

POLICIES AND PROCEDURES

DISCIPLINARY POLICY

1. INTRODUCTION

The Company is committed to ensuring that there is a fair and consistent approach to the management of continuing high standards of conduct and performance.

This policy may therefore be brought into effect when an employee commits any breach of their terms and conditions of employment, conducts himself/herself (whether on Company premises or not) in a manner, which is considered to be unsatisfactory or prejudicial to the interests of the Company or performs their role below Company standards, or is negligent in the execution of their duties.

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

- a. No disciplinary action will be taken until the case has been fully investigated
- b. At every stage in 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
- c. Employees will not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be dismissal without notice or payment in lieu of notice
- d. The Company will review this policy periodically in light of any developments in employment legislation or good practice and if necessary revise it in order to ensure their continued relevance and effectiveness.

2. SCOPE

This procedure will apply to all employees who have successfully completed their probationary period. Employees within their probationary period will be involved in regular reviews with their manager and will be given appropriate guidance on Company rules and on expected standards of performance and conduct.

Employees failing to meet those standards may have their probation terminated. Should a manager believe that an individual's performance or conduct is falling below expected standards they will be advised. An employee will be advised during or at the end of their probation period if their probation has been successful and if their employment will be confirmed.

3. INFORMAL PROCEDURE

Most cases of minor misconduct or poor performance can be handled informally through management guidance and support. However where informal action fails to bring about an improvement or where informal action is not appropriate the formal disciplinary procedure will be applied.

4. INVESTIGATION

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

Witness statements, reports and other information should be obtained as soon as possible and all available evidence gathered to enable an effective investigation. Once the investigation is completed the investigating manager must decide if the matter is to be dealt with formally under the disciplinary procedure.

5. SUSPENSION

There may be occasions where it is necessary and appropriate to suspend an employee from work during the course of an investigation or after the outcome of the investigation and pending disciplinary action. Only the appropriate senior manager can authorise the suspension, which should not be seen as a disciplinary penalty in itself.

The time on suspension should be kept to a minimum and it is not envisaged that it will last longer than 2 weeks. All suspensions will be on full basic pay. The Company will issue a letter confirming the suspension. Whilst on suspension, the employee must be available to attend the workplace to participate in the investigation and where applicable, any subsequent hearings.

6. THE PROCEDURE

When operating Disciplinary Procedures it is important to be consistent, fair and open in the way matters are dealt with. It is also important to ensure not to discriminate on grounds of race, age, gender or disability or any of the protected characteristics as defined in the Equality Act 2010 and care should be taken when dealing with related issues.

In the course of a disciplinary case, if a grievance is raised then depending on the circumstances, it may be appropriate to suspend the disciplinary procedure for a short period to investigate the grievance.

6.1 Notice To Attend

If necessary an employee will be required to attend a disciplinary hearing regarding the alleged breach of Company rules, standards, performance or conduct. The employee will be given at least 24 hours written notice to attend. They will be provided with details of the alleged misconduct and when and where the hearing will be held along with details on who will be conducting the hearing.

The employee will be given copies of any documents that will be discussed at the hearing, e.g. the investigation report, witness statements etc.

6.2 Right to Be Accompanied

The employee will be given the opportunity to bring an employee representative to the hearing. The employee representative can either be a work colleague or a trade union official. If the employee's chosen companion is unavailable on the day the hearing is scheduled, the hearing will be rescheduled to an alternative date; provided that the reason for unavailability is reasonable and the alternative date is within a reasonable time frame. The companion's role does not involve answering questions on an employee's behalf; they are however allowed to ask questions, present the employee's statement and should be allowed to participate fully in the hearing.

6.3 The Panel

The hearing panel should ideally consist of a senior manager who has not been involved in the original investigation. If required, also in attendance will be another Company representative who will take notes and participate in the hearing.

6.4 During the Hearing

During the hearing, the person conducting the hearing will explain the complaint against the employee, go through the evidence that has been gathered, ask questions and allow the employee to respond. The employee will be given ample opportunity to respond to the complaint made against them.

6.5 Recording the Hearing

A record of the hearing will be provided in the form of notes taken by a Company representative at the hearing. In addition, the employee's representative will be able to take notes during the hearing. Tape recordings of the meeting are not permitted in any disciplinary hearing.

6.6 Deciding Upon An Outcome

Once all of the information has been presented and discussed, the person conducting the hearing will ask for an adjournment to allow time to make a decision. A decision will take into account all of the information available as well as the employee's previous disciplinary record, actions taken in similar cases, the explanation given by the employee and whether the intended disciplinary action is reasonable.

6.7 Confirmation Of Outcome

The employee will be verbally advised of the outcome. The outcome will also be confirmed to them in writing. The following section details types of disciplinary action that may be taken.

7. PENALTIES

Summary dismissal without notice or pay in lieu of notice may take place if an act of gross misconduct is committed.

The following list provides examples of offences, which are normally regarded as gross misconduct, which may lead to summary dismissal without notice or pay in lieu of notice even for a first offence, this list is not exhaustive:-

- Theft, including theft of time, fraud, including fraudulent claims for expenses, deliberate falsifications of records. Dishonesty including abuse of access to Company or client computer systems or telephones.
- Fighting or assault on another person while on duty (including a client, co-worker or outside contractor).
- Deliberate damage to Company property, misappropriation of Company property.
- Being under the influence of alcohol, possession of or being under the influence of illegal drugs, smoking in unauthorised areas.
- Serious negligence, which causes unacceptable loss, damage or injury. Serious acts of insubordination including offensive behaviour or language.
- Failure to comply with a reasonable management request
- Disregard for the Health & Safety Regulations.
- Unauthorised disclosure of Company information, behaviour prejudicial to the good name of the Company, wilful breach of regulations endangering safety of other persons or equipment. Betting or gambling on Company property.
- Sexual, religious or racial harassment, or other harassment or intimidation whether physical or verbal.
- Breach of the Bribery Policy and Code of Conduct
- Breach of electronic communications policy.

Stage 1 – First Written Warning

Where an employee's conduct or performance is found to be unacceptable, the normal first step would be to issue a first written warning. The employee should be informed of how their conduct or performance is expected to improve and advised that failure to improve may lead to further disciplinary action being taken.

Where necessary and particularly in cases of poor performance, employees should be given any necessary support to enable them to reach Company standards. A review date should be set to enable poor performance to be reviewed against the performance expectations that have been documented and provided to the employee.

The employee should also be advised of their right to appeal, see section 8. A copy of the first written warning will be kept on the employees file for 6 months after which the penalty will be deemed as spent.

Stage 2 – Final Written Warning

If there is still failure to improve, and conduct or performance is still unsatisfactory or 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. This will give details of the complaint, advise upon the required standards of conduct and will warn that dismissal will result if there is no satisfactory improvement. The employee will also be advised of the right to appeal, see section 8. A copy of the final written warning will be kept on the employees file for 12 months after which the penalty will be deemed as spent.

In cases 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.

Stage 3 – Procedural Dismissal or other Sanction

If conduct or performance is still unsatisfactory then procedural dismissal will normally result. Only the appropriate Senior Manager can take the decision to dismiss. Alternatively, other disciplinary sanctions may be imposed as an alternative to dismissal including demotion and redeployment. All dismissals will be confirmed in writing by a Senior Manager.

8. APPEAL PROCEDURE

The opportunity to appeal is essential to natural justice and the employee may exercise the right to appeal against any formal disciplinary penalty using the following procedure.

Following any penalty imposed the employee will be advised of their right to appeal and whom they should address their appeal to.

It should be noted that the Grievance Procedure should be used to appeal for matters unconnected with discipline or termination of employment.

Where disciplinary action has been taken, employees will have the right to appeal within seven days from receipt of the outcome letter.

The appeal should be in writing and addressed to the appropriate senior manager. It should also state which of the following grounds the appeal is to be based:

- a) the penalty applied is too harsh
- b) there is new evidence to consider
- c) the procedure has been carried out unfairly

Where possible an appeal shall be conducted by members of management who have not been involved in any earlier disciplinary action or hearings with which the appeal is concerned, and the provisions in the hearing section shall apply.

Employees will be notified of the date and time of the appeal and their statutory right to be accompanied at the appeal.

Once the appeal has been heard, the Company will inform the employee of the decision as soon as possible, and this will be confirmed in writing. The decision of the appeal is final.