

## **Disciplinary Policy**

Whilst we operate an enabling and collaborative framework and do not intend to impose unreasonable rules of conduct on its people, certain standards of behaviour are necessary to maintain good employment relations and discipline in the interest of all. As such, there may be occasions in which conduct or performance may fall below our expected standards and this policy is designed to help us (and you) deal with such issues and other examples of this in the workplace.

We prefer that discipline be voluntary and self-imposed and, in the vast majority of cases, this is how it works. However, from time to time, it may be necessary to take action towards individuals whose level of conduct or performance is unacceptable. It will also occur where an employee knowingly breaks any legal requirement in connection with their employment.

Where disciplinary and grievance cases concerning the same individual are unrelated, the two cases will run concurrently and will be the subject of separate investigations.

Where a disciplinary process has been initiated and a grievance is raised on a related matter, the grievance will normally be dealt with first and the disciplinary will be paused until the grievance is completed. Where it is unclear whether the disciplinary and grievance issues are related, there will be a discussion between HR and the individual to establish whether or not the two issues are in fact related. Lodging or raising spurious grievances to delay disciplinary action is not acceptable and may itself lead to further disciplinary action.

### **Informal approach**

An informal approach will be considered to resolve problems proactively wherever possible, and without recourse to the formal procedure. We also actively encourage and support the principle of discussion (mediation) where this is appropriate and is recommended as an aid to the resolution of conflict. Instead of seeking to attribute blame, the process will be to seek in establishing the facts and seek to understand the underlying causes of problems. The key to this is to arrange confidential “one to one” meetings with the individual (or individuals) concerned and listen to their version of events and circumstances. Persons who have been given authority to conduct such meetings must take and keep notes on the content of the discussion.

If after one, or a series of “one to one” confidential meetings, the person conducting the meeting on behalf of the Company feels that the potential discipline issue cannot be resolved directly with the individual concerned, they should refer the problem to the Head of People; the seriousness of the alleged offence must be kept in mind at all times.

### **Formal approach**

No formal disciplinary action will be taken against any individual(s) unless and until a full and thorough investigation of the facts is carried out, which will be by a suitable person. The purpose of an impartial investigation will be to consider both sides of the case and no assumptions about ‘guilt’ or ‘innocence’ will be made in advance. If following a full investigation, it is decided that the allegation against an individual(s) is serious, but falls short of constituting possible dismissal, the individual(s) will be invited to attend a formal

disciplinary hearing.

We will notify the individual(s) in writing of the allegations against them and will invite them to a disciplinary hearing to discuss the matter and provide sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to understand the allegation(s) and to answer the case. This will include the provision of copies of written evidence, including witness statements, where appropriate.

Having given the individual(s) reasonable time to prepare their case (minimum 48 hours), a formal disciplinary hearing will then take place, which may be conducted by the Head of People, a Director, or another appointed person, at which the individual(s) will be given the chance to state their case, accompanied if requested by a fellow employee or accredited trade union official of their choice. The individual(s) must make every effort to attend the hearing. At the hearing, the individual(s) will be allowed to set out their case and answer any allegations and will also be given a reasonable opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses.

The primary purpose of the hearing is to establish the facts and all the circumstances in order to allow a judgement to be made on the substance of the allegation, or allegations, against the individual(s). An agreed plan of action will include any coaching, facilitation, mediation or personal development needed to help the employee achieve the improved standard of conduct/performance required.

Following the hearing, the Chairperson will decide whether or not disciplinary action is justified and, if so, the individual(s) will be informed in writing of the Chairperson's decision in accordance with the sanctions set out below and notified of their right to appeal against that decision. It should be noted that an individual(s) performance or behaviour is not looked at in isolation but each incident of misconduct/underperformance is regarded cumulatively with any previous occurrences.

We will endeavour to deal with all disciplinary matters within 5 working days. However, we reserve the right to extend timescales wherever necessary and if appropriate. The formal disciplinary process may lead to the following sanctions which may be imposed at any stage at our discretion:

- The dismissal of the charge or charges;
- A verbal warning;
- A written warning;
- A final written warning;
- Dismissal.

