

Company Procedures



OVER DAY CENTRE

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8. Company Procedures

8.1 Uniform Policy

It is important that staff are dressed in a smart and suitable manner and appropriately for their role within the organisation. There are also health and safety issues for clients, staff and volunteers that can be addressed by wearing the correct clothing or accessories.

Please remember your appearance and attire contribute directly to the image of the organisation.

Uniform

The Centre will provide three tops for each full-time carer's and two for bank or part-time staff. These may be embroidered with their name and job position. Carers should wear either black trousers or a knee length straight line skirt, which will not be provided by the Centre. Trousers that are made of denim fabric or leggings type should not be worn. The uniform must be worn and maintained in a clean condition and good repair. Carers should ensure that they use appropriate protective clothing as required, to protect their uniforms and reduce the risk of them becoming contaminated.

Footwear

All staff should ensure that their footwear is safe, sensible, in good order, smart, clean and have regard to Health and Safety considerations. Shoes must be suitable for the work task and should be black with a rubber non-slip sole and low heel. These will be provided by the staff. Backless and/or open toed shoes or sandals and mules must not be worn as these constitute a hazard (Manual Handling Operations Regulations 1992).

Gloves/aprons/headwear

Protective gloves should be worn at all times, by all staff and volunteers, when there is a foreseeable risk of injury or harmful contamination to the hands, or when duties involve food handling. Protective clothing, e.g., gloves or aprons should always be worn when there is a foreseeable risk to hygiene or to protect clothing. Protective headwear should be worn by all staff or volunteers who are preparing food. All protective clothing which is worn during food preparation should be removed before entering the toilet.

Jewellery

Carers and kitchen staff should note that no jewellery should be worn with exception of one plain ring, such as a wedding ring and one pair of plain stud earrings. Necklaces, long or hooped earrings and rings present possible hazard for clients and staff. The Day Centre recognises and accepts that all cultures/religions and understands that in some circumstances, certain jewellery is a sign of faith or culture. In these circumstances, or where the item cannot be removed, it must be taped over to prevent any injury occurring. Jewellery that pierces the skin must be avoided and wherever possible be taken out; however, in certain circumstances a small stud is acceptable. If duties involve handling food, all jewellery should be removed as it harbours bacteria and may contaminate food. No responsibility can be accepted by the Day Centre for the safe keeping of any jewellery taken to the establishment in contravention to this policy.

Make up and nails

Make up should be discreet. Nails should be clean and if nail varnish/acrylic nails are worn it should be in good condition. Staff or volunteers wearing nail varnish or acrylic nails should wear gloves when preparing food and serving of food.

8.2 Transporting Clients

The Day Centre has its own minibus for use with clients only. To ensure that clients' needs are met during transportation, the following practice applies:

- The provision of transport to clients should be considered at all assessments and reviews, and other appropriate times as necessary.
- When using the minibus for client collections, clients will travel no more than 90 minutes distance and arrive at the Centre at approximately 11.30am.
- All journeys will be provided with a driver and escort.
- All drivers are expected to be MIDAS trained.
- Volunteers are permitted to cover for 'no driver' days and Saturdays.

Escorting clients via the minibus

The Centre Manager will maintain an up-to-date list of clients to be collected and taken home as per individual care plans, such records will be stored securely and provided for daily reference.

The Day Centre will support the safe and effective transport of clients by using wheelchair support door to door providing ingress to house is safe and level. If a client has mobility problems due to poor eyesight or hearing etc. and requires minimal assistance from the driver/escort (including personal use of frame), this will be supported. Those clients requiring no assistance may access the minibus independently.

On occasion, a client may decline the method of transportation set out in their care plan, the driver or escort must point out that by not following the agreed method of transportation, that the Day Centre can follow their wishes however, the Day Centre cannot be held responsible for any injury or occurrence during transportation.

If the driver or escort have any doubts regarding the specific support required for a client, then they are required to telephone the Centre Manager for guidance. Upon return to the Centre the driver or escort must report such change to the Centre Manager.

Procedure when there is no reply when collecting a client

If a client fails to respond when an escort arrives to collect them:

- The driver should check that they have the correct address
- The driver should inform the Day Centre, so that a nominated person can try to contact the carer or next of kin
- The Day Centre will advise the driver with further instructions
- If there are no known factors to reassure the Centre Manager that there is no cause for concern, the police will be informed if necessary and any further actions become the responsibility of the police.

Day Centre vehicle insurance

It is the responsibility of staff and volunteers to make their own way to and from the Day Centre on their days of work and to have the appropriate personal vehicle insurance cover.

Non-paid volunteers can drive the Day Centre's minibus on a regular and irregular basis. The Day Centre's vehicle insurance policy covers volunteer drivers together with the Day Centre's paid driver, provided that they have been authorised by the Centre Manager.

8.3 Complaints Policy

We view complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint.

Our policy is to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint;
- publicise the existence of our complaints procedure so that people know how to contact us to make a complaint;
- make sure everyone at the Day Centre knows what to do if a complaint is received;
- make sure all complaints are investigated fairly and in a timely way;
- make sure that complaints are, wherever possible, resolved and that relationships are repaired; and
- gather information which helps us to improve what we do.

Definition of a complaint

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of the Day Centre.

Complaints may come from any person or organisation who has a legitimate interest in the Day Centre.

