

Disciplinary Policy

We require and expect good standards of discipline from you as our employee, together with good standards of work. The purpose of the disciplinary policy is to ensure that any concerns over employees' conduct or performance are handled in a fair, consistent and timely manner, with the intention of bringing about an improvement, and to protect the proper operation of our business and the health and safety of all employees.

During your probationary period, the full disciplinary procedure will not apply. Additionally, we reserve the right not to apply the full disciplinary procedure during the first 2 years of your employment with us.

The Disciplinary Policy and Procedure do not form part of your Contract of Employment.

The following are some examples of conduct/performance that will normally be addressed through the company's disciplinary procedure – this list is not designed to be exhaustive:

- Poor or unsatisfactory performance;
- Breach of our policies and procedures;
- Inappropriate behaviour (e.g., Fighting, drunkenness, etc.);
- Bullying, harassment or victimisation;
- Discrimination on any of the grounds listed in our Equal Opportunities Policy, e.g., Race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status or ethnic origin;
- Poor timekeeping or persistent lateness;
- Unacceptable levels of absence,
- Unauthorised absence;
- Serious or repeated failure to follow reasonable requests or instructions;
- Abuse, misuse or neglect of company property or facilities;
- Bribery offences under the Bribery Act 2010; and

We reserve the right to:

- Monitor employees' activities including telephone calls, email messages and internet as appropriate, whether as part of a disciplinary investigation or otherwise. You should therefore not consider such activities and methods of communication to be confidential when conducted at work.
- Search an employee's desk, bags, pockets, vehicle or other Company property or personal possessions where such action is considered necessary in our opinion.

Confidentiality

Disciplinary matters will be handled with as high a degree of confidentiality as is practicable. Confidential records of disciplinary matters will be kept in your employee file in accordance with GDPR. Copies of meeting notes will be provided to you, although we reserve the right to withhold certain information (e.g., To protect a witness).

Investigation

A prompt and thorough investigation will be made in to any matter that is reasonably believed to be a disciplinary matter. You will be informed of the investigation as soon as possible and when it has been concluded.

You may be asked to attend an informal investigatory meeting. If such a meeting is held prior to a disciplinary meeting, you will be advised at the outset that the meeting is an informal investigatory meeting.

The purpose of the investigation is to establish the facts by collecting documents, identifying any relevant people to interview and taking statements before memories start to fade. Any requests for anonymity and confidentiality should be taken seriously.

We reserve the right to omit the investigatory interview stage and move straight to a formal disciplinary meeting – where circumstances require.

Informal documented discussion

We will normally try to initially resolve any disciplinary issues informally by way of an informal documented discussion with you.

This is a two-way discussion where we will inform you of any shortcomings in your conduct or performance and at the same time provide you with the opportunity to provide an explanation.

The main purpose of the informal discussion is to find a solution to the problem that is beneficial for both us and you. Notes of the discussion will be taken and you will be asked to sign these and you will be provided with a copy for yourself.

Generally, cases of minor misconduct and/or unsatisfactory performance will be dealt with informally in the first instance.

In the event of poor performance due to a lack of skills or experience in what is required, disciplinary meetings will usually be undertaken where counselling and further training (if required via a PIP) has failed to produce a satisfactory improvement to performance.

If informal action does not provide a solution to the problem or if the disciplinary issue is too serious to be dealt with informally, then the formal disciplinary procedure will be followed.

Suspension

We reserve the right suspend you from work, for a reasonable period, while a suspected disciplinary offence is investigated, or if we consider that you represent a risk. You will be informed of the reason for the suspension.

Suspension is a neutral sanction and does not represent disciplinary action. During any period of suspension, you will remain on full pay as if you were in work, unless you are sick, in which case normal Sick Pay will apply.

During any period of suspension, you are required to:

- Return all company property in your possession;
- Not undertake any work;
- Remain away from all company premises;
- Not make contact with any customers or clients;
- Not discuss your suspension, any investigations, or work with any other employees;
- Remain available to attend work and/or any investigation meeting, if requested, during your normal working hours;
- Telephone your line manager daily at your usual work start time to confirm your availability for each day.

Formal Disciplinary procedure

If it is decided that there is a disciplinary case to answer, we will write to you, giving you reasonable notice of the disciplinary meeting and advising you of:

- This being the start of the formal disciplinary procedure
- The alleged issue, misconduct or poor performance

- Any potential consequences (e.g., Formal disciplinary warning or other sanction)
- The details as to the time and venue of the disciplinary meeting
- Your right to be accompanied to the meeting
- All relevant information, including statements and investigation documents upon which we intend to rely

You may be accompanied at the formal disciplinary meeting by a fellow work colleague, trade union representative or official employed by a trade union.

