

Staff Handbook

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Introduction

Welcome to Tudom Care Limited.

The aim in producing this document is to help you access information you are likely to need in relation to your employment with us. The Handbook and corresponding policy documents form part of your terms and conditions of employment with Tudom Care Limited and is aimed at all levels of Tudom Care Limited's workforce.

The document gives an overview of the terms and conditions of your employment, and outlines what you can expect from us as your employer. In return we ask you for a high degree of commitment, dedication and loyalty to help us achieve the aims and objectives of the Company.

I hope you find this a useful guide during your employment with us. However if you are unable to find the answer to your question here, please feel free to contact your Line Manager who will certainly be able to find an answer for you.

Starting With Us

About Us

Tudom Care Limited an independent provider of health and social care support in the community, whose head office is based at 87 High Street , Lee-on-the solent , Gosport PO13 8fu. We strive to offer care and support, which is tailored to each individual service user's needs. Our service is built around providing customers with flexible, consistent and reliable personal care and support services. We provide assistance which supports and respects each customer's right to make informed choices about the services they require.

Our aim is to promote quality of life and independence to service users, whilst maintaining their freedom, dignity and privacy in a sensitive and professional manner.

We strive to maintain continuity in relation to the care worker and the client, therefore building up a relationship of reliability, trust and often friendship.

We aim to:

- Deliver high-quality person-centred care to all our service users,
- Remain professional but always caring
- Be forward thinking and innovative

We will:

- Raise standards within the sector
- Provide equal opportunities and be an employer of inclusion
- Promote dignity and respect, and fair rewards.
- Aim for financial viability
- Have measurable quality outcomes
- Have a culture that embeds our values and behaviours to aim high, with our service users and staff.
- Be agile and resilient whatever obstacles we may face

Our Values

Our core values will underpin the ethos, direction and behaviour of the business as we develop our service offering. All strategic and operational decision making will be guided by our values to ensure that we conduct business within our ethical and moral framework. A summary of our key principles are noted below, this may be subject to further refinement or added to in the near future as our business and therefore service provision matures.

- ♥ We place the upmost value in our service users and staff in equal measure
- ♥ We embrace our position of social importance within the local community
- ♥ We treat each resident uniquely providing them with tailored support services
- ♥ We strive to improve our performance and learn from our experiences
- ♥ We are committed to creating an extended family of inclusion and support
- ♥ We are excited and motivated by the challenges facing the UK care sector
- ♥ We value and reward the efforts and loyalty of all our staff
- ♥ We are willing to go above and beyond to ensure each service user gets the best support
- ♥ We look to promote and develop our staff and invest in their futures
- ♥ We maintain strong integrity with open and honest transparency

Above all The Care Co. will ensure it is:

- SAFE: Making sure service users and staff are always safe
- CARING, we provide a committed service that is caring of everyone
- EFFECTIVE, continuously reviewing our policies and the service we are providing
- RESPONSIVE: We are proactive and actively listening to our service users and staff and taking both negative and positive criticism to continue to improve our service
- WELL-LED: ensure we have the right procedures and processes in place to continuously monitor our service and systems. Ensuring high-quality service is always provided. Staff are completing all training in a timely manner and that all staff are up to date with training and have correct and up to date qualifications to perform their job role effectively.

Your Induction

Tudom Care Limited believes its employees are its greatest asset and recognises its responsibility to ensure they are afforded appropriate development throughout their employment. This development begins at the Induction stage when a new employee joins.

Our aim is to support and develop employees in their role so that they feel confident to undertake the responsibilities placed upon them and ultimately are able to contribute to the success of the organisation.

Your induction will commence with an initial theory and practical based introduction of both the industry and company's care standards followed by on-going self-directed learning supported by management and colleagues in the field.

Probation Periods

All new staff are subject to a probationary period of 12 months. Your progress will be monitored during regular supervisions with an initial meeting after 6 weeks and a further formal supervision after 6 months, we will also monitor your work through formal spot checks at 3 and 9 months. During this probationary period you will be given appropriate support and development opportunity to help you reach the required standards.

Extension of the probationary period may be granted to enable the required standards to be achieved, but failure to do so could result in termination of your employment.

Your Attendance

We value good attendance at work and is committed to improving the general wellbeing of its employees to achieve this.

i) Notification of Absence

The Rota Team should be notified as early as possible if absence from work is anticipated for hospitalisation and other medical treatment. A copy of your appointment letter is required.

If you are unable to attend work due to sickness or injury, the management team must be notified by telephone from 6am on the first day of absence, if possible indicating a date of return. Notification must be made by you personally unless impossible due to the nature of the illness where you should arrange for someone else to call on your behalf. During prolonged periods of absence, the management team should be kept informed of progress and an expected date of return.

Staff with a high degree of sickness/absence will trigger a sickness disciplinary meeting and be expected to meet with a Manager to seek resolution and improve attendance.

ii) Sickness Payments

You will be entitled to statutory sick pay, subject to your eligibility under Government regulations concerning the statutory sick pay scheme. For more details please see the Handbook section on Pay and Benefits. Absences in excess of 7 days will require a Fit Note from your GP.

Hours of Work

Your hours of work and working pattern will, wherever possible, be in line with your expressed availability stated at interview. However, Tudom Care Limited reserves the right to vary your hours and pattern of working following consultation and agreement with you.

Persistent poor timekeeping means that colleagues are put under pressure to cover your duties and service users left at risk. This is not acceptable and will therefore be treated as a potential disciplinary offence under our disciplinary procedures.

Flexible Working

Tudom Care Limited a policy of trying to assist staff to balance their work and home life, and is therefore willing to consider requests from staff to vary their working hours or work pattern.

Such requests will be considered taking into account the impact on the organisation, work colleagues and any other relevant factors and can take up to 3 months to implement. Should you wish to discuss this you should submit your request in writing to the management team

Disclosure and Barring Checks

All employees will be required to undergo checks with the disclosure and barring service (previously known as CRB). A conviction will not necessarily prevent employment but will need to be discussed with management to allow a risk assessment to be completed. Employees must notify management of any caution or conviction received while employed. Disclosure and barring service checks will be repeated every 3 years in order to ensure the continued safety of our service users. All details will be kept in accordance with the Data Protection Act 2018.

Conflict of Interest

You should not, directly or indirectly, engage in or have any interest, financial or otherwise, in any other business enterprise which interferes or is likely to interfere with your independent exercise of judgement in Tudom Care Limiteds best interest.

Generally a conflict of interests exists when an employee is involved in an activity;

- Which provides services directly to, or purchases services from, Tudom Care Limited
- Which subjects the employee to unreasonable time demands that prevent the employee from devoting proper attention to his or her responsibilities to Tudom Care Limited
- Which is so operated that the employee's involvement with the outside business activity will reflect adversely on Tudom Care Limited

Should you be in doubt as to whether an activity involves a conflict, you should discuss the situation with your manager.

Appearance

Tudom Care Limited not seek to inhibit individual choice in relation to your appearance. However, you are expected to dress appropriately (i.e. smart casual) at all times in relation to your role, and to ensure that your personal hygiene and grooming are properly attended to prior to presenting yourself at work.

Uniform – Where you have been supplied with a uniform, then you must wear this at all times when required to do so. The tunic should be worn with smart, black trousers (no denim or leggings) and sensible, flat, black full shoes.

It is your responsibility to ensure that your uniform is clean and presentable.

If your work brings you into contact with the general public then you must remove all visible piercings with the exception of a single set of earrings (or one single earring), and you must ensure your dress and grooming standards reflect the values of your employer.

