

Disciplinary & Grievance Procedures

Youth Start Limited

Company Number: 16864238

Registered Office: 370 Osmaston Park Road, Derby, DE24 8FB

Website: youthstart.co.uk

Effective Date

1 January 2026

Last Updated

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Introduction

This Disciplinary & Grievance Procedures document sets out Youth Start Limited's formal procedures for managing disciplinary matters and employee grievances. Youth Start is committed to treating all staff members fairly and consistently, and to providing a transparent and supportive process for addressing concerns and misconduct.

These procedures apply to all staff members employed by Youth Start on a permanent or fixed-term basis. They are designed to ensure that disciplinary action is taken fairly and consistently, and that grievances are resolved promptly and fairly.

These procedures comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures and relevant UK employment legislation, including the Employment Rights Act 1996 and the Equality Act 2010.

Purpose of These Procedures

The purpose of these Disciplinary & Grievance Procedures is to:

- Provide a fair and transparent process for addressing disciplinary matters
 - Ensure that disciplinary action is taken consistently and proportionately
 - Provide staff members with the opportunity to respond to allegations and present their case
 - Protect the rights of staff members, including the right to be accompanied and to appeal
 - Provide a fair and transparent process for resolving employee grievances
 - Ensure that grievances are investigated promptly and fairly
 - Promote a positive and supportive working environment
 - Comply with the ACAS Code of Practice and relevant UK employment legislation
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Legal Framework

Youth Start operates in compliance with the following UK legislation:

- **Employment Rights Act 1996:** Governs employment rights including unfair dismissal and the right to be accompanied
 - **Equality Act 2010:** Requires fair treatment and prohibits discrimination
 - **Trade Union and Labour Relations (Consolidation) Act 1992:** Governs the right to be accompanied by a trade union representative
 - **Data Protection Act 2018 and UK GDPR:** Governs the handling of personal data relating to disciplinary and grievance matters
 - **ACAS Code of Practice on Disciplinary and Grievance Procedures:** Provides guidance on fair procedures
 - **Employment Tribunals Act 1996:** Governs claims of unfair dismissal and other employment disputes
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Part A: Disciplinary Procedures

Scope of Disciplinary Procedures

These disciplinary procedures apply to all staff members employed by Youth Start. They cover:

- Misconduct (breach of the Code of Conduct or Youth Start policies)
- Poor performance (failure to meet performance standards)
- Serious misconduct (gross misconduct, including theft, violence, safeguarding breaches)

These procedures do not apply to:

- Redundancy (covered by separate redundancy procedures)
 - Capability due to ill health (covered by separate capability procedures)
 - Termination during probation (covered by separate probation procedures)
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Informal Resolution

Youth Start believes that many concerns can be resolved informally without the need for formal disciplinary procedures. Where possible, managers will:

- Discuss concerns with the staff member informally
- Provide coaching and support to help improve conduct or performance
- Set clear expectations and timelines for improvement
- Monitor progress and provide feedback
- Document informal discussions and outcomes

If informal resolution is successful, no formal disciplinary record will be created. However, if the concern persists or recurs, formal disciplinary procedures will be initiated.

Formal Disciplinary Procedures

Stage 1: Investigation

If informal resolution is not appropriate or has not been successful, Youth Start will conduct an investigation into the allegation.

Investigation Process:

- A manager or designated investigator will be appointed to investigate the allegation
- The staff member will be informed in writing of the allegation and invited to a meeting to discuss the matter
- The staff member will be given at least five working days' notice of the investigation meeting
- The staff member will be given copies of any relevant documents or evidence
- The staff member will have the opportunity to respond to the allegation and present their case
- The staff member may be accompanied by a colleague or trade union representative
- Other witnesses may be interviewed as part of the investigation
- The investigator will gather all relevant evidence and information
- The investigator will produce an investigation report setting out their findings

Investigation Meeting:

- The investigation meeting will be conducted in a fair and impartial manner
- The staff member will be given the opportunity to respond to the allegation
- The staff member may ask questions and clarify information
- The staff member may be accompanied by a colleague or trade union representative
- Notes will be taken of the meeting and provided to the staff member

Outcome of Investigation:

Following the investigation, the investigator will determine whether there is sufficient evidence to proceed to a disciplinary hearing. If there is insufficient evidence, the matter will be closed and the staff member will be informed in writing. If there is sufficient evidence, the matter will proceed to Stage 2.

