



Ref: FOI2022-016

[REDACTED]

14th June 2022

Dear [REDACTED]

Further to our email of 18<sup>th</sup> May 2022 regarding your request for the following information:

*Can we please have a copy of your Grievance Policy and Procedure and also your Capability Management Policy and Procedure.*

And your subsequent clarification:

*We'd be happy to receive the current ones.*

Your request has been handled as a request for information under the Freedom of Information Act 2000 (the Act).

We can confirm that the Atomic Weapons Establishment (AWE) holds all of the information in scope of your request.

We are able to release the following documents:

- Capability Policy
- Disciplinary, Capability, Grievance and Management Investigations Standard
- Formal Procedure to Accompany Disciplinary and Capability Policies
- Individual Grievance Policy
- Individual Grievance Procedure

All 5 documents have been redacted under sections 24(1) and 40(2) of the FOI Act. These sections provide that information can be withheld where disclosure would prejudice national security and breach the principles of the UK GDPR respectively.

Please remember to quote the reference number above in any future communications. If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you are unhappy with the way your request has been handled you have a right to request an internal review within 40 days of receiving this letter, by writing to [information.requests@awe.co.uk](mailto:information.requests@awe.co.uk) or our postal address: Information Requests Team, AWE Aldermaston, Reading, RG7 4PR. If you are still unhappy after an internal review has been completed, under the provisions of Section 50 of the Freedom of Information Act 2000 you have the right to take your complaint to the Information Commissioner's Office. Please note the Commissioner will generally not consider a complaint until you have exhausted AWE's internal complaints process.



Aldermaston ▪ Reading  
Berkshire ▪ RG7 4PR

[www.awe.co.uk](http://www.awe.co.uk)

Yours sincerely,

AWE Information Requests Team





## AWE Company Policy statement

### **Capability Policy**

This Policy gives an overview of why it is important to manage performance issues and address them swiftly, how performance issues can be recognised and what action can be taken prior to formal action.

The policy covers:

- Responsibilities
- Managing Capability Issues
- Recognising Capability Issues
- Deciding whether action is necessary

Signature of Accountable Person

[Redacted Signature]

HR Manager

AWE Issue No.4.10, October 2017	AWE Management System Policy <b>Capability Policy</b>	Owner / Primary Contact: HR
HR Policy Handbook Section: 4.3		

## 1 Purpose

The objective of this Policy is to ensure fair and consistent treatment of all employees when dealing with issues of poor performance. This Policy should be read in conjunction with the Formal Procedure to Accompany the Disciplinary and Capability Policies<sup>1</sup>.

## 2 Applicability

This Policy applies to all employees, and to all line managers of AWE employees.

## 3 Responsibilities

### Employee

Employees have a responsibility to achieve and maintain a satisfactory level of performance and capability and should be given help and encouragement to do this. Employees who are struggling to reach or maintain a good standard should seek help from their line manager.

### Line Manager

Managers are responsible for managing the performance and capability of their team members and should therefore:

- Ensure that there is a clear and explicit common understanding with all team members regarding their role and expected standards.
- Ensure that performance and development plans are in place with SMART objectives or job focus goals.
- Monitor the performance of all team members as a matter of routine through regular reviews.
- Take appropriate action to address areas of concern by communicating at the earliest opportunity with the individual.

### Human Resources

The role of HR is to provide independent advice and support to both employees and line managers; to ensure the requirements of the Formal Procedure are followed, and that all legal and policy elements are followed to minimise any risk to the company.

### Healthcare Advisor and/or Occupational Health

Healthcare Advisor and/or Occupational Health will provide support, advice and guidance as required.

## 4 Policy

### Managing Capability Issues

The principles AWE will adhere to when managing capability are:

- Any performance issue will be raised with the employee at the earliest possible opportunity, by the Line Manager, in order that the employee is aware that there is an issue and to give an opportunity for appropriate action to be put in place. The quarterly review is an opportunity to raise issues but this should not be the only occasion when issues of capability are highlighted, nor should the raising of such issues be delayed until the review. The annual appraisal is not an appropriate time to raise capability issues for the first time.

<sup>1</sup> See Section 5, References

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HR Policy Handbook Section: 4.3		

- Informal steps will be taken in the first instance to establish an improvement in performance.
- Where training is appropriate, this will be offered.
- Where a referral to the company's Healthcare Advisor or Occupational Health is necessary, this will be made and any recommendations made by them acted upon.
- An employee will be given ample opportunity to improve their performance through monitoring and feedback.
- AWE will always act with the intention of enabling an employee to remain in work carrying out their role fully.

Capability issues can include:

- lack of productivity or slowness;
- poor quality work;
- failure to establish good working relationships;
- failure to follow processes;
- failure to attend or complete relevant training;

In addition to the more obvious failure to meet job requirements or objectives.

### Recognising Capability Issues

There will be times when an employee makes mistakes, or may struggle to do something. Managers should give feedback, coaching and support to employees regularly as part of their normal work to help employees improve their performance.

Capability procedures are there to be used where an employee is *consistently* "falling down" on the job. The aim is to bring the employee's performance up to the required standard, not to punish or dismiss.

### Preventing problems

- Careful recruitment, selection and training will minimise the risk of capability issues.
- When an employee is new to a job, the line manager must ensure that clear and explicit objectives or job focus goals are in place. The standard of work and level of competency required for the role, along with the standards of behaviour expected, must be clearly explained.