If you have any queries about what is appropriate, these should be directed to your Line Manager.

Access to Premises

You will be issued with an identity badge which must be worn when accessing service users property. This remains the property of Tudom Care Limited, loss/damage of your badge must be reported immediately to your Line Manager.

You may also be given codes to access service users property, these codes must not be disclosed to any other person. Any accidental disclosure must be immediately reported to your Line Manager.

You must not bring any unauthorised person on to Tudom Care Limited property without prior agreement from your Line Manager, unless you are authorised to do so as part of your job. In these circumstances you are responsible for ensuring that your visitors are appropriately monitored during their stay, and that they do not access areas or company property inappropriately. You must not bring any unauthorised persons to service user's homes. Any such instances will be dealt with under the disciplinary procedure and may lead to your dismissal.

You must not remove People with an eating disorder property from the organisation's premises unless prior authority from your Line Manager has been given.

Telephones & Correspondence

Company telephone / mobile phone or postal facilities must not be used for private purposes without prior permission from your Line Manager. If, for any reason, personal use is made of these items then arrangements must be made to pay the cost price of all services used. Abuse of these facilities will be considered a potential disciplinary matter.

Call Monitoring phones which have been issued expressly for the purpose of recording call times, remain the property of the company and should be returned immediately on ceasing employment.

Smoking and Other Substances at Work

Legislation now exists which makes it illegal to smoke in enclosed public spaces. Smoking is therefore strictly prohibited on all Company premises (including entrances and exits).

Outside areas have been identified for those who wish to smoke during their break-time. Should you wish to avail yourself of these facilities, please speak to your Line Manager.

Staff are not permitted to smoke in service user's homes. Staff may smoke during breaks but must leave the premises.

Bringing alcohol or any unlawful drugs to the workplace, and / or imbibing them there is strictly prohibited both during work time or during a period prior to work where the effects carry over to the workplace. Any such instances will be dealt with under the disciplinary procedure and may lead to your dismissal.

Confidentiality

During the course of your employment you may find yourself in possession of sensitive information, the disclosure of which could be construed as a breach of confidentiality. It is a condition of your employment that you have a duty of confidentiality to the Company, its' service users and your colleagues, and you must not discuss any Company sensitive or confidential matter whatsoever with anyone including outside organisations or the media.

Any such breach of confidentiality would be deemed as gross misconduct except as otherwise provided or as permitted by any current legislation and could lead to your dismissal.

Computer, Email and Internet use

If you have access to the Company's computers including email and access to the internet as part of your job, you must not abuse this by using these facilities for purposes unrelated to Company business.

Limited personal use of the internet is permitted during your formal breaks. All internet use is monitored and accessing pornographic or other unsuitable material, including auction or certain social networking sites is strictly prohibited and would be considered a serious disciplinary offence which may result in dismissal.

Only software packages properly authorised and installed by the Company may be used on Company equipment, you must therefore not load any unauthorised software onto the Company's computers.

If you have a Company email address, this is provided for responsible use on Company business and should not be used in any other way whatsoever.

Receipt of Gifts

Your working relationships may put you in a position where service users, their friends or their family may offer their appreciation in the form of money and/or gifts. Offers of this kind to you or your family can place you in a difficult position.

Therefore no employee or any member of his or her immediate family should accept from a service user, their family members or other person doing business with Tudom Care Limited, payments of money under any circumstances, or special considerations, such as discounts or gifts of materials, equipment, services, facilities or anything else of value unless:

- They are in each instance of a very minor nature
- They do not improperly interfere with your independence of judgement or action in the performance of your employment

In every circumstance where a gift is offered, the advice of your Line Manager must be sought.

Bribery and other Corrupt Behaviour

The Company has a strict anti-bribery and corruption policy in line with the Bribery Act (2010). A bribe is defined as: giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.

If you bribe (or attempt to bribe) another person, intending either to obtain or retain business for the company, or to obtain or retain an advantage in the conduct of the company's business this will be considered gross misconduct. Similarly accepting or allowing another person to accept a bribe will be considered gross misconduct. In these circumstances you will be subject to formal investigation under the Company's disciplinary procedures, and disciplinary action up to and including dismissal may be applied.

Data Protection and Access to Information

Tudom Care Limited will comply with all statutory requirements of the Data Protection Act by registering all personal data held on its computer and/or related electronic equipment and by taking all reasonable steps to ensure the accuracy and confidentiality of such information.

The Data Protection Act protects individuals' rights concerning information about them held on computer. Anyone processing personal data must comply with the eight principles of good practice. Data must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate

- not kept longer than necessary
- processed in accordance with the data subject's rights
- secure
- not transferred to countries without adequate protection

Employees can request access to the information held on them by the Company. All requests by employees to gain access to their personnel records should be made in writing. There is no charge for this service.

Changes in Personal Information for Employment Purposes

It is important that our records are correct, as inaccurate or out of date information may affect your wages or cause difficulties in situations where contact is required for emergencies. You must notify your Line Manager immediately of all changes in the following personal

- Name
- Home address
- Telephone number
- Bank account details
- Examinations passed/qualifications gained
- Emergency contact
- Driving licence penalties (if you are required to drive on Company business)
- Criminal charge, caution or conviction
- Conflict, or potential conflict of interest

Personal data on employees is held in accordance with the provisions of the Company's Data Protection & Information Governance Policy which is available for inspection by you if required.

Valuing Diversity and Dignity

Valuing Diversity

Tudom Care Limited is committed to valuing diversity and seeks to provide all staff with the opportunity for employment, career and personal development on the basis of ability, qualifications and suitability for the work as well as their potential to be developed into the job.

We believe that people from different backgrounds can bring fresh ideas, thinking and approaches which make the way work is undertaken more effective and efficient.

The Company will not tolerate direct or indirect discrimination against any person on grounds of age, disability, gender / gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation whether in the field of recruitment, terms and conditions of employment, career progression, training, transfer or dismissal.

It is also the responsibility of all staff in their daily actions, decisions and behaviour to endeavour to promote these concepts, to comply with all relevant legislation and to ensure that they do not discriminate against colleagues, service users or any other person associated with the Company.

In adopting these principles Tudom Care Limited:

- Will not tolerate acts that breach this policy and all such breaches or alleged breaches will be taken seriously, be fully investigated and may be subject to disciplinary action where appropriate.
- Fully recognises its legal obligations under all relevant legislation and codes of practice.
- Will allow staff to pursue any matter through the internal procedures which they believe has exposed them to inequitable treatment within the scope of this policy. If you need to access these procedures they can be obtained from your Line Manager e.g. Grievance
- Will ensure that all Managers understand and maintain their responsibilities and those of their team under this policy.
- Will offer opportunities for flexible working patterns, wherever operationally feasible, to help employees to combine a career with their domestic responsibilities.
- Will provide equal opportunity to all who apply for vacancies through open competition.
- Will select candidates only on the basis of their ability to carry out the job, using a clear and open process.
- Will provide all employees with the training and development that they need to carry out their job effectively.
- Will provide all reasonable assistance to employees who are or who become disabled, making reasonable adjustments wherever possible to provide continued employment. We will ensure an appropriate risk assessment is carried out and that appropriate specialist advice is obtained when necessary.
- Will distribute and publicise this policy statement throughout the Company

Dignity at Work

The Company believes that the working environment should at all times be supportive of the dignity and respect of individuals. If a complaint of harassment is brought to the attention of management, it will be investigated promptly and appropriate action will be taken.

Harassment can be defined as conduct, which is unwanted and offensive and affects the dignity of an individual or group of individuals.

