



DISCIPLINARY POLICY & PROCEDURE

Introduction

The Company is committed to treating all workers fairly and equitably and to help workers achieve and maintain appropriate standards of conduct. However, there will be occasions when it may be necessary to invoke the disciplinary procedure.

If disciplinary action should become necessary, the worker will be given the opportunity to provide their version of events and any extenuating circumstances will be considered.

The Company may decide not to follow the disciplinary procedure at all or may decide to follow a variation of the procedure where it feels that is necessary to do so. However, the Company will ensure that any varied process is fair.

Where a worker raises concerns relating to ongoing disciplinary proceedings, these should be raised during the disciplinary procedure and not through the separate grievance procedure.

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

Misconduct

The following non-exhaustive list sets out some of the types of misbehaviour that constitutes misconduct:

- Inappropriate and/or disruptive behaviour.
- Breach of the Company's rules and policies.
- Persistent poor timekeeping.
- Underperformance including mistakes or errors as a result of carelessness and/or negligence.

Gross misconduct

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

- Unauthorised use of and/or serious damage to the Company's assets and equipment, or assets and equipment belonging to customers or suppliers.

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- Insubordination e.g. refusal to carry out duties or obey reasonable instructions, except where worker safety may reasonably be in jeopardy.
 - Breach of professional standards or professional disqualification relevant to employment.
 - 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, including but not limited to privacy standards, confidentiality, health and safety rules and computer use/ICT security.
 - Inappropriate use of social media in work and private time that causes actual or potential damage to customer relationships or the reputation of the Company.
 - Theft, fraud or dishonesty.
 - Falsification of any Company records including but not limited to reports, accounts, expenses claims or self-certification forms.
 - Possession, supply or consumption of alcohol or drugs (including psychoactive drugs) during working hours (including breaks) 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 workers.
 - Consuming excessive alcohol at a work event (where alcohol is permitted) to the extent that it contributes to inappropriate behaviour.
 - Smoking (and using e-cigarettes) in non-designated areas.
 - Offering or accepting a bribe.
 - Unauthorised absence.
 - Bringing unauthorised person(s) onto Company premises.

This list is not exhaustive or exclusive, and offences of a similar nature will be dealt with under this procedure. Gross misconduct may result in immediate dismissal without notice or pay in lieu of notice.

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 interviews, taking of written statements, etc. There is no right to a colleague or trade union representative during an investigation.

A thorough investigation is an integral part of the process and, where an allegation of gross misconduct is involved, may require workers 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 workers. Periods of suspension will be kept to a minimum and reviewed periodically. During suspension, workers will not be allowed to access any of the Company's premises except with the Company prior consent.

Following an investigation, possible outcomes include:

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- No case to answer
 - Informal warning
 - Formal disciplinary action

Informal warning

Minor misconduct 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 worker's personnel file. If that approach is not successful, the Company may escalate the matter to the formal disciplinary procedure.

Formal disciplinary procedure

If an worker is found to have committed an offence warranting formal disciplinary action the Company may impose either a Written Warning, Final Written Warning or dismissal (or action short of dismissal). The Company may decide to impose any level of warning in an appropriate case or skip levels of the procedure should it consider that it is fair to do so. For example, the Company may impose a greater warning than a Written Warning as a first disciplinary step, should it consider that the circumstances merit such a step.

The Company could also choose to dismiss a worker (skipping stages of warnings) if it is of the view that it was fair to do so, however this will only occur in exceptional cases.

In deciding what disciplinary action to take, the Company will of course take into account the seriousness of the offence and, where appropriate, any live warnings that the worker may already have. The Company may also consider the existence of expired warnings and the conduct that gave rise to such a warning as part of the worker's relevant conduct history in considering the level of disciplinary action that may be taken in respect of similar, subsequent misconduct.

The Company has the right to extend existing warnings in appropriate cases. This can only be as an outcome of formal disciplinary action and in exceptional circumstances.