For sanctions short of dismissal, a Conduct/Performance Improvement Plan (CIP/PIP) may be contained in a Verbal Warning, Written Warning or Final Written Warning, which will state that the individual(s) does not meet acceptable standards. The conduct/performance problem, the improvement required, the timescale, and the right of appeal will be stated. In the case of a Final Written Warning, it will also state that failure to improve may lead to dismissal (or some other action short of dismissal). All warnings



will normally specify a time period after which it is considered that the warning will be 'spent' following sustained satisfactory conduct. In any event, any warning may be considered "live" for a minimum of 6 months and a maximum of 18 months.

Warnings that are spent will remain on file but may be referred to thereafter for statutory purposes or for the purpose of reviewing internally a potential pattern of breaches of discipline. For example, there may be occasions where an individual(s) conduct or performance is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a previously committed, or very similar, offence is repeated, the individual(s) disciplinary record will be borne in mind in deciding what subsequent action should be taken.

### **Dismissal**

If the disciplinary hearing determines that the allegation against the individual(s) constitutes cause for dismissal, they will be advised as such and paid in lieu of working their notice period. In the case where there has been no satisfactory improvement following a final written warning, the individual(s) will be invited to a further disciplinary hearing, the outcome of which may result in dismissal and if this is the case, they will be advised as such and paid in lieu of working their notice period. In cases of confirmed Gross Misconduct, an individual(s) will be summarily dismissed without notice.

Gross Misconduct includes, but is not limited to:

- Breach of confidentiality and any non-disclosure policies;
- Theft, fraud or deliberate falsification of the Company's records;
- Fighting, assault, or attempted assault on another person;
- Deliberate damage to the Company's property;
- Negligence which causes unacceptable loss, damage or injury;
- Deliberate breach of Health & Safety regulations likely to cause harm to or resulting in self-injury, injury to other employee or resulting in damage to the Company's premises;
- Refusal to carry out reasonable and lawful instructions from a Manager;
- Being charged with and/or convicted of a criminal offence which in the opinion of the Company demonstrates unsuitability for further employment with the Company;
- Indecent, obscene or immoral behaviour/conduct towards Employees, customers and/or third parties;
- Theft or aiding the theft of property belonging to the Company, co-workers/colleagues, visitors or third parties;
- Sexual, racial or disability discrimination (including harassment) of another Team Member, or any customer of the Company or any third party to whom the Company may owe a duty to prevent such discrimination;
- Reporting to work under the influence of alcohol or illegal drugs or misuse of prescription drugs and medicines;
- Reporting to work displaying the 'after-effects' of alcohol, which may in the opinion of the Manager impair one's ability to effectively and/or safely carry out the Company's duties in a professional and/or safe manner;
- The drinking of alcohol on the Company's premises whilst carrying out the Company's duties;

- Operating any form of illegal business activity on the Company's premises;
- Breach of the Company's IT policy;
- Smoking and Vaping in non-smoking areas which are signposted as such whilst undertaking the Company's duties;
- Unauthorised absence from duty or from the Company's premises.

## **Suspension**

We may elect to suspend an individual(s) in order to investigate any allegations raised against them. The individual(s) will be advised why they are being suspended, the expected period of suspension and the outcome. The period of suspension will be at our discretion and will be on full pay.

## **Appeals**

An individual(s) has the right of appeal against the decision of the disciplinary hearing and/or any sanction or penalty imposed at every stage of under this procedure. This right of appeal, together with the procedure to be followed to initiate the appeal will be set out in the disciplinary decision letter. Any appeal submission must be lodged in writing within five working days of the receipt of notification of the disciplinary sanction. The appeal letter must state fully the grounds for appeal which should be only where you feel:

- your disciplinary outcome or grievance outcome is wrong
- any part of your disciplinary procedure or grievance procedure was wrong or unfair
- you have new evidence to show

## **General Misconduct**

You are expected to demonstrate and meet acceptable standards of general conduct. Unacceptable standards of general conduct are defined as 'General Misconduct'.

General Misconduct includes (but is not limited to):

- Poor work performance;
- Absenteeism (of a short-term repetitive nature which is capable of measurement);
- Any periods of sickness without the appropriate supporting medical certification;
- Persistent lateness for duty (of a short-term repetitive nature which is capable of measurement);
- Failure to maintain an acceptable standard of dress and personal hygiene.