Sexual harassment is defined as “unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of women and men at work”. This can include unwelcome physical, verbal or non-verbal conduct.

People can be subject to harassment on a wide variety of grounds including:

- race, ethnic origin, nationality or skin colour
- sex or sexual orientation
- religious or political convictions
- willingness to challenge harassment, leading to victimisation
- disabilities, sensory impairments or learning difficulties
- status as ex-offenders
- age
- real or suspected infection with a blood borne virus (eg AIDS/HIV)
- membership of a trade union or activities associated with membership

Forms include:

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters and so on
- visual display of posters, graffiti, obscene gestures, flags and emblems
- isolation or non-cooperation at work, exclusion from social activities
- coercion
- intrusion by pestering, spying, following someone
- bullying

If you feel you are being harassed you are strongly encouraged to seek early advice/support from your Line Manager. If you feel your Line Manager is harassing you, then you should contact his / her immediate Line Manager.

You should also keep a written record detailing the incidents of harassment and any requests made to the harasser to stop. This written record should be made as soon as possible after the events giving rise to concern and should include dates, times, places and the circumstances of what happened.

Pay, Benefits & Pensions

Salary/Wages Arrangements

Your wages will be paid four weekly in arrears on a Friday by direct credit transfer to your designated bank account.

Your basic pay was outlined in your Contract of Employment. Any subsequent amendments to your basic pay will be notified to you in writing by the Company.

If any queries arise with regard to pay, or if it looks as if a mistake has been made, speak to your Line Manager immediately so that they can take appropriate action. Unless agreed otherwise, any pay errors, whether of over or underpayment, will be rectified in the next payment.

Appropriate deductions will be made from pay including Income Tax and National Insurance Contributions (NICs), which are subject to each employee's earning level, family status and the number of hours worked.

Overtime

Overtime is defined as all hours worked in excess of your full time contracted hours, which has the prior explicit approval of your Manager.

Overtime is payable to posts which have been specifically designated as qualifying for overtime payment and this will be stated in your offer letter where it applies to your position.

Overtime is paid at your basic hourly rate unless there have been prior explicit written agreements with your Manager.

Designated Bank Holidays may be paid at a higher rate.

Transport/Fuel & Timesheets

You must provide your own transport to and from your place of work and to and from any of the alternative locations at which you may be required to work.

The company will, however, provide a mileage allowance for certain journeys which are made in the course of your employment. This is paid at a rate of 25 pence per mile and excludes journeys made to and from your home. Mileage sheets must be completed for each week worked and must be returned by 10am on the following Monday of each week worked. Late mileage sheets will result in a delay in payment. You will be required to produce a current driving licence, annual MOT certificate and certificate of insurance allowing for business use. Whenever your insurance policy is changed or renewed you must provide an up to date copy of the certificate to the company.

Electronic call monitoring is used to generate your wages and our invoices. The arrival and departure codes must be text through at the start and end of each assignment along with the times. Please be aware that times must be input using a 24 hour clock. Failure to complete the correct checking in and out procedure for each assignment may delay payment, errors to wages cannot be rectified until the following month and continued failure to use the system correctly will result in an investigation meeting and depending on the findings may trigger the disciplinary process.

Sickness Pay Provision

Most employees have a right to statutory sick pay (SSP) as long as they earn more than the lower earnings level. SSP is not however payable for the first 3 qualifying days of absence. (A qualifying day is a day on which you are normally expected to work under your contract of employment).

There is a limit of 28 weeks' SSP in any one period of sickness or linked periods. (Periods of sickness are said to be linked if the second period starts within 8 weeks of the end of the first period.)

Pension Scheme

Tudom Care Limited will comply with its statutory obligations with regards to auto enrolment in a pension scheme. You can choose to opt out of the auto enrolment but must ensure you speak to the wages department at the earliest opportunity.

Staff Leave

Annual Leave

You are entitled to a variable number of working days holidays per year. This will be calculated using your documented availability. Holiday entitlement will be calculated on the basis that an equivalent full-time employee working 40 hours per week would be entitled to 5.6 weeks holiday per year, inclusive of Bank Holidays. Holiday pay will be based on an average of the previous 12 weeks worked. For staff that have not been employed for 12 weeks, holiday pay will be based on an average of the hours worked since your start date.

Your holiday year will run from your start date and each subsequent anniversary. Pre booked holidays will be honoured if they have been declared at interview, any pre booked holiday will be taken from your annual allowance or will have to be taken as unpaid if it exceeds your annual allowance.

You are required to give 4 weeks' notice to a Manager of any holiday requirements, unless this is not practicable. The Company, at its discretion, will agree requests for leave. Holidays in excess of 2 weeks will only be considered in special circumstances. This must be discussed and approved by a manager.

All holiday entitlement must be taken before the end of each holiday year or it is lost.

The 8 statutory Bank Holidays form part of employees 28 day annual leave entitlement.

Maternity and Adoption Leave Pay Policy

The company will comply with its statutory obligations with regards to maternity and adoption leave and pay.

Paternity Leave and Pay

The company will comply with its statutory regulations with regards to paternity leave and pay.

Parental and Pay

The company will comply with its statutory regulations with regards to parental leave and pay.

Time Off For Dependants

You are legally entitled to take a reasonable amount of time off to deal with certain prescribed emergencies involving certain dependants. This leave is called Time Off For Dependants. Time Off For Dependants can be taken, for example, if a dependant falls ill or is injured, if care arrangements break down, or to arrange or attend a dependant's funeral. A dependant is your child (including adopted child), husband,

wife or parent. It also includes someone who lives in your household, and someone who reasonably relies on you, such as an elderly relative. Any time taken off must be necessary and reasonable in the particular circumstances. Time Off For Dependants is

Health and Safety

Tudom Care Limited recognises and accepts its responsibility as an employer to maintain, so far as is reasonably practicable, the safety and health of its employees, and of other persons who may be affected by its' activities.

It is your duty as an employee to not put at risk either yourself or others by your acts or omissions. You should also ensure that you are familiar with the Company health and safety arrangements. Should you feel concern over any health and safety aspects of your work, this should be brought to the attention of your Line Manager immediately.

Procedure in the Event of an Accident

An Accident Book is available from your Line Manager and it is the responsibility of each individual employee to report and record any accident involving personal injury. Any accident or near miss occurrence (i.e. no one was injured but the incident had the potential to injure or kill) at work should be reported immediately to your Line Manager.

For any employee who suffers an injury at work which results in them being away from work, or unable to do their normal work, for 7 days or more (including weekends, rest days or holidays) it is important that your Manager is informed as the Health and Safety Executive also need to be informed by the Company

First Aid

The Company believes that, when in the Head Office, best practice is to ensure staff have access to a trained First Aider or Appointed Person (someone who can take charge in the event of an accident).

Details of these trained staff will be displayed in the office or from your line manager and you should familiarise yourself with names and contact details. It is not possible to provide access to a first aider for staff who are out in the community, however, all staff are to attend an emergency first aid course which is arranged and delivered by the company.

