

## **DISCIPLINARY POLICY**

The Company's aim is always to encourage improvements in individual conduct or performance. Initially, wherever possible, any performance or conduct issues will be dealt with informally. Where informal action has not been successful or is not appropriate, however, this disciplinary procedure sets out the formal steps that will be taken.

### **Principles**

Where there are concerns about performance or conduct, the Company will seek to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated. The employee will be advised in writing of the nature of the allegation or complaint against him or her, the arrangements for a disciplinary hearing and the right to be accompanied, if desired, by a work colleague or trade union representative.

The disciplinary hearing will normally be chaired by the employee's Manager. During the disciplinary hearing, an employee will have the opportunity to state his or her case. Any decision will be made after the hearing, following careful consideration of the facts and confirmed in writing.

An employee has the right to appeal against any disciplinary sanction. An appeal meeting will be arranged as soon as possible.

### **Procedure**

At the conclusion of a disciplinary hearing, any of the following actions may be deemed to be appropriate.

#### **Stage 1 – first warning**

If conduct or performance is unsatisfactory, the employee will be given a written warning. This will include the reason for the warning, a note of the improvement required and the consequences of failure to improve. The warning will normally be disregarded after 12 months of satisfactory service.

#### **Stage 2 – final written warning**

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning, improvements required and a note that if no improvement results within the required timescale, action at Stage 3 will be taken. Such warnings will normally be disregarded after 12 months satisfactory service.

#### **Stage 3 – dismissal**

If the conduct or performance has failed to improve, the employee will be liable to dismissal.

### **GROSS MISCONDUCT**

If, after investigation and the disciplinary hearing, it is decided that an employee has committed an offence of gross misconduct, the normal consequence will be dismissal without notice or pay in lieu of notice.

Examples of gross misconduct are:

- dishonesty
- theft, fraud, bribery

- dangerous behaviour, fighting or assault
- damage to property
- incapacity for work due to being under the influence of alcohol or drugs
- gross insubordination such as deliberate refusal to carry out reasonable instructions
- gross negligence, incompetence or dereliction of duty
- a serious breach of the Company's safety rules
- serious misuse of the Company's email or computer system or inappropriate use of the internet
- conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties
- acts of bullying, harassment or discrimination
- abusive or threatening behaviour
- a serious breach of trust and confidence
- breach of confidentiality
- serious or deliberate breach of data security
- conduct that brings the Company's name into disrepute
- using the Company's equipment and time to undertake private work without express permission
- deliberate falsification of records
- repeated unauthorised absence from work
- making and/or disclosing covert electronic recordings of meetings and/or conversations whilst at work

This list is not intended to be exhaustive.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will receive their normal pay. Any decision to dismiss will only be taken by the Company after full investigation and a disciplinary hearing.

### **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so by writing to the Operations Manager within five working days. He or another Manager who was not involved in the original disciplinary meeting may hear the appeal and decide the case as impartially as possible. Following the appeal hearing, any disciplinary penalty imposed will be reviewed and the result will be confirmed in writing. This decision will be final.

### **Notes**

The timescales listed above will be adhered to wherever possible. A second management representative may be invited to attend formal disciplinary meetings in order to act as a witness and note taker. The Company also reserves the right to seek assistance from external facilitators at any stage in the disciplinary procedure.

If it becomes clear that the reasons for performance or attendance problems are outside an employee's control, e.g. ill-health, it will not be appropriate to refer to action taken as disciplinary. The matter would then be handled under the capability policy, which will also involve meetings and appeals in order to maintain the Company's standards as well as to ensure that fair consideration is given to the employee's circumstances.

The objective will remain as far as possible to bring about improvements that will allow the employee to achieve the required standards.

This procedure does not form part of an employee's contract of employment.