Invite to disciplinary hearing

A worker undergoing formal disciplinary action will be invited to a disciplinary hearing in writing. The letter will advise:

- the purpose of the hearing and that it will be held under the disciplinary procedure;
- the date of the hearing, which should be held without unreasonable delay whilst allowing the worker reasonable time to prepare their case;
- the matter(s) of concern and whether it constitutes misconduct or gross misconduct; and
- the right to be accompanied by a colleague or trade union representative.

Any relevant evidence (including statements) or other documentation that is available will be issued alongside the invite letter unless otherwise stated.

If the worker is unable to attend a disciplinary hearing due to circumstances beyond their control, the hearing may be re-scheduled, normally within 5 working days of the original hearing. Where an worker is persistently unable or unwilling to attend a disciplinary hearing without good cause, the Company retains the option to make a decision in the absence of an worker. Any decision will be based on the information available at that time.

Where it is not possible to hold face-to-face meetings under the disciplinary procedure, the meetings will be conducted remotely ensuring that the worker (and their colleague or trade union representative where applicable) has access to the necessary technology to participate. Rights will not be affected, and the procedure remains fair and reasonable.

Where an worker has a disability or requires further assistance e.g. if English is not their first language, the worker should make the Company aware so that adjustments can be considered accordingly.

Disciplinary hearing

The disciplinary hearing will be chaired by an appropriate manager and a member of the People Team will normally be present as HR support/note taker.

The purpose of the hearing is to discuss the facts of the case in accordance with the evidence gathered as part of the investigation and disciplinary procedure. The worker will be given ample opportunity to provide their version of events in relation to the matters of concern.

If a colleague or trade union representative is present, they are permitted to address the hearing to put forward and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. They cannot, however, answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the Company from explaining its case.

The disciplinary hearing may be adjourned to consider and/or gather any new evidence and to consider an appropriate disciplinary sanction.

Written Warning

A Written Warning may be applied where the matters of concern are substantiated. A record of the Written Warning will be given to the worker and a copy will be retained on the worker's personnel file for 6 months. The worker will be informed of the factors considered in reaching the decision, the level of warning and duration, the fact that further misconduct could lead to further disciplinary action, and their right of appeal.

Final Written Warning

A Final Written Warning may be applied where a worker's misconduct, which previously warranted a lesser warning, has persisted or where the matters of concern are sufficiently serious to warrant a Final Written Warning. A record of the Final Written Warning will be given to the worker and a copy will be retained on the worker's personnel file for 12 months. The worker will be informed of the factors considered in reaching the decision, the level of warning and duration, the fact that further misconduct could lead to further disciplinary action, and their right of appeal.

Dismissal or action short of dismissal

Dismissal is appropriate when a matter of concern is considered to be gross misconduct, or where an worker's misconduct, which previously warranted a lesser warning, has persisted. The worker 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.

At the Company's entire discretion, work elsewhere in the Company may be offered if any suitable posts are available. If redeployment is an option, the worker will be given sufficient time, normally a calendar week, to consider the offer and respond in writing. If redeployment is for a lower grade role, terms and conditions will reflect the new role. Refusal of such an offer will normally result in termination of employment if such outcome was otherwise warranted.

Appeals

Workers have the right to appeal a formal disciplinary sanction. If workers 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.

Workers will be invited to attend an appeal hearing at which they have the right to be accompanied by a colleague or trade union representative. The hearing will, where possible, be held by a manager of a more senior level than the manager who held the disciplinary hearing. The People Team will normally attend the hearing as HR support/note taker.

The worker 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 worker within 5 working days of the hearing unless stated otherwise depending on the nature of the case. The decision of the appeal panel will be final.

Where an worker is persistently unable or unwilling to attend a disciplinary appeal hearing without good cause, the Company retains the option to make a decision in the absence of an worker. Any decision will be based on the information available at that time.

Amendments to this policy

This policy is non-contractual and may be amended from time-to-time in line with changes to legislation and best practice.