

Safeguarding Policies

Alcohol and Drugs Policy

Compass are committed to the health and wellbeing of all its employees. This policy clarifies the company's position in relation to alcohol and drug use in the workplace and their misuse by any employee.

Consumption of Alcohol on the Premises

Unless authorised by management, all employees are expressly forbidden from consuming alcohol when at work or from bringing it onto company premises. Any breach of this rule will be treated as gross misconduct and is likely to result in summary dismissal.

Drug Misuse or Abuse on the Premises

Employees who take, supply, buy or possess or are under the influence of non-medicinal drugs during working hours or on company premises or in company vehicles will be committing an act of gross misconduct and are likely to be summarily dismissed. The circumstances would also be referred to the Police. See next page of policy for further information on Drugs and the Law.

Drug Dealing

Furthermore, unlawful dealing in drugs off company premises or outside of work may also make employees liable to dismissal where there is a loss of trust between the company and employee or where the conduct brings the company into disrepute.

Intoxication by alcohol or illegal substance in the workplace

An employee who is considered to be under the influence of alcohol or non-medicinal drugs during working hours or on company premises will be escorted from the premises immediately. The company will take disciplinary action when the employee has recovered from the effects of intoxication. Intoxication at work will normally be treated as gross misconduct and is likely to result in an employee's summary dismissal.

Seeking Help

All employees are encouraged not to cover up for colleagues with a drink or drug problem but rather to recognise that collusion represents a false sense of loyalty and will in the longer-term damage those colleagues.

Employees who recognise that they have a drink or drug problem, or that they are at risk of developing one, are encouraged to come forward for help and speak in confidence with their line manager or someone they are comfortable with. The company will undertake a full investigation, if appropriate of all circumstances before deciding on any appropriate action.

Employees can be assured that the situation will be handled sensitively and will be supported in an atmosphere of trust and confidentiality. Employees will be encouraged to see their own doctor who may refer them to a specialist dependency unit. It may be appropriate for an assessment to be made by an Occupational Health adviser. Wherever possible, the company will seek to intervene at an early stage. Also, an employee can talk to FRANK (www.talktofrank.com) for help, information and advice about drugs.

Sick Pay

During the consultation and or treatment that follows any absence, this will be covered by the company's sick pay scheme, if applicable, and Statutory Sick Pay (SSP) thereafter. Sickness payment will be dependent on the individual following the medically prescribed course of action.

General

The company will try to arrange for the employee to return to their job after treatment or where it is not advisable or possible, every effort will be made to offer alternative employment.

If the individual relapses after treatment or refuses treatment any resultant poor performance, attendance and behaviour would be dealt with under the company's disciplinary procedure.

Drugs & the Law

Under the Misuse of Drugs Act, it is an offence to:

- Unlawfully possess a controlled drug
- Possess a controlled drug with intent to supply it
- Unlawfully supply (sell/give/share) a controlled drug
- Allow premises you occupy or manage to be used for the smoking or use of drugs
- Manufacture drugs

In the UK, illegal drugs are classified into three main categories, Class A, B or C.

Drugs are classified under the Misuse of Drugs Act 1971.

Class A

Drugs such as Heroin, Methadone, Cocaine, Crack cocaine and Ecstasy (MDMA), LSD, Methamphetamine, also known as Crystal Meth and magic mushrooms are Class A.

Conviction for possession, in a Crown Court, can lead to up to a maximum seven year prison sentence and an unlimited fine, or both. Supply and production can lead up to life in prison an unlimited fine, or both.

Class B

Class B drugs include Amphetamines, Barbiturates, cannabis, codeine, ketamine, Ritalin, synthetic cannabinoids, synthetic cathinones (e.g. mephodrone, methoxetamine).

The maximum penalty for possession of a Class B drug is up to five years in prison and an unlimited fine or both. Supply and production can lead up to 14 years in prison an unlimited fine, or both.