Fire Safety

Employees should follow these steps to help prevent fires whether in the offices or in service users' homes:

- Before you use any electrical appliances carry out a quick check to make sure that the cables, plugs etc are not damaged
- Do not use any electrical equipment that shows signs of damage, even if you think it is only minor. Report any faults you find to your Line Manager and find an alternative appliance
- Ensure that you place your rubbish in the proper waste bins. Do not overfill the bins

Action to take when the fire alarm goes off or if a fire is suspected/discovered:

Immediately stop what you are doing and walk (do not run) to the nearest available safe fire exit. If your nearest exit/route is obstructed, choose another route. Make sure that you are aware of the fire exits and routes in your area

Follow the instructions of service users PEEP

- In the offices, direction signs should indicate the route to your fire exit. These comprise a white arrow on a green background sometimes accompanied by the words 'FIRE EXIT' and also a pictogram of a running man. The arrows indicate the direction of the nearest fire exit
- Do not use a lift to leave the building - always use designated stairs
- Make your way to the appropriate assembly point
- Once you are at the assembly point you should report to the Manager, so that they can account for the people in their designated area
- Do not leave the designated assembly point, or attempt to re-enter the building, until you have been instructed to do so by the Fire Brigade

Action to take if you discover a fire:

- RAISE THE ALARM! This can be achieved by breaking the glass on the call points where available or by shouting the instruction "Fire – call the fire brigade"
- Raise the alarm even if your building is fitted with an automatic fire alarm system, which has not yet activated - you must not wait for it to do so of its own accord. The alarm must be raised for every occurrence of a fire, no matter how small it appears to be. This will ensure that people in the building have adequate notice to evacuate should it begin to spread quickly. In addition, modern furnishings may allow the fire to develop unnoticed, so time is of the
- Call the fire brigade at the earliest available, and safe, opportunity and do not attempt to tackle the fire unless you have been appropriately trained and can safely do so e.g. a small fire no bigger waste paper basket. Unless you have been trained you could be putting yourself or somebody else at risk

Personal Safety

Due to the nature of the work, it is unavoidable for staff to be working alone. If you have to work alone, then you need to develop an awareness of the risks and how to minimise them.

Prior to attending a call to someone you do not know, obtain as much information as possible about the person you are going to be caring for and any specific risk assessment that may affect your safety.

Your Line Manager will know where you are going at what time, however if for any reason you need to deviate from your rota ensure your Line Manager knows where you are going, with whom and what time you are expecting to return. If you think that you are going to run over your original timescales, let your Line Manager know.

If you are at all concerned that you are being placed in a dangerous situation through your employment, you must discuss this with your Line Manager.

Lone workers should carry a mobile phone so that they can summon help quickly, all phones should include an emergency number (Office number which will divert to on call mobile if office closed) which will be attended at all times that staff are working.

Lone workers should call in at regular intervals to report that they are safe, including at the end of their shift.

Staff who are attending for a night sit should inform the On Call Manager that they have arrived safely.

Administration staff in the central office (or the person nominated as on call when the office is closed) should log and keep details of all home visits as well as having access to the names, addresses and telephone numbers of clients.

Administration staff in the office should contact the Manager in the event of emergency situations.

In a situation where a lone worker feels under immediate threat of their physical safety they should contact the police directly or inform the office staff who should contact the police for them; staff should ensure they take all appropriate information from the lone worker, such as location and telephone number, and to pass this on to the police, after the incident the lone

Training & Development

Training & Development

The Company aims to provide training opportunities which will include:

- An induction programme which all staff will be required to undertake and will assist staff settling into their new role/job.
- A progressive training and development scheme to enable staff to develop relevant skills and acquire knowledge to underpin their current role and career aspirations. Part of the ongoing training are mandatory and staff will be expected to attend before their training expires. Failure to attend mandatory training will result in the withdrawal of work until the training is brought up to date.

Personal Development Planning

The Company encourages Personal Development to help managers and staff to make effective arrangements to identify and meet learning needs and to develop the skills, knowledge, values and behaviour that staff need to do their current jobs well.

As part of the annual appraisal, a Personal Objectives Plan will be agreed. This will detail the individualised training requirements of the employee and any training requirements associated with new legislation and minimum standards. This will be kept on file and progress on training will be checked as part of ongoing supervision.

Leaving the Company

Notice Period

Unless your employment is terminated by agreement, or specified otherwise in your principal statement of terms and conditions, you or the Company are required to give a period of notice in writing as follows:

- No notice during the first 4 weeks of employment
- 1 weeks' notice during the remainder of the probationary period or any extension of it
- 4 weeks' notice following completion of the probationary period
- 12 weeks' notice in circumstances agreed at appointment of particular role

These periods of notice will apply if you are dismissed on grounds of inefficiency or if your dismissal is the result of disciplinary proceedings in circumstances where summary dismissal is not justified. Your employment may be terminated without notice where dismissal follows disciplinary proceedings.

Working Notice

In all cases the Company reserves the right to enforce your full notice period. Your full remaining annual leave entitlement should be taken during your notice period in agreement with your Line Manager. Exceptionally, if this is not possible, your Manager may agree to make a payment in lieu of this. If you leave any day other than the last working day of that month, that month will not count for annual leave purposes.

If you resign and are in possession of Company property, you should make your Manager aware of these, and arrange how they will be handed back to the Company. You remain bound by the confidentiality arrangements outlined in your contract of employment during this period.

In exceptional circumstances, if deemed appropriate and as an alternative to working your notice, the Company reserves the right either to transfer you to other suitable duties during your notice period or to require you to accept payment in lieu of any entitlement to notice.

Other Conditions on Leaving

On leaving, the Company will deduct from any money due to you such sums as you may owe to the Company. These may include, but are not restricted to, any loans, court orders and payment made for holidays taken in excess of entitlement. If you leave within the first 6 months of employment, training costs incurred by the company will be deducted from any money due to you.

If you leave without giving notice and without the Company's agreement, you are in breach of your contract and you may forfeit some or all of any wages due to you.

Before leaving, you must hand over to your Manager all articles belonging to Tudom Care Limited, including your ID badge and any documents, equipment, work telephone and computer software used at home. Documents and software include (but are not limited to) correspondence, diaries, address books, databases, files, reports, plans, records or any other medium for storing information. You should not retain any copies, drafts, reproductions, extracts or summaries of documents and software.

After you have left the Company, you must not:

- Solicit or seek to entice away any Company staff or service users
- Use or divulge to any person or organisation any confidential information relating to the business of the company or its service users.

Should your employment be terminated following disciplinary action it is likely you will be required to work a period of notice, it is also possible that you will receive payment in lieu of notice. However, as there are numerous reasons as to why someone is dismissed, payment in lieu of notice will be reviewed on an individual basis taking into consideration the reasons behind the dismissal.

Should you be dismissed for reasons of gross misconduct, your employment will be terminated immediately without the benefit of notice or payment in lieu of notice.

Retirement

In line with current legislation Tudom Care Limited does not have an age where it expects employees to retire. It is however our policy to have regular workplace appraisal discussions with all our staff where they can discuss performance and any development needs they may have, as well as their future aims and aspirations. Staff and their Managers can also use this opportunity to discuss retirement planning should the employee wish to do so.

You should ensure that you inform your Line Manager at least 6 months before you plan to retire to ensure all appropriate arrangements are made (e.g. sourcing a replacement)

Disciplinary Policy & Procedure

Tudom Care Limited is committed to creating and maintaining a positive working environment and harmonious employee relations.

The main purpose of the disciplinary procedure is to encourage an employee whose standard of work and/or conduct is unsatisfactory to improve.

Scope

This procedure deals with issues of “conduct” as distinct from “capability.” This distinction must be made in cases where continued substandard performance arises as a result of negligence, inappropriate attitude, breaching protocols, policies and a lack of application or not meeting behavioural expectations; on occasion with malicious intent.

Policy

Efforts should be made wherever possible to deal with problems both speedily and informally or through discussion with emphasis on issuing support, advice and guidance.

However, the need does exist to have in operation formal disciplinary procedures when informal mechanisms are not considered appropriate and when, for example, discussion has failed.