Problems dealt with early enough can be "nipped in the bud", whereas delay can make things worse.

### Causes of Capability Issues

A reduction in an employee's capability can arise from a number of causes, for example a lack of training or instruction, lack of motivation, lack of basic ability, or some underlying medical or personal problem that is affecting performance at work. In some cases the problem may be only temporary.

Apart from a feeling that "all is not well", recognition of the problem may come from a number of sources, such as:

#### *Quantity of work:*

- Is the employee doing as much work as an average person doing the same job or are they doing significantly less?
- Does the employee avoid making decisions or distract themselves from priority tasks?

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*Quality of Work:*

- Is the employee making a lot of mistakes?
- Are they producing work of the appropriate quality standard?
- Is there any pattern to their lack of quality - i.e. is it only in a specific area(s)?

*Conflict/Negative Attitude:*

- Does the employee provoke quarrels or disrupt the work of others?
- Are people reluctant to work with them?
- Are there complaints from customers? (Be wary if these are subjective criticisms).
- Does the employee cover up mistakes or continually blame others for their mistakes?

**Deciding whether Action is Necessary**

Line Managers should consider whether the employee has received sufficient orientation and other training to be able to do their job. Also, have the standards expected of them been clearly explained?

There may be other factors which account for the issues that are occurring, in which case these will need to be addressed instead of, or as well as, the specific capability problem:

- External conditions that the employee is unable to control, e.g. lack of resources or equipment.
- Lack of the necessary knowledge, ability, inter-personal and technical skills to perform the job effectively.
- Medical or personal problems.

When deciding what sort of action to take the line manager should also consider:

- The history of the employee, i.e. what have their levels of performance been in the past?
- The length of time that the problem has been occurring.
- Are there any extenuating factors that the line manager is aware of that could be impacting on their performance?
- Have previous managers let the situation continue without remedial action, i.e. has the employee's behaviour been condoned?
- Has the employee never been capable of doing their job?
- Could the employee perform to an acceptable level if necessary? Have they performed well in the past?

Issues with capability should be addressed informally at first. This may identify an underlying issue, such as a medical condition which can be addressed through a reasonable adjustment to the workplace or role. At first the conversations will be simply a conversation between the line manager and the employee, but if an improvement is not achieved and there is no underlying reason, or the underlying reason has been addressed and there is no improvement, the Formal Procedure should be referred to with the first stage likely to be the issuing of an Improvement Note. Where managers suspect a medical condition may be part of the issue, they may refer to the Sickness and Attendance Management – Manager's Guidance<sup>2</sup>, which gives, in particular, further information on making reasonable adjustments.

<sup>2</sup> See Section 5, References

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HR Policy Handbook Section: 4.3		

## 5 References

1. Formal Procedure to Accompany the Disciplinary and Capability Policies, HR Policy Handbook Section 4.0, AWE [REDACTED]
2. Sickness Absence and Attendance Management – Manager’s Guidance, HR Policy Handbook Section 3.4, AWE [REDACTED]

## 6 Change History

Previous Issue No and Date	Revisions Made
4.10, August 2013	Reviewed for Workday – no changes made. Policy wording tidied up.

AWE [REDACTED] Issue No. 1, Sept 2019	AWE Management System Standard <b>Disciplinary, Capability, Grievance, and Management Investigations</b>	Owner / Primary Contact: [REDACTED]
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## 1 Purpose

The objective of this Standard is to demonstrate that AWE HR is committed in its approach to disciplinary, capability, grievance, and management investigations ensuring all issues are handled, promptly, sensitively, fairly and consistently in line with legal requirements.

## 2 Applicability

This Standard applies to all AWE employees in relation to disciplinary, capability, grievance and management investigations.

## 3 Responsibilities

HR:

- The Head of HR Operations owns the Disciplinary, Capability, Grievance and Management Investigations Standard and associated process and procedure
- HR Professionals ensure all procedural and legal requirements are followed in relation to disciplinary, capability, grievance and management investigations to minimise any risk to the company; provide independent support and guidance to managers and employees as required; and are responsible for the administration of relevant documentation on the Management System
- HR Business Partners provide independent support and guidance to managers and employees as required.

Employees are responsible for familiarising themselves with the contents of this document. They are required to understand and apply the standards of behaviour and conduct which are expected of them in relation to disciplinary, capability, grievance and management investigations and to comply with company requirements in respect of those procedures.

In addition to the employee responsibilities above, Line Managers are required to understand and apply the standards which are expected of them in relation to disciplinary, capability, grievance and management investigation and undertake any relevant training deemed appropriate. They also have a duty of care to employees and are required to comply with company requirements ensuring issues are handled, promptly, sensitively, fairly and consistently in line with legal requirements.

## 4 Requirements

AWE adheres to the ACAS Code of Practice<sup>1</sup> and any relevant employment legislation in its management of disciplinary, capability, grievance and management investigations

Required employee and manager behaviours are outlined in the Employee and Leadership Blueprints.

