
Policy - Disciplinary



Disciplinary Policy and Procedure

Last Updated – 01 September 2022 – Valid until 31 August 2023

Principles

The Disciplinary Policy aims to provide a framework for the prompt and effective resolution of instances in relation to misconduct. The procedure is designed to emphasise and encourage improvements.

Scope

This procedure applies to all permanent employees and those retained on a contract basis. Whilst it is not a requirement to implement the statutory procedure for employees with under one year's service, it is recommended that where possible this policy is used as a guide to provide a framework. Where there is an issue of poor performance it would be dealt with under the Capability Procedure.

Overview

- All allegations of misconduct are carefully investigated
- Individuals will have an opportunity to have their say before decisions are reached
- Individuals have the right to be accompanied by a work colleague or trade union representative at formal meetings
- A range of warnings and penalties can be used to deal with misconduct, except Gross Misconduct which are considered serious enough to warrant 'summary dismissal'
- If a warning or penalty is imposed, the individual will be informed of what improvements are required, the timescale in which improvement should be made and the consequence if the improvements are not made or sustained
- A Line Manager will conduct all investigations and formal meetings. A Senior Manager will hold potential dismissal meetings.
- There is a right of appeal against any penalty except informal action

Companies Commitment

- To ensure that the policy is applied consistently across the business.
- To ensure that all line managers are fully trained in handling disciplinary issues.
- To encourage and assist all employees to maintain acceptable standards of conduct.
- To ensure fair treatment of employees and deal with cases in a timely and effective manner.
- To ensure the Disciplinary Policy and Procedure is in line with current legislation.

Individual Commitment

- To be fully aware of the conduct standards expected.
- To be aware of the Disciplinary Policy and Procedure and possible consequences of failing to meet the standards required.
- To discuss/inform their line manager if they have any problems in meeting the defined standards.
- Be aware of policies and procedures relevant and relating to their role.

Establish the Facts

When a potential disciplinary matter arises, the relevant manager should first establish the facts promptly and where appropriate obtain written statements from any available witnesses.

A thorough investigation must be carried out to establish all the facts concerning the alleged misconduct. Wherever practicable the individual conducting the investigation should be different to the individual holding any disciplinary meeting.

Suspension

Should the allegation being investigated be of a serious nature you may be suspended from work on full pay whilst the investigation is conducted. Any suspension is not considered as Disciplinary action however it is to enable the investigation to be conducted whilst providing the necessary protection to the business and the employee.

Investigation

Any investigation should be dealt with promptly and gather all relevant information to enable a full and thorough investigation of the allegation(s). If there is a need for further investigation this may include the need for an investigation meeting. The

Investigation meeting is to gather facts only and should not result in any disciplinary action. There is no legal right for you to be accompanied at an investigation meeting. Following the conclusion of the investigation a decision will be made to establish if there is a disciplinary case to answer.

Improvement Plan

For a first offence of minor misconduct there is no need to arrange a formal meeting. The employee should be spoken to and issued with an improvement plan.

The plan should cover:

- Key areas of concern
- Specifically examples
- Implications of the concern
- Improvement require including timeframe
- Training and Support to enable improvement

The Improvement plan should be signed by you as a commitment to improve to the required conduct standard.

Arrange a formal meeting

If following the investigation it is decided that the allegation is either a further breach or of a serious nature a Disciplinary Meeting will be arranged. You will be notified in writing of the requirement to attend a formal meeting. The letter will provide you with at least 24 hours notice of the meeting and will contain the following information:

- Time and venue of meeting
- Specific details about the allegation(s)
- Advise the employee has the right to be accompanied
- Who will be attending the meeting
- Copy of details obtained in the investigation

You should consider your responses and prepare for the meeting.

Disciplinary Meeting

You and your companion should make every effort to attend the meeting. At the meeting the Disciplinary Manager will explain the allegation and go through the evidence from the investigation. You will be given opportunity to set out your case, respond to the allegation(s), ask questions, review the investigation, present evidence and call relevant witnesses. If witnesses are to be called advance notice must be given. The meeting will be adjourned to consider the evidence and the discussion that has taken place and a decision will be made as to the appropriate outcome. This

does not always mean that a disciplinary sanction will be issued. Where a disciplinary sanction is put in place details of the required level of conduct will be explained and an offer to provide training to ensure the maintenance of the required standard. All Disciplinary Meeting outcomes will be confirmed in writing and a copy retained on your personnel file.

Disciplinary Sanctions

There are a range of disciplinary sanctions that can be considered. All warnings are 'live' for a set period of time and subject to satisfactory conduct the warning will become spent following the expiry of the period.

Warning that can be issued:

Written Warning this would remain in force for a specific period of time of at least 6 months

Final Written Warning this would remain in force for a specific period of time of at least 12 months

Dismissal is considered in circumstances where repeated misconduct and escalation through the disciplinary stages or gross misconduct whereby it would be a first occurrence. It may be appropriate, in cases of severity, for the Company not to follow all or any stages. Dismissal may be with or without notice depending on the circumstances, and may occur whether or not warnings have been issued.