The Company procedure is based on guidance from the Advisory Conciliation and Arbitration Service (ACAS) with the emphasis on fair and thorough application of the guidance and procedure, the objective being to give staff the opportunity to improve their conduct, which is giving cause for concern. This policy applies to all employees of the company including bank staff.

It is the Manager’s responsibility to ensure that all staff are aware of the existence and content of the disciplinary procedure and provide copies as requested.

Responsibilities of the Manager

Managers are responsible for:

- Ensuring that the Company’s expectations and standards of performance and conduct are conveyed and fully explained to their staff.
- Complying with the policies and procedures of the disciplinary process and ensuring that disciplinary decisions are of a consistent standard across the company.
- Ensuring their employees know whom they are accountable to and the extent to which they are authorised to act.

- Ensuring there is a nominated appropriate person authorised to take disciplinary decisions in their absence. Consideration needs to be given to the appropriate experience, expertise and accountability of the nominated person.
- Ensuring there is an accurate written record kept throughout the disciplinary process.
- Ensuring that investigations are carried out quickly, objectively and fairly.
- Requesting an investigation officer as required by the circumstances of the case.
- Assessing the report or results of any investigation and deciding whether any case should be considered under the disciplinary procedure or whether there is a case to be heard.
- Establishing a disciplinary hearing and the issuing of all letters to the employee and any witnesses requesting attendance at all meetings.

Responsibilities of the Investigating Officer

The Investigating Officer will be responsible for:

- Conducting a fair, impartial and timely investigation in order to determine whether there is a case to answer.
- Providing a report outlining the facts of the case and the evidence produced including copies of witness statements as appropriate (see Appendix III for format of report).
- Arranging and conducting interviews with any witnesses as appropriate. This will involve obtaining all the evidence as signed and dated factual statements from all those involved. The person being investigated may choose to make a statement or not once the case for formal disciplinary consideration is established. The Investigating Officer will inform the employee under investigation of their choice in this circumstance.
- Presenting a report to the line manager for consideration and presenting a case to the disciplinary lead if felt appropriate.

Responsibilities of the Employee

The employee is responsible for:

Reading and observing the protocols and procedures applicable to their particular employment.

Attending any meetings as requested by the investigating officer and participating fully in the disciplinary process.

Giving a full account of the circumstances of any case during the investigation and disciplinary hearing.

Arranging representation if desired by a trade union representative or a colleague at any formal meetings.

- Notifying the employer of any change in circumstance. This is a contractual requirement i.e. contact details. However during a disciplinary process, good communication is essential and the employee has the responsibility to ensure that any changes that might affect this process should be notified e.g. any pre- booked arrangements or change of address, phone number.

Responsibilities of the Senior Managers

The senior managers are responsible for:

- Ensuring consistent application of the disciplinary policy within the company
- Providing advice and guidance to the manager and clarification of this policy as required.
- Providing support and guidance to an investigating officer as part of a larger complex investigation.
- Providing advice and guidance at formal hearings wherever possible.
- Maintaining records of outcomes of formal disciplinarys for the purposes of ensuring a consistent approach.
- Providing support to an appeals panel and to the presenting manager in an appeal hearing.

Minor Breaches and Informal Discussions

Feedback and discussion with the emphasis on issuing support, guidance and advice will be used to deal with initial minor breaches of discipline and substandard performance.

This will be with the objective of encouraging and helping the employee to improve and designed to reduce a need to invoke the disciplinary procedure. Such feedback will be treated as line manager counselling and is not part of the formal disciplinary process.

The salient points of the discussion session, outlining expectations regarding improvement and that failure to improve could result in future disciplinary action, should be communicated in writing to the employee with a copy retained on the employee's personal file. Where an employee's conduct remains unsatisfactory the disciplinary procedure will be invoked.

Principals

No disciplinary action will be taken against an employee until the case has been appropriately investigated to establish the facts. This may or may not require a formal investigation depending on the seriousness and complexity of the issue.

At every stage in the formal procedure the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.

At all stages of the formal disciplinary procedure, the employee may exercise the right to be accompanied by a “companion”. This might be a representative of their trade union, or work colleague whose presence will not prejudice the hearing and/or who is not acting in a legal capacity.

No employee will be dismissed for a first breach of discipline except in a case of gross misconduct (see Appendix 1) when the penalty will be summary dismissal without notice or payment in lieu of notice.

Criminal Offences and Police Enquiries

Police enquiries, legal proceedings, convictions, cautions or driving offences relating to a charge shall not be treated as automatic reasons for disciplinary action. Each case must be considered on merit, but employees are under an obligation to inform their Manager or Human Resources of all criminal proceedings.

The main consideration should be the extent to which the offence, alleged or committed is connected with or is likely to adversely affect, the employee’s performance of his/her duties or the company reputation.

The employee’s manager need not await the outcome of any police action or prosecution before taking action. Such action must however be fair to the employee and reasonable in the circumstances.

The employee’s manager should appoint an Investigating Officer as with any other potential disciplinary issue. The Investigating Officer will investigate the facts as far as it is possible in the circumstances and submit a report to the manager.

The Police cannot be asked to conduct a disciplinary investigation on behalf of nor should they be asked to present at an internal investigatory or disciplinary hearing or interview. They may however be asked to provide a statement of fact concerning the employee’s arrest or conviction.

In some cases the nature of the alleged offence may not justify disciplinary action, for example, off duty conduct which has no bearing on employment. If the employee is not available for work because he/she is in custody or on remand, or serving a period of imprisonment or detention a decision should be taken whether in the light of the needs of the company the employee’s job can be kept open. In these circumstances the period of absence will be unpaid. If the employee is unable to carry out the full duties within a reasonable timescale, the contract may be deemed frustrated (or severed) according to the doctrine of frustration of contract, or some other substantial reason.

The employee will have the right to appeal by lodging the appeal in writing to the Registered Manager within 3 weeks of confirmation of the decision.

When the conduct of an employee is the subject of police enquiries or criminal charges and the alleged offence may affect, or is connected with the employee’s work, the appropriate manager may where necessary either:

- Immediately suspend the employee from duty and postpone disciplinary action until the outcome of police enquiries or legal proceedings is known.

OR

- Initiate an investigation and proceed with disciplinary action if there is substantive evidence of a clear breach of the company's policies or procedures which in itself would justify disciplinary action and such action does not prejudice the police enquiries or legal proceedings.

Statutory Reporting

The company may notify the specified statutory body, which is responsible for the professional discipline of particular staff groups in all cases of dismissal or resignation connected with adverse findings in civil proceedings or a criminal conviction. The company will also be at liberty to report any other factual information, which in its reasonable opinion it believes ought to be in the possession of the employee's professional body or statutory regulating organisation. Reporting will normally be the responsibility of the Registered Manager.

Suspension

Suspension from duty is a neutral act and is not regarded as a disciplinary sanction. It is imperative that exclusion from work is not seen as the only course of action and alternative ways of managing risk should be considered e.g. close supervision, restricted duties or a temporary move to another area.

However there may be occasions when it is considered appropriate to suspend an employee

- The gravity of the allegations potentially constitute gross misconduct which could result in dismissal
- If the individual remaining at work would hinder the investigation
- If allowing the employee to remain at work would present too great a risk to service users, other employees or themselves.

If suspension is deemed appropriate, the Registered Manager or delegated senior manager on duty will normally take this decision.

Suspensions should normally take place at a personal interview unless the employee fails or refuses to attend in which case the suspension will be notified in writing.

If the employee becomes ill whilst suspended they must follow the usual protocols regarding sickness notification, certification and sick pay although they will remain suspended until informed otherwise.