## 5 References

1. ACAS Code of Practice on Disciplinary and Grievance Procedures
2. AWE [REDACTED] Worker Information Standard



AWE [REDACTED] Issue No. 1, Sept 2019	AWE Management System Standard <b>Disciplinary, Capability, Grievance, and Management Investigations</b>	Owner / Primary Contact: [REDACTED]
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## 6 Change History

Previous Issue No and Date	Revisions Made
None	n/a

## 7 Records

- Outcomes of any disciplinary, capability and grievance issues will be kept on employee electronic files in line with the Worker Information Standard<sup>2</sup>
- Records of management investigations will be held electronically by HR
- Records of any training for disciplinary, capability, grievance and / or management investigations carried out will be held on AWE Learning Management System

AWE [REDACTED] Issue No.1.5, November 2017 HR Policy Handbook Section: 4.0	AWE Management System Procedure <b>Formal Procedure to Accompany                  Disciplinary and Capability Policies</b>	Owner / Primary Contact: HR
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**1 Purpose**

The objective of this Procedure is to outline the company’s arrangements, and requirements of line managers, regarding informal meetings and formal hearings relating to disciplinary or performance issues.

**2 Applicability**

This procedure is relevant to employees and managers.

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**4 Responsibilities**

**Line Manager**

Line Managers are responsible for managing any disciplinary and performance issues of their team members.

Disciplinary issues will include conduct and behavioural issues and may be addressed at any relevant stage of the policy, including dismissal, depending on the issue. In cases where the facts of the matter are not clear, it will be appropriate for an independent investigation to be conducted and to provide recommendations which will inform any further action. If an investigation is carried out, the line management will receive the report and be expected to carry out the recommendations. The Investigation will be carried out in accordance with the company’s Investigation Procedure<sup>1</sup>.

Performance issues should be identified and addressed by the line manager at an early stage, usually through an Improvement Discussion. They should not be addressed for the first time during an appraisal or performance review conversation.

Line Managers should also refer to the company’s Disciplinary Policy<sup>2</sup> and Capability Policy<sup>3</sup>.

In all cases, before formal action is instigated, the line manager must contact the HR Case Management team or their HR Consultant.

**Human Resources**

The HR Case Management Team will provide support and advice to line managers dealing with formal disciplinary or performance management processes. They will also provide support and advice to employees.

<sup>1</sup> See Section 6, References

<sup>2</sup> See Section 6, References

<sup>3</sup> See Section 6, References

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## 5 Method

### Informal Procedure

#### Improvement Discussion

Where the employee's conduct, behaviour or performance gives cause for concern, an informal meeting to discuss the issues with the employee should be held by the line manager. This informal meeting should take place as soon as possible after issues have come to light. Informal action should always be considered prior to initiating the formal process and it is important that line managers attempt to deal with issues as soon as possible through this informal part of the process. Informal action is a matter between an employee and their immediate line manager and, as such, is not subject to the same arrangements as formal disciplinary hearings.

At this stage, the line manager may ask the employee if there are any concerns or other issues or conditions they need to be aware of. If there are, it may be appropriate for the line manager to seek advice, possibly from the company's Healthcare Advisor, from Occupational Health or HR. Employees may also seek advice from HR or from their Trade Union representative.

Wherever possible, coaching should be used to correct minor conduct issues e.g. timekeeping. The expectation is that this approach will clarify or resolve any possible difficulties.

The informal meeting will be held by the employee's immediate line manager. Neither HR nor a Trade Union representative should be present at the meeting. This meeting is an opportunity for the immediate line manager to meet with the employee concerned to address issues of concern. The meeting should cover the following points:

- What the issue is – the line manager should be specific and clear outlining the exact problems and the reasons why this is unacceptable;
- What improvement needs to be made – the line manager should be precise. For instance, if there is a conduct issue, the improvement should be no further similar conduct; if it is a performance issue, clear objectives and expectations should be set for future performance;
- The timescale for improvement – the line manager should outline when the improvements are expected, when the first review meeting will be held, how often there will be further reviews and what would be expected in order to bring the reviews to an end;
- The consequences – the line manager should outline what will happen if satisfactory improvement is made and what will happen if it is not, at any stage during the review period.

To ensure that the issues have been explained and understood correctly by both parties, and for the avoidance of doubt for both parties, the line manager may put this in writing to the employee via e-mail or letter. The outcome could also be in the form of an Improvement Note. In any event, the line manager should make a diary note that the conversation took place and perhaps a brief summary of the issues raised and expectations for improvement outlined. The line manager should advise the HR Case Management Team of any action taken for statistical purposes. The recommended timescale for improvement reviews following an improvement discussion is six months, although if significant improvement is achieved prior to this, the line manager may choose to end the reviews. In cases where it is clear that improvements are not being made to the required level or with the required amount of speed, the line manager may also choose to end the reviews and move to the formal process. In cases where the employee has not had the opportunity to demonstrate the required improvement in the agreed timescale, the line manager may extend the reviews/Improvement Note for a further period. However, any extension must be by exception, have

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clear timescales and must not be repeated indefinitely. Continued failure to meet the required improvement should lead to further action being considered.

If the employee achieves the required improvement within the agreed review period, but fails to maintain the improvement after the reviews have stopped, the line manager may not need to repeat this informal stage before considering further action. The line manager should take into account the severity of the conduct/behaviour/performance, the full history of the issue and how long it has been since the last review/Improvement Note.

Guidance on holding an Improvement Discussion and writing an Improvement Note<sup>4</sup> can be found on portal.

### Formal Procedure

All formal meetings must be arranged in accordance with the guidance laid out below. It is normally expected that formal proceedings will start at the Written Warning stage but there may be some circumstances where the formal procedure starts at a different stage including the Dismissal stage.