A complaint can be received verbally, by phone, by email or in writing.

This policy does not cover concerns raised by staff under Disciplinary and Grievance Procedures.

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

The Board of Trustees hold responsibility for this policy and its implementation.

Contact details for complaints

Written complaints should be sent to the Centre Manager at Drings Close, Over, Cambridge CB24 5NZ or by e-mail: care@overdaycentre.co.uk

Verbal complaints may be made by phone to 01954 231807 or in person to any of the Day Centre's staff or Trustees.

Receiving complaints

Complaints may arrive through channels publicised for that purpose or through any other contact details or opportunities the complainant may have.

Complaints received by telephone or in person need to be recorded.

The person who receives a phone, or in person, complaint should:

- Write down the facts of the complaint
- Take the complainant's name, address and telephone number
- Note down the relationship of the complainant to the Day Centre (for example: client, member of the public)
- Tell the complainant that we have a complaints procedure
- Tell the complainant what will happen next and how long it will take

- Where appropriate, ask the complainant to send a written account by post or by e-mail so that the complaint is recorded in the complainant's own words.

Resolving complaints

Stage One

In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate.

Whether or not the complaint has been resolved, the complaint information should be passed to the Chair of Trustees within one week.

On receiving the complaint, the Centre Manager will record it in the complaints log. If it has not already been resolved, s/he will delegate an appropriate person to investigate it and to take appropriate action.

If the complaint relates to a specific person, they should be informed and given a fair opportunity to respond.

Complaints should be acknowledged by the person handling the complaint within one week. The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply.

Ideally complainants should receive a definitive reply within one month. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

Stage Two

If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed by a Complaints Committee comprising three Trustees. At this stage, the complaint will be passed to the Chair of Trustees

The request for a review by the Trustees should be acknowledged within one week of receiving it. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.

The Complaints Committee will investigate the facts of the case. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage One.

If the complaint relates to a specific person, they should be informed and given a further opportunity to respond.

The person who dealt with the original complaint at Stage One should be kept informed of what is happening.

Ideally complainants should receive a definitive reply within one month. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

The decision taken at this stage is final, unless the Trustees decide it is appropriate to seek external assistance with resolution.

External Stage

The complainant can complain to the Charity Commission at any stage. Information about the kind of complaints the Commission can involve itself in can be found on their website at: <https://www.gov.uk/government/publications/complaints-about-charities>

Variation of the Complaints Procedure

The Board of Trustees may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about the Chair should not also have the Chair as the person leading a Stage Two review.

Monitoring and Learning from Complaints

Review of outcome and learning actions will be taken forward in each case to ensure the necessary improvements are made for the benefits of the organisation and its clients.

8.4 Equal Opportunities Policy

Introduction

We seek to promote equal opportunity and a culture that values difference. We aim to be an inclusive employer, where diversity is valued, respected and built upon, where all employees are treated with respect.

This policy applies to employees of all levels, workers, job applicants and anyone who represents the Day Centre. Any external contractors, third parties or sub-contractors providing services based on a specification set by the Day Centre are also responsible for adhering to this policy.

Policy statement

We are an equal opportunities employer, operating in compliance with the Equality Act 2010, where no job applicant, employee or worker will receive less favourable treatment in terms of direct or indirect discrimination, harassment or victimisation on the grounds of any of the 'protected characteristics'.

The Act introduced the term 'protected characteristics' which refers to aspects of a person's identity that make them who they are. In particular, the Act defines the nine protected characteristics as:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy or Maternity
- Race (includes colour, nationality and ethnic or national origin)
- Religion and/or Belief
- Sex
- Sexual Orientation

We aim to ensure that staff, trustees, volunteers and job applicants are treated fairly in an environment which is free from any form of discrimination in relation to caring responsibilities, part time employment, membership or non-membership of a trade union or spent convictions.

These principles of equal opportunity and non-discrimination also apply to the way staff treat our clients and suppliers, our business partners and visitors.

This policy applies to all areas of employment including pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities. These areas will be monitored, and policies and practices amended as necessary, to ensure that no unfair or unlawful discrimination, intentional, unintentional, direct or indirect, overt or latent exists. We will ensure that individuals are selected, promoted, and otherwise treated solely based on their relevant aptitudes, demonstrable skills and experience.

We are committed to identifying and removing barriers, making reasonable adjustments where deemed necessary and appropriate, and building a culture that values openness, fairness and transparency.

Equality of opportunity, valuing diversity and compliance with the law is to the benefit of all individuals in our organisation as it seeks to develop the skills and abilities of its people. While specific responsibility for eliminating discrimination and providing equality of opportunity lies with managers, individuals at all levels have a responsibility to treat others with dignity and respect. The personal commitment of every employee to this policy and application of its principles are essential to eliminate discrimination and provide equality throughout the organisation.

The policy will be implemented in accordance with the appropriate statutory requirements and full account will be taken of all available guidance, and particularly any relevant Codes of Practice.

Responsibilities

We each have a personal responsibility to implement and promote this policy and its principles in our day-to-day interactions with each other and our clients. We must guard against any form of discrimination and avoid action which goes against the spirit of this policy. The specific responsibilities are detailed below:

The Board of Trustees is responsible for:

- providing leadership on this policy, acting as overall champions to ensure its effective implementation; and
- communicating the policy internally and externally.

