

## DISCIPLINARY PROCEDURE

Title: Disciplinary Procedure

Abstract: This policy details the arrangements, responsibilities and procedures for Disciplinary actions. The policy is mandatory.

Author: [Author Name]

Business Approval: [Approver Name]

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### AMENDMENT RECORD

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001		Original Issue

## Disciplinary Procedure

Whilst the Company does not intend to impose unreasonable rules of conduct on its employees, certain standards of behaviour are necessary to maintain good employment relations and discipline in the interest of all employees. The Company prefers that discipline be voluntary and self-imposed and in the great majority of cases this is how it works. However, from time to time, it may be necessary for the Company to take action towards individuals whose level of behaviour or performance is unacceptable.

This disciplinary procedure is in two parts. Section A generally applies to those employees who have less than one year's continuous employment with the Company, although the Company reserves the right to apply Section B instead to any such employee. Section B applies to those employees who have one or more years' continuous employment with the Company.

This disciplinary procedure is **entirely non-contractual** and does not form part of an employee's contract of employment.

### Section A

Before taking a decision to dismiss an employee on the grounds of misconduct or poor performance, the Company will, as a general rule and subject to any permitted statutory exceptions, comply with the following procedure:

#### Stage 1: Notification of allegations

The Company will notify the employee in writing of the allegations against him or her and will invite the employee to a disciplinary meeting to discuss the matter. The Company will also notify the employee of the basis for the complaint of alleged misconduct or poor performance.

#### Stage 2: Disciplinary meeting

Having given the employee a reasonable opportunity to consider his or her response to the allegations, a disciplinary meeting will then take place at which the employee will be given the chance to state his or her case. The employee may be accompanied, if requested, by a trade union official or a fellow employee of his or her choice. The employee must take all reasonable steps to attend that meeting. Following the meeting, the employee will be informed of the Company's decision in writing and notified of his or her right to appeal against it.

#### Stage 3: Appeals

If the employee wishes to appeal against the Company's decision, he or she can do so to a Director of the Company within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal meeting chaired by a senior manager or a Director. At the appeal meeting, the employee will again be given the chance to state his or her case and will have the right to be accompanied by a trade union official or a fellow employee of his or her choice. Following the appeal meeting, the employee will be informed of the appeal decision in writing. The Company's decision on an appeal will be final.

The Company reserves the right not to follow this Section A procedure in relation to the imposition of a period of suspension with pay on, or the issuing of a disciplinary warning to, any employee who has less than one year's continuous employment with the Company.

## Section B

Minor faults will be dealt with informally through counselling and training. However, in cases where informal discussion with the employee does not lead to an improvement in conduct or performance or where the matter is considered to be too serious to be classed as minor, for example, unauthorised absences, persistent poor timekeeping, sub-standard work performance, etc the following disciplinary procedure will be used. At all stages of the procedure, an investigation will be carried out.

The Company will notify the employee in writing of the allegations against him or her and will invite the employee to a disciplinary hearing to discuss the matter. The Company will also notify the employee of the basis for the complaint of alleged misconduct or poor performance. Having given the employee a reasonable opportunity to consider his or her response to the allegations, a formal disciplinary hearing will then take place, conducted by a manager, at which the employee will be given the chance to state his or her case, accompanied if requested by a trade union official or a fellow employee of his or her choice. The employee must take all reasonable steps to attend that meeting. Following the meeting, the employee will be informed in writing of the Company's decision in accordance with the stages set out below and notified of his or her right to appeal against that decision. It should be noted that an employee's behaviour is not looked at in isolation but each incident of misconduct is regarded cumulatively with any previous occurrences.

### Stage 1: Written warning

The employee will be given a formal WRITTEN WARNING. He or she will be advised of the reason for the warning, how he or she needs to improve their conduct or performance, the timescale over which the improvement is to be achieved, that the warning is the first stage of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The written warning will be recorded but nullified after six months, subject to satisfactory conduct and performance.

### Stage 2: Final written warning

Failure to improve performance in response to the procedure so far, a repeat of misconduct for which a warning has previously been issued, or a first instance of serious misconduct or serious poor performance, will result in a FINAL WRITTEN WARNING being issued. This will give details of, and grounds for, the complaint, how he or she needs to improve their conduct or performance, the timescale over which the improvement is to be achieved and warn that dismissal will probably result if the terms of the warning are not complied with. This final written warning will be recorded but nullified after twelve months, subject to satisfactory conduct and performance.

### Stage 3: Dismissal

Failure to meet the requirements set out in the final written warning will normally lead to DISMISSAL with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. Dismissal can be authorised only by a senior manager or a Director. The employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which his or her employment will terminate and how the employee can appeal against the dismissal decision.

### Gross misconduct

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases, the Company reserves the right to dismiss without notice of termination or payment in lieu of notice. Examples of gross misconduct include:

- any breach of the criminal law, such as theft and unauthorised possession of Company property, fraud, deliberate falsification of records or any other form of dishonesty
- wilfully causing harm or injury to another employee, physical violence, bullying or grossly offensive behaviour
- deliberately causing damage to the Company's property
- causing loss, damage or injury through serious carelessness
- wilful refusal to obey a reasonable management instruction
- incapacity at work through an excess of alcohol or drugs
- a serious breach of health and safety rules
- harassing or victimising another employee on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, marital status, age and/or disability.

The above is intended as a guide and is not an exhaustive list.

## Suspension

In the event of serious or gross misconduct, an employee may be suspended on full basic pay while a full investigation is carried out. Such suspension does not imply guilt or blame and will be for as short a period as possible.

## Appeals

An employee may appeal against any disciplinary decision, including dismissal, to a Director of the Company within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal hearing chaired by a senior manager or a Director. At the appeal hearing, the employee will again be given the chance to state his or her case and will have the right to be accompanied by a trade union official or a fellow employee of his or her choice. Following the appeal hearing, the employee will be informed of the appeal decision, and the reasons for it, in writing. The Company's decision on an appeal will be final.