Stage 2: Disciplinary Hearing

If the investigation concludes that there is sufficient evidence of misconduct, a disciplinary hearing will be held.

Notice of Hearing:

- The staff member will be informed in writing of the allegation and the evidence against them
- The staff member will be given at least ten working days' notice of the disciplinary hearing
- The staff member will be given copies of all relevant documents and evidence
- The staff member will be informed of their right to be accompanied

Disciplinary Hearing:

- The disciplinary hearing will be conducted by a manager or senior manager (not the investigator where possible)
- The staff member will be given the opportunity to respond to the allegation
- The staff member may present evidence and call witnesses
- The staff member may ask questions and clarify information
- The staff member may be accompanied by a colleague or trade union representative
- Notes will be taken of the hearing and provided to the staff member

Right to Be Accompanied:

- The staff member has the right to be accompanied by a colleague or trade union representative
- The companion may address the hearing and confer with the staff member, but may not answer questions on behalf of the staff member
- If the staff member's chosen companion is not available, the staff member may request a postponement of the hearing

Decision:

- Following the hearing, the manager will consider all the evidence and make a decision
- The manager will determine whether the allegation has been proven on the balance of probabilities
- If the allegation is not proven, the staff member will be informed and the matter will be closed
- If the allegation is proven, the manager will determine the appropriate disciplinary action

Stage 3: Disciplinary Action

If the allegation is proven, the following disciplinary action may be taken:

First Disciplinary Offence (Minor Misconduct): - Verbal warning (recorded in writing) - The warning will be placed on the staff member's personnel file - The warning will remain on file for 12 months - The staff member will be informed of the consequences of further misconduct

Second Disciplinary Offence (Within 12 Months): - Written warning - The warning will be placed on the staff member's personnel file - The warning will remain on file for 24 months - The staff member will be informed of the consequences of further misconduct

Third Disciplinary Offence (Within 24 Months): - Final written warning - The warning will be placed on the staff member's personnel file - The warning will remain on file for 24 months - The staff member will be informed that further misconduct may result in dismissal

Serious Misconduct: - Suspension pending investigation - Dismissal without notice (summary dismissal)

Serious misconduct includes: - Theft or dishonesty - Violence or threats of violence - Gross negligence - Safeguarding breaches or abuse - Breach of confidentiality or data protection - Being under the influence of alcohol or drugs at work - Gross insubordination - Serious breach of Health & Safety requirements

Mitigating Factors:

When determining the appropriate disciplinary action, the manager will consider:

- The nature and seriousness of the misconduct
- The staff member's previous conduct record
- The staff member's length of service
- Any mitigating circumstances
- Whether the staff member has been given a fair opportunity to improve
- The consistency of disciplinary action across Youth Start

Disciplinary Decision Letter:

- The staff member will be informed in writing of the disciplinary decision
- The letter will set out the allegation, the evidence, and the manager's findings
- The letter will set out the disciplinary action to be taken
- The letter will inform the staff member of their right to appeal
- The letter will set out the appeal procedure and timescale

Stage 4: Appeal

The staff member has the right to appeal against any disciplinary decision.

Appeal Notice:

- The staff member must submit a written appeal notice within ten working days of receiving the disciplinary decision letter
- The appeal notice must set out the grounds for appeal
- Grounds for appeal include:
 - The allegation was not proven on the balance of probabilities
 - The disciplinary action was disproportionate to the misconduct
 - The procedures were not followed fairly
 - New evidence has come to light that was not available at the time of the hearing
 - The staff member was treated inconsistently compared to other staff members

Appeal Hearing:

- The appeal will be heard by a manager or senior manager who was not involved in the original disciplinary decision
- The staff member will be given at least ten working days' notice of the appeal hearing
- The staff member will be given the opportunity to present their case
- The staff member may be accompanied by a colleague or trade union representative
- The original manager may be present to respond to the appeal
- Notes will be taken of the hearing