The Centre Manager is responsible for:

- implementing the policy as part of the Day Centre's day to day operational practice and applying all Day Centre policies and practices in a fair and equitable way;
- ensuring equality and diversity issues are addressed in performance management;
- ensuring all employees act in accordance with this policy, providing necessary support and direction; and
- effectively managing and promptly dealing with matters when investigating issues relating to potential discrimination

All staff are responsible for:

- implementing this policy in your day-to-day work and dealings with other staff, and volunteers;
- not committing any acts or behaving in a manner that would contravene this policy;
- not instructing, inducing or attempting to induce others to practice unlawful discrimination;
- helping advance and foster inclusion and treating others with dignity and respect at all times;
- taking reasonable steps to ensure that your decisions are based on objective assessments;
- notifying your manager of any concerns with regard to the conduct of other staff, volunteers, contractors or third parties; and
- reporting any act of discrimination immediately.

Staff are encouraged to:

- advise the Centre Manager or a Trustee if they become aware of any discriminatory conduct, either against themselves, another member of staff, client or any third party that contravenes this policy. For more information on raising a concern, please consult the Whistleblowing Policy, Grievance Policy or the Dignity at Work Policy as appropriate.

Training

You may be required to attend equal opportunities training to develop awareness in this area, understand your rights and responsibilities, how to raise and address matters of concern and ensure effective policy implementation. If you are notified that you should attend a course, training attendance will be compulsory.

Complaints of discrimination

Breaches of this policy will be taken seriously and will be regarded as misconduct in the case of staff. Serious offences such as discrimination on the grounds of any of the protected characteristics, including harassment and victimisation will be treated as gross misconduct and investigated under our Disciplinary Procedure. If such allegations are upheld, appropriate disciplinary action will be taken.

If you consider that you are suffering from unlawful discrimination, harassment or victimisation in your appointment or progression with the organisation because of a protected characteristic, you can make a complaint. Complaints will be dealt with through the agreed procedures in accordance with the Whistleblowing Policy, Grievance Policy or the Dignity at Work Policy as appropriate.

If an individual engaged through an employment agency or subcontractor considers they have been discriminated against they should first raise a complaint with their employer.

Support and advice

The Centre Manager and Trustees will provide staff with advice and support as required.

Additional advice and information is also available from the Equality Advisory and Support Service (EASS). The EASS helpline number is 0808 800 0084.

Review and monitoring

This policy will be reviewed periodically to identify any areas for improvement and to judge its effectiveness and will be updated accordingly.

8.5 Dignity at Work Policy

About this policy

We aim to provide a working environment free from discrimination, harassment and bullying and seek to ensure that all staff are treated, and treat others, with dignity and respect at all times.

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on work related trips/outings or at other work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as clients, suppliers or visitors to our premises.

This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers.

Harassment and bullying

Bullying at work may be defined as unwanted behaviour that is:

- offensive, intimidating, malicious, aggressive or insulting; or
- an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to an individual.

Under the Equality Act 2010, there are three types of harassment:

- sexual harassment, i.e. unwanted behaviour of a sexual nature;
- harassment related to certain protected characteristics, i.e. age, disability, gender reassignment, race, religion or belief, sex and sexual orientation;
- less favourable treatment as a result of harassment related to sex, sexual harassment or gender reassignment.

To be considered as harassment, the unwanted behaviour must have:

- violated the individual's dignity; or
- created an intimidating, hostile, degrading, humiliating or offensive environment for the individual.

Bullying or harassment may be persistent or an isolated incident, obvious or subtle, face-to-face or indirect. Examples of behaviour which may constitute harassment or bullying include (but are not limited to):

- spreading malicious rumours;
- professional or social exclusion;
- insulting behaviour;
- unwelcome sexual advances or physical contact;
- unfounded threats relating to job security;
- calculated undermining of an employee's competence, for example through a consistently unreasonable or unfair workload or overbearing supervision;
- physical assault;
- abusing a position of power;
- blocking promotion or access to development opportunities;
- verbal abuse, threats, derogatory name-calling, inappropriate banter, ridicule, insults and offensive or embarrassing jokes;

- cyber-bullying e.g. sending offensive emails, texts or visual images, or posting embarrassing images on social media;
- derogatory graffiti/insignia or display of derogatory or offensive material; and
- inciting others to commit any of the above.

You do not actually need to possess the relevant protected characteristic to make a complaint of harassment. You can complain of unlawful harassment if you have experienced:

- harassment because they are related to, or associate with, an individual who possesses a relevant protected characteristic; or
- harassment by a colleague with the mistaken belief that they possess a relevant protected characteristic.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

Employees may also be subject to harassment from third parties such as clients, customers, suppliers, or the general public etc. where interaction with those third parties is a part of their role.

Victimisation

Victimisation occurs where a member of staff is treated unfavourably because they have, in good faith, raised a complaint of harassment, or has indicated an intention to raise a complaint. Similarly, victimisation can occur if an employee has assisted or supported another employee to raise such a complaint, or participated in an investigation about a complaint.

We seek to protect all staff from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Victimisation is a form of misconduct which may result in disciplinary action.

Responsibilities

The Centre Manager and Chair of Trustees have overall responsibility for the implementation, review and monitoring of this policy.