An employee may not be on annual leave whilst suspended from duty unless formally approved and should be available for immediate recall to duty in accordance with their normal working roster. Employees should be available for interview and discussion during normal working hours as part of any investigation.

All suspensions will be confirmed in writing as soon as is practicable but within 3 working days of the decision being taken.

The letter will give the reasons for the suspension and the possible date or timing of return. In all cases every effort should be made to minimise the period of suspension. Cases will be reviewed weekly by the manager to allow for consideration of any new developments and in order that the employee can be kept informed of progress. The outcome of this review should be communicated to the employee and their representative via pre-booked contact arrangements at the time of the suspension.

During the period of suspension, the employee must not enter the workplace or the home of any of the company's service users without the permission of their manager.

Once investigations are complete the employee will receive in writing confirmation that they may either return to work or that a disciplinary hearing will be convened.

Health and Safety at Work

The company has responsibilities under legislation to maintain a safe and healthy working environment. In addition, the Health and Safety at Work Act also places onus on employees (staff) to consistently demonstrate a duty of care whilst undertaking duties. In this context the company expects all Managers and staff to:

- Ensure attendance at all mandatory training sessions respecting recommended frequency.
- Adhere conscientiously to safe working practices based upon training undertaken.
- Report to management any evidence of negligent practice. It is accepted that genuine and unintentional mistakes will occur from time to time. However, it should be noted that negligent or reckless actions, which put at risk either personal health or the health of others would be dealt with under this procedure.

Principals and Investigations

Where a manager receives information that necessitates enquiries being made amongst their staff but which does not clearly indicate that a disciplinary problem is inevitable; these enquiries constitute an informal investigation and as such are part of the normal communication between manager and employee and should not normally include union representation at this stage.

Where an informal investigation demonstrates grounds for believing that misconduct has occurred that is more serious than can be dealt with by means of counselling, a full and formal investigation of all the relevant facts must be undertaken.

Those undertaking investigations should ensure they are fully conversant with the operation of the disciplinary procedures. During formal investigatory interviews, the employee will not have the right to be accompanied.

The aims of the investigation are as follows:

- Ascertain the facts
- Assess the facts
- Determine whether a prima facie case for disciplinary action exists

- Recommend whether a disciplinary hearing should be convened
- Make any other recommendations as appropriate such as change to systems etc

The manager leading the investigation shall ensure the facts and recommendations are properly documented and statements are signed by witnesses / interviewees as an accurate record. Copies of these statements shall be made available to interviewees (witnesses should only see their own witness statement not those of other witnesses) and as part of the overall report, to the employee under investigation.

No disciplinary action shall be taken against an employee until the case has been fully investigated as detailed above. Where the outcome of the investigation is the convening of a disciplinary hearing, the employee should be formally notified as detailed below under the Disciplinary Procedure.

Investigations will be carried out without unreasonable delay and in any case the timescales of each individual case should be kept under review by the Manager who authorised the investigation.

Rights of Misrepresentation

Tudom Care Limited adheres to the Employment Relations Act 1999, follows the principles laid out in the ACAS Code of Practice on Disciplinary and Grievance procedures and is mindful of case law developments. It therefore allows employees statutory rights to be accompanied at meetings where a disciplinary meeting could result in a formal warning at Stages 1, 2, 3 or 4 in this Policy.

Also, an employee may be accompanied where the company is taking some other disciplinary action; or, confirming a warning or some other disciplinary action including Appeal Hearings.

The chosen ‘companion’ may be a Trade Union Representative or a fellow whose presence would ‘not prejudice’ the meeting / hearing.

The request to be accompanied must be ‘reasonable’ and it would not normally be reasonable for an employee to ask to be represented at informal meetings or where counselling is being undertaken by the Manager.

It would not normally be appropriate for the employee to be represented by someone whose availability is limited and/or who would unduly hold up the process; particularly where someone suitable and willing is available.

The statutory right to be accompanied does not extend to legal representation

Witnesses

Arrangements for attendance of witnesses are the responsibility of those requiring them to attend. Prior notification of witnesses to be called must be given to their Managers.

Witnesses called to attend a hearing or investigatory interview must be allowed time off and Managers will co-operate in ensuring that members of staff called as witnesses are released from their duties at the required time.

Where witnesses are not required to give evidence but their signed statements form part of the case (of either side), the statements may be given weight by the panel. However where the written statement is in dispute, witnesses should be called where possible and if not possible, the hearing should be adjourned until the witness is available to be called.

Use of Disciplinary Sanctions

The full range of disciplinary action outlined in this procedure may not be applicable in every case and will entirely depend upon the circumstances and seriousness of the case. Accordingly the procedure may be implemented at any stage if the employee's alleged misconduct or performance warrants such action. Also the company may initiate 're-training' where appropriate as a possible remedy. This could be in addition to or instead of a warning within this Policy.

Retraining might be deemed appropriate, for example, where an employee has made medication errors.

An accumulation of warnings issued via the disciplinary process may result in dismissal. An employee committing gross misconduct should expect to be summarily dismissed, without notice, following due process including a thorough investigation.

In certain circumstances alternatives to dismissal may be considered such as downgrading without protection or redeployment. Advice from a manager should be sought prior to taking any of these actions since steps such as these have contractual implications. All of these actions will be invoked as a penalty alternative to dismissal and should be seen in this context. Alternative actions such as these should always be linked to a final written warning.

Record Keeping

It will not be the practice to maintain an audio transcript of any hearing falling within the scope of this policy. Instead it is expected that full notes of any meeting in which dismissal is a potential outcome should be taken by a Note taker. Where this is not practical the outcome letter will be sufficiently full and comprehensive such as to represent an official recording of the hearing.

A copy of the Disciplinary Outcome letter and the official documents presented to the Disciplinary Hearing will be kept in a relevant filing system for the duration for which the disciplinary warning is live and/or the time limits to which the employee has rights at law e.g. in the case where the employee is dismissed all paperwork will be retained in case of the employee making an application for unfair dismissal to an Employment Tribunal.

Levels of Authority

The authority for taking formal disciplinary action is vested in Managers and Directors of the company.

Grievances

Where an employee raises a grievance during a disciplinary process the disciplinary process may (or may not) be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. In this event it is a matter for the company to decide how this is most fairly executed.

Depending on the nature of the grievance, consideration should be given to bringing in another manager to deal with either the disciplinary or the grievance issue.

The Disciplinary Process Informal

Counselling by Manager

Counselling does not form part of the formal disciplinary procedure. It is used as an initial step to resolve issues of unacceptable conduct i.e. where the employee is failing to meet the required standards; the immediate line manager or supervisor will counsel the employee on an informal basis which will take the form of a one to one meeting. There is no right to representation at this stage.

The purpose of counselling is to explore and establish:

- Areas of concern
- Standards required
- Contributory factors or additional problems facing the employee
- Support and training to achieve the required standards
- A time bound process for review and resolution

An agreed account of any counselling including an indication of the above and the final outcomes should be provided to the employee and the manager should retain a copy until the matter has been resolved.

The employee should be informed that continued failure to meet the standards of conduct or performance might result in formal action being taken under the disciplinary procedure. All of the documentation at the counselling stage may form part of the disciplinary investigation at a later stage.

Arranging and Conducting Formal Disciplinary Hearings

Before the hearing

The employee will be advised in writing of the allegations to be discussed and given at least 5 working days. Hearings may be arranged with less than 5 days notice with the agreement of all parties. Time scales can be altered if both parties agree (i.e. shortened or extended) All relevant documentation including copies of the investigation report, statements and supplementary evidence being referred to, will be provided to the employee with the letter.

