

### THE DISCIPLINARY PROCEDURE

In any organisation, it is essential that certain standards and levels of performance be maintained to ensure the smooth running of the Company, and the well being of employees. The Disciplinary Procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct, attendance and job performance. It is applicable to all employees who have been employed by the Company for 1 year or more.

Failure to meet standards of conduct by the employee may, initially, be brought to an employee's attention by their Manager in informal conversations, if this is appropriate. In cases of poor job performance, the Company may elect to discuss this informally at first with the employee concerned. The employee's Manager would conduct this meeting. The purpose of this meeting is to establish the reasons for the poor job performance, and identify and agree a mutually acceptable way forward. Such activities may include re-training, coaching or changing working procedures.

In all cases where disciplinary action is being considered, no decision will be reached and no disciplinary action will be taken, until such time as the matter has been fully investigated and the employee given the opportunity to state their case and to offer explanations. At all formal stages, employees have the right to be accompanied and will be given the opportunity to appeal against any disciplinary action taken.

Depending on the seriousness of the case, the Disciplinary Procedure may be entered into at any of the stages outlined below. Except in cases of gross misconduct, dismissal is unlikely to be the first step.

### INFORMAL PROCEDURE

The Company will endeavour to deal with issues that arise with employees informally in the first instance. If an issue relating to performance or conduct, your Manager or a member of the management team will attempt to speak to you on the day on which the issue arises or as soon as possible thereafter. If necessary the issue may be investigated and the outcome discussed with you. A note may be placed on your file recording the meeting or outcome of any investigation or discussions, or it may be confirmed to you by letter.

Where a formal disciplinary meeting is to be held, employees will be given written notice of the disciplinary meeting. Although this will normally be not less than 24 hours, circumstances may demand that a meeting be held sooner.

The employee is entitled to be accompanied at a disciplinary meeting by a fellow employee or a trade union official. If an employee's chosen companion is not available at the time proposed for the meeting, the employee may delay the meeting provided that they propose an alternative time. The alternative time must fall within 5 working days of the date of the original meeting and must be at a time that is reasonable.

## FORMAL DISCIPLINARY AND GRIEVANCE PROCEDURES

### **STAGE 1 – VERBAL WARNING**

If conduct or performance does not meet acceptable standards, employees will normally be given a formal verbal warning. A brief note of the warning will be kept on the employee's personal file but, under normal circumstances, will become inactive after 6 months, subject to on-going satisfactory conduct and performance.

### **STAGE 2 - WRITTEN WARNING**

If there is a repetition of an offence (for which a verbal warning has been given), or the offence is a more serious one, a Written Warning will be given. The employee will receive a letter recording the nature and outcome of the disciplinary meeting. This will give details of the complaint, the improvements required and, if appropriate, the time scales for review. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement, and will advise of the right to appeal. A copy of this warning will be held on the employee's personal file but, under normal circumstances, will become inactive after 12 months, subject to on-going satisfactory conduct and performance.

### **STAGE 3 - FINAL WRITTEN WARNING**

If there is a failure to improve conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning, a Final Written Warning will be given. Again this will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement, and will advise of the right to appeal. A copy of this warning will be held on the employee's personal file but, under normal circumstances, will become inactive after 12 months, subject to on-going satisfactory conduct and performance.

Warnings will be recorded on the employee's file but will be disregarded for disciplinary purposes after the stated periods, subject to continuous satisfactory conduct or performance, unless otherwise stated in warning letters. In exceptional circumstances, where repeated poor conduct or poor performance could not be tolerated in the future, the Company reserves the right to place written warnings on file for a longer period. In such cases employees will be advised of this.

### **STAGE 4 – DISMISSAL**

If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, dismissal will normally result. This will first be discussed with the employee. This decision will then be confirmed in writing, detailing the person to whom any appeal should be made.