Your representative will be able to address the meeting to put or sum up your case, as well as confer with you during the meeting. They may not, however, answer questions on your behalf, address the meeting if you do not wish them to do so or prevent the company from explaining our case. Your representative can be a fellow employee, trade union representative or official employed by a trade union.

The meeting will be scheduled in order to give you reasonable time to prepare for the meeting. Where we or you intend to call relevant witnesses, they should give advance notice to the other party that they intend to do this. It may also be appropriate to provide copies of written evidence including any witness statements.

If you are unable to attend the disciplinary meeting at the agreed time/date, we will offer an alternative reasonable time and date, ideally within a week of the original proposed date. We will give reasonable notice of any rearranged meeting. If you fail to attend the rearranged meeting, taking into consideration any reasons and concluding that such failure is without good cause, we are free to proceed with the disciplinary meeting in your absence and decide upon the matter using the evidence available at the time of the meeting. In these circumstances, you will be allowed to make written submissions or send your representative in your place.

The Disciplinary meeting

A disciplinary meeting will normally be conducted by a senior manager with a representative from HR.

The disciplinary manager will explain the complaint against you and go through any relevant details including any supporting documents.

You will then be given the opportunity to present your response, your own evidence, answer the allegations, ask questions and call any relevant witnesses.

If we are unable to attend the original proposed meeting, such a delay will be conveyed to you at the earliest opportunity and a reasonable alternative date will be provided to you.

Where possible, a manager who did not carry out the investigation will conduct the meeting.

Outcome of Disciplinary meeting

As soon as possible after the disciplinary meeting adjournment, the disciplinary manager will inform you what disciplinary action, if any, will be taken. If we find there has been no misconduct or no poor performance, you will be informed of this in writing.

Written Warning

Formal disciplinary action will normally commence with a Written Warning.

A Written Warning will remain live on your employee file for a period of 6 months. We will issue you with a letter confirming that a Written Warning has been issued, setting out

the complaint and stating that further misconduct or a failure to demonstrate a sustained improvement may result in further disciplinary action.

The outcome letter will include details as to the improvement required, time-scales for such improvement and any help that will be made available to help achieve this, where appropriate.

You will be advised of your right to appeal against the warning.

Final Written Warning

If any misconduct/issue/poor performance is sufficiently serious or there has been further misconduct or a failure to demonstrate a sustained improvement since a previous Written Warning, we may issue a Final Written Warning.

Where serious misconduct occurs, we reserve the right to move straight to a Final Written Warning.

A Final Written Warning will remain live on your employee file for a period of 12 months.

We will issue you with a letter confirming that a Final Written Warning has been issued, setting out the complaint and stating that further misconduct or a failure to demonstrate a sustained improvement may lead to dismissal or some other contractual penalty e.g. Demotion.

The outcome letter will include details as to the improvement required, time-scales for such improvement and any help that will be made available to help achieve this, where appropriate.

You will be advised of your right to appeal against the warning.

Dismissal/Other Penalty

If there has been further issues/misconduct or a failure to demonstrate a sustained improvement since a Final Written Warning we may dismiss you or take some other action short of dismissal such as demotion.

You will be provided with a letter detailing the reasons for the dismissal/or other action, the date on which your employment will terminate (if dismissed), and your right to appeal, as soon as reasonably practicable.

Any dismissal decision should only be taken by a manager who has the authority to do so.

Summary Dismissal

If we establish that there has been gross misconduct you may be summarily dismissed i.e., Dismissed without notice. We will follow a fair disciplinary procedure before taking any such decision to dismiss without notice and this will be confirmed in writing (see Gross Misconduct section below).

Gross Misconduct

In the event that you commit an act of gross misconduct, we are entitled to summarily terminate your contract of employment without notice or pay in lieu of notice.

The following, non-exhaustive, list gives examples of offences that we will normally regard as gross misconduct:

- Theft, fraud, dishonesty or deliberate falsification of records;
- Fighting, assault or other violent behaviour;
- Deliberate damage to, or misuse of, company property;

- Deliberate use of internet and/or email to access or distribute material of a pornographic, offensive, obscene or inappropriate nature;
- Incapability at work due to the effect of alcohol or drugs;
- Possession, custody or control of illegal drugs on company premises;
- Serious breach of the company's rules, policies and procedures;
- Serious negligence which causes loss, damage or injury;
- Conviction of a criminal offence that is relevant to your employment with us and renders you unsuitable for your work;
- Conduct likely to bring the company's name into disrepute;
- Bullying, harassment, victimisation or discrimination;
- Accepting bribes;
- Gross negligence;
- Drunkenness or being under the influence of illegal drugs at work;
- Serious acts of insubordination.