### Arrangements for Formal Hearings

With the exception of suspension for reasons of misconduct, all employees must be invited to a formal hearing before any action can be taken against them. All formal hearings will be arranged in the following way:

- The line manager, with appropriate advice from HR, will write to the employee, to formally invite them to a hearing to discuss the issue. Depending on the seriousness of the issue, this policy may be entered at any stage including dismissal ie: it is not essential to have issued an Improvement Note before moving to a Written Warning.
- The letter will clearly advise the employee of the allegation/s or concern/s to be discussed and which policy or policies will be applicable.
- The letter will clearly state the potential outcome of the meeting and may confirm which stage of the process it is at, if this is applicable.
- The employee will be informed of their right to be accompanied. The employee may be accompanied by a trade union representative, a fellow worker or an official employed by a trade union.
- The employee may not be accompanied or represented by a family member or a solicitor.
- The hearing will be held without unreasonable delay. The employee will normally be given five working days' notice of the hearing date, although this may be increased or decreased if the circumstances demand (for example, due to shift patterns or if the employee is suspended, etc).
- A copy of any additional paperwork that the employee does not have or have access to, but that will be used in the formal meeting, will be sent to the employee no later than two working days before the hearing, in order for them to prepare their case or response. This will include witness statements if these have been taken although they may sometimes be redacted to protect a third party who may have been mentioned in the course of giving the statement.
- If the employee, or their trade union representative or workplace colleague, is unable to attend on the first date given, the hearing will be rearranged once. However, if either the employee or their companion is not able to attend on the second occasion, the hearing will proceed in their absence. Every effort will be made to take into account the availability of all concerned. The employee may ask another representative or colleague to attend in the

<sup>4</sup> See Section 6, References

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place of their initial companion. The employee may also send a representative on their behalf or submit a written statement of their case for consideration. The time proposed by either the employer or employee for the re-arranged meeting must be reasonable and must fall before the end of a period of five working days beginning with the first working day after the date proposed unless agreement can be reached between both parties for something outside this which would still be deemed as reasonable and not extending the timescale unnecessarily.

- If the employee fails to attend a meeting and does not advise either HR or the hearing Chair, the meeting will usually be held in their absence.
- The employee will have the right to state their case and answer any allegations that have been made against them.
- The companion may be allowed to address the hearing to put forward, and sum up, the employee's case, respond on behalf of the employee to any view expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.
- A member of the HR team will normally be present at all stages, to provide guidance and advice on the procedure, and ensure that all relevant topics have been considered. A note-taker will also be present to take note of the key points of the meeting; the record will not be verbatim.
- An outcome letter will usually be sent to the employee within two working days of the hearing. This letter will confirm:
  - i. the outcome of the hearing;
  - ii. how long any warning will remain active;
  - iii. the required standards of improvement;
  - iv. the employee's right of appeal; and
  - v. how any appeal should be requested.

In cases of dismissal, the letter will confirm:

- i. the reasons for the dismissal,
  - ii. the date on which the employment contract will end,
  - iii. the appropriate period of notice and
  - iv. the right to appeal.
- If there is a need to carry out further investigations the outcome letter will not be issued until these have been completed. The employee will be advised of the timescale in which to expect the letter in these circumstances.
  - Brief notes will be taken of the key issues. The notes of any stage hearing will be sent out, as far as possible, within 10 working days following the hearing. The employee will be sent a copy for their record. The notes are the company's formal record of the meeting and whilst the employee may suggest changes to them, the changes may not be applied. A copy will be retained on the employee's electronic file.
  - Formal meetings will always happen on one of AWE's sites, usually the site where HR is based.
  - At any of these stages, the employee may be asked to attend a health review with the Healthcare Advisor or their Vocational Rehabilitation Consultant to establish whether there is an underlying medical reason that the company may need to be aware of which may be affecting their conduct, behaviour or performance. Any information provided will be taken into consideration.

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### Written Warning

If an employee's conduct, behaviour or performance does not improve following a reasonable time after receiving an Improvement Note, or if the matter is considered serious enough to address for the first time at the Written Warning stage, then they may be requested to attend a formal hearing, to discuss the ongoing issues. This meeting will normally be held with their immediate line manager.

At the meeting the manager will explain the allegation/s against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. The meeting will review the improvement note/s previously issued, if applicable, and the conduct, behaviour or performance issues, since that time. If the line manager feels that there is no satisfactory explanation for the issue under consideration, a formal written warning may be issued. This warning will set out the nature of the issue and give details on the change expected and improvement required, and the period over which these are expected to take place. This warning would normally be active for six months, although it may be issued for up to 12 months in cases where it is felt the employee requires a longer period over which to demonstrate the improvement. The employee should be advised of the consequences of not reaching the required standard or of further conduct, behaviour or performance issues during the period the warning is active. This would normally be further formal action. Any employee with an active warning at the annual pay review will not receive a pay increase.

If the employee's conduct, behaviours or level of performance does not improve, the process may move to a Final Written Warning, and where review meetings indicate a lack of reasonable, notable, acceptable and sustained improvement during the time the warning remains active, the next stage may be invoked before the end of the warning or some other contractual penalty such as suspension from duty without pay, demotion or loss of seniority (with a corresponding reduction in pay), or loss of management responsibility (with a corresponding reduction in pay if applicable), could be invoked. If there is a lack of improvement, the warning could be extended. The warning may also be extended in cases where time away from work prevents the employee from demonstrating the required improvement. In such cases the employee will be written to, to advise them of this, and there will be no additional right of appeal.

