.

9. The Chair will be advised by a member of the Human Resources team, who will be present throughout the hearing in order to provide any advice or guidance on procedural matters only. S/he will not be present in any decision-making capacity.

10. It will be for the Chair, in advance of the hearing, to confirm the identity of any witnesses to be called by either the Investigating Officer / Manager presenting the management case or the employee and to ensure that they have been contacted to confirm their availability to attend the hearing.

### **11. The arrangements for the hearing will be confirmed to the employee in writing by the Chair and will include the following:**

11.1 The, date, time and location of the hearing;

11.2 The specific detail of the issues / allegations that have been investigated or performance concerns that will be considered during the hearing;

11.3 The entitlement to be represented by either a Trade Union representative or work colleague;

11.4 An inquiry as to whether any reasonable adjustments or special considerations are required for those who will be in attendance (e.g. hearing loop)

11.5 The identity of all who will be attending, including who will be presenting the case on behalf of Cafcass and who will be chairing the hearing;

11.6 Confirmation of any witnesses who will be attending;

11.7 Whether dismissal is a possible outcome.

### **12. The format for the hearing will be as follows:**

12.1 The Chair will oversee introductions from those present, ensure that everyone is able / willing to proceed and confirm whether any requested reasonable adjustments have been provided.

12.2 The Chair will then explain the procedure that will be followed;

12.3 The Investigating Officer / Manager presenting the management case will be invited to present their report, calling any witnesses as necessary at the appropriate point;

12.4 At the conclusion of the presentation of case, the employee or his/her representative will be invited to question the Investigating Officer / Manager presenting the management case or any of their witnesses;

12.5 The Chair may also question the Investigating Officer / Manager presenting the management case;

12.6 The employee (or his/her representative) will then be invited by the Chair to present their case, including calling any witnesses who have attended at her/his request;

12.7 At the conclusion of the employee's presentation of case, the Investigating Officer / Manager presenting the management case will be invited to question the employee (or their representative) and any of their witnesses;

12.8 The Chair may also question the employee (or their representative) and any of the witnesses;

12.9 The Chair will determine if any of the witnesses will be required further and otherwise the witnesses shall be released;

12.10 The Chair shall determine if an adjournment is required at this stage, before first the Investigating Officer / Manager presenting the management case and then the employee (or her/his representative) are invited to summarise their case and make any closing statements. No new information should be introduced at this stage;

12.11 After both closing statements the Chair will adjourn the hearing until s/he issues a decision.

13. With regards to formal disciplinary hearings, evidence will not usually be provided to the Chair about the employee's disciplinary record which is unrelated to the allegations under consideration or where previous sanctions have expired. However, the Chair may consider such evidence where previous disciplinary issues relate to such significant matters as safeguarding or child protection in particular.

14. The Chair will deliberate in private. She/he may recall the Investigating Officer / Manager presenting the management report and/or the employee in order to clarify any points of uncertainty on evidence already given. S/he may also consult with the HR colleague in respect of any procedural matters. If such recall is necessary, all parties will be required to re-enter the room whilst the Chair acquires the necessary clarification.

15. The Chair will need to carefully consider the evidence presented and be satisfied that a thorough investigation and assessment of all available evidence has taken place; hence in most cases it is expected that the Chair will, after an adjournment, call all parties back to confirm that the outcome of the hearing will be provided in writing.

16. In conveying the outcome of the hearing, the Chair may make it clear that she/he reserves the right to 'recall' the employee concerned to a further formal hearing at some point in the future, during the period in which any formal warning remains 'live', where there is reason to do so (e.g. any further concerns relating to an employee's conduct arise, whether they are directly linked to the issues addressed by the warning or not).

## **Appeal Hearing:**

17. Any appeal hearing will be chaired by a different manager of appropriate seniority, who has had no prior involvement in the process to that point.

18. The appeal hearing will constitute a review of the decision reached as an outcome of the original hearing; it will not normally constitute a re-hearing of the case. In cases where either a final written warning or dismissal was the outcome of the original hearing, the Chair of that hearing will be expected to be in attendance in person at the appeal hearing, unless it is agreed that this will not be the case. In all other cases it will not be a requirement for the Chair of the original hearing to be present in person at the appeal hearing.

