

DISCIPLINARY PROCEDURE

The aim of this procedure is to ensure consistency and a fair approach in the continuing high standards of conduct and performance at (COMPANY). Disciplinary action is used as a means of improving an employees conduct or work standards rather than as a punishment.

This procedure may be brought into effect when an employee commits a breach of their terms and conditions of employment. It is recognised that most disciplinary issues can be effectively resolved on an informal basis; however there may be occasions when an alleged offence is sufficiently serious and a more formal procedure will be used.

The disciplinary procedure is designed to work quickly and effectively as possible and will be applied consistently and fairly to all employees.

1. no disciplinary action will be taken until the case has been fully investigated
2. at every stage of the procedure the employee will be advised of the nature of the complaint and given the opportunity to state their case before any decision is made
3. an employee will be given the opportunity of being accompanied by a company employee
4. employees will not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be dismissal

Informal Action

In many minor cases informal action may be a more effective method of resolving a problem. If the method is in the form of a discussion with a view to encouraging the employee to improve, the employee needs to be fully aware of the outcome. A note of any informal discussions should be kept for reference purposes. Where the informal approach fails to bring about improvement the formal disciplinary procedure will be applied.

Formal Action

If a disciplinary offence has taken place the employee involved will be informed verbally prior to any disciplinary investigations of the suspected offence and confirmed in writing.

Investigation

All investigations will take place as quickly as possible to minimise disruption to the business and uncertainty to the individual(s) concerned. Investigations should be conducted by the appropriate manager involved and depending on the nature of the investigation they may be assisted by other senior managers or a HR specialist.

The investigation will include witness statements, reports and other information relevant to the investigation. Once the investigation is completed the investigating manager must decide the appropriate course of action.

Notice to attend

If it is decided that disciplinary action is appropriate the employee will be required to attend a disciplinary hearing. The employee will be given at least 24hrs written notice to attend. They will be provided with the details of the allegations against them and when and where the meeting is to take place and who will be conducting the meeting.

The employee will have the opportunity to state his or her case to the complaint raised against them.

Right to be Accompanied

The employee has the right to be accompanied at the meeting by a work colleague or employee representative.

The Outcome

Following full consideration of all the evidence, mitigating circumstances and the employee's previous disciplinary record a disciplinary penalty, if any will be determined.

The employee will be advised verbally of the outcome and this will then be confirmed to them in writing.

Disciplinary Penalties

Stage 1 – First Written Warning

Where an employees conduct or performance is found to be unacceptable the normal first step would be to issue a first written warning.

Where necessary and particularly in cases of poor performance, employees should be given the necessary support to enable them to reach the Company standards.

A copy of the first written warning will be kept on file for 6 months after which the penalty will be deemed spent.

The employee will be advised of their right to appeal.

Stage 2 – Final Written Warning

If there is failure to improve conduct or performance is still unsatisfactory a final written warning will be given. If the misconduct or negligence is sufficiently serious to warrant a warning, but insufficiently serious to justify dismissal a final written warning will be given.

A copy of the final written warning will be kept on file for 12 months after which the penalty will be deemed spent.

In the case of serious misconduct or underperformance the Company reserves the right to keep the warning on file for up to 24 months, after which time the penalty will be deemed as spent.

The employee will be advised of their right to appeal.

Stage 3 – Dismissal or other Sanction

If the employee has received a final written further to misconduct or unsatisfactory performance may warrant dismissal. Dependant on the seriousness of the misconduct involved, it may be appropriate to consider dismissal.

Other disciplinary sanctions may be imposed as an alternative to dismissal including, disciplinary transfer, suspension without pay, salary reduction, demotions, loss of seniority, loss of increment or other salary enhancements

The employee will be advised of their right to appeal. All penalties will be confirmed in writing to the employee.

Gross Misconduct

Gross Misconduct may lead to summary dismissal without notice or pay in lieu of notice even for a first offence. The following lists of examples are normally regarded as Gross Misconduct. This list is not exhaustive:

- Theft or fraud
- Physical violence or bullying
- Deliberate or serious damage to property
- Serious misuse of Company property or name
- Unlawful discrimination or harassment
- Serious breach of Health and Safety
- Being under the influence of alcohol, possession of or being under the influence of illegal drugs.
- Failure to comply with a reasonable management request.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.

Appeal Procedure

All employees have the right to appeal upon disciplinary penalties imposed against them.

An employee wishing to appeal should notify the Managing Director of the Company with in seven days of the date of the decision.

Where possible an appeal will be conducted by members of management not involved in any earlier disciplinary action or hearing with which the appeal is concerned. The employee will be notified in writing of the date, location and time of the appeal including their right to be accompanied.