Managerial responsibilities

The Centre Manager has a specific responsibility to operate within the boundaries of this policy, to ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

They also have a responsibility to:

- ensure that they fully understand this policy, always demonstrate policy compliance and can offer advice on the policy when required to do so;
- ensure that all staff are fully aware of this policy and the procedures for dealing with harassment and bullying;

- ensure that everyone is treated with dignity and respect and to ensure that their own behaviour is beyond question;
- ensure that our work environment is free from verbal or physical harassment or bullying and to promptly challenge any unacceptable language and behaviour, preventing acts wherever possible;
- provide appropriate and swift support to anyone who complains of harassment and bullying and to ask for their assistance in dealing with any instances of alleged harassment and bullying; and
- ensure that there are no further problems or any victimisation after a complaint has been raised or resolved.

Staff should promptly disclose any instances of harassment or bullying of which they become aware, to the Centre Manager.

Employees' responsibilities

All employees have a responsibility to help create and maintain a working environment that respects the dignity of their colleagues. You should:

- be aware of the serious and genuine problems which harassment and bullying can cause and ensure that your behaviour is beyond question and could not be considered in any way to be harassment or bullying;
- understand that no one should practise or encourage such behaviour and you make it clear to all concerned that you find it unacceptable.
- support your colleagues if they are experiencing harassment or bullying and are considering making a complaint; and
- alert your manager to any incidents to enable them to promptly deal with the matter.

Procedure for dealing with complaints

Complaints about bullying and harassment can be made both formally and informally. Whichever route you decide to take, you will be offered guidance and assistance to help you resolve the problem as soon as possible and to prevent the harassment.

Informal complaint

If you are comfortable doing so, you should, in the first instance, ask the person responsible to stop the behaviour, explaining that their behaviour is not welcome, and you feel uncomfortable in the way they are acting towards you. Speaking directly to the person at an early stage can often be sufficient to stop the behaviour. If you feel unable to do this, you can ask your manager to assist you, they will support the process and related discussions and provide confidential advice and assistance in resolving the issue informally.

Where mediation is considered to be appropriate and where both parties agree to participate, you may be referred to an external mediator. The mediation process itself is entirely confidential to the participants.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should contact the Centre Manager for confidential advice.

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure.

Formal complaint

If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the Centre Manager. If the matter concerns the Centre Manager or your manager, you may refer it to the Chair of Trustees or another member of the Board of Trustees.

Your complaint should set out full details of the conduct in question, including the:

- name of the person whose behaviour is believed to amount to bullying or harassment;
- behaviour that is causing offence, with specific examples;
- dates and times when incidents of harassment or bullying occurred;
- names of any employees who witnessed any incidents; and
- details of any action the employee has taken to try and address the bullying/harassment.

Your complaint will be investigated in a confidential and timely manner, by someone with appropriate experience and no prior involvement in the complaint. The investigation will be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

As the complainant, you will be interviewed to establish full details of what happened or has been happening. The investigator will also interview the alleged harasser or bully and any other relevant witnesses as appropriate. The alleged harasser or bully will be informed of the exact nature of the complaint against them and given a full opportunity to give their version of events. The investigation may also need to examine relevant documents, including emails and other evidence.

Strict confidentiality will be maintained throughout the investigation into the allegation. The importance of confidentiality will be emphasised to the employees involved, including any witnesses.

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, including a temporary transfer to another work area. Such measures must only be implemented once such action has been discussed with the Chair of Trustees. Any temporary measures taken would not be expected to last longer than two weeks, however, this period may be extended in exceptional circumstances at the discretion of the investigating officer, in consultation with any relevant manager.

Where your complaint is about someone other than an employee, such as a client, supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the Day Centre and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

When the investigation has been completed, you and the alleged harasser or bully will be informed whether or not the allegation is considered to be well-founded. If the allegation is well-founded, depending on the circumstances and the seriousness of the complaint, appropriate disciplinary action may be taken against the person alleged to have committed the behaviour complained about.

Action following the investigation.

Where the alleged harasser or bully is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the matter.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties or reporting lines of one or both parties.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

Protection and support for those involved

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

If you believe you have suffered any such treatment you should inform the Centre Manager or the Chair of Trustees, as appropriate. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure if appropriate.

Confidentiality and record-keeping

Confidentiality is an important part of the procedure provided under this policy. Details of the investigation, the names of the person making the complaint and the person accused must only be disclosed on a 'need to know' basis. Any breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

Information about a complaint by or about an employee will be placed on the employee's HR record, along with a record of the outcome and of any notes or other documents compiled during the process. This information will be processed in accordance with our Data Protection Policy.

8.6 Recruitment of Ex-Offenders Policy

We are committed to equality of opportunity for all job applicants and undertakes to treat all applicants for positions fairly. Applications are welcomed from a wide range of candidates, including those with criminal records. Candidates are selected for interview based on their skills, qualifications, experience and the requirements of the post.

We will comply with our legal obligations in relation to recruiting staff and volunteers to work with vulnerable people in accordance with the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975.

The nature of the Day Centre's client group means that Disclosure Barring Service (DBS) checks must be in place for security and safeguarding reasons.

This policy applies to all staff employees, prospective employees and volunteers working for the Day Centre and ensures that the Day Centre can make recruitment decisions based on factual information.

