

## DISCIPLINARY POLICY

Disciplinary rules and procedures help to promote good employment relations as well as fairness and consistency in the treatment of individuals. Any misconduct by the employee in the course of employment will be regarded by the company as a disciplinary matter, however these rules and procedures should be seen as a way of helping and encouraging improvement amongst workers whose conduct or standard of work is unsatisfactory.

### Principles

Any complaint made against an individual employee will be fully investigated. No disciplinary action will be taken against that employee until they have been made aware of the nature of the complaint and have been given the opportunity to make representations. This will usually be at the investigation stage.

At any disciplinary or appeal meeting the employee will have the right, if they so wish, to be accompanied by a work colleague of their choice or a trade union official.

Before any formal disciplinary action is taken a full investigation will take place. Whenever possible this investigation will be conducted by a Supervisor or Manager who will not hold the disciplinary hearing. The investigation will include all witnesses and the employee against whom the allegation(s) have been made. Written statements will be obtained and any reference documents collated. If following this investigation disciplinary action is recommended, the employee against whom the allegation(s) have been made will be informed in writing of time, date, and place of meeting; name of manager holding the hearing; the allegations to be considered; and the right to be accompanied. Copies of evidential documents will also be made available.

At the disciplinary meeting the employee will be given the opportunity to answer the allegations and to provide any evidence or witness to substantiate his defence.

### The Procedure

Minor problems will normally be dealt with informally by the immediate Supervisor, however if the matter is more serious the following procedure will be used:

#### Stage 1 – Verbal Warning:

Cases of minor misconduct or unsatisfactory performance (for examples see page 2) will normally result in a Verbal Warning. The Employee will be informed in writing of the reason for the warning. A note of the warning will be recorded on the personal file and will remain active for a period of 6 months. A verbal warning may be issued by a Supervisor or a Manager. There is no right of appeal against a verbal warning.

#### Stage 2 – Written Warning:

If, following a verbal warning, there is no improvement or the employee commits an act of any other misconduct or non-performance, or the misconduct or unsatisfactory performance is considered to be too serious to be classed as minor, the issue will be dealt with by formal disciplinary action.

- In the case of unsatisfactory performance, the employee will be given a written warning setting out the performance problem, the improvement required, the timescale for achieving improvement, a review date and any support the employer will provide to assist the employee.

- When an employee is found guilty of misconduct the written warning will set out the nature of the misconduct and the required change in behaviour.

In both of the above cases the employee will be told that this warning forms part of the formal disciplinary procedure and the consequences of failure to change behaviour or improve performance or commit an act of any other misconduct or non-performance, could be a final written warning and ultimately, dismissal.

The written warning will be recorded on the personal file and will remain active for a period of 12 months.

### Stage 3 – Final Written Warning:

If, following a written warning, there is no improvement, or the misconduct or unsatisfactory performance is considered serious enough to issue only one written warning then, following a full investigation the employee will be subject to the formal disciplinary procedure resulting in a Final Written Warning. The final written warning will set out the nature of the misconduct, the required change in behaviour and the timescale. The employee will be told that failure to change behaviour or improve performance will ultimately result in dismissal.

A Final Written warning will be recorded on the personal file and will remain active for a period of 12 months.

### Stage 4 – Dismissal:

If, following a final written warning, there is no improvement, or the misconduct is considered serious enough to be “gross misconduct” or there is a repeat of the misconduct then dismissal will normally result. A decision to dismiss can only be taken by a General Manager or equivalent, or a more senior manager.

For actions which may be deemed to be serious or gross misconduct, the company reserves the right to suspend the employee from duty. All suspensions will be on full pay. Such suspension is to be regarded as a neutral act that does not imply guilt or blame. It is intended that the period will be kept to the minimum necessary to carry out the investigation. During suspension the employee must be available to assist with the investigation if required to do so.

At each stage of the formal process, and following a full investigation, the employee will be informed in writing of the allegation against them. This letter will also invite them to a disciplinary interview and remind them of the right to be accompanied. Whenever possible copies of any relevant documents will be enclosed with the letter. At the meeting the employee will be given the opportunity to make their representations, following which the Supervisor/Manager holding the meeting will make his/her decision. The decision will be confirmed in writing giving reasons and will inform the employee of the right to appeal. All appeals will be heard by a manager equal to or senior to the dismissing manager. Appeals should be submitted in writing within 7 calendar days stating the reason(s) for the appeal.

The Employer reserves the right to enter this procedure at any stage if the misconduct warrants such action.

If an act of gross misconduct is so serious, and there is conclusive evidence that it has taken place by that employee, and to allow the employee to continue in employment is untenable the modified procedure may be invoked.

Where any employee, having been dismissed, intends to bring a claim at the Employment Tribunal they should be aware that they may be prevented from doing so, or their application delayed, if they have not used the internal appeals procedure.

Note:

Misconduct may be minor, serious or gross. Minor or serious misconduct will warrant disciplinary action short of summary dismissal. Gross misconduct will warrant summary dismissal. Summary dismissal means dismissal without notice or pay in lieu of notice. Any accrued holiday outstanding will be paid in accordance with Working Time Regulations.

Minor misconduct includes:

- i Lateness
- ii Bad Timekeeping
- iii Absence without permission
- iv Failing to notify the Company of reasons for absence within a reasonable time
- v Failure to maintain a satisfactory standard of work

This list is not exhaustive and will include any misconduct of a similar nature to that listed above. Repeated acts of minor misconduct will amount to serious misconduct.

Serious misconduct includes:

- i Misuse or abuse of Company property or equipment
- ii Failure to comply with a reasonable request of a Supervisor or Manager
- iii Utilising or divulging affairs or secrets of the Company in a manner likely to cause injury or loss to the Company
- iv Persistent absence or lateness with or without medical certificates
- v Displaying aggressive behaviour

This list is not exclusive and will include any misconduct of a similar nature to that listed. Repeated acts of serious misconduct will amount to gross misconduct.

Gross misconduct: that act resulting in a serious breach of contractual terms and includes:

- i Theft
- ii Deliberate falsification of records
- iii Assault
- iv Drunkenness, or attending for work whilst under the influence of alcohol or drugs
- v Acts of a criminal nature reflecting upon the suitability of the employee for employment with the company
- vi Failure to permit searching carried out in a discreet and proper manner
- vii Any serious acts or omissions in the employee's private life which indicate he no longer maintains the special standards required by the Company
- viii Bullying or harassment
- ix Deliberate damage to property
- x Insubordination
- xi Incapability whilst on duty brought on by alcohol or illegal drugs
- xii Serious negligence which causes or might cause unacceptable loss, damage or injury
- xiii Infringements of Health and safety rules
- xiv Serious breach of confidence (subject to the Public Interest Disclosure Act 1998)
- xv When driving a company vehicle, non-compliance with the company's accident, traffic offence and padlock policy
- xvi Internet abuse involving but not restricted to pornographic material.
- xvii Failure to report driving convictions if employed as a company driver.
- xviii Repeated issues of aggressive behaviour
- xix Physically or verbally threatening a colleague, manager or customer.

This list is not exclusive and will include any misconduct of similar nature to that listed.

### Criminal charge or conviction

Where an employee is subject to a criminal charge or conviction (for offences committed outside of the company) an investigation into the behavior will take place to consider the implications on continued employment. The employee may then be the subject of the company disciplinary procedures. The company will not necessarily wait for the outcome of any prosecution.

### Capability

An employee who fails to maintain specific standards in their work may do so for reasons related to their capability. A lack of capability is potentially a fair reason for dismissal.

The capability procedure (which mirrors the disciplinary procedure above) can be instigated for issues such as poor performance and long-term sickness absence.

Capability will be assessed by reference to the skills, qualifications, aptitude, health or any physical or mental quality.

Where a capability issue is identified it is important to deal with the matter quickly and therefore the line manager and employee together will try to find an informal resolution. Where the issue cannot be resolved informally the following will take place:

- **Incompetence:** this could be identified by a one-off serious incident or a repetition of events. Where it is established that there is a lack of skills a formal interview will take place and relevant training or coaching will be identified, together with a timescale for improvement. This interview will be confirmed in writing, stating the lack of skills, the training or coaching to take place, the standard to be achieved, the timescale and the consequences of failure to improve.
- **Health:** on grounds of medically certified illness, both physical and mental, the employer will meet with the employee and will take account of the likelihood of improvement in health and attendance, the availability of suitable alternative work if necessary, the effect of past and future absences on the organisation, and where there is permanent disability, in consultation with the employee, any reasonable adjustments to enable the employee to continue working. The Company may require the employee to attend for consultation with an Occupational Health consultant, or to agree to a medical report being obtained from their GP, failure to co-operate could lead to disciplinary procedures being instigated.

Where an employee has been absent from work for a period of six months or more, they will be informed in writing that their job is at risk. The Company reserves the right to terminate the contract of employment if the employee is unable to attend work after this period of absence.

Where an employee has been given time to improve, had reasonable training and/or other assistance and the situation has not improved then the employee will be offered demotion or other alternative work if either is available. If the employee is unwilling to accept an alternative solution, then they will be notified that their job is at risk and ultimately may be dismissed.

# GRIEVANCE PROCEEDRUE

## 1. Introduction

Formal Grievance Procedures enable employees to bring issues with which they are unhappy to the attention of management, with a view to getting them solved or improved.

The procedures also help managers to handle any grievance fairly and quickly without them becoming major problems.

Any grievance or cause for complaint by an employee, arising out of his/her employment will be dealt with in confidence and in accordance with the following procedure which is aimed at the speedy resolution of domestic, health and safety, discrimination or other issues.

At all stage's notes should be taken and made available to the complainant.

## 2. The Procedure

i In the first instance all grievances or complaints should be reported to the immediate supervisor or controller who will attempt to deal with the matter informally after making such consultations or enquiries as he/she thinks are necessary with more senior managers. Where the grievance or complaint is against the immediate line supervisor/manager it should be reported to the next line of management or HR Department.

### ii Stage 2:

If the matter is not resolved at the first stage within a reasonable time (usually 7 working days), an employee will have automatic recourse to two progressively higher levels of management. At this stage the employee must put the reason(s) for grievance in writing and deliver it to the next level of management. The manager receiving the grievance will, within 7 working days of receipt of the written complaint, arrange a meeting with the employee, who in accordance with their statutory rights, may be accompanied by a colleague or trade union official.

It is the duty of the Manager to investigate the substance of the complaint and to hear submissions from the employee concerned, or his/her representative, together with such other submissions or evidence as he/she considers appropriate and to take such steps as he/she considers necessary to resolve the issues raised.

### iii Stage 3:

If the matter is not resolved at Stage 2 within a reasonable time (usually a further seven working days after the meeting) or the employee considers that he/she has been adversely affected by the decision of the Manager, then he/she may request that the Manager refer the matter to a more senior manager or HR Department. This request should be made in writing.

On receipt of such request the Manager will make arrangements for a written report of the complaint, the submissions made to him/her, the decision and any steps taken in the implementation thereof, to be placed before the senior manager or HR Department within 7 working days. The person making the request will also be entitled to provide and have attached to the report such written representations as to the basis of his/her complaint as he/she thinks fit.

On receipt of the report, together with the written representations, if any, the Senior Manager or HR Director/Manager must consider the issues raised. He/she will be entitled to seek other submissions or representations whether oral or in writing from such person

or persons as he/she thinks fit. He/she must then take all such steps as he/she considers necessary to resolve the issues raised. These steps may involve meeting with the employee who raised the grievance in which case the employee will have the right to be accompanied by a colleague or trade union official.  
The decision at stage 3 is final and binding on all employees.