No other documents or statements should be used or referred to at the hearing if they have not been presented to the employee or management beforehand unless agreed by management, the employee and their trade union representative at the hearing. In such circumstances management, the employee and their representative will be given appropriate time to consider any additional documents. Where the employee is not at work or suspended from duty the letter should be sent by recorded delivery.

The employee will be informed who will be hearing the case and who is / are presenting the case and any witnesses that will be called by management. The letter will state that the hearing may result in disciplinary action and advice will be included regarding the right to be accompanied by a "companion" a trade union official or colleague whose presence would not prejudice the hearing and not acting in a legal capacity and the right to call witnesses. The employee will have to ensure their witnesses attend and should advise the panel of this in advance.

The letter will also contain a statement that at the meeting the employee will have the right to fully state their case. It may also be useful to state that should a disciplinary penalty be given at the disciplinary meeting the employee will have the right to appeal in line with the appeals procedure.

At the Hearing:

The hearing will always include a senior manager.

The employee will be encouraged to give his/her account/version of the incident with support. The representative can speak i.e. present the case for the employee if desired but not answer questions on behalf of the employee.

The employee can be questioned by the manager during the hearing.

At the disciplinary hearing the employee and representative, will withdraw at the end of the hearing so leaving the manager hearing the case to consider the appropriate outcome.

Witnesses called by either the disciplining manager or the employees can be questioned and cross-examined by all concerned at the hearing.

After the Hearing:

A letter confirming or advising the employee of the disciplinary decision will be sent within 5 working days of the hearing. It will include the following:

- Who was present and in what capacity
- A clear statement of the allegations
- Paragraphs covering the main points of the hearing and findings for and against the employee
- The sanction imposed and the reason for this
- Details of any action/improvement required by the employee within a specified timescale

- A statement that failure to improve could result in further action (including dismissal where appropriate)
- Details of the right of appeal when appropriate and how to exercise that right
- Any other points of action to be taken on behalf of the company

Stages of the Formal Disciplinary Procedure

Where any employee refuses to co-operate with the company's disciplinary investigations and proceedings, this should not deter the company from taking action. The employee should be advised in writing that unless reasonable co-operation is afforded then a disciplinary decision will be taken on the basis of information available and could result in dismissal.

The following outlines the stages of the formal procedure and depending on the gravity of any offence would allow Managers to go straight to specific stages of the procedure. Each stage also outlines the right of appeal and the process to follow appropriate to that stage.

First Stage – Formal Verbal Warning

A formal verbal warning may be given to an employee after a formal investigation and disciplinary hearing and where, line manager counselling may have failed to achieve the required improvements. The warning should be given formally in writing within 5 working days a comprehensive and detailed outcome letter should be kept on the personal file. Such warnings remain operative for a minimum period of 6 months after which subject to satisfactory conduct, it will be considered spent for the purposes of further disciplinary action.

These are normally issued for first minor offences when discussion has not had the desired effect, e.g. for poor timekeeping, minor breaches of company policy or malpractices of limited consequence. Care should be taken to ensure that the issue is one of conduct and not capability - issues of capability should be dealt with under the capability policy.

The warning letter will also confirm the right of appeal identifying which manager to whom to address the Appeal. The individual should appeal in writing within 5 working days of receipt of the letter confirming the warning.

Appeals will normally be arranged within 4 working weeks subject to the availability of all parties. Both parties may agree a shorter or longer period of time.

Second Stage – Written Warning

A second stage written warning may be given to an employee where after a formal disciplinary hearing, conduct has failed to improve after a verbal warning or where the conduct is of a more serious nature, or where a series of line manager counsellings have failed to achieve the required result.

The warning should be given formally in writing by the manager who issued the warning within 5 working days and this should be kept on the personal file. Such warnings remain operative for a minimum period of 12 months after which subject to satisfactory conduct, it will be considered spent for the purposes of further disciplinary action.

The warning will confirm what the issues are, what improvements are required and within what time frame, the duration of the warning and the likelihood of further action under Stage 3 if there is no improvement within the defined period.

The warning letter will also confirm the right of appeal identifying which manager to whom to address the Appeal. The individual should appeal in writing within 5 working days of receipt of the letter confirming the warning. Appeals will normally be arranged within 4 working weeks subject to the availability of all parties. Both parties may agree a shorter or longer period of time.

Third stage - Final Written Warning

A final written warning may be issued for very serious offences or after a repetition of minor and/or serious offences, where conduct has failed to improve. It may also be issued as an alternative to dismissal in a case of gross misconduct where there are

mitigating circumstances such as length of service and a previous unblemished record have been taken into account.

The final written warning will detail the complaint, what improvements are required and within what time frame, the duration of the warning and the likelihood of dismissal as at Stage 4 if there is no improvement within the defined period. The final written warning letter will remain on the personal file for a minimum period of 12 months but no more than 24 months.

The warning letter will also confirm the right of appeal identifying which manager to whom to address the Appeal. The individual should appeal in writing within 5 working days of receipt of the letter confirming the warning. Appeals will normally be arranged within 4 working weeks subject to the availability of all parties. Both parties may agree a shorter or longer period of time.

Fourth Stage – Dismissal or Alternative Formal Disciplinary Measure

An employee may be considered for dismissal if conduct continues to be unsatisfactory and the employee fails to reach a satisfactory standard whilst the final written warning is in force; where the employee is found to be guilty of gross misconduct and there are insufficient or no mitigating circumstances to be considered.

On completion of the hearing the employee will be told of the decision to dismiss immediately or if this is not possible, within 24 hours.

The dismissal letter will detail the complaint, the process undergone and the reasoning for the decision of the panel. It will also confirm the right of appeal and will be documented and despatched within 5 working days.

Appeals must be lodged in writing to the Managing Director within 5 working days of receipt of letter confirming the decision to dismiss. Appeals will normally be arranged within 4 working weeks subject to the availability of all parties. Both parties may agree a shorter or longer period of time.

The decision of the appeal panel will be binding and employees should exhaust all rights of appeal under this policy before proceeding to any statutory right of complaint against unfair dismissal (i.e. to an employment tribunal).

Previous Employment History and Spent Disciplinary Warnings

In accordance with ACAS guidance, an employee's overall employment record should be considered in the light of potential disciplinary action. This would include trends involving previous allegations for similar offences that were investigated at the time they occurred. Although no formal action may have been taken it does not rule out that an offence may or may not have been committed. A trend or previous allegation of the same offence does, in the interest of maintaining a duty of care to service users intensify management's fair and reasonable concerns, especially in cases where care could be compromised as a result of not taking previous allegations into account.

Where a previous warning has expired the employee will not be warned about that offence a second time. Also in respect of the above, the expired warning is not automatically referred to or taken into account during any part of subsequent disciplinary issues except where there is a

Misconduct and Gross Misconduct – Examples

The following is a list of examples of misconduct and gross misconduct, which may result in informal action or formal disciplinary action depending upon the circumstances. This list is not exhaustive but is provided to give guidance.

Misconduct

- Unauthorised absence
- Poor attendance (not resulting from underlying medical condition), timekeeping
- Breach of contract, terms and conditions of employment
- Breach of confidentiality – disclosure or misuse of privileged information including either personal information about a service user or an employee. Serious instances of this could be gross misconduct.
- Abuse or misuse of any of the facilities or property of the company.
- Failure to carry out reasonable instructions given by management effectively and in a timely manner

- Any conduct or performance likely to bring the company into disrepute.
- Failure to adequately perform duties of the role when there is full capability.
- Inappropriate use, misuse or abuse of the company's IT systems.
- Posting or blogging on social networking sites such as 'Face book' and 'Twitter' anything that brings the company's reputation into disrepute, what an employee thinks about a manager's decisions, or something that defames another staff member's character
- Unacceptable conduct contrary to the company guidelines, policies or procedures as communicated from time to time.

