DISCIPLINARY AND GRIEVANCE AVOIDANCE PROCEDURES

In order to make it easier for all staff to keep themselves informed of Bowerbirdy's policies and any changes made to them, we will highlight any changes made from one update to the other.

New text will be highlighted as follows: This is new text xxx xxx xxx.

Any old text that has been deleted will be highlighted as follows: ~~This is old text that has been deleted yyy yy yyyyyy~~.

We hope this will help you to quickly be able to identify any changes made to our policies.

Introduction

In any organisation, it is essential that certain standards and performance be maintained to protect the smooth running of the Company and the well-being of its employees. It is assumed that all employees will demonstrate a commitment to gaining the necessary skills to perform their job requirements.

In order for Bowerbirdy to attain and maintain its vision it is necessary for all employees to carry out all reasonable instructions, follow established policies and procedures and maintain a good standard of work at all times.

This policy is split into two sections:

A. Disciplinary Procedure
B. Grievance Avoidance Procedure

The procedures outlined below will apply to both staff and management

A. Disciplinary Procedure

Following any probationary period, the Disciplinary Procedure will apply.

The Bowerbirdy Disciplinary Procedure is designed to ensure fair and equitable treatment for all those whose job performance is below normal expected requirements and those involved in breaches of discipline.

Depending upon the seriousness of the case, the Disciplinary Procedure may be entered into at any of the stages outlined below. Except for instances of gross misconduct, dismissal will not be the first step.

In general, initial shortcomings and failings on the part of an employee in meeting job requirements or standards will be brought to his or her attention by the immediate manager in informal conversations accompanied by the offer of assistance towards achieving improvement.

Right to be accompanied

To ensure fair and equitable treatment at each stage of the formal Disciplinary Procedure, an employee has the right to be accompanied by a fellow employee of their choice. Alternatively, a certified trade union officer may accompany the employee. Bowerbirdy does not extend the right to be accompanied to any other external source at any stage within its internal procedures.

The person accompanying the employee will have the reasonable opportunity to ask questions and seek clarification of points made but will not have the right to make representations on behalf of the employee.

Stages of the disciplinary procedure

Stage 1 - First Recorded Warning
Stage 2 - First Written Warning
Stage 3 - Final Written Warning
Stage 4 – Dismissal

Stage 1

Should an employee's conduct or performance be less than satisfactory the situation will be formally reviewed with the employee and his/her immediate manager and/or the Director.

The review will detail the employee's shortcomings and suggest ways in which he or she may put this right. A clear, mutually agreeable, improvement plan will be discussed with the employee, which will include a specific review date.

A written record will be given to the employee and also a copy will be kept on the employee's personal file.

Stage 2

If the employee's conduct or performance remains less than satisfactory in relation to the agreed improvement plan produced at Stage 1 or, in more serious cases of misconduct or unsatisfactory performance, the situation will be reviewed with the employee and his/her manager and/or the Director in a formal disciplinary hearing.

Following the hearing the employee will receive a letter recording the nature and outcome of the disciplinary hearing. If applicable, this letter will constitute a First Written Warning. The employee will be asked to sign a copy of the letter to confirm understanding of the terms of the letter. If applicable, the letter will clearly state a plan of improvement and deadline dates for achievement and a copy will be held on the employee's personal file.

Stage 3

If the employee's conduct or performance fails to meet the standards established at Stage 2 or, in very serious cases of misconduct or unsatisfactory performance, the situation will be reviewed with the employee and his/her manager and/or the Director in a formal disciplinary hearing.

Following the hearing, the employee will receive a letter recording the nature and outcome of the disciplinary hearing. If applicable this letter will constitute the Final Written Warning. The employee will be asked to sign a copy of the letter to confirm understanding of the terms of the letter. If applicable, the letter will clearly state a plan of improvement and deadline dates for achievement and a copy will be held on the employee's personal file.

Stage 4 – Dismissal

If the employee's conduct or performance fails to meet the standards established at Stage 3 or, in extremely serious cases of misconduct or unsatisfactory performance, the situation will be reviewed with the employee and his/her line manager and/or the Director.

Once all possible remedies have been exhausted it may be concluded that dismissal is the only course of action. The decision will be confirmed to the employee in writing and the letter will also confirm to whom any appeal should be made and the details of the procedure to be followed.

