

**Tao Complex Care**

52 East Parade, Harrogate, North Yorkshire, HG1 5LT

**4. Policy****4.1 When May Action Be Taken Under this Process?**

Action will be taken where Tao Complex Care believes an employee's behaviour, actions or omissions constitute misconduct. The seriousness of the misconduct matter will determine the severity of any sanction imposed. Misconduct can range from minor misconduct through to gross misconduct, the latter justifying dismissal without notice.

Tao Complex Care reserves the right to disapply all or part of this policy where the circumstances dictate that this is appropriate.

4.2 Minor Conduct Issues

Minor conduct issues can often be resolved informally between an employee and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

4.3 Confidentiality

Tao Complex Care's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential, any information communicated to them in connection with an investigation or disciplinary matter.

The employee and anyone accompanying them (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure.

4.4 Investigations

The purpose of an investigation is a fact-finding exercise. It is an opportunity for Tao Complex Care to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.

The employee must co-operate fully and promptly in any investigation. This will include informing Tao Complex Care of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Before any formal disciplinary action is taken, the relevant person will carry out a full investigation to establish the facts. The investigation will normally include a meeting with the employee. Investigatory meetings are not disciplinary meetings and the employee will not necessarily be offered the right to be accompanied.

Even in the most serious allegations of gross misconduct (see below), a full investigation will be held. In any alleged case of gross misconduct, the employee may be suspended pending the outcome of the investigation if there is no alternative option available to Tao Complex Care to protect the effectiveness and independence of the investigation.

Before any disciplinary meeting, the employee will be:

- | Told in writing of the allegations/complaints against them, and the basis of those allegations
- | Given a reasonable opportunity to consider their response to that information
- | Offered the opportunity to be accompanied by a work colleague or a trade union representative
- | The employee must take all reasonable steps to attend the meeting. At the meeting, they will be given a full opportunity to comment on the allegations, to put forward any defence or arguments, and to comment on what disciplinary sanction (if any) is appropriate

4.5 Informal Warning

After establishing the facts, Tao Complex Care may consider that there is no need to resort to the formal procedure, and that it is sufficient to talk the matter over with the employee. A note of the informal warning may be kept on the employee's personnel file. However, the informal warning would not normally be taken into account in the event of subsequent disciplinary procedures.

The purpose of an informal warning is to provide an opportunity for improvement or for the matter to be corrected without the necessity for formal disciplinary procedures to be enacted.

4.6 Suspension

In some circumstances Tao Complex Care may need to suspend the employee from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct or so long as is otherwise reasonable while any disciplinary procedure is outstanding. Tao Complex Care will confirm the



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arrangements to the employee in writing. While suspended, the employee should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless they have been authorised to do so by their manager.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive full basic salary and benefits during the period of suspension.

4.7 Any data collected as part of this policy will be processed in accordance with current Data Protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure at Tao Complex Care.

4.8 This policy does not form part of an employee's contract of employment and it may be amended at any time. Tao Complex Care may also vary this policy, including any time limits, as appropriate in any case.

4.9 This policy applies to employees only. It does not apply to casual workers, self-employed contractors or other third parties.