Appeal

You have the right to appeal against any formal disciplinary action.

An appeal cannot be made against any informal action

An appeal should be made in writing to the HR Officer within 7 calendar days of receipt of the disciplinary outcome letter.

In your letter of appeal, you must inform us as to the grounds for your appeal.

In making an appeal, you should also state if you are appealing against the finding that you committed the alleged acts of misconduct and/or against the level of disciplinary sanction imposed.

You will be invited to an appeal meeting, where we will hear your appeal without unreasonable delay and where possible your appeal will be dealt with by a manager, preferably more senior, not previously involved in the case.

We will write to you, giving you reasonable notice of the disciplinary appeal meeting and advising you of:

- The details as to the time and venue of the disciplinary appeal meeting
- Your right to be accompanied to the meeting

You may be accompanied at the disciplinary appeal meeting by a fellow work colleague, trade union representative or official employed by a trade union.

Your representative will be able to address the appeal meeting to put or sum up your case, as well as conferring with you during the meeting. They may not, however, answer questions on your behalf, address the appeal meeting if you do not wish them to do so. Your representative can be a fellow employee, trade union representative or official employed by a trade union.

If you are unable to attend the appeal disciplinary meeting at the agreed time/date, we will offer an alternative reasonable time and date, ideally within a week of the original proposed date. We will give reasonable notice of any rearranged meeting. If you fail to attend the rearranged appeal meeting, taking into consideration any reasons and concluding that such failure is without good cause, we are free to proceed with the appeal meeting in your absence and decide upon the matter using the evidence available at the time of the meeting. In these circumstances, you will be allowed to make written submissions or send your representative in your place.

The outcome of your appeal will be confirmed in writing within 7 calendar days of your appeal meeting. Decisions made at this stage will be final and there is no further right of appeal.

Special Cases

Where disciplinary action is being considered against any employee who is an accredited trade union representative of a trade union recognised by us for collective bargaining purposes, the above procedure will not be followed until we have had a chance to discuss the matter (with the prior agreement of the employee) with a senior trade union representative or permanent union official of that trade union. We shall, however, be able to suspend the employee in the case of a suspected or known incident of gross misconduct.

You are being charged or convicted with a criminal offence is not in itself a reason for disciplinary action. We will consider whether the offence or alleged offence is one that makes you unsuitable for your type of work. Therefore, we will establish the facts of the case and consider whether the facts warrant starting the disciplinary procedure.

Where a grievance is raised during the disciplinary process, the disciplinary process may be suspended, if appropriate, so that your grievance can be dealt with first.

Where a grievance is raised during the disciplinary process and it is of similar subject or connected to matters of the disciplinary case, we reserve the right to hear your grievance as your response/mitigation to the disciplinary allegations against you.

Grievance Policy

This Grievance Policy enables us to ensure that any problems, complaints or concerns raised by any of our employees are dealt with in a fair, timely and consistent manner.

The Grievance Policy does not form part of your Contract of Employment.

You should use this policy if you have a grievance or complaint regarding any of the following:

- Your work, working conditions, pay and benefits, working hours; or
- Discrimination against you on the grounds of race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status or ethnic origin; or
- Treatment by colleagues including harassment and bullying; or
- Your health and safety; or
- A breach of statutory employment rights; or
- Any other issue affecting your employment.

Any complaints in respect of disciplinary action taken by us should be dealt with as an appeal under the Disciplinary Policy.

Informal Grievance Procedure

You should, wherever possible, discuss any grievance or complaint you may have with your immediate line manager on an informal basis in the first instance. Your manager will discuss any concerns with you and attempt to resolve the matter informally within a reasonable timescale. Where it is not possible for you to talk to your immediate manager, or if the grievance concerns your immediate manager, you should instead talk to a senior manager or a representative from HR.

Where the informal procedure is used, both parties should keep a written record of what was discussed and any proposed action.

In the event that your complaint or grievance has not been resolved or cannot be settled informally, the matter should be dealt with according to the formal grievance procedure.