19. The Chair of the appeal hearing will be advised by a member of the Human Resources team, who will be present throughout in order to provide any advice or guidance on procedural matters only. They will not be present in any decision-making capacity.

20. It will be for the Chair, in advance of the appeal hearing, to confirm the identity of any witnesses to be called by either the Chair of the original hearing or the employee and to ensure that they have been contacted to confirm their availability to attend the hearing.

21. The arrangements for the appeal hearing will be confirmed to the employee in writing by the Chair and will include the following:

21.1 The, date, time and location of the appeal hearing;

21.2 The purpose of the appeal hearing;

21.3 The entitlement to be represented by either a Trade Union representative or work colleague;

21.4 An enquiry as to whether any reasonable adjustments or special considerations are required for those who will be attending (e.g. hearing loop)

21.5 The identity of those who will be attending;

21.6 Confirmation of any witnesses who will be attending

22. The format for the appeal hearing will be as follows:

22.1 The Chair will oversee introductions from those present, ensure that everyone is able / willing to proceed and confirm whether any reasonable adjustments have been requested by anyone present in order to facilitate the hearing.

22.2 The Chair will then explain the procedure for the hearing;

22.3 The employee (or his/her representative) will present their statement of case, making representations based on their grounds of appeal;

22.4 The Chair of the original hearing (if present), and the Chair of the Appeal may then question the employee on any points of clarification;

22.5 The Chair of the original hearing (if present) will present their statement

of case; alternatively the Chair of the appeal will confirm that all present have had the opportunity to read the statement of case submitted by the Chair of the original hearing;

22.6 The employee (or his/her representative) may then question the Chair of the original hearing, or respond to the statement of case submitted by them;

22.7 The Chair of the appeal will determine if an adjournment is required at this stage, before the employee (or their representative) and then the Chair of the original hearing (if present) are invited to summarise their case and make any closing statements. No new information or evidence may be introduced at this stage that has not already been presented during the appeal hearing to this point;

22.8 After both closing statements the Chair of the appeal will adjourn, pending their deliberations and determination of the outcome.

23. The Chair of the appeal will deliberate in private (their HR support remaining with them to provide advice and guidance on procedural matters only). They may recall the employee or Chair of the original hearing (if present) in order to clarify any points of uncertainty on evidence already given. If such recall is necessary, all parties will be required to re-enter the room whilst the Chair acquires the necessary clarification from either party.

24. The Chair of the appeal will need to carefully consider the evidence presented; hence in most cases it is expected that the Chair will, after an adjournment, call all parties back to confirm that the outcome of the hearing will be provided in writing.

25. The outcome of the appeal is final within these procedures and there is no further recourse to appeal within FSS.

## APPENDIX 2 – Examples of Misconduct and List of Formal Disciplinary Outcomes

### **MISCONDUCT AND GROSS MISCONDUCT**

The following are examples of misconduct and gross misconduct which could result in a formal investigation and potentially a formal disciplinary hearing. This list is for illustrative purposes and is neither exclusive nor exhaustive. There may be other examples of conduct or behaviour, possibly constituting misconduct or gross misconduct, which are not listed.

#### 1. Misconduct

1.1 Infringement or breach of health and safety rules.

1.2 Refusal to carry out a reasonable instruction that is consistent with the employee's contract of employment;

1.3 Frequent lateness

1.4 Verbal abuse of a fellow employee, client or member of the public

1.5 Harassment or discrimination

1.6 Breach of confidentiality

1.7 A Charge of a criminal offence (as opposed to a conviction) cannot in itself constitute misconduct. Where this has a relevance to and/or a direct impact upon the employee's role, however, the situation may need to be investigated.

1.8 Breach of FSS policies and procedures (depending on the nature and circumstances of the breach).

## 2. Gross Misconduct

Any act of misconduct, if serious enough, may constitute gross misconduct. Gross misconduct is generally regarded as misconduct serious enough to destroy the employment contract between employer and employees and make any further working relationship and trust impossible. In addition to serious acts of misconduct (as outlined above), examples of specific behaviour that might lead to dismissal for gross misconduct are as follows:

2.1 Willful or deliberate behaviour by an employee that either seriously undermines or is inconsistent with the continuation of the contract of employment;

2.2 Theft, fraud and deliberate falsification of records, expense accounts, timesheets, etc.

2.3 Acts of violence including the physical assault or threat of assault of a fellow employee, client or member of the public.

2.4 Serious bullying or harassment

2.5 Deliberate damage to property

2.6 Serious insubordination

2.7 Misuse of FSS property or name

2.8 Bringing FSS into serious disrepute

2.9 Serious incapability whilst on duty brought on as a result or being under the influence of alcohol or illegal drugs

2.10 Serious negligence, which causes or might cause unacceptable loss, damage or injury

2.11 Serious infringement or breach of health and safety rules that causes serious and imminent risk to the health and safety of a person(s), or the reputation of FSS or any of its stakeholders;

2.12 Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).

2.13 Conviction for a criminal offence that has implications for the employee's profession, role or contract of employment.

2.14 Misuse of Public Office.

2.15 Serious or repeated breaches of FSS Policies and Procedures (depending on the nature and circumstances of the breach).

## **FORMAL DISCIPLINARY OUTCOMES / SANCTIONS**

When deciding upon the appropriateness of a disciplinary sanction, the Chair of the hearing / appeal should bear in mind the range of reasonable responses. Factors which might be relevant include the extent to which standards of conduct and/or professional behaviour have been breached, any precedent that exists, the

employee's disciplinary record (any unspent disciplinary sanctions should only be looked at after the Hearing has taken place and a decision should only be taken on the breached sanction), and any mitigating factors that may have a bearing on the sanction to be applied. The following disciplinary sanctions may be applied and their duration will be commensurate with ACAS guidelines. These are not necessarily sequential; dependent upon the circumstances of the case, any one of the following sanction may be applied:

- a) First Written Warning - a first written warning will remain on the employee's record for a maximum of three months. The written confirmation of the warning will be contained in the letter conveying the outcome of the formal disciplinary hearing. The employee may appeal against a written warning to the appropriate designated senior manager within 10 working days of the decision being communicated to the employee.
- b) Second Written Warning – if further allegations of misconduct or unprofessional behaviour are proven against an employee who has a live first written warning or in cases where the misconduct or behaviour is deemed sufficiently serious, then a second written warning may be issued which will remain on the employee's record for a maximum of six months from the date of issue. The written confirmation of the warning will be contained in the letter conveying the outcome of the formal disciplinary hearing. The employee may appeal against a written warning to the appropriate designated senior manager within 10 working days of the decision being communicated to the employee.
- c) Final Written Warning - if allegations of misconduct or unprofessional behaviour are proven against an employee who has a live second written warning or in cases where the misconduct or behaviour is deemed sufficiently serious then, a final written warning may be issued. The warning will remain on the employee's record for a maximum of 12 months. In certain circumstances involving serious misconduct, the warning may be retained on file for a specified longer period, up to a maximum 24 months. The Chair of the hearing will specify the reasons for such a determination in the outcome letter conveying the sanction, which may, for example, relate to a finding in respect of safeguarding or child protection.
- d) Other Disciplinary Sanction – other reasonable and appropriate action e.g. temporary or permanent transfer to a lower graded post, or another work location, may be imposed in conjunction with a written or final written warning, subject to the circumstances of each particular case. The Chair of the hearing will specify the reasons for such a determination in the outcome letter conveying the sanction.
- e) Dismissal with Notice – for cases where a final warning is still live and another incident of misconduct occurs, an employee may be dismissed with contractual notice or pay in lieu of contractual notice. This will normally be based on there being a correlation between the nature and / or incidents of misconduct.
- f) Dismissal without Notice – Where gross misconduct has been proven, summary dismissal (without notice or pay in lieu of notice) may be imposed, even where this is the first disciplinary offence.