Remedies Short of Dismissal In exceptional cases and at the absolute discretion of the Company, action including transfer, temporary demotion, permanent demotion or temporary suspension without pay may be considered as an alternative to dismissal. At any time, the application of the above process may be departed from in full or in part, at the Company's absolute discretion and disciplinary action, including dismissal, taken without recourse to this Disciplinary Procedure.

Grounds for Disciplinary

Matters which may justify invoking the disciplinary procedure but which do not amount to gross misconduct include, but are not limited to, the following:

- Refusal to carry out a reasonable management request
- Unauthorised absence, or persistent absence
- Poor timekeeping and attendance
- Failure to adhere to the absence reporting procedure
- Failure to report damage to company property
- Unreasonable disruption of the work of others
- Breach of company policies and practices
- Incorrect submission or late submission of expenses
- Harassment or bullying (not deemed serious enough for gross misconduct)
- Breaches of our Equal Opportunities Policy (not deemed serious enough for gross misconduct)

Gross Misconduct

Acts of gross Misconduct are considered so serious that they warrant 'summary dismissal'. If you are summarily dismissed your employment will end immediately and you will not receive notice of payment in lieu of notice.

Some examples of gross misconduct are listed below, but not limited to, to give an indication of the types of offence, which would lead to your immediate dismissal:

- Theft, fraud or dishonesty directly or indirectly affecting the Company, it's suppliers or customers
- Physical violence on other persons in the course of the Company's business and/or intimidation by aggressive behaviour or language
- Serious insubordination or rudeness to colleagues, customers or suppliers
- Repeated bullying or harassment of fellow employees
- Breach of confidentiality
- Incapacity for work due to the influence of alcohol or illegal substances
- Being under the influence of, or possessing, alcohol or illegal substances during employment hours (unless you have been authorised to, and have been, entertaining clients, in which case a reasonable amount of alcohol consumption is permitted)
- Deliberate willful damage to Company or other employees property
- Gross insubordination
- Falsification of claims or records, or giving false information to obtain employment or an employment-related benefit, including expenses

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- Flagrant disregard for safety/hygiene regulations likely to endanger the individual concerned or other people, or to cause a breach of statutory regulations
 - Bringing the Company into disrepute
 - Misuse of internet access or email systems
 - Unauthorised use of Company computer equipment, telecommunications equipment or software
 - Action or behaviour at work which is, or may be, injurious to the health and safety of others
 - Serious or persistent breach of Company Equal Opportunities policy
 - Any breaches of confidentiality requirements in your contract of employment other than minor breaches
 - Harassment or bullying, other than minor breaches

In the most serious cases of gross misconduct, it is possible that we will dismiss you immediately without going through a formal suspension and investigation procedure. If this happens you will receive written confirmation within seven days, setting out the misconduct which led to your dismissal and what the basis was for the decision. You then have the right to appeal.

Right of Appeal

You have the right to appeal against any formal disciplinary sanction. To exercise your right to appeal you must set out the grounds of your appeal in writing as soon as practicable after you have been informed of the decision and within five days of receiving the written decision, clearly stating your grounds for appeal. The outcome letter will indicate who the appeal should be addressed to.

We will invite you to an appeal hearing and remind you of your right to be accompanied.

The appeal hearing will reconsider the original decision. You will have an opportunity to put forward, should you wish to do so:

- New evidence, which was not available during the first meeting; and or
- complaints of a flaw in the original decision-making process, such as a failure to follow procedures or a failure to give you a fair hearing.

The outcome of an appeal hearing will be confirmed in writing. The outcomes of an appeal hearing can take many forms including

- The original outcome is upheld
- The original outcome is overturned and

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- A. No disciplinary sanction is issued
 - B. A less severe disciplinary sanction is issued
 - C. A higher disciplinary sanction is issued
 - D. Some other action is informed e.g. demotion

The decision from an appeal will be final and there is no further right of appeal

Dismissal for other reasons

The Company may, for reasons unconnected with your conduct or performance, become aware of circumstances that require it to consider the termination of your employment. Examples of where this might be the case include:

- Where the Company discovered that you no longer have the right to working in the United Kingdom
- Where you have been convicted of a criminal offence that may have bearing on your employment

Role of the Employee Representative

You have a statutory right to be accompanied to the formal disciplinary meeting. This may be an employee of the business, or an official employed by a trade union. A Trade Union representative who is not an employed official must have been certified by their union as being competent to accompany an employee. The role of the companion is to support the employee. They may address the meeting to sum up the case, respond on behalf of you to any views expressed at the meeting and confer with you during the meeting. The companion does not have the right to answer questions on your behalf, address the meeting against your wishes, prevent you from speaking or generally disrupt the proceeding of the meeting.

Non-Attendance

You must make every effort to attend all formal meetings. The meeting will only be rearranged once. If you are persistently unable or unwilling to attend a disciplinary meeting without good cause the disciplinary manager will make a decision based upon the evidence available.