

DISCIPLINARY PROCEDURE

Section B – Non Contractual Policy

Disciplinary Procedure

We recognise that our business success is down to our people and we are committed to being a fair and reasonable employer.

We expect all employees to achieve and maintain a high standard of conduct. Where these standards fall below an acceptable level, the Company seeks to ensure satisfactory standards of conduct are achieved through the application of the Disciplinary Procedure.

This procedure is intended to promote fairness in the relationships between the Company and its employees and sets out the actions that should be taken when Company standards and/or rules are breached.

In many instances where these standards fall below an acceptable level, the matter can be resolved informally. However, where sustained improvements are not seen or where the breach of standards is serious, we will ordinarily invoke a formal disciplinary procedure.

We are committed to ensure that the procedure is fairly and consistently applied.

All disciplinary matters will be fully investigated before any formal disciplinary action is taken.

Cases of poor performance will be dealt with under a separate formal Performance Improvement Process (“PIP”).

In circumstances when we are contemplating dismissing you for reasons such as redundancy we will usually follow a separate formal process.

Roles and Responsibilities

Employees

Employees have a responsibility to be aware of and to conform to the Company's rules, policies and

Procedures, to co-operate with any disciplinary investigation into misconduct and to attend any disciplinary meetings convened in accordance with the Disciplinary Procedure.

Employees must co-operate fully and promptly in any investigation. This will include informing the Company of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews, if required.

Companion/Representative

A fellow worker may attend disciplinary meetings acting as a Companion/Representative. Individuals may also be accompanied by a recognised trade union official.

The right to be accompanied does not apply during the investigative process.

Managers

Managers are responsible for applying the Disciplinary Procedure in a fair and consistent manner. They are also responsible for ensuring that employees are aware of the Company's rules, policies, practices and procedures.

Investigating Officer

The Investigating Officer can be an employee's manager or a nominated individual. The Investigating Officer is responsible for investigating an allegation of misconduct or gross misconduct using an even-handed approach. Where appropriate, they will produce an investigation report and give their opinion on whether there is a prima facie case of misconduct.

Hearing Officer

The Hearing Officer will convene the disciplinary meeting and will be responsible for deciding whether the allegation(s) of misconduct have been substantiated as well as determining what disciplinary action should be taken as a result.

HR Department

The HR department are responsible for advising and supporting managers and employees on the application of the Disciplinary Procedure. Members of the HR department may also be in attendance at disciplinary meetings to provide advice and guidance where necessary.

Forms of Misconduct

The following list is intended to show the types of behaviour which we regard as misconduct justifying disciplinary action, including dismissal, with or without notice. In addition, there will be specific rules and procedures that apply to each job role and non-compliance with these could be justification for disciplinary action.

Please note that these lists are examples and are not intended to be exhaustive. Omission from these lists is not sufficient grounds for an appeal.

Disciplinary Offences

These would include:

- poor attendance or unauthorised absence;
- failure to meet and maintain job performance standards;
- poor timekeeping;
- poor attitude to work;
- breach of required or expected standards of conduct; including employee dishonesty

- breach of any of our policies or procedures;
- misuse of our IT systems;
- deliberately misleading internal or external audits.

Gross Misconduct

Certain actions are considered so serious that they fall into the category of gross misconduct. These include:

- theft or fraud against us, our clients, or employee, including falsification of documentation;
- violent behaviour either verbal or physical, actual, or threatened;
- bullying, harassment, or intimidation;
- damage to our or other employee's property, commercial interests, or to relationships with clients;
- serious violation of health and safety regulations (including apparent intoxication or use of banned substances);
- serious breach of confidence and unauthorised disclosure of confidential information (subject to the Public Interest Disclosure Act 1998);
- gross insubordination;
- actions liable to open the company to prosecution;
- serious misuse of Company property, including use of our IT equipment to access, download, display or transmit pornographic material;
- bringing the company into serious disrepute;

These actions normally warrant dismissal even for a first offence. In all cases of gross misconduct the dismissal will be summary. This means immediate termination of employment without notice or payment in lieu of notice and immediate loss of benefits.