## **Suspension**

In disciplinary cases involving alleged gross misconduct, if an employee is not suspended from employment during the investigatory or subsequent disciplinary process, FSS shall retain the right to dismiss that employee if a disciplinary hearing finds gross misconduct has occurred and imposes summary dismissal as the appropriate sanction.

## **Recording of Warnings**

All formal warnings will be electronically recorded securely and a copy of the formal outcome letter retained on the employee's personal file. Warnings will cease to be 'live' following the end of the specified period.

## **Managers with authority to dismiss**

The following post holders will be authorised to Chair hearings where a possible outcome is dismissal. The list is for guidance purposes only:

- Chair of the Board
- Chief Executive Officer
- Members of the Corporate Management Team (CMT)
- Assistant Directors / Designated Senior Managers

The Director of HR should always be consulted regarding a decision to dismiss, before it is implemented.

## **APPENDIX 3 – Procedure and Scope of Investigations (including Disciplinary, Grievance and Dignity at Work issues)**

1. Where the need for a full investigation is established, the employee's manager or senior line manager will appoint an impartial Investigating Officer, who will be an appropriate level of manager outside of the employee's line management relationship. The Investigating Officer will have had no prior involvement in the matter to be investigated.

2. The remit of the Investigating Officer will be to establish the facts and gather any evidence that may exist in relation to the matter being investigated. In order to achieve this, the Investigating Officer shall:

2.1 Establish contact with the employee(s) concerned and make arrangements to conduct an investigatory meeting with them at the earliest opportunity;

2.2 Ask specific questions of the employee in relation to the conduct allegations / grievance issues that have been raised and provide the employee with an opportunity to respond / explain as fully as they wish to;

2.3 Make arrangements to complete investigatory meetings with any witnesses in order to gather relevant information or evidence;

2.4 Ensure that the notes of their investigatory meetings are transcribed within a reasonable timeframe and are shared in draft form with the employee and any witnesses, for the purposes of accuracy;

2.5 Ensure that any relevant information that may be held in documentary or electronic format (e.g. mobile telephone records, email communications etc.) is gathered.

3. The purpose of any investigatory meeting is purely to gather information, and does not constitute a formal hearing. The role of the Investigating Officer is to establish whether there is a case of misconduct to answer at a formal hearing. No sanction can be applied as a direct result of the investigation process itself.

4. Similarly, in the case of a grievance investigation, it is not the role of the investigating officer to determine whether the grievance should be upheld or not; this will be the remit of the Chair of the formal grievance meeting. The role of the Investigating Officer is to gather all relevant information pertaining to the grievance, as far as possible, and summarise this in their investigation report.

5. An employee may be represented during an investigatory meeting, either by a Trade Union representative or a work colleague. Advice may be provided to the Investigating Officer by a member of Human Resources.

6. In order that the Investigating Officer can produce an accurate and balanced report, no employee should unreasonably withhold any information which may relate to the conduct allegation(s) or grievance.

7. Where witnesses are to be interviewed who are not employees of FSS, the opportunity to observe this interview shall be offered to the employee's Trade Union representative or work colleague, providing that the external witness is in agreement with this. Alternatively, external witnesses may be invited to submit a written statement to the investigating officer. If, having observed the interview between the investigating officer and the external witness, the employee's Trade Union representative or work colleague wishes to raise any necessary points of clarification, they should do so separately with the investigating officer, who will then be able to determine if they need to address these points with the external witness. It will be for the Chair of a formal hearing to assess the relative weight to be attached to evidence provided by external witnesses.

8. The Investigating Officer will produce a report setting out the findings of the investigation, including the written record of all investigatory meetings and witness statements or other documentary evidence.

9. In the case of a disciplinary investigation, the Investigating Officer will be required to make a recommendation as to whether or not the investigation has identified any misconduct or behaviour for which there is a case to answer. If the investigation finds that there is a case to answer, the report will recommend that a formal disciplinary hearing be convened.

10. In the case of a grievance investigation, where no misconduct is alleged or identified, the Investigating officer may make recommendations regarding potential resolutions to the grievance or the outcome being sought by the employee, for consideration by the Chair of the formal grievance meeting.