Policy

At the beginning of employment and at three-year intervals thereafter, the Day Centre will make an application to undertake an enhanced DBS check for all employees and volunteers. As such, we will undertake DBS checks based on the following principles:

- Where completion of a DBS check is a condition of an offer of employment, the job advert and/or further information for the vacancy will specify this requirement to candidates and prospective employees.
- Individuals must provide details of convictions and cautions that we are legally entitled to know about for an enhanced level certificate.
- We encourage applicants for such posts to provide details of their criminal record (convictions and cautions) which are not protected in law at an early stage in the application process.
- All applicants will be treated fairly in respect of DBS checks regardless of the information revealed.
- Employment is subject to a satisfactory outcome of the DBS check in accordance with this policy. Interviewees (prospective employees) should be aware that if they have a conviction that is not spent and the nature of the offence is relevant to the job for which they have applied, we will review the individual circumstances of the case in an open and measured discussion before reaching a decision and may not select the individual for employment.
- Failure to reveal information that is directly relevant to the position could lead to withdrawal of an offer of employment (or dismissal, if your employment has commenced).
- Advice should always be sought from the Centre Manager before any recruitment decisions are made.
- Where you are already an employee and if a further DBS check reveals or you disclose a new conviction, caution or reprimand or forthcoming criminal proceedings that may be relevant to the role, we will conduct an objective assessment of the impact that this could have on your employment (including possible termination of your employment). The outcome of this assessment will be discussed with you.

8.7 Flexible Working Policy

Introduction

This policy aims to support staff wishing to formally request a change to their working pattern in accordance with the statutory provision for flexible working. There are many different types of flexible working. While some might not be practical for every role, it is likely that other types will work. We commit to looking at what is possible provided that the needs and objectives of both the Day Centre and the employee can be met.

Flexible working

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. The following flexible working options are the typical arrangements that employees will request, however, we recognise that there may be alternatives or a combination of options which are suitable to both you and the organisation:

- job sharing;
- part-time working;
- working a set number of hours a year, rather than a week (annualised hours);
- working from home (whether for all or part of the week);
- working only during term-time (part-year working);
- working compressed hours; and/or
- working flexi-time.

Provision

All employees have a statutory right to request flexible working from the first day of employment and are entitled to submit two statutory flexible working requests in a 12-month period.

All employees will be considered for flexible working regardless of their age, sex, sexual orientation, disability, race, religion or belief, marital status, pregnancy or maternity or gender reassignment.

You can only have one live request at a time. A request will stay live until any of the following happen:

- the organisation makes a decision;
- you withdraw the request;
- you and the organisation agree an outcome; or
- it has been two months since the date of the request.

Submitting a flexible working request

If you wish to submit a flexible working request, you are advised to speak informally with your manager to discuss the different options available to you, before submitting an informal or formal request.

All requests for flexible working will be fairly considered but there is no automatic right to be granted a request.

Informal requests

We may consider informal (non-statutory) arrangements, for employees who wish to change their work arrangements for temporary, short-term or occasional requirements.

Informal requests should be made in writing (email or letter) to your manager and detail the kind of flexible working you are seeking and how long you want such an arrangement if applicable. You may use the steps set out in the formal requests section below as a guide to making an informal request.

Formal requests

All formal requests must be made in writing (email or letter) to your manager in good time and ideally at least two months before you would like the changes to take effect. Any request must include:

- that you are making a flexible working request under your statutory right to do so;
- the date of the request/application;
- the changes that you are seeking to your terms and conditions. Provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;
- the date from when you would like the proposed change to come into effect;
- whether a previous request/application for flexible working has been made; and
- the dates of any previous formal requests for flexible working

If your request is being made in relation to the Equality Act e.g. as a reasonable adjustments relating a disability, childcare or other family commitments, this should be made clear in the written request.

If your request does not contain all the required information your manager will request the additional or amended information that they require for you to resubmit your request.

We will make a decision on all requests, including any appeal decision within a period of two months from receiving the request. This time limit may be extended with the agreement of both parties.

Responding to a formal request

Each request will be considered on a case-by-case basis, in the order they are received. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

On receipt of your written request for flexible working, where your request can be approved in full without a consultation meeting, we will confirm this in writing to you within 10 working days of receiving the request. This will include details of the new arrangements and an invitation to talk about the new arrangements. This time limit may be extended with the agreement of both parties.

Where your request needs further discussion, we will invite you to a consultation meeting within 10 working days of receiving the request. This time limit may be extended with the agreement of both parties. During the meeting we will discuss the request, how the proposed working arrangements might work, and how it could be of benefit to you and the organisation. If the arrangements you have requested cannot be accommodated, discussion at the meeting will also provide an opportunity to explore possible alternative working arrangements. You will be given advance notice of the time, date and place of the meeting. You may, if you wish, be accompanied by a work colleague or trade union representative.

If you are unable to attend the initial meeting, a further date and time will be arranged. If you fail to engage in discussion on both occasions without good reason, we will consider your application as withdrawn.

Communicating a decision after consultation

After a consultation meeting, your request may be granted in full, in part or refused. We may propose an alternative to the arrangements you requested, the request may be granted on a temporary basis, or you may be asked to try the flexible working arrangement for a trial period.

