

New Road Psychotherapy - Disciplinary and Grievance Policy

Purpose and Scope

This policy applies to New Road Psychotherapy employees.

Clinical staff, volunteers, and trainee counsellors work within the British Association for Counselling and Psychotherapy (BACP) Revised Ethical Framework.

All personnel must follow individual contracts, clinical placement contracts, service level agreements, and New Road Psychotherapy policies and procedures.

New Road Psychotherapy aims to encourage improvement in conduct or performance where it falls short of expectations.

This document describes the procedure to be followed when any of these documents' requirements are violated. This procedure will typically be invoked only as a last resort after informal discussions or other genuine attempts to resolve relevant issues have failed (such as poor performance, misconduct, or failure to comply with the BACP Revised Ethical Framework).

Principles – Discipline-related issues

- a) The procedure is designed to establish the facts quickly and to address disciplinary issues uniformly and without unreasonable delay.
- b) The individual will have the opportunity to state their case and be represented or accompanied by a colleague at every stage of the procedure outlined below.

Both parties will sign the minutes of every meeting.

- c) A person has the right to appeal any disciplinary punishment.
- d) Participants are requested to maintain confidentiality until the issue is resolved.

The Procedure - Matters of Discipline

Step 1 - A written warning.

If conduct or performance is unsatisfactory, a written warning or performance note will be issued. After six months of satisfactory performance, these warnings will be recorded and removed from the employee's file. During this time, the individual will receive support and additional supervision from their line manager if necessary.

The individual will also be informed that a final written warning may be considered if no sustained improvement or change is deemed satisfactory. (Where the first offence is sufficiently serious, for example, because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

Step 2 – last written caution.

If the offence is serious, standards do not improve, or a second offence of a similar nature occurs, a final written warning will be issued, including the reason for the warning and a note that dismissal or other action at Step 3 will be taken if there is no improvement within a specified period (up to six months).

Step 3 - Termination or Action Short of Termination.

If the behaviour or performance does not improve within the specified time frame, the individual may be subject to a status change or dismissal. Individuals will receive notice or payment instead of notice, except in cases of gross insubordination.

Grave infractions - Disciplinary matters

If, following an investigation, it is determined that a person has committed any of the following offences (this list is not exhaustive), the normal consequence is dismissal without notice or payment in lieu of notice.

- Clinical malpractice or negligence (for clinical roles).
- Disclosure of confidential information.
- Criminal convictions that undermine a candidate's suitability.
- Provision of false information pertinent to a candidate's position.
- Theft or fraud.
- Intentional and severe damage to property.
- Serious misuse of an organisation's property or name.
- Intentional access to pornographic, offensive, or obscene material online.
- Serious insubordination.
- Unlawful discrimination or harassment.
- Bringing the organisation into serious disrepute.

- Causing loss, damage, or injury through serious negligence.
- A serious breach of health and safety rules.
- Failure to abide by policies and procedures.
- Consistently poor attendance on a project without appropriate notification.
- Use of abusive or offensive language or behaviour, bullying or harassment.
- Being under the influence of alcohol or drugs.
- Failure to satisfactorily perform assigned duties.
- A serious breach of confidence.
- Deliberate falsification of expense claims.

During the alleged gross misconduct investigation, the individual may be suspended and paid at their normal pay rate. Suspension is not a disciplinary action and involves no pre-judging.

Before taking action to dismiss, an investigation will be conducted to determine the case's facts.

There will be a meeting with the employee to discuss the allegation and its basis.

The employee has the right to be accompanied at the meeting, and the 'ACAS Code of Practice on Disciplinary and Grievance Procedures' will govern the role of any accompanying person.

<https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

The employee may file an appeal against the decision.

Appeals - Discipline-related issues

A worker who wishes to appeal a disciplinary decision must do so in writing to the Clinical Director within five business days. The Clinical Director or another person appointed by the management team, along with one other member of the senior staff team, will hear and decide the appeal with as much impartiality as possible.

Any issue not resolved by the above procedure may be referred to a senior therapist unrelated to New Road Psychotherapy. The senior therapist may decide the matter herself or refer someone else with relevant qualifications and experience to advise her/him on the matter. The senior therapist's decision is final.

The employee will be notified in writing of the outcome of the appeal.

Grievances

The typical method for resolving a complaint is informal. If that is not possible, the employee should address the issue formally and without undue delay with a manager who is not the subject of the grievance. This should be done in writing, and the nature of the complaint should be specified.

There will be a meeting with the employee to discuss the grievance.

The employee has a legal right to be accompanied at a grievance hearing when an employer investigates a complaint regarding a statutory or common law duty owed to a worker. (for example, contractual commitments).

Following the meeting, a decision regarding necessary action will be made and communicated in writing to the employee.

Appeals – Grievance matters

If the employee believes their grievance was not satisfactorily addressed, they can appeal the decision.

The clinical director will appoint two senior representatives of the organisation to hear the appeal and decide the case as impartially as possible. Appeals must be submitted in writing within ten working days of receiving the decision, stating the grounds for appeal.

The decision of the appeal hearing will be final.

Note on grievance and disciplinary cases that overlap.

When an employee raises a grievance during a disciplinary process, the process may be temporarily halted to address the grievance. When the grievance and disciplinary cases are intertwined, it may be appropriate to address both simultaneously.

Contact Information: If you have any questions or concerns about this policy, please email the centre manager at admin@newroadpsychotherapy.com.

Review and Revision: This policy will be reviewed annually and updated as necessary to ensure it remains relevant and effective.

Effective Date: 4 June 2024