### Final Written Warning

If an employee's conduct, behaviour or performance still remains unsatisfactory following a Written Warning, or if the allegation is considered serious enough, they will be asked to attend a formal hearing. This meeting will be held with a senior manager within the employee's line management chain accompanied by an HR representative.

At the meeting the manager will explain the issues and go through the evidence that has been gathered including any previous warnings given, and their severity and timeliness, any previous improvement requirements and the employee's employment history. The employee will be allowed to set out their case and answer any allegations that have been made. At this meeting, the on-going or current issues will be reviewed, along with any measures in place to support them and the previous improvement plans. If there is still no satisfactory explanation for the failure to improve the manager may choose to issue a Final Written Warning.

The warning will give details of the improvement required, and the period over which this is expected to take place. The warning would normally be issued for a period of 12 months but may be issued for up to two years in serious cases. The employee will also be advised that continued failure to improve may lead to dismissal or may result in some other contractual penalty such as demotion or loss of seniority. Where review meetings indicate a lack of improvement during the time

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the warning remains active, the dismissal stage may be invoked before the end of the warning. If there is a lack of improvement, the warning could be extended. The warning may also be extended in cases where time away from work prevents the employee from demonstrating the required improvement. In such cases the employee will be written to, to advise them of this, and there will be no additional right of appeal.

The employee should be advised of the consequences of further misconduct, poor behaviour or poor performance during the period the warning is active. This may include suspension from duty without pay, demotion or loss of seniority (with a corresponding reduction in pay), or loss of management responsibility (with a corresponding reduction in pay if applicable). If there is a lack of improvement, the warning could be extended. The warning may also be extended in cases where time away from work prevents the employee from demonstrating the required improvement. In such cases the employee will be written to, to advise them of this, and there will be no additional right of appeal.

### **Dismissal**

Should an employee's conduct, behaviour or performance fail to improve following receipt of a Final Written Warning, or if the matter is considered to be gross misconduct, they will be asked to attend a further formal hearing. A senior manager will hear the case accompanied by an HR representative.

At the meeting the manager will explain the issues and go through the evidence that has been gathered. The meeting will consider all previous evidence, including any previous warnings given, and their severity and timeliness, any previous improvement requirements, the employee's employment history and the employee's explanation for their alleged misconduct, poor behaviour or poor performance. The employee will be allowed to set out their case and answer any allegations that have been made.

If the presiding manager concludes that there is no appropriate explanation, or if the matter was serious enough to warrant it, then the manager may take the decision to dismiss the employee on the grounds of conduct or capability, illegality or, in some cases, some other substantial reason. If the presiding manager concludes the employee needs more time to improve an alternative may be to extend the Final Written Warning.

### **For Disciplinary and Capability Procedures: Dismissal – Alternative Outcomes**

In some disciplinary or capability cases, a decision may be taken to impose a penalty less than dismissal. The alternatives that may be considered are:

- Suspension from duty without pay for up to 10 working days;
- Demotion or loss of seniority (with a corresponding reduction in pay);
- Loss of management responsibility (with a corresponding reduction in pay if applicable).

In these cases it is usual also to impose a final written warning, or extend a final written warning already in place, and confirm the improvements expected and the associated review period.

### **For Capability Procedures: During the Capability Process**

Whilst warnings are on file there should be regular review meetings between the line manager and the employee to discuss the employee's continued capability or performance. There is no specified frequency for these meetings but a standard to consider might be every month to start with. The meetings will look at the performance and development plans that have been agreed with the employee and consider their performance against this plan. If there has been an improvement this

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meeting will ensure that the improvement is noted, supported and monitored. If there has been no or insufficient improvement, the continuing issues will be discussed and the employee reminded of the changes needed to make the necessary improvements.

#### **For Capability Procedures: After the Warning for Capability Expires**

At the end of each warning period, the employee may be interviewed again by the line manager as part of the regular schedule of review meetings to formally review their capability or performance, especially if there has been sufficient improvement and the warning is about to expire.

In cases where there has been sufficient improvement, the employee should be clearly told and encouraged to maintain this. The employee may be given a letter confirming that their performance is now satisfactory, and explaining that they will be monitored for a further two years (six months for an Improvement Note), during which time capability action can be re-activated at the next stage if the improvement is not maintained.

If there has not been a sufficient improvement and further action has not already been instigated, the employee should be told that action may proceed to the next stage, and that they will be asked to attend a hearing.

#### **Appeals for any Stage of the Procedure**

An employee may appeal against an outcome issued at any stage of the above process. Appeals must be made in writing, within 10 working days from the date of receipt of the outcome letter, as far as possible. The appeal should be addressed to the employee's director, and should state clearly the grounds of the appeal. An appropriate senior manager will hear the appeal.

If the appeal is against dismissal, the appeal should be addressed to the HR Director within 10 working days. The HR Director or a nominated senior manager will hear all appeals against dismissal.

All appeals will be scheduled as quickly as possible following receipt of the appeal letter. Where further investigation is required, the employee will be kept notified of the progress of the investigation.

At every stage the appeal should consider whether the original decision was based on the evidence available and reasonable in the circumstances of the case, confirm that the outcome is consistent with procedure and consider any new evidence presented. The appeal panel may support or reject the original decision or may reduce or increase the original penalty, which could include giving a different warning or exercise the option of invoking some other contractual penalty such as suspension from duty without pay, demotion or loss of seniority (with a corresponding reduction in pay), or loss of management responsibility (with a corresponding reduction in pay if applicable). Where the final outcome was dismissal, an appeal panel may consider reinstatement with a final written warning instead.