If a working arrangement is agreed, we will send a confirmation letter within ten working days of the consultation meeting. This will include details of the new arrangements and an invitation to talk about the new arrangements together with an explanation of changes to your Contract of Employment and the date on which they will commence. Written confirmation of the changes will be provided to you within one month of the change being agreed.

There will be circumstances where, due to service delivery and operational requirements, we are unable to agree to a request. We will only refuse a request to work flexibly on one or more of the following grounds:

- it will cost the organisation too much
- we cannot reorganise the work among other staff
- we cannot recruit more staff
- there will be a negative effect on quality
- there will be a negative effect on the business' ability to meet customer demand
- there will be a negative effect on performance
- there's not enough work for the employee to do when they've requested to work
- there are planned changes to the business, for example, we intend to reorganise or change the business and think the request will not fit with these plans

If your request is refused, you will be given the decision in writing within ten working days of the consultation meeting. The letter will:

- explain the business reason(s) for turning down your application; and
- set out the appeal procedure.

Where a request to work flexibly is granted, unless otherwise agreed (and subject to any agreed temporary or trial period) changes to your terms of employment will be permanent and there is no automatic right to revert to your original working arrangements at a later date.

Right to appeal decision

You have the right to appeal the decision if your request is refused or is only agreed in part. Your appeal must be in writing and dated, set out the grounds on which you are appealing and be submitted within five working days of receiving our written decision.

You will be notified of the appeal meeting date will be within five working days of the organisation receiving your appeal. You may, if you wish, be accompanied by a work colleague or trade union representative.

You will be informed in writing of the decision as soon as possible after the appeal meeting and within five working days of the appeal meeting. The appeal decision is final.

If your appeal is upheld (i.e. successful), and we agree to your request or propose an alternative arrangement or trial period, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your Contract of Employment and the date on which they will commence. Written confirmation of the changes will be provided to you within one month of the change being agreed.

Unless otherwise agreed (and subject to any agreed temporary or trial period) changes to your terms of employment will be permanent and there is no automatic right to revert to your original working arrangements at a later date.

If your appeal is rejected, the written decision will provide the business reason(s) for the decision and explain why the reason(s) apply in your case.

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practical for you or the organisation, a trial period may be agreed. A trial period will allow enough time to implement and assess the proposed arrangement before making any decisions on its viability.

We will put any trial arrangements in writing to you. This will include your varied working pattern and make clear that it is only a temporary change to your terms and conditions. You will be informed in writing of the start and end dates of the trial period. We may reduce or lengthen the trial period where necessary, with your agreement.

We will reserve the right, at the end of the agreed trial period, to require you to revert to your previous working arrangement. In this situation, we will give you two weeks' notice.

8.8 Disciplinary Procedure

Purpose and scope

This procedure will apply in the event of issues arising in respect of capability, misconduct or performance and encourages employees to achieve and maintain acceptable standards. 'Conduct' or 'misconduct' in this procedure, as the case may be, includes attendance.

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct and job performance. This procedure is not contractual.

Principles

The procedure sets out the responsibilities that both the Day Centre and every employee has for ensuring a fair procedure is followed. There may be occasions where we decide it is not appropriate to follow all the steps in the procedure or to vary the procedure. The principles are:

- All cases will be dealt with as efficiently as possible and without unreasonable delay in order to avoid undue stress and concern to those involved.
- Where appropriate, no formal disciplinary action will be taken until an investigation has taken place.
- At all stages, except where the matter is being dealt with informally, you will be advised of the nature of the of the allegation/s against you in writing, be provided with any relevant evidence and will be given the opportunity to state your case.
- At all formal meetings (including any appeal meeting but excluding any investigatory meeting) you will have the right to be accompanied by a work colleague or trade union representative.
- After the meeting, you will be informed in writing of the decision and of any sanction imposed and be notified of your right of appeal against any decision.
- An employee will not normally be dismissed for a first disciplinary issue except in the case of gross misconduct when the sanction will normally be dismissal without notice or payment in lieu of notice.
- Any sanction which is warranted by the employee's alleged misconduct or performance may be imposed. We reserve the right to miss out any lesser sanctions (e.g., progressing straight to a final written warning) if the employee's misconduct or performance warrants such action.
- You will be provided with copies of meeting notes. We will keep copies of any written records together with details of any action taken on your HR record.
- Confidentiality will be maintained at all stages as far as practicable, and information will only be made available to relevant parties as and where necessary. You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.
- If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your manager as soon as possible.
- Where employment is terminated during the probationary period the disciplinary procedure will not generally be followed.

Procedure

Minor issues will normally be dealt with informally, and therefore the following procedure will not apply. It is part of the normal one to one process that managers bring to your

attention the standards required and any failure to meet those standards without undue delay. Managers should retain any note of these informal discussions or meetings. Where the matter is more serious, or the matter has not been resolved informally, the following procedure, and the remaining sanctions set out below, will apply:

Step 1: Investigation

The purpose of any investigation will be for the organisation to establish the facts relating to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary meeting. The extent of investigation required will depend on the nature of the allegations and will vary from case to case. Where appropriate, an investigatory meeting may be held with you.