### **SUSPENSION**

In certain circumstances, an employee may be suspended from work pending further investigation. Suspension will normally be with pay. However, in exceptional circumstances only, the Company may reserve the right to suspend without pay or on reduced pay where there are serious allegations that may amount to gross misconduct or where the Disciplinary Procedure is delayed through no fault of the Company.

## **FORMAL DISCIPLINARY AND GRIEVANCE PROCEDURES**

### **GROSS MISCONDUCT**

Generally gross misconduct includes any serious breach of conduct or duty which brings the Company into disrepute, or actions that are inconsistent with the relationship of trust and fidelity required between the Company and its employees. If the Company, after conducting a full investigation, is satisfied that gross misconduct has occurred, the result will normally be instant dismissal without notice or a payment in lieu of notice.

The following list, which is not exhaustive, outlines offences that are normally regarded as gross misconduct. Theft; fraud; deliberate falsification of records, expense claims, timesheets or other documentation; making untrue statements with intent or deceiving or defrauding the Company; fighting or assault on another person; being on Company premises under the influence of alcohol or illegal drugs; deliberate damage to property; unauthorised absence; breach of the Business Ethics and Anti-Bribery Policy; serious acts of insubordination; misuse of Company property; breach of the No Smoking Policy; communicating confidential information outside the Company; gross negligence; any violation of Health and Safety rules; and deliberate acts of harassment or non-compliance with the Company's policy on equal opportunities.

### **RIGHT OF APPEAL AND APPEAL PROCEDURE**

At the conclusion of each stage of the Disciplinary Procedure, all employees have the right to appeal against any disciplinary action taken against them. Employees have the right to be accompanied by a fellow employee or trade union official at appeal meetings. The Appeal Procedure is outlined below.

#### **APPEAL AGAINST A WARNING**

- An appeal against disciplinary action must be made in writing within 5 working days of the disciplinary action;
- An appeal against a warning should be made in writing to a Director stating the reasons for non-acceptance of the warning. A nominated Director will then fully review the facts.
- The employee will be asked to attend an appeal meeting with the nominated Director, within 5 working days.
- The employee will be informed of the decision in writing within 5 working days of the meeting.

#### **APPEAL AGAINST DISMISSAL**

- An appeal against dismissal should be made in writing to a Director within 5 working days;
- A full review of the facts will be carried out and the employee invited to attend an appeal meeting.
- The employee will be informed of the decision in writing within 5 working days of the meeting. The Director's decision is final.

## **FORMAL DISCIPLINARY AND GRIEVANCE PROCEDURES**

### **THE GRIEVANCE PROCEDURE**

The aim of the Grievance Procedure is to resolve concerns that employees may have about your job, working conditions or any other issue relating to your employment. The objective is to resolve issues quickly and to the satisfaction of both parties.

### **INFORMAL PROCEDURE**

Most grievances are best resolved informally in discussions with the employee's Line Manager. If an employee has a grievance relating to any aspect of your job, working environment or the conditions of employment, you should speak to your Manager on the day on which the grievance occurs or as soon as possible thereafter. If necessary, the situation will be investigated and the outcome will be discussed with the employee.

### **FORMAL PROCEDURE**

If the grievance cannot be resolved informally, the employee should put your grievance in writing to your Manager. If the grievance is against the employee's own Manager, you should send your grievance directly to a Director. The employee will then be invited to a meeting to discuss the grievance, and may be accompanied by a work colleague or trade union official during the meeting. The Manager (or Director) will respond to the grievance in writing within 5 working days of the meeting.

### **FINAL STAGE**

If the employee is not satisfied with the outcome, you should write to a Director, again giving details of your grievance and explaining why the matter remains unresolved. You will then be invited to attend a meeting with a Director to discuss the grievance. A work colleague or trade union official may accompany the employee at this meeting. The Director will respond to the employee's grievance in writing within 5 working days of the meeting.

### **GRIEVANCE MEETING**

If an employee wishes to be accompanied at a grievance meeting and your chosen companion (work colleague or trade union official) is not available, the employee may ask for the meeting to be postponed by up to 5 working days and should suggest an alternative time for the meeting.