Class C

Class C drugs include Anabolic Steroids, gamma hydroxybutyrate (GHB), gamma-butyrolactone (GBL), piperazines (BZP), Khat. Benzodiazepine drugs such as Diazepam are also in this category.

The maximum penalty for possession of a Class C drug is up to two years in prison and an unlimited fine or both (except anabolic steroids, it's not an offence to possess them for personal use). Supply and production can lead up to 14 years in prison an unlimited fine, or both.

Temporary Class drugs (including legal highs)*

Some methylphenidate substances (3,4-DCMP), methylnaphthidate (HDMP-28), isopropylphenidate (IPP or IPPD), 4-methylmethylphenidate, ethylnaphthidate and their simple derivatives.

*** The Government can ban new drugs for 1 year under a 'temporary banning order' while they decide how the drugs should be classified.**

Psychoactive substances penalties

Psychoactive substances include things like nitrous oxide ('laughing gas').

You can get a fine or up to 7 year prison sentence or both, if you carry a psychoactive substance and you intend to supply it, make a psychoactive substance and sell, deal or share a psychoactive substance (also called supplying them)

Cannabis

Police can issue a warning or an on-the-spot fine if you are found with cannabis.

Khat

Police can issue a warning or an on the spot fine on the first 2 times someone is found with Khat. If this happens more than twice, there is a maximum penalty of up to 2 years in prison, an unlimited fine, or both.

Capability Policy and Procedure

This Capability Policy and Procedure applies to all employees at Compass who have completed 12 months continuous service. Compass retains discretion in respect of the capability procedures and will take into account length of service and vary the procedure accordingly i.e. if an employee has a short amount of service, they may not be in receipt of any warnings before dismissal but they will retain the right to a hearing and a right of appeal.

Employees play a vital part in the success of our company. This policy has been developed to ensure that there is a management framework and principles in place to support people at work where an individual becomes incapable of carrying out their duties either due to unsatisfactory work performance or incapacity due to sickness absence. These situations are normally resolved through coaching and timely feedback without the need for formal action under the capability procedure however, when the level of performance consistently and noticeably falls below the expected level then action should be taken.

There may be occasions when an individual's performance falls below what is expected and there is a separate disciplinary policy and procedure that covers conduct issues for example, poor timekeeping, carelessness, negligence, lack of application or breach of company rules or policy. Whilst they share a similar approach and principles, it is important to understand that they are not interchangeable and whilst some issues may appear to be similar it is not possible to move from one stage in one to the next stage in another. It may, however, be possible that more than one process is being applied to an individual at the same time.

The procedure aims to ensure fairness towards the employee. Accordingly, the company reserves the right to depart from the precise requirements of this procedure where to do so would be no less fair or lawful.

The policy is subject to alteration at the sole discretion of the company without notice.

Managers Responsibility

It is the responsibility of managers to initially select and then provide each employee with the appropriate induction, training, guidance, support and coaching in order for them to carry out their role to the best of their capabilities. It is the role of the manager to ensure that employees understand what is expected of them and how they are doing through the setting of realistic and measure performance objectives, with ongoing reviews and feedback. It is also the manager's responsibility to deal effectively with employee's when their performance or attendance falls below acceptable standards and provide appropriate training and support.

It is also the managers' responsibility to keep the HR team involved and up to date with ongoing performance cases.

Employees Responsibility

It is the responsibility of all employees to ensure that they meet the Company requirements for the role by ensuring that they accept guidance and training to help them perform in their role. All employees should take full responsibility for their performance, professionalism and personal development and in doing so make all reasonable endeavours to achieve the required levels of performance and highlight any areas of concern with their manager.

Principles

- Capability matters will be handled consistently, fairly, without discrimination and with careful consideration being given to the individual circumstance in each case.
- At all stages in the process those involved will respect the confidentiality of the issues and people involved.
- Any formal action will only be taken by a person with the appropriate authority. The line manager or a manager next level upwards will normally carry out the stages within the informal capability procedure up to and including a formal written warning. More serious decisions i.e. final written warnings and dismissals will normally be heard by a manager of a same level, or a more senior manager than the investigating manager.
- An employee will have the right to appeal against any formal action taken against them.

Employees are entitled to be accompanied at any formal disciplinary hearings by a fellow work colleague or trade union representative. Employees will be advised of this right and it is their responsibility to make any necessary arrangements.

Identification of Performance Issue and Informal Performance Management Procedure

Once a performance issue has been identified the Manager should gather any necessary evidence and discuss this with the individual. The employee should be invited to attend an initial meeting so that the manager can explain the shortfall in performance so that the individual fully understands the concerns and the need for an improvement.

The employee will be given the opportunity to explain the reasons for concern raised about their performance. This is particularly important when an individual was previously performing well and there has been no changes to the job, standards required etc.

If during discussions regarding a potential performance issue the employee reveals personal problems affecting their work, the manager should discuss this with a view to agreeing a way forward. It may be that the individual can be given a period of time to work through their problems. However, in the longer term, an individual should not let personal problems affect their work performance and if personal problems continue to affect their performance, this policy should be followed through.

The employee's line manager will investigate the cause of the employee's poor performance to understand the root cause of the issues which may include a lack of skills, inadequate training, lack of support, tools or other resources, the job has changed over a period of time and the employee has failed to keep pace with the changes, lack of communication or problematic working relationships. The manager carrying out this initial informal meeting will provide the employee factual examples of their unsatisfactory performance and the employee will be asked for their explanation, which will subsequently be followed up and checked where appropriate.

Where the reason for unsatisfactory performance is lack of the required skills, the employee will, where practicable, be assisted through training and be given reasonable time to reach the required standard of performance. If it is a question of lack of support for employees, tools or other resources or facilities, attention should be paid to this and assistance provided if appropriate.

A performance improvement plan or other written agreement will be put in place showing:

- The precise nature of the poor performance
- The level of improvement required
- The time limit for achieving that improvement
- Any training or development needs that may be required to meet the action plan
- Review periods during the duration of the plan
- The consequences of failure to achieve or maintain the improvement

This will be reviewed regularly in accordance with the timescales agreed on the plan and once everything on the plan has been achieved, the informal performance management procedure will be revoked.

Performance Issues Related to OFSTED Inspections

If any service receives an OFSTED outcome lower than 'Good', an independent review will be carried out to help understand this, which could include assessing staff performance and competency.

Where the reason for unsatisfactory performance is lack of the required skills, the employee will, where practicable, be assisted through training and be given reasonable time to reach the required standard of performance. If it is a question of lack of support for employees, tools or other resources or facilities, attention should be paid to this and assistance provided if appropriate. A performance improvement plan or other written agreement will be put in place as detailed above.

If it is clear that the employee's performance does not arise from any of the reasons stated above or the company has taken appropriate steps to assist the employee to improve via the informal performance improvement process, or other written agreement and they have not improved to the required standard within the specified timescale, the company will take steps to deal with the matter by way of formal performance or disciplinary warnings.

Formal Performance Management Procedure

The company will take steps to deal with the matter by way of formal performance or disciplinary warnings where:

- It is clear that the employee's performance does not arise from any of the reasons stated above or
- The company has taken appropriate steps to assist the employee to improve via the informal performance improvement process or other written agreement and they have not improved to the required standard within the specified timescale.

The employee will be informed in writing of the concerns about their poor performance and will be invited to attend a disciplinary meeting to discuss this with the manager responsible, giving 5 days' notice. They will be provided with a copy of the Capability Policy and Procedure and advised of their right to representation. There may be occasions where both parties agree to waive the minimum 5 days' notice period. In these cases the review meeting may go ahead provided that written notice of the meeting and its purpose has been given.

In advance of the meeting, individuals should be provided with copies of any documentation that will be referred to in the meeting for example performance improvement plan, quarterly review documents etc. Alternatively, an adjourned of sufficient length should be given during the review meeting to review these.

The employee must make all reasonable efforts to attend any disciplinary meeting. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, an employer can make a decision on the evidence available.

The manager will seek to identify the cause(s) of the poor performance and determine what, if any, remedial action can be taken. In reviewing performance, the line manager should present clear examples to illustrate the areas of unsatisfactory performance and discuss the following:

- Whether the individual considers they are properly matched to the role.
- Whether the individual considers they have a disability which might be affecting their performance.
- Whether there are any health reasons or any personal, domestic, financial or other circumstances, which might be affecting their performance.
- Where it is appropriate to seek any medical support or guidance from the occupational health providers.

The employee will be given the opportunity to respond to the concerns and or complaints.

If, at the conclusion of the disciplinary meeting the manager believes that no formal action should be taken, support and encouragement should be given to the individual and a review/monitoring period should be agreed. The individual should be advised that if their performance deteriorates, then it could result in future formal action. The outcome of the meeting should be confirmed in writing.

If, at the conclusion of the disciplinary meeting the manager believes that there is a shortfall in the employee's performance that requires further attention from them, then the employee will be issued with a formal warning.

Formal Warnings

A formal warning will normally set out:

- The nature of the poor performance
- The level of improvement required
- The time limit for achieving the required improvement (which may be different to the timescales of the warning)
- Any interim review meeting to be held during the currency of the performance warning.
- What will happen if the employee fails to achieve or maintain the required standard of improvement
- How long the warning will remain active; this will normally be dependent on the circumstances and will be specified in the disciplinary warning letter
- The right to appeal the decision

Any disciplinary action will be determined by the severity of the unsatisfactory performance. As the first step of corrective action following unsatisfactory performance the company will normally impose a written warning. If the unsatisfactory performance continues, the company may, having normally followed the disciplinary procedure in each instance, apply a final written warning and eventually dismiss the employee.

For more severe cases of unsatisfactory performance the company may apply a final written warning if appropriate.

Written Warning

If, after the informal procedure there is no improvement, insufficient improvement or the improvement fails to be maintained for the stated period of time, then the employee will be issued with a written warning setting out the details as outlined above and in their performance improvement plan. This warning will expire after 6 months.

Final Written Warning

If, after a written warning there is no improvement, insufficient improvement or improvement fails to be maintained for the period stated in the written warning, the employee may be given a final written warning setting out the details as outlined above. This will include a statement that a failure to improve to the required standard is likely to result in dismissal. This warning will expire after 12 months.

Action short of Dismissal

Action short of dismissal such as demotion or transfer to a different post can only be used in exceptional circumstances. This is because a demotion is equivalent in legal terms to a dismissal. An employer must be in a position to “fairly dismiss” an employee before a demotion can be imposed. However, there may be cases where an employee agrees to a change of duties including a demotion and a reduction in salary/benefits commensurate with a revised role as an acceptable outcome of a formal performance management procedure.

Dismissal

If, after the final written warning, there is still no improvement, insufficient improvement or improvement fails to be maintained for the period stated above, the employee will normally be dismissed with notice or pay in lieu. Alternatively, at the company's entire discretion, alternative work elsewhere in the company may be offered to the employee if any suitable posts are available.

Right to be accompanied

Employees have the right to be accompanied at each formal meeting by a work colleague or trade union representative. Further detail is provided in the Right to be Accompanied policy.

Appeals

Employees have same rights of appeal at each stage of the procedure as detailed in the Disciplinary and Dismissal Appeals procedure.

The company reserves the right to implement the procedure at any stage should the outcome of the initial review meeting suggest the performance failing warrants it.

During this process we may need to gather a wide range of information and/or evidence to assist with the investigation. This will be processed in line with our Privacy Policy and many include, but is not limited to, witness statements, emails, data held on systems, etc.