#### **Action against a Trade Union Representative**

Where action is being considered against an employee who is also a trade union representative the normal procedure should be followed. However, it is advisable to discuss the matter at an early stage with an official employed by the union after obtaining the employee's agreement. HR should also be consulted.

#### **Grievances Raised during a Formal Procedure**



AWE [REDACTED] Issue No.1.5, November 2017	AWE Management System Procedure <b>Formal Procedure to Accompany                  Disciplinary and Capability Policies</b>	Owner / Primary Contact: HR
HR Policy Handbook Section: 4.0		

If an employee raises a grievance during a formal procedure, it may be appropriate to suspend the process to investigate the grievance. Where the grievance and disciplinary or capability cases are related, it may be appropriate to deal with both issues concurrently in order to investigate the issues in context. Any hearings that result from the process can cover both issues.

**Sickness Absence during a Formal Procedure**

If an employee is absent due to sickness during a formal procedure, and the length of absence is such that it may impact on the process, the employee will be referred to either the company’s Healthcare Advisor or Occupational Health in order to assess their health. Any sickness absence which becomes ongoing may be managed under the Sickness Absence and Attendance Management Policy<sup>5</sup> and Procedure<sup>6</sup>. Any absence during a period when an employee’s performance is being monitored, either under the formal process or as part of an informal performance improvement plan, will usually result in that period being extended by an equivalent period of time to allow the employee the full opportunity to demonstrate the required improvement. If the employee’s absence is on-going with no prospect of a return to work, the employee may still be invited to a formal meeting. The formal process will not stop or be delayed indefinitely due to absence.

**6 References**

1. Investigation Procedure, HR Policy Handbook Section 4.6, AWE [REDACTED]
2. Disciplinary Policy, HR Policy Handbook Section 4.1, AWE [REDACTED]
3. Capability Policy, HR Policy Handbook Section 4.3, AWE [REDACTED]
4. Holding an Improvement Discussion and Writing an Improvement Note – Manager’s Guidance, HR Policy handbook Section 3.4, AWE [REDACTED]
5. Sickness Absence and Attendance Management Policy, HR Policy Handbook Section 3.4, AWE [REDACTED]
6. Sickness Absence and Attendance Management Procedure, HR Policy Handbook Section 3.4, AWE [REDACTED]

**7 Change History**

Previous Issue No and Date	Revisions Made
1.4, June 2017	Sections “Action against a Trade Union Representative”, Grievances Raised during a Formal Procedure” and “Sickness Absence during a Formal Procedure” moved from Disciplinary and Capability Policies into this procedure.

<sup>5</sup> See Section 6, References

<sup>6</sup> See Section 6, References



## AWE Company Policy statement

### **Individual Grievance Policy**

This policy provides an overview of the company's individual grievance policy.

AWE expects employees and managers to familiarise themselves with this policy.

- Employees and managers must abide by the requirements;
- Managers are required to handle all individual grievances sensitively, fairly and consistently.

Signature of Accountable Person

[Redacted Signature]

HR Manager

AWE/ Issue No.3.7, June 2017	AWE Management System Policy	Owner / Primary Contact: [REDACTED]
HR Policy Handbook Section: 4.2	<b>Individual Grievance Policy</b>	

## 1 Purpose

The objective of this Policy is to outline the Company's standpoint with regard to the raising of individual grievances, and to support the accompanying Individual Grievance Procedure.

## 2 Applicability

This policy applies to all employees and managers of AWE employees.

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## 4 Responsibilities

The following people have a responsibility in relation to this policy:

- Employee;
- Line Manager;
- Human Resources.

## 5 Policy

AWE accepts that employees may, at times, have concerns, problems or complaints about their work, working conditions or relationships with colleagues which they wish to discuss with management. While AWE encourages open and honest relationships between employees and line managers in which such concerns can be addressed informally, it is accepted that in some cases employees may require a formal procedure under which to raise such issues and which will ensure that they are handled fairly, consistently and promptly.

An individual grievance may occur as a result of problems or concerns which an employee has regarding their work, working conditions or working relationships which they either feel they cannot raise with their line manager, or where they believe they have exhausted the informal route and the problem or concern has not been resolved. Individual grievances may also arise as part of an investigation under another AWE procedure, such as the Disciplinary or Sickness Absence Management Procedures, in which case appropriate action will be taken.

AWE accepts that employees have the right to raise such issues and to have them addressed. It is also in AWE's interests to resolve such problems before they develop into major difficulties for all involved.

This policy is supported by the Individual Grievance Procedure which gives examples of the types of issues and concerns which may result in an individual grievance and which may require further investigation under the company procedures. It explains the requirements that surround an individual grievance and the steps which must be taken by both the employee and the company in order to address the grievance in a way which is fair and equitable.

Following the rules and procedures will ensure everyone is treated fairly and consistently, and in line with the ACAS Code of Practice and legislation on discrimination. Failure to follow these rules

AWE [REDACTED] Issue No.3.7, June 2017	AWE Management System Policy <b>Individual Grievance Policy</b>	Owner / Primary Contact: [REDACTED]
HR Policy Handbook Section: 4.2		

and procedures could lead to substantial losses to the company e.g. compensatory awards, settlement costs, legal fees and difficulty in recruiting and retaining the best individuals.