Gross Misconduct

Examples of offences, which would normally be regarded as gross misconduct and would be considered serious disciplinary offences, which could result in summary dismissal, are:

All of the above as determined by the seriousness of the offence which could be considered gross misconduct plus:

- Physical violence and assault
- Theft or Embezzlement or Fraud
- Racial or sexual abuse, harassment, bullying or mistreatment of staff or service users
- Discrimination, harassment or bullying of staff or service users on grounds of any of the protected characteristics
- Serious breach of confidentiality (this applies to all breaches of confidentiality involving the release of service user and staff information without consent or proper cause)
- Abuse of position or release of information including either personal information about a service user or employee, which could harm the business interests and image of the company.
- Gross insubordination
- Deliberate malicious damage to company property.
- Gross carelessness or negligence, including any action or inaction, which threatens the
- Health or safety of a service user, employee or member of the public.
- Deliberate and serious breach of health and safety (rules and procedures) protocols
- Being under the influence of and / or incapacity through alcohol whilst at work or on company premises or acting in an official capacity.
- Being under the influence of, taking, possessing or selling illegal drugs, or any drugs (except over-the-counter remedies) which have not been prescribed to you on medical grounds, whilst at work or on company premises or acting in an official capacity
- Failure to obey clear reasonable instructions as issued by Managers
- Deliberate falsification of any records
- Deliberately making a false or malicious disclosure or complaint
- Knowingly giving false information or deliberately omitting relevant information on a job

Staff Grievances

Tudom Care Limited realises that there will be occasions when employees may wish to formally raise issues or complaints. On such occasions will aim to settle the grievance as quickly, fairly and as near to the point of origin as possible.

A grievance may be defined as a situation whereby the effect of action taken or proposed by Management, or by another employee is perceived to be detrimental or unfair to you.

The grievance process is distinct and separate from the disciplinary process however there may be occasions where the two naturally overlap.

Scope

This policy applies to all employees of Tudom Care Limited.

Our commitment is to promote and maintain good employee/management relationships and encourage communication between employees and their managers to ensure that questions and problems arising out of their employment can be aired, and where possible resolved quickly, and to the satisfaction of all concerned.

This policy does not provide for appeals against formal disciplinary action. This should be taken up separately under the Company's Disciplinary Appeals Procedure.

Policy

Any employee pursuing a grievance should continue to work normally while the grievance is being investigated, unless doing so could result in serious problems for the employee or the Company. The employee has the right to be accompanied by a Trade Union representative or a fellow worker whose presence would 'not prejudice' the meeting and not acting in a legal capacity, at stage 2 and 3 of the process. If the grievance is against the immediate line manager, the grievance should be raised with the next manager in seniority.

There is no recourse to appeal at the Informal Resolution Stage (stage 1) of the grievance procedure. An appeal will only be heard if all stages of the grievance process have been exhausted.

The handling of all grievances will be conducted by managers. In handling a grievance the manager will take the following actions:

- Ensure that the employee is familiar with the process
- Listen carefully to the points being made by the employee and try to assess whether the grievance may be a symptom of a much larger problem

- Listen to any opposing points of view
- Having considered the evidence try to conclude whether there is an issue to be addressed
- Decide what action to take: be fair to the individual but be mindful of any implications of potentially setting a precedent.
- Notify those concerned of the decision reached and make the individual aware of the appeal processes.

Grievances can occur from time to time for a range of reasons. These reasons may include but are not restricted to:

- Management interpretation and application on Company policy and procedures
- Management decisions or directives considered as potentially unacceptable
- The behaviour of management or colleagues that may be considered potentially unacceptable.

Whilst grievances may not always be resolvable to the full satisfaction of the complainant, the following process allows for full consideration of the issue in question. During the process a number of resolution interventions may be successful in achieving a positive outcome.

Again, these may include but are not restricted to:

- An opportunity to simply 'clear the air'
- The issuing of an apology
- Training, development, education
- A review of any original decision/action that may have initiated the grievance

Grievance Process

Stage 1 - Informal Resolution Stage

This stage is considered key to an effective and progressive dispute resolution culture. As such, all parties that may become involved at this stage including management and any other employees are required to utilise open discussion, constructive compromise, mutual respect and other principles of 'conflict resolution' in avoiding the need for progression to the more formal stages of the process.

The aim of the informal stage is to resolve concerns at the lowest possible level within the Company. Before a formal grievance can be made, the employee must have therefore raised their concern with their immediate line manager. Should the employee's grievance concern his/her immediate manager the grievance should be raised with the next most senior manager.

The manager should aim to respond within a maximum of 5 working days of receipt, either with a resolution to the issue or with a timescale within which the issue will be addressed. If the grievance is resolved at this stage the matter ends. If the employee is not satisfied with the outcome, they may submit a formal grievance (stage 1).

The discussion and outcome should be recorded on a complaint form.

Stage Two - Formal Grievance

An employee with a grievance must raise his/her concerns in writing with his/her line manager in the first instance, or in the line manager's absence, to the attention of the next most senior manager. If the individual feels it would be inappropriate to raise the grievance with his/her immediate manager as it is related to the behaviour of the immediate line manager, s/he must raise the matter in writing the next most senior manager or with the managing director if the grievance is with the most senior manager.

Once information about the nature of the grievance is clear, the line manager will meet with the complainant to discuss his/her concerns and if appropriate, a meeting of both parties will be arranged with the aim of facilitating a discussion and reaching a solution. Following the meeting, the line manager considering the grievance will make a written response to the complainant on the issues that were raised in the grievance and will complete a complaint form.

If an acceptable solution cannot be found through Stage 2 of the process, the complainant may consider pursuing Stage 3 (Appeal) of the procedure but a Stage 3 (Appeal) grievance must only be pursued when the matter has not been satisfactorily resolved through Stage 2. If the grievance is resolved at this stage the matter ends.

Stage Three - Appeal

An employee wishing to appeal against the outcome of a grievance hearing should submit notice of appeal to the Managing Director or Director of Operations in writing within 5 working days of receipt of the written confirmation of the grievance outcome stating the grounds of appeal.

An appeal hearing is not designed to re-hear the case afresh but to examine the grounds of appeal. The appellant must be specific about the grounds of the appeal and these will effectively form the agenda for the appeal hearing.

Arrangements will be made for appeals against grievance outcomes to be heard as soon as reasonably practicable.

The appellant will be notified as soon as possible of the time, date and place of the appeal hearing. The appellant will be advised that s/he may be accompanied by his/her trade union representative or workplace colleague, not acting in a legal capacity.

The appeal will be heard by the managing director or the director of operations who have not previously been involved in the case.

The result of the appeal will normally be notified to the appellant by the Company Director/s, within 3 working days of the Hearing. A comprehensive outcome letter will be completed and a copy given to the complainant and placed on the complainant's personal file.

The decision of the Appeal Panel is final.

Representation

The employee will have the right to be accompanied by a Trade Union representative or fellow worker whose presence would 'not prejudice' the meeting at Stage 2 and 3 hearings. There is no right to representation at the Informal Resolution Stage.

Monitoring, Compliance

Implementation, compliance and effectiveness of this policy will be monitored by the senior managers as considered necessary from time to time.

This will be achieved through assessment of activity as reported monthly at senior managers meetings.