Procedure for Managing Disciplinary Issues

The following procedure will be followed in instances where disciplinary action or dismissal is contemplated:

1. The Company should advise the employee in writing of the allegations/circumstances leading to the Company contemplating taking disciplinary action or dismissing them and invite the employee to attend a meeting to discuss the matter.

The Company should also provide, where appropriate:

- a summary of relevant information gathered during the investigation;
 - a copy of any relevant documents which may be referred to at the disciplinary meeting; and
 - a copy of any relevant witness statements, except where a witness' identity is to be kept confidential, in which case the Company will give the employee as much information as possible while maintaining confidentiality.
2. The meeting should take place before action is taken, except in cases of paid suspension.

The meeting should not take place unless:

- The Company has informed the employee in writing of the reasons for the meeting

- The employee has had reasonable opportunity to consider their response to that information

3. The employee must take all reasonable steps to attend the meeting.

Please see section entitled 'Failure to Attend a Disciplinary Meeting' for further information.

4. Employees have the right to be accompanied at the meeting.

Please see section entitled 'The Right to be Accompanied at a Disciplinary Meeting'.

5. At the meeting we will ordinarily go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own.

If the employee has a companion with them then that companion may make representations and ask questions, but cannot answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the meeting.

6. We may adjourn the meeting if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points the employee raises at the meeting.

The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

7. After the meeting, the Company should inform the employee of their decision in writing and notify them of the right to appeal against the decision if they are not satisfied with it.

8. If the employee wishes to appeal against disciplinary action taken or a decision to dismiss, they must inform the Company in writing within 7 calendar days of the disciplinary action being taken or within 7 calendar days of the date of the meeting where they were advised that they would be dismissed setting out their full grounds of appeal.
9. If the employee informs the Company of their wish to appeal, the Company should write to the employee and invite them to attend a further meeting.
10. The employee must take all reasonable steps to attend the disciplinary or dismissal appeal meeting.

Please note that the appeal meeting need not take place before the dismissal or disciplinary action takes effect.

11. Employees have the right to be accompanied at the disciplinary or dismissal appeal meeting.
12. If the employee has a companion with them then that companion may make representations and ask questions, but cannot answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the meeting.
13. Where reasonably practicable, the appeal should be dealt with by a more senior manager than attended the first meeting.
14. After the appeal meeting the Company should inform the employee in writing of the final decision.

Suspension on Full Pay

An employee may be suspended with full pay in the following circumstances:

- cases of suspected gross misconduct;
- in instances where the employee's behaviour makes their continued presence at work a risk to themselves/others; or
- where their presence might compromise the investigation process.

However, please note that there may be other circumstances where the decision may be taken to suspend the employee that are not listed above.

Examples of cases where suspension may be appropriate are as follows:

- physical violence;
- theft or fraud;
- raised tempers;
- harassment against another employee;
- where employees are under the influence of drugs and/or alcohol.

This list is not exhaustive but is illustrative of the types of behavior that would warrant suspension.

The decision to suspend will be made by an appropriate manager and usually after consultation with your local HR Business Partner.

If you are suspended you will be advised that you must be contactable and available for work. This will ordinarily be confirmed in writing within three working days of your suspension.

The period of suspension will be kept to a minimum whilst we investigate the allegations against you. Please note that individuals are suspended on the basis of an allegation and the suspension is not an acknowledgment of guilt on behalf of the suspending manager or us.

Following a full investigation, either the allegations will be found to be unsubstantiated and you can return to work, or a formal disciplinary meeting will be arranged.

The Right to be Accompanied at a Disciplinary Meeting

During all stages of the disciplinary procedure, including the appeals process, the employee has the right to be accompanied by:

- a fellow worker; or
- a trade union representative.

Please note that these are the only individuals that will ordinarily be allowed to accompany employees at disciplinary meetings. Any individual whose presence would prejudice the meeting or cause a conflict of interest will not be permitted to attend the meeting.

Neither an employee nor their companion may make any electronic recordings of any meetings or hearings conducted under this procedure.

Failure to attend a Disciplinary Meeting

The Employee is under an obligation to make every effort to attend a disciplinary meeting.