## 6 Change History

Previous Issue No and Date	Revisions Made
3.6, February 2014	Policy and procedure separated.

AWE [REDACTED] Issue No.1.0, June 2017	<b>AWE Management System Procedure Individual Grievance Procedure</b>	Owner / Primary Contact: [REDACTED]
HR Policy Handbook Section: 4.2		

## 1 Purpose

The objective of this Procedure is to support the Individual Grievance Policy. It gives further detail on aspects of the policy, including responsibilities, requirements of both employees and managers, and the procedure which must be followed when raising for formal grievance and/or appeal the outcome of a grievance.

## 2 Applicability

This procedure is relevant to employees and managers of AWE employees.

## 3 Contents

1	Purpose.....	1
2	Applicability .....	1
3	Contents.....	1
4	Responsibilities .....	1
5	Method .....	1
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## 4 Responsibilities

### Employee

Employees should make all reasonable attempts to resolve any problems or concerns informally before raising a formal grievance under this procedure. If deemed necessary, they should raise the matter formally, in writing and without unreasonable delay, making sure to clearly state the nature of their grievance. Once a grievance has been raised, employees are expected to comply with company requirements in respect of this procedure, whether it is a grievance raised by themselves, or by a colleague.

### Line Manager

Line managers should make all reasonable efforts to resolve any employee issues or concerns informally. On receipt of a grievance, line managers have a responsibility to implement this procedure as necessary, ensuring that they take action consistently, fairly and promptly on receipt of an employee grievance.

### Human Resources

The role of the HR department is to provide independent advice and support, to ensure the requirements of this procedure are followed, and that all legal and policy elements are followed to minimise any risk to the company.

## 5 Method

### Types of Individual grievance

There are various issues, concerns or complaints which may result in an individual grievance being raised. Examples include, but are not limited to:

- Terms and conditions of employment;
- Health and safety;
- Work relations;
- Bullying and harassment;

AWE [REDACTED] Issue No.1.0, June 2017 HR Policy Handbook Section: 4.2	AWE Management System Procedure <b>Individual Grievance Procedure</b>	Owner / Primary Contact: [REDACTED]
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- New working practices;
- Working environment;
- Organisational change;
- Equal opportunities.

Grievances may occur at all levels, and this procedure applies equally to management and employees.

### **Informal Action**

Employees should aim to settle most grievances informally with their line manager. AWE encourages open and honest discussions between employees and their line manager where such issues can be raised and addressed, and this has the added advantage of allowing problems to be settled quickly.

Employees should usually attempt to resolve their issue informally with their direct line manager, unless the issue or concern involves that manager, in which case they may choose to take it up with someone higher in the line management chain.

### Mediation

In some cases it may be helpful to use a neutral mediator to help resolve a grievance and maintain working relationships. Mediation is often most effective if used early on but may not be suitable if the grievance involves enforcing a legal right or someone is required to decide the rights and wrongs of an issue.

### **Formal Action**

If an employee cannot seek informal resolution of their issue, or if they have taken informal action but still feel the problem has not been addressed, they can raise a formal grievance. This should be done in writing and without unreasonable delay. The grievance should usually be addressed to the employee's senior line manager, as it is expected that they will have explored all avenues for resolution with their line manager informally.

When stating their grievance, employees should take care to clearly set out the nature of their grievance.

### **Formal Meeting**

The senior line manager, or an appointed independent manager if appropriate in the circumstances, should arrange a formal meeting with the employee at which they have the opportunity to explain their grievance and how they think it should be resolved. This should occur without unreasonable delay after the grievance is received. Employees should be given at least 48 hours' notice of the meeting to allow them time to prepare.

Employees have the right to be accompanied at the hearing. They may be accompanied by a trade union representative, a fellow worker or an official employed by a trade union. They may not be accompanied or represented by a family member or a solicitor. A member of the HR team may be present.

If the employee or their companion/representative is unable to attend on the first date given, the hearing will be rearranged once. However, if either the employee or their companion/representative is not able to attend on the second occasion, the hearing will proceed in their absence. Every effort will be made to take into account the availability of all concerned. The employee may ask another representative or colleague to attend in the place

AWE [REDACTED] Issue No.1.0, June 2017	AWE Management System Procedure <b>Individual Grievance Procedure</b>	Owner / Primary Contact: [REDACTED]
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of their initial companion. They may also send a representative on their behalf or submit a written statement of their case for consideration. The time proposed by either the employer or the employee for the re-arranged meeting must be reasonable and must fall before the end of a period of five working days beginning with the first working day after the date proposed unless agreement can be reached between both parties for something outside this which would still be deemed as reasonable and not extending the timescale unnecessarily.

The employee and their companion/representative should make every effort to attend the meeting. Other than in exceptional circumstances, the meeting will be re-arranged no more than twice due to the inability of the employee or their companion/representative to attend although the availability of the representative will be taken into account before setting a meeting date whenever possible.

Consideration should be given to adjourning or delaying the meeting to allow for an investigation to be undertaken if necessary.

### **Investigation**

During the grievance meeting it may become apparent that further information is required from other sources. In such a case, the manager should adjourn the hearing to carry out the investigation. The manager may be accompanied during the investigation by a HR representative although this is not compulsory. The HR representative can take notes of any investigatory meetings, or a note taker may perform this task.