Formal Grievance Procedure

Grievance Letter

You should set out your complaint or grievance in writing clearly detailing the nature of your grievance and how you think your grievance can be resolved. You should include any supporting documentation (if appropriate). You should send your Grievance Letter to The HR Officer without unreasonable delay.

Where it is The HR Officer who is the subject of your grievance, or they have already dealt with your grievance at the informal stage, you should instead send your Grievance Letter to another manager of equal or greater seniority, wherever possible.

Grievance Meeting

Upon receiving your written Grievance Letter, the Grievance Hearer will arrange for a formal Grievance Meeting to be held in order to discuss your grievance. The Grievance Meeting will be held without unreasonable delay after your Grievance Letter is received.

The Grievance Meeting should not take place if the Grievance Hearer has not had a reasonable opportunity to consider the information contained within your Grievance Letter.

Before the Grievance Meeting, the Grievance Hearer should carry out any appropriate initial investigation of the facts of your grievance case. Any requests for anonymity and confidentiality should be taken seriously.

You may be accompanied at the Grievance Meeting by a fellow work colleague or a suitably certified trade union representative. Your representative may contribute to the meeting by addressing the meeting to put or sum up your case, as well as confer with you, however they may not answer questions on your behalf; address the meeting if you do not wish them to; or prevent us from discussing the case.

We reserve the right to refuse to accept your chosen representative if we feel their presence may undermine the grievance process.

You and your representative should make every effort to attend the Grievance Meeting. If you fail to attend without a reasonable explanation or you appear to be making insufficient efforts to attend the Grievance Meeting, then the Grievance Meeting may proceed in your absence.

During the Grievance Meeting you will be given an opportunity to explain your grievance to the Grievance Hearer. You should also explain how you think your grievance can be resolved.

The Grievance meeting should be adjourned for the Grievance Hearer to consider your case.

If further investigation of your case is required, the Grievance Meeting will be adjourned to a later date before a decision is taken about how to deal with your grievance is made.

Outcome Letter

Without unreasonable delay, following your Grievance Meeting and any necessary follow-up investigation, your Grievance Hearer will set out in writing to you the outcome decision of your grievance case, and any recommended follow-up action to be taken in order to resolve your grievance (where appropriate). Your Grievance Hearer may also invite you to a grievance outcome meeting.

The Outcome Letter will inform you of your right to appeal if you are not satisfied with the decision.

Any follow-up action taken shall be monitored and reviewed, as appropriate, to ensure it effectively deals with the issue.

Grievance Appeal

If you feel that your grievance has not been satisfactorily resolved you have the right to appeal.

You should set out your Grievance Appeal in writing clearly outlining your grounds of appeal and reasons for your appeal, and include any supporting documentation (if appropriate).

You should send your Grievance Appeal Letter to your Grievance Hearer within 7 calendar days of receipt of your Grievance Outcome Letter.

Your Grievance Appeal will wherever possible, be heard by a manager who has not previously been involved in your case and is ideally of greater seniority, wherever possible, to the original Grievance Hearer.

The Grievance Appeal Hearer will arrange a Grievance Appeal Meeting with you to discuss your appeal within a reasonable time of receiving your Grievance Appeal Letter and will confirm the arrangements in writing to you in advance of the Grievance Appeal Meeting.

The Grievance Appeal Meeting is not a re-hearing of your original grievance but a consideration of the specific areas of your dissatisfaction in relation to your original grievance.

You may be accompanied at the Grievance Appeal Meeting by a fellow work colleague or a suitably certified trade union representative. Your representative may contribute to the Grievance Appeal Meeting by addressing the meeting to put or sum up your appeal case, as well as confer with you, however they may not answer questions on your behalf; address the meeting if you do not wish them to; or prevent us from discussing your appeal.

The outcome of your Grievance Appeal Meeting shall be communicated to you in writing without unreasonable delay.

Decisions made at this point are final and the grievance procedure is concluded, you have no further right of appeal.

Confidentiality

Grievances will be handled with as high a degree of confidentiality as is practicable.

Confidential records of your grievance will be kept in your personnel file in accordance with appropriate GDPR.

Copies of meeting notes will be provided to you, although we reserve the right to withhold or redact certain information (e.g., To protect a witness).

Overlapping policies

Where a grievance is raised during the disciplinary process, the disciplinary process may be suspended, if appropriate, so that your grievance can be dealt with first.

Where a grievance is raised during the disciplinary process and it is of similar subject or connected to matters of the disciplinary case, we reserve the right to hear your grievance as your response/mitigation to the disciplinary allegations against you.