Appeal Decision:

- Following the appeal hearing, the manager will consider all the evidence and make a decision
 - The manager may uphold the appeal, partially uphold the appeal, or dismiss the appeal
 - The staff member will be informed in writing of the appeal decision
 - The decision is final
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Part B: Grievance Procedures

Scope of Grievance Procedures

These grievance procedures apply to all staff members employed by Youth Start. They cover any concern, complaint, or grievance relating to:

- Working conditions
 - Management or supervision
 - Relationships with colleagues
 - Discrimination or harassment
 - Breach of policy
 - Health and safety concerns
 - Any other matter affecting the staff member's employment
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Informal Resolution

Youth Start believes that many grievances can be resolved informally without the need for formal procedures. Staff members are encouraged to:

- Discuss their concern with their manager informally
- Seek to resolve the matter through discussion and negotiation
- Involve HR or a senior manager if the concern cannot be resolved informally

If informal resolution is successful, no formal grievance record will be created.

Formal Grievance Procedures

Stage 1: Formal Grievance Notice

If informal resolution is not appropriate or has not been successful, the staff member may raise a formal grievance.

Grievance Notice:

- The staff member must submit a written grievance notice to their manager or HR
- The grievance notice must set out:
 - The nature of the grievance
 - The date or dates when the issue arose
 - The names of any individuals involved
 - What the staff member believes has gone wrong
 - What outcome the staff member is seeking
- The grievance notice should be submitted as soon as possible after the issue arises, and normally within three months

Acknowledgment:

- Youth Start will acknowledge receipt of the grievance notice within five working days
- Youth Start will inform the staff member of the next steps and timescale

Stage 2: Grievance Investigation

Youth Start will investigate the grievance fairly and impartially.

Investigation Process:

- A manager or designated investigator will be appointed to investigate the grievance
- The investigator will gather all relevant evidence and information
- The investigator will interview the staff member and any relevant witnesses
- The investigator will give the staff member the opportunity to provide additional information
- The investigator will produce an investigation report setting out their findings

Investigation Meeting:

- The staff member will be invited to a meeting to discuss the grievance
- The staff member will be given at least five working days' notice of the meeting
- The staff member will have the opportunity to present their case and provide evidence
- The staff member may be accompanied by a colleague or trade union representative
- Notes will be taken of the meeting

Stage 3: Grievance Hearing

Following the investigation, a formal grievance hearing will be held.

Notice of Hearing:

- The staff member will be informed in writing of the date, time, and location of the grievance hearing
- The staff member will be given at least ten working days' notice
- The staff member will be given copies of the investigation report and any relevant documents

Grievance Hearing:

- The grievance hearing will be conducted by a manager or senior manager who was not involved in the investigation where possible
- The staff member will be given the opportunity to present their case
- The staff member may present evidence and call witnesses
- The staff member may ask questions and clarify information
- The staff member may be accompanied by a colleague or trade union representative
- Notes will be taken of the hearing

Decision:

- Following the hearing, the manager will consider all the evidence and make a decision
- The manager will determine whether the grievance is upheld, partially upheld, or dismissed
- The manager will determine what action, if any, should be taken to resolve the grievance
- The staff member will be informed in writing of the decision and the reasons for it
- The decision letter will inform the staff member of their right to appeal

Stage 4: Appeal

The staff member has the right to appeal against the grievance decision.

Appeal Notice:

- The staff member must submit a written appeal notice within ten working days of receiving the grievance decision letter
- The appeal notice must set out the grounds for appeal
- Grounds for appeal include:
 - The grievance was not investigated fairly
 - New evidence has come to light that was not available at the time of the hearing
 - The decision was unreasonable or disproportionate
 - The staff member was treated inconsistently

Appeal Hearing:

- The appeal will be heard by a manager or senior manager who was not involved in the original grievance decision
- The staff member will be given at least ten working days' notice of the appeal hearing
- The staff member will be given the opportunity to present their case
- The staff member may be accompanied by a colleague or trade union representative
- Notes will be taken of the hearing

Appeal Decision:

- Following the appeal hearing, the manager will consider all the evidence and make a decision
- The manager may uphold the appeal, partially uphold the appeal, or dismiss the appeal

- The staff member will be informed in writing of the appeal decision
 - The decision is final
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General Principles

Fairness and Impartiality

All disciplinary and grievance procedures will be conducted fairly and impartially. Youth Start will:

- Ensure that the staff member is informed of the allegation or grievance
- Give the staff member the opportunity to respond
- Ensure that the person making the decision was not involved in the investigation
- Consider all relevant evidence
- Make decisions on the balance of probabilities
- Treat all staff members consistently

Right to Be Accompanied

Staff members have the right to be accompanied by a colleague or trade union representative at:

- Investigation meetings
- Disciplinary hearings
- Grievance hearings
- Appeal hearings

The companion may:

- Address the hearing
- Confer with the staff member
- Ask questions on behalf of the staff member (with the staff member's permission)

The companion may not:

- Answer questions on behalf of the staff member
- Conduct the hearing on behalf of the staff member

Confidentiality

All disciplinary and grievance matters will be treated as confidential. Information will only be shared with those who need to know. Staff members are expected to maintain confidentiality and not to discuss the matter with other staff members.

Timescales

All timescales set out in these procedures are indicative and may be extended by mutual agreement. However, Youth Start is committed to resolving matters as quickly as possible.

Records

Youth Start will maintain accurate records of all disciplinary and grievance matters, including:

- Investigation reports
- Hearing notes
- Decisions and reasons
- Appeals and outcomes

Records will be kept confidential and stored securely in accordance with the Data Protection Policy.

Data Protection

All information relating to disciplinary and grievance matters is treated as personal data under the UK GDPR and Data Protection Act 2018. Youth Start will:

- Only collect and process information that is necessary for the procedure
 - Store information securely
 - Only share information with relevant individuals on a need-to-know basis
 - Retain information in accordance with the Data Retention Policy
 - Provide staff members with access to their information upon request
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Mentors, Volunteers, and Candidates

Mentors and Volunteers

Mentors and volunteers are not employees and these formal procedures do not apply to them. However, Youth Start will:

- Address any concerns about conduct informally
- Provide feedback and support
- Terminate involvement if conduct is unacceptable

Candidates

Candidates are not employees of Youth Start and these formal procedures do not apply to them. However:

- If a candidate's conduct is a concern, Youth Start will discuss the matter with their employer and mentor
 - The employer may take disciplinary action against the candidate in accordance with their own procedures
 - Youth Start may suspend or terminate the candidate's placement if conduct is unacceptable
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Relationship with Other Policies

These Disciplinary & Grievance Procedures should be read in conjunction with the following policies:

- Code of Conduct
 - Whistleblowing Policy
 - Equal Opportunities Policy
 - Discrimination and Harassment Policy
 - Health & Safety Policy
 - Data Protection Policy
 - Sick Leave Policy
 - Annual Leave Policy
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External Support and Advice

Staff members may seek external support and advice regarding disciplinary and grievance matters from:

- ACAS (Advisory, Conciliation and Arbitration Service): www.acas.org.uk
 - Citizens Advice Bureau: www.citizensadvice.org.uk
 - Trade union representative (if applicable)
 - Employment law solicitor
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Contact Information

If you have any questions about these Disciplinary & Grievance Procedures, or if you wish to raise a concern, please contact Youth Start Limited using the following contact details:

Youth Start Limited

Registered Office: 370 Osmaston Park Road, Derby, DE24 8FB

Email: contact@youthstart.co.uk

Telephone: 07470435603

Website: youthstart.co.uk

Review and Monitoring

These Disciplinary & Grievance Procedures are reviewed annually to ensure that they remain current and effective. The review considers:

- Changes to UK legislation or employment law
- Changes to ACAS guidance
- Changes to Youth Start's operations

- Staff feedback and suggestions
- Industry best practice and guidance
- Incidents or concerns that have arisen

Acknowledgment

By accepting employment with Youth Start, you acknowledge that you have read these Disciplinary & Grievance Procedures, understand them, and agree to comply with all procedures set out in this document.

Last Updated: 1 January 2026

Next Review Date: 1 January 2027