A decision to dismiss an employee must have the agreement of the Director prior to implementation.

Summary Dismissal

In cases of gross misconduct, summary dismissal may be the only reasonable course of action for the company. Examples (although not exhaustive) of actions, which are likely to be treated as gross misconduct include: fighting at work or striking a colleague or manager, drunkenness on duty, theft, harassment of fellow employees or customers, acts of dishonesty, etc.

When gross misconduct is suspected, an investigation will be conducted by a nominated senior manager (normally, neither directly responsible for the individual nor necessarily within the employee's function) to assure impartiality. The investigation may include a meeting with the employee.

Following the investigation, the employee will be asked to attend a disciplinary meeting with the responsible senior manager. If the case of gross misconduct is upheld, the employee will be summarily dismissed without notice or pay in lieu of notice. The decision will be confirmed in writing and this letter will also confirm details of the appeals procedure.

Suspension with pay pending a disciplinary investigation

Bowerbirdy reserves the right, where it is deemed appropriate, to suspend an employee on basic pay in order to allow a concise investigation to take place. Any suspension will be notified to an employee in writing and the investigation will take no longer than five working days to complete.

Suspension with pay pending a disciplinary investigation should be viewed as a precautionary measure, which does not prejudice the outcome of the disciplinary hearing.

Appeals against disciplinary action

An appeal against a Written Warning should be made to the Director within five working days stating the reasons for non-acceptance of the Written Warning. The Director will carry out a full review of the facts, which may include a further meeting with the employee and management. Following this review, the Director will reply in writing to the employee within five working days.

An appeal against dismissal should be made, in writing, to the Director within five working days. The Director will carry out a full review of the facts, which may include a further meeting with the employee and management. Following this review, the Director will reply in writing to the employee within five working days.

Records

A record of any disciplinary action will remain on the individual's personal file for 12 months or longer.

Guidelines for the conduct of disciplinary meetings

1. Before any disciplinary hearing the employee will be notified in advance of the nature of the allegations against him/her, and of the right to be accompanied.
2. As stated above employees have the right to be accompanied by a fellow employee or a certified trade union representative, if they so wish, at any meeting held under the disciplinary procedure.
3. The manager/Director will state the reasons for invoking the Disciplinary Procedure and explain the disciplinary action which may result.
4. Full opportunity will be given to the employee to state his or her case.
5. The employee will be advised of any disciplinary action, the provisions for appealing against disciplinary action and the consequences that will follow if acceptable improvement is not made.

B. Grievance Avoidance Procedure

The following procedure shall be applied to all grievances concerning an employee or employees of Bowerbirdy.

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It is the intention of both parties that employees should be encouraged to have direct contact with management to resolve any problems.

Bowerbirdy believes in and is committed to open, interactive communication. All grievances should, therefore, be aired (if appropriate) in an informal manner in the first instance. A procedure for the resolution/avoidance of grievances is available if the parties are unable to agree a solution to a problem in an informal manner.

If a matter be referred to this procedure for resolution, the "Grievance Avoidance Procedure", then both parties accept that it should be progressed as speedily as possible and with a joint commitment that every effort will be made to ensure that resolution takes no longer than seven days to complete.

Pending resolution of the grievance, the same conditions prior to its notification shall continue to apply (i.e. the status quo), except in those circumstances where such a continuation would have a damaging effect upon the company's business.

Stages of the Grievance Avoidance Procedure

Stage 1

Where an employee has a grievance, he or she shall raise the matter with his or her immediate manager who shall deal with it within 2 working days. If the grievance is connected to the manager then it shall be raised with the Director (or the Finance Manager in the event the employee is a direct report of the Director).

Stage 2

If the matter has not been resolved at Stage 1, the grievance shall be referred for action to the regional manager or the Director (or the Finance Manager in the event the employee is a direct report of the Director) who shall make a binding decision on the grievance within 5 working days. A statement summarising the main details of the grievance and, if applicable, the reasons for the failure to agree (FTA), must be prepared and signed by both parties.

NOTE: This Policy was approved by the following officer on 01/01/2026 and is due for review every 1 year: John-Paul White

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