

Disciplinary Policy

Policy and purpose

The Company is committed to treating all staff fairly and equitably and to helping employees to perform effectively. However, there will be occasions when it may be necessary to invoke disciplinary procedures. Should the need arise, you will be given the opportunity to improve throughout the stages of the procedure.

When work falls below an acceptable standard, help will be given to you to improve. If standards of work continue to fall and there is a necessity for action, it will ordinarily begin with a pre-disciplinary informal discussion. Similarly, when an employee's behaviour is potentially inappropriate and unacceptable, it will mean the initiation of a pre-disciplinary informal discussion or the disciplinary procedure, depending on the severity of the matter at hand.

If disciplinary action should become necessary, each case will be treated consistently and fairly, and the disciplinary procedure will be observed at all steps. The employee will be given the opportunity to provide their version of events and any extenuating circumstances will be considered. An employee's rights will be upheld at all times, and employees will have the right to:

- know the case against them.
- reply to that case.
- due consideration of their case.
- be accompanied.
- appeal.

All managers are required to use their best efforts to:

- provide feedback at early steps to encourage and support employees to improve.
- ensure that all cases are thoroughly investigated.
- avoid any discrimination.
- prepare carefully and be consistent.
- keep adequate records.
- adhere to this procedure.

This policy is adopted on a non-contractual basis and therefore does not make up part of your contractual terms and conditions.

Investigation

Prior to taking the decision to invoke the disciplinary procedure, the Company will ensure that a thorough investigation is carried out. This is a fact-finding process and may necessitate the gathering of detailed information as well as the carrying out of formal interviews, taking of written statements, etc. Where there is clear or irrefutable evidence of misconduct, the Company reserves the right to enter into the disciplinary process without conducting a formal investigation process.

A proper investigation is an integral part of the process and, where an allegation of gross misconduct is involved, may require employees to be suspended on contractual pay whilst this is carried out. Suspension on pay is not considered to be a sanction taken under the disciplinary procedure. It is there to ensure that issues are dealt with in a fair and reasonable manner, and adequate protection is given to all employees. Suspension will not normally last for more than 10 days and the employee will be given a letter explaining the suspension arrangement, including the requirement not to attend work but be available for meetings e.g. investigatory meetings. Prior to and during the suspension the employee's manager will ensure steps are taken to support the employee's wellbeing.

Informal pre-disciplinary discussion

Where appropriate, prior to using the formal aspects of the Company's disciplinary procedure, a pre-disciplinary discussion will be held with the employee.

Minor misconduct, poor performance or minor breaches of rules will normally result in an informal warning being given by the immediate manager. A note of the discussion will be made and held on the employee's personnel file. If that approach is not successful, the Company is likely to escalate it to the formal disciplinary procedure.

The disciplinary procedure

This procedure will be used in cases of a breach of the rules or poor performance that have not been remedied by an informal warning, or which are deemed too serious to be dealt with informally. Normally, the procedure will follow the steps listed below, however the Company reserves the right to enter into the warnings at any stage, should the process conclude that a more severe warning is warranted.

From the first formal step of the disciplinary procedure there will be the presence of the immediate manager as well as another member of the management or HR team. Employees have the option to have a work colleague or trade union representative present.

At each step in the procedure a disciplinary meeting will be held where all the facts will be considered and any mitigating circumstances discussed. Where a warning is issued a copy will be placed on the employee's personnel file for the specified period. The employee will also be advised of their right to appeal against the decision to take disciplinary action. All warnings issued under this procedure will state clearly that the employee will be liable for further disciplinary action should their performance or conduct not improve or should there be a further breach of Company rules. They will also have a clear expiration date from which they will be removed from the employee's file. In the event of no further misconduct occurring and/or the performance improving, the warning will be removed upon expiration and the employee's file will be clear.

The steps in the disciplinary procedure are as follows:

First written warning

A first written warning will be applied where the matters of concern are substantiated. A record of the first written warning will be given to the employee and a copy will be retained on the personnel file for 12 months. The employee will be informed of their right of appeal, the improvement required and if this does not materialise, or there is further misconduct, the procedure will escalate. This can happen before the end of the first written warning period.

Final written warning

A final written warning will be applied where the matters of concern are substantiated. A record of the final written warning will be given to the employee and a copy will be retained on the personnel file for 12 months. The employee will be informed of the improvement required and if this does not materialise, or there is further misconduct, the procedure will escalate. This can happen before the end of the final written warning period. The employee will be informed of their right of appeal and that further misconduct within the specified period may result in their dismissal.

Dismissal or action short of dismissal

An employee will normally be dismissed if they have failed to improve to the required standard, or there has been further misconduct, via the previous steps. In the event of a gross misconduct allegation, dismissal for first offence may occur. The employee will be issued with a letter setting out the reasons for dismissal and other arrangements including in relation to their final pay and their right to appeal.

Alternatively to dismissal, the Company may decide that suspension without pay, transfer or demotion are appropriate sanctions.

Gross misconduct

The following offences will be viewed by the Company as gross misconduct:

- unauthorised use of the Company's assets and equipment.
- insubordination e.g. refusal to carry out duties or obey reasonable instructions, except where employee safety may reasonably be in jeopardy.
- intentional discriminatory behaviour, sexual harassment, harassment in relation to any other of the protected characteristics set out in the Equality Act 2010.
- bullying or violent, dangerous or intimidatory conduct.
- serious breach of rules, policies or procedures, especially those designed to ensure safe operation.
- divulging or misusing confidential information.
- theft of fraud.
- possession or consumption of alcohol or drugs whilst on the premises, or intoxication by reason of alcohol or drugs, which could affect work performance in any way or have an impact on other employees.
- unauthorised or inappropriate use of e-mail, Internet and/or computer systems.
- falsification of any Company records including reports, accounts, expenses claims or self-certification forms.
- bringing unauthorised person(s) onto Company premises.

This list of examples is not exhaustive or exclusive, and offences of a similar or serious nature will be dealt with under this procedure. Gross misconduct will result in the initiation or escalation of the Company disciplinary procedure and may result in summary dismissal without notice or pay in lieu of notice.

Appeals

At every step, the employee has the right to appeal a sanction. If employees wish to appeal, they should do so in writing within 5 working days of the decision to be appealed, setting out their reasons for appeal.

Employees will be invited to attend an appeal hearing at which they have the right to be accompanied by a work colleague or trade union representative. Wherever possible, the hearing will be held by a manager of a more senior level than the manager who held the disciplinary hearing. The employee will be given the opportunity to give the reasons they believe the sanction should be overturned which could include that it was too severe, inappropriate or because new information has come to light. A decision will be made on whether the disciplinary sanction is to be upheld or overturned and delivered to the employee within 5 days of the hearing. In exceptional circumstances, the sanction may also be increased. The decision of the appeal panel will be final.

Third parties

The Company reserves the right to engage an independent third party to assist at any stage of the disciplinary procedure.