If an investigation takes place, the manager may reconvene the grievance hearing if they believe there are other pieces of information the employee has not had a chance to share, or if they have additional questions arising from information given during the investigation which they may need to further explore.

It may also be apparent that an investigation is required before the grievance hearing is convened. In this case, the investigation should be completed and the grievance hearing will form both the final part of the investigation and the grievance hearing, and the outcome of this meeting will conclude the grievance.

In either circumstance the investigation must be carried out promptly and thoroughly. During an investigation, employees are expected to co-operate fully, whether it is they themselves or a colleague who is the subject of the investigation. This includes making written statements following the meeting if requested. If an employee is asked to attend an investigatory meeting, they may be accompanied by a trade union representative or a willing fellow employee. They should be given adequate notice to make these arrangements although this could be as little as half a day in order to speed up the investigation and gather information while it is fresh in people's memories.

No investigation should be started without prior discussion with HR, who will be able to give advice and guidance on the process.

### **Outcome**

Following the grievance hearing, or following the investigation if the grievance hearing does not need to be re-convened, the manager must decide what action, if any, to take. The decision will either be to uphold all or part of the grievance, or to not uphold it. In some circumstances the grievance may be upheld along with further action which may be needed for example, moving someone involved in the grievance to a different workplace, making a

AWE [REDACTED] Issue No.1.0, June 2017	AWE Management System Procedure <b>Individual Grievance Procedure</b>	Owner / Primary Contact: [REDACTED]
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reasonable adjustment to the work environment, changing the employee's hours of work and so on, although this will not be detrimental to an innocent party.

The decision will be communicated to the employee in writing, without unreasonable delay and, where possible, within 10 working days, and where appropriate will set out what action AWE intends to take to resolve the grievance. The employee will also be informed of their right of appeal, should they not be satisfied with the outcome.

### **Process Where the Line Manager/Senior Line Manager is Involved**

Sometimes the nature of the grievance may prevent the line manager or senior line manager hearing it either informally or formally. In such a case, an objective manager who is not directly involved in the issue, concern or complaint may be engaged to hear the grievance. This manager may be accompanied by an HR representative. The meeting will be convened as described above.

### Investigation

As above, the appointed manager may start the hearing and then adjourn to carry out an investigation and then reconvene to finish hearing the grievance, may carry out an investigation which concludes with the grievance hearing, or may carry out an investigation following the hearing, after which they provide the outcome to the employee. The process followed for the investigations should follow that detailed above.

### Outcome

The appointed manager will decide what action to recommend as a result of hearing the grievance. The appointed manager will write to the employee to advise them of the outcome which may be to uphold all or part of the grievance, possibly with some recommendations for change, or not to uphold it. The employee will be advised of their right of appeal. The decision should be communicated back to the line manager or the senior line manager. If additional recommendations are advised, for example a change in workplace for someone involved in the complaint, a change in working hours or the need for a reasonable adjustment to be made, this should be passed onto the line manager or senior line manager to consider and implement as appropriate, although this will not be detrimental to an innocent party.

### **Appeals**

Employees may appeal against the outcome of their formal grievance if they feel the grievance has not been satisfactorily resolved. Appeals must be made in writing, ideally within 10 working days of the outcome letter. The appeal should be addressed to the employee's director, and should state clearly the grounds of the appeal.

The appeal must be due to a failure of the manager hearing the grievance to follow due process, or due to evidence that was either not available or considered at the time. The manager hearing the appeal will take any of the above into account and make a decision as to whether, had the correct procedure been followed and/or the additional evidence properly considered, the outcome may have been different. The senior manager will not rehear the original grievance, substitute their decision in place of the original decision if that decision was fair and reasonable in the circumstances, nor hear or investigate additional points which were not raised in the original grievance.

All appeals will be scheduled as quickly as possible following receipt of the appeal letter. Where further investigation is required, the employee will be kept notified of the progress of the investigation.



AWE [REDACTED] Issue No.1.0, June 2017	<b>AWE Management System Procedure Individual Grievance Procedure</b>	Owner / Primary Contact: [REDACTED]
HR Policy Handbook Section: 4.2		

Appeals will be heard by the director or their designated deputy. Employees should be given at least 48 hours' notice of the meeting to allow them time to prepare.

Employees have the right to be accompanied at the appeal meeting by a trade union representative or willing fellow worker.

The outcome of the appeal will be communicated to the employee in writing without unreasonable delay and, where possible, within 10 working days. The decision of the appeal is final.

#### **Grievances Raised During the Disciplinary Procedure**

If an employee raises a grievance during a disciplinary process, it may be appropriate to suspend the disciplinary process to investigate the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently in order to investigate the issues in context.

#### **Collective Grievances**

This procedure does not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative.

#### **Sickness Absence During the Grievance Process**

If an employee is absent due to sickness during the grievance process, AWE will make every effort to ensure that the grievance is dealt with as promptly as possible, taking into account any special arrangement which needs to be made due to the illness or absence.

Employees should make every reasonable effort to attend formal meetings with regard to the process, and AWE may choose to refer them to the Healthcare Provider for support.

## **6 References**

1. Management Investigation Procedure, HR Policy Handbook Section 4.6, AWE [REDACTED]
2. Investigation Procedure, HR Policy Handbook Section 4.6 AWE [REDACTED]

## **7 Change History**

Previous Issue No and Date	Revisions Made
N/A June 2017	Procedure separated from policy and new document created.