Suspension

Depending on the nature of the allegation(s), it may be necessary to suspend you from work with full pay. The suspension will be for no longer than is necessary and the arrangement will be confirmed in writing. While suspended you should not visit the organisation premises or contact any of our clients, customers, suppliers, contractors, or staff, unless authorised to do so.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

Criminal allegations

Where your conduct is the subject of a criminal investigation, charge or conviction we may investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary meeting or say anything about a pending criminal matter, we may take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

Step 2: Notice of Disciplinary Meeting

If the decision is taken, following the investigation, that a formal disciplinary process is appropriate, you will receive written notification to attend a formal disciplinary meeting. The meeting will be held as soon as reasonably practicable, you will be given a reasonable amount of time, usually five days to prepare your case.

The notification will include:

- the time, date and venue for the disciplinary meeting;
- sufficient details about the alleged misconduct or poor performance to enable the you to prepare a response;
- copies of any documents (factual or written evidence), if any, as appropriate;
- the possible consequences arising from the meeting;
- copies of written evidence (if any) or, if this is to follow, a statement to that effect; and
- your right to be accompanied at the meeting.

If you have been suspended, this will be reviewed following the investigation. If you are to remain suspended, this will also be included in the letter.

Step 3: Meeting

The meeting will take place without unreasonable delay following the notification to you of the intention to hold a meeting. Where the meeting may result in your dismissal, the meeting will be chaired by a person with the authority to dismiss.

Prior to the meeting, you will have been provided with relevant information (including copies of written evidence, if any), and given sufficient time to prepare a response to the allegations. You will be entitled to be accompanied at the meeting as set out below.

You (and the companion, if you intend to be accompanied) should make every effort to attend the meeting. If you persistently fail to attend a meeting, this may result in a decision being made in your absence.

At the meeting, the allegations will be explained and the evidence to support the allegations will be set out. You will have the opportunity to respond to the allegations and set out your case.

Step 4: The Decision

Following the meeting the meeting chair will decide whether to impose one of the sanctions set out below, whether any other action is justified, or whether no further action need be taken. You will be informed of the decision in writing as soon as reasonably practicable.

Step 5: Appeal

If you wish to appeal against a disciplinary decision, you must do so within five working days of receipt of the written decision, in writing to the Centre Manager or Chair of Trustees setting out the grounds for the appeal.

You will be invited to an appeal meeting at which you will have the right to be accompanied. The appeal will be heard without unreasonable delay and where possible by someone independent of the decision being appealed and any prior investigation.

After the appeal meeting, you will be notified in writing of the appeal decision as soon as possible and that there is no further right of appeal.

Right to be accompanied

You have the right to be accompanied at any formal disciplinary meeting (including an appeal meeting but excluding an investigatory meeting) by a single companion who is:

- a work colleague;
- a trade union representative; or
- an official employed by a trade union (certified in writing by their union).

To exercise this right, you must inform the meeting chair of the details of the companion attending the meeting with you, prior to the meeting.

Your chosen companion will be able to address the meeting to explain or sum up your case, respond to any views expressed at the meeting and confer with you during the meeting. They may not, however, answer questions on your behalf, address the meeting if you do not wish them to do so or prevent the organisation from explaining their case.

If the companion cannot attend on the set date for the meeting, we may postpone the meeting for up to five working days or ask you to choose another companion.

Disciplinary sanctions

We reserve the right to impose a sanction or requirement other than those set out here, if it is appropriate to do so.

Once a warning has expired, it will be disregarded for disciplinary or capability purposes. However, we may take your previous disciplinary record, including any expired warnings, into account when considering the question of mitigation. In addition, where you have previously been disciplined for similar conduct or been informed of the need to improve performance or conduct and similar poor performance or misconduct has recurred, which demonstrates a pattern or is evidence of abuse, this may also be taken into account when considering the type and length of any appropriate sanction.

First Written Warning

Where the allegation is upheld, in whole or in part, you will be given a first written warning setting out the nature of the conduct or performance and the change in behaviour required. A first written warning is usually appropriate for a first act of misconduct or poor performance where there are no other active written warnings on your disciplinary record.

You will be informed that the warning is part of the formal disciplinary process and that the consequences of a failure to change behaviour could be a final written warning and ultimately dismissal. You will be informed that you may appeal against the decision.

A copy of the written warning will be kept on file but will normally be disregarded for disciplinary purposes after six months, subject to satisfactory conduct and performance.

Final Written Warning

It will usually be appropriate to issue a final written warning if there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct or performance is sufficiently serious to warrant only a final written warning even though there are no other active warnings on your record.

Any written warning will give details of the complaint, will warn of the sanction that will result if there is repetition of the misconduct or any other misconduct/unsatisfactory improvement in performance and will advise of the right of appeal.

A copy of the written warning will be kept on your HR record, but it will usually be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance.

Dismissal

If conduct or performance is still unsatisfactory and you still fail to reach the prescribed standards, or the misconduct or performance is sufficiently serious, dismissal will normally result (although other sanctions may be considered). Dismissal will usually be with notice or pay in lieu of notice, except in the case of gross misconduct when it will normally be without notice or pay in lieu of notice.

In some cases, we may at our discretion, consider an alternative to the usual sanctions above, such as, a demotion or reallocation of duties.