If an employee fails to turn up to a pre-arranged disciplinary meeting without providing at least 24 hours notice and a reasonable reason for their failure to attend, a decision may be taken based on the available evidence. In such cases the employee should be advised in writing of the decision and of their right to appeal.

Should the employee provide the appropriate notification (or have a reasonable explanation for not having done so) and have a reasonable reason for their non-attendance the employee should be notified in writing of an alternative date for the meeting stating the fact that if they fail to turn up again then, as above, a decision may be taken based on the available evidence.

Criminal Charges

Where an employee's conduct is the subject of a criminal investigation, charge or conviction the Company will investigate the facts before deciding whether to take formal disciplinary action.

The Company will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee is unable or has been advised not to attend a disciplinary meeting or say anything about a pending criminal matter, the Company may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter.

Disciplinary Stages

There are a number of stages in the Disciplinary Procedure and the Company has sole discretion whether to omit any stages depending on the facts of the case.

Following a formal disciplinary meeting, the manager can issue a Verbal Warning, Written Warning, Final Written Warning or Dismissal depending on the severity of the allegations and the facts of the case.

Informal Warning

Minor misconduct or capability that is below an acceptable standard should normally be dealt with informally by counselling or advice. This does not form part of the Disciplinary Procedure, however, employees should be made aware that any further misconduct or failure to improve performance may result in formal disciplinary action. Where appropriate, a note of any such informal discussion may be placed on the employee's personnel file.

Formal Verbal Warning – Stage One

If no improvement is shown by an employee following informal counselling, or where informal counselling is felt inappropriate, the employee may be given a formal verbal warning. Where the formal verbal warning is given, a record of it will be placed on the individual's personal file and a copy given to the employee. The employee must be notified that any recurrence of the offence or other serious misconduct or failure to improve performance or behaviour may result in further disciplinary action.

The formal verbal warning will normally be effective for a period of 6 months. In the event that further action is necessary during this period this would normally necessitate escalation to the next or further stages of the disciplinary procedure.

First Written Warning – Stage Two

Where it is reasonably believed that the employee is guilty of the alleged behaviour or misconduct, a written warning should be issued. A written warning is normally appropriate in the following circumstances:

- In more serious, or repeated cases of misconduct or capability;
- Where improvement is not made or sustained following previous disciplinary action.

A copy of the warning will be given to the employee and a copy placed on the employee's personal file.

The employee should be notified that any reoccurrence of the offence or other serious misconduct or failure to improve performance or behaviour may result in further disciplinary action.

The First Written Warning will normally be effective for a period of 12 months. In the event that further disciplinary action is necessary during this period this would normally necessitate escalation to a further stage of the Disciplinary Procedure.

Final Written Warning – Stage Three

A Final Written Warning may follow failure to improve as a result of an earlier warning or because of an initial very serious offence. If the written warning procedure has been exhausted, or where issues are of a serious disciplinary nature, the following sanctions may apply in conjunction with the Final Written Warning, at the sole discretion of the Company:

- Disciplinary suspension without pay;
- Loss of seniority;
- Loss of salary/benefits/bonus;
- Transfer to another department

A Final Written Warning will normally remain in effect for a period of 12 months although in certain circumstances the Company may decide to impose a longer period, including an indefinite warning. In the event that further action is necessary during this period this would normally necessitate escalation to the next stage of the Disciplinary Procedure, which could result in dismissal.

Dismissal – Stage Four

When other stages of the Disciplinary Procedure have been exhausted, or where there is evidence of gross misconduct, the employee may be dismissed. Where the employee commits an act of misconduct during their probationary period, the Company may move straight to dismissal.

General Information

Once the active period for the disciplinary sanction has expired without further instances or offences, it will normally be disregarded for future disciplinary action although it will remain permanently on the employee's personnel file.

Whilst you are subject to a live formal disciplinary warning, you will not normally be considered for promotion, salary review or bonus payments.

We reserve the right to vary or omit any stages of the disciplinary procedure, including varying or omitting levels of disciplinary sanction.

Any information which is provided by you during the disciplinary process will ordinarily be documented and placed on your personal file. The information will only be used for the purposes outlined in the disciplinary procedure, unless you are otherwise notified. Data obtained as part of the disciplinary process may be placed on computer or in a relevant filing system.