

Disciplinary Policy

Introduction

The purpose of this disciplinary procedure is to help us deal fairly and consistently with disciplinary issues and to ensure that you are aware of the process for handling such matters.

This procedure does not apply during probationary periods, nor does it apply to sickness absence which is dealt with in our Attendance Management Policy.

Capability will be managed under the Performance Management Policy

General principles and Process

At our discretion, we may choose to deal with minor instances of misconduct and initial unsatisfactory levels of performance informally by way of counselling, guidance or instruction or informal cautioning. If a problem continues or we judge it to be sufficiently serious, the following procedure will apply.

Before making any formal disciplinary decision under this procedure we will carry out the following steps:

Invitation to Investigation Meeting (where required)

We will carry out a prompt investigation, where appropriate. We will inform you whether any meeting you are asked to attend is investigatory or disciplinary. In serious cases, where practicable, different people will carry out the investigation and the disciplinary hearing.

Depending on the circumstances, it may be appropriate to suspend you from work on pay in order that the investigation can take place. Suspension on pay does not amount to a disciplinary meeting.

Invitation on Disciplinary Hearing

We will give you or send you a letter setting out the complaint made against you and inform you of possible outcomes of the disciplinary hearing. It will provide a minimum of two working days (48 hours) advance notice of the hearing. Also included will be relevant evidence which may, where appropriate, include witness statements. The letter will inform you that you must attend a disciplinary hearing to discuss the matter and will confirm the time, date and location of that meeting. The letter will also tell you that you have the right to be accompanied at the disciplinary hearing. If you do not understand the letter, you should ask your Line Manager for an explanation.

Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. The organisation will give notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence. The employee's fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

We will give you, together with any permitted person that you may choose as a companion, reasonable time to prepare your response.

Disciplinary Hearing

At the hearing we will explain the company's case and give you the opportunity to put your case in respect of the allegations made against you.

You have the right to appeal against any formal action taken against you under the procedure.

Disciplinary Procedure

We may miss out stages of the procedure if we think this would be reasonable in the circumstances, even to result in dismissal.

This disciplinary procedure should be understood as incorporating provisions relating to discipline in any other company policies.

Each stage of this procedure will be carried out without unreasonable delay.

We will keep records of any action taken under these disciplinary procedures. Wherever possible, these records will be treated as confidential.

Conduct of meetings under the procedure, including appeals

All disciplinary meetings, including appeals, will be held at a reasonable time and place. If you are invited to attend a disciplinary meeting you must take all reasonable steps to attend. If, without good cause, you are persistently unable or unwilling to attend, we will hear the matter in your absence and make a decision based on the evidence available to us.

An appropriate level of management with a witness will conduct hearings. At the meeting, the following steps will take place:

- the manager will explain the role of all those in attendance.
- The manager will then explain the case against you and go through the evidence that has been gathered.
- You will be given the opportunity to respond in full. This will include time to ask questions and present evidence. If you intend to call any witnesses, you must give us advance notice that you intend to do this.

If any matters come to light during a disciplinary meeting which require further investigation, we may, at our discretion, adjourn a disciplinary meeting to enable us to investigate them.

Right to be accompanied in formal hearings

In any formal disciplinary hearings under the procedure, including appeals, you have a statutory right to make a reasonable request to be accompanied by a fellow worker or trade union official of your choice. Your companion may address the hearing to put your case, sum up your case or respond on your behalf to any view expressed at the hearing. He or she may confer with you during the hearing but does not have the right to answer questions on your behalf or address the hearing if you do not want him or her to do so, or prevent anyone, including you, from making his or her contribution to the hearing.

Recording of meetings

The employee, or any person acting on his/her behalf, is not normally permitted to record electronically any meeting held by the organisation as part of the disciplinary process. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal.

In certain limited circumstances, the organisation may permit the meeting to be recorded electronically. For example, where the employee is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the organisation permits the meeting to be recorded electronically, it will take responsibility for making the recording.

Data protection

The Company processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its GDPR policy and the employee privacy statement. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Company's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

We will keep records of any action taken under these disciplinary procedures. Wherever possible, these records will be treated as confidential.

Disciplinary Offences

Disciplinary offences include (but are not limited to):

- Persistent bad timekeeping
- Unauthorised absence
- Minor damages to the organisation's property
- Failure to follow the Company procedures and policies
- Unacceptable behaviour
- Abusive behaviour
- Unreasonable refusal to follow an instruction by a manager or a Supervisor
- Data protection breaches and misuse of the Company information

Warnings and dismissal

Where, following a disciplinary hearing, the organisation establishes that the employee has committed a disciplinary offence, the following disciplinary action may be taken:

Informal discussion

Where a minor offence or offences have been committed, a recorded informal discussion may be given. The warning will ordinarily state that any further misconduct will render the employee liable to further, more severe disciplinary action.

- Set out the nature of the offence committed
- Inform the employee that further misconduct is liable to result in further disciplinary action under this procedure
- Specify the period for which the verbal warning will remain 'live' – normally 6 months
- The employee may appeal against the verbal warning

These matters will be confirmed in writing.

First Written Warning

Where either a more serious disciplinary offence has been committed or further minor offences have been committed by an employee following a recorded verbal warning that remains 'live', the employee will receive a first written warning. The warning will;

- Set out the nature of the offence committed
- Inform the employee that further misconduct is liable to result in further disciplinary action under this procedure
- Specify the period for which the warning will remain 'live' – normally 12 months
- The employee may appeal against the warning

These matters will be confirmed in writing.

Final Written Warning

Where an employee commits further disciplinary action after a first written warning has been issued and remains 'live' a final written warning may be given. The warning will;

- Set out the nature of the offence committed
- Inform the employee that further misconduct is liable to result in dismissal under this procedure
- Specify the period for which the warning will remain 'live' – normally 12 months
- The employee may appeal against the warning

These matters will be confirmed in writing.

Dismissal

Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning given as mentioned above, the employee may be dismissed with notice or with pay in lieu of notice.

A decision to dismiss you will normally be taken by a company director or a nominated deputy. You will be dismissed only after you have received a written invitation to a disciplinary hearing and the hearing has been held. If the manager decides to dismiss you, as soon as is reasonably practicