

19. Disciplinary Policy & Procedure

19.1 About this policy

19.1.1 This policy is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance.

19.1.2 Minor conduct or performance issues can usually be resolved informally with your Line Manager. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.

19.1.3 This procedure applies to all employees; however, we reserve the right not to follow or to deviate from the process where appropriate.

19.2 Investigations

19.2.1 Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.

19.2.2 In some cases of alleged misconduct, we may need to suspend you from work while we carry out the investigation or disciplinary procedure (or both). Whilst suspended, you must remain ready and willing to work. While suspended, you should not visit our premises or contact any of our clients, customers, suppliers, contractors or employees, unless authorised to do so. Suspension is not considered to be disciplinary action and is always paid as per normal employment.

19.3 The hearing

19.3.1 We will give you written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements.

19.3.2 You may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion.

19.3.3 You should let us know as early as possible if there were any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.

19.3.4 We will inform you in writing of the decision, normally within one week of the hearing though some decisions may take longer if further investigations are required and/or the matter is particularly difficult, sensitive and/or complicated.

19.4 Disciplinary Action and Dismissal

19.4.1 The usual penalties for misconduct or poor performance are:

- (a) **Stage 1: Verbal warning:** Where there are no other active warnings or improvement notes on your disciplinary record, you will normally receive a verbal warning or improvement note. It will normally remain active for six months.

- (b) **Stage 2: Written warning:** In case of further misconduct or failure to improve where there is an active warning on your record, you will normally receive a written warning. This may also be used without a verbal warning for serious cases of misconduct or poor performance. The warning will normally remain active for 12 months.
- (c) **Stage 2: Final written warning:** In case of further misconduct or failure to improve where there is an active warning on your record, you will normally receive a final written warning. This may also be used without a verbal warning or written warning for serious cases of misconduct or poor performance. The warning will normally remain active for 12 months.
- (d) **Stage 3: Dismissal or other action.** You may be dismissed for further misconduct or failure to improve where there is an active final written warning on your record, or for any act of gross misconduct. Examples of gross misconduct are given below (paragraph 19.7.2). You may also be dismissed without a warning for any act of misconduct or unsatisfactory performance during your probationary period.

We may consider other sanctions short of dismissal, including demotion, suspension or redeployment to another role (where permitted by your contract), and/or extension of a final written warning or improvement note with a further review period.

19.5 Appeals

19.5.1 You may appeal in writing within one week of being informed of the decision.

19.5.2 The appeal hearing will, where possible, be held by someone other than the person who held the original hearing. You may bring a colleague or trade union representative with you to the appeal hearing.

19.5.3 We will inform you in writing of our final decision as soon as possible, normally within one week of the appeal hearing though some decisions may take longer if further investigations are required and/or the matter is particularly difficult, sensitive and/or complicated. There is no further right of appeal.

19.6 Conduct

19.6.1 Misconduct will normally result in some form of disciplinary sanction such as a warning (or any other action agreed with your Line Manager). The following are examples of matters that are normally regarded as misconduct:

- Failure to adhere to a reasonable management request (i.e., attending Company meetings within contracted hours)
- Failure to adhere to your contractual hours and break times and/any failure to be punctual
- Failure to attend work on a regular basis and/or persistently late
- Failure to be courteous, helpful and polite to all those with whom you have contact with during work
- Failure to devote all your time and attention, whilst at work, to the Company and ensure that all its property including confidential information, records, equipment, information technology, etc. is kept safe and used correctly

- Any failure to comply with all Company rules and regulations and to observe and perform all terms and conditions of your employment, as set out or referred to in your contract of employment
- Any involvement with a company, client or agent who is in direct competition with the Company without the Company's prior approval

This list is intended as a guide and is not exhaustive.

19.7 Gross Misconduct

19.7.1 Gross misconduct will normally result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

19.7.2 The following are examples of matters that are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of the Company's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- using threatening, blasphemous or other offensive language or conduct or gambling on Company premises
- serious insubordination
- unlawful discrimination or harassment
- bringing the Company into disrepute
- serious incapability or inappropriate conduct at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence or wilful damage
- a serious breach of health and safety rules
- a serious breach of confidence
- a material breach of your contract of employment or the terms of this handbook
- refusal of a management request
- undertaking private or personal work during working hours and/or on Company premises
- any conduct or behaviour that is disrespectful and/or not in line with the Company's ethos

This list is intended as a guide and is not exhaustive.