Misconduct and gross misconduct

Gross misconduct is regarded as misconduct of such a nature that it fundamentally breaches the contractual relationship between the employee and the Day Centre, as such,

gross misconduct will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

The following non-exhaustive lists provide examples of offences which are normally regarded as misconduct and gross misconduct:

Misconduct

- Persistent absenteeism or lateness
- Unauthorised absence from work
- Failure to meet adequate standards of job performance
- Failure to comply with the Day Centre's policies and procedures
- Minor violations of the health and safety rules
- Improper use of the Day Centre's funds and property
- Unacceptable use of the Day Centre's equipment or internet and email
- Refusing or failure to carryout reasonable management instruction

Gross misconduct

- Theft or willful damage of or negligence which leads to loss, damage to property or goods belonging to the Day Centre's, its clients or suppliers, or other employees
- Fraud and deliberate falsification of information and/or records
- Deliberate and/or serious damage to the Day Centre's property
- Failure to report accident damage to a Day Centre vehicle
- Serious misuse of the Day Centre's property or name
- Deliberately accessing internet sites containing pornographic, offensive, obscene, or inappropriate material
- Being concerned or interested in activity which is damaging to or in competition with the business of the Day Centre's or any serious breaches of confidentiality obligations
- Serious or repeated failure to follow reasonable requests or instructions
- Serious cases of non-compliance with the General Data Protection Regulations (GDPR)
- Bringing the Day Centre into serious disrepute, including but not limited to, making disparaging comments on social media sites or similar
- Incapacity to perform the duties of the post effectively due to alcohol or being under the influence of illegal drugs
- Serious breach of confidence
- Failure to disclose criminal conviction, reprimands, warnings and/or cautions where required to do so
- Bullying, harassment or victimisation of colleagues or clients
- Discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race (includes colour, nationality and ethnic or national origin), religion and/or belief, sex or sexual orientation
- Serious or repeated breaches of the Day Centre's rules, policies and procedures, including anti-bribery and health and safety rules and procedures
- Serious breaches or non-disclosure of important information
- Smoking in prohibited areas

8.9 Grievance Procedure

Purpose and scope

We will try to resolve any grievance you may have about your employment as quickly as possible. Where appropriate, you should seek to resolve grievances informally with your manager. If a grievance cannot be resolved informally, or it is inappropriate to try to do so, you should raise it formally using the procedure as set out below.

This procedure is not contractual.

Principles

This procedure sets out the responsibilities of both the Day Centre and the employee for ensuring a fair procedure is followed, although, there may be occasions where we decide it is not practicable and/or appropriate to take all the steps set out in this procedure or to vary the procedure. The principles are:

- Any issues should be raised and dealt with promptly. This includes not unreasonably delaying meetings or decisions.
- We will seek to establish the facts, including giving you an opportunity to discuss the grievance, prior to making a decision in respect of any grievance.
- You have the right to be accompanied in accordance with this policy at the grievance meeting and any appeal meeting, as set out within this policy.
- Information and proceedings relating to a grievance will remain confidential as far as possible.
- All stages of the procedure shall be dealt with within a reasonable timescale, unless there are special circumstances justifying a longer timescale.

Procedure

Stage 1: Informal Discussion

Your first step is to raise any grievance by informal discussion with your manager; that person, in most cases, will be best placed to respond to the complaint. There may be occasions where it is inappropriate to raise the matter informally, in which case you should proceed to stage two.

Stage 2: Written Grievance and Meeting

If the matter cannot be satisfactorily resolved under stage one, or it is inappropriate to try to do so, you should raise the matter formally by setting out your grievance in writing to the Centre Manager or Chair of Trustees as appropriate. Once a written grievance has been received, you will be invited to attend a meeting to discuss the grievance. If necessary, an investigation into the grievance will be held either before or after the meeting.

You have the right to be accompanied at the meeting as detailed below. You and any companion, should make every effort to attend the meeting. At the meeting, you will be given the opportunity to explain the grievance and how you consider it should be resolved. The meeting may be adjourned if it is felt that further investigations are necessary or more time is needed to consider the grievance.

After the meeting, you will be informed in writing of the organisation's decision and any proposed action in respect of the grievance as soon as reasonably practicable. You will also be informed in writing of the right to appeal against the decision.

Stage 3: Appeal

If you are not satisfied with the resolution of the grievance, you may appeal against the grievance decision. This should be done within five working days of receipt of the grievance decision, in writing to the Centre Manager or Chair of Trustees setting out the grounds for the appeal. You will then be invited to attend an appeal meeting. The appeal will be heard without unreasonable delay and where possible by someone independent of the decision being appealed or any prior investigation.

You have the right to be accompanied at the appeal meeting as set out below.

After the appeal, you will be informed in writing of the appeal decision. There is no further right of appeal.

Right to be accompanied

You have the right to be accompanied at any formal grievance meeting (including an appeal meeting but excluding an investigatory meeting) by a single companion who is:

- a work colleague,
- a trade union representative; or
- an official employed by a trade union (certified in writing by their union).

To exercise this right, you must inform the meeting chair of the details of the companion attending the meeting with you, prior to the meeting.

Your chosen companion will be able to address the meeting to explain or sum up your case, respond to any views expressed at the meeting and confer with you during the meeting. They may not, however, answer questions on your behalf, address the meeting if you do not wish them to do so, or prevent the organisation from explaining their case.

If the companion cannot attend on the date set for the meeting, we will postpone the meeting for up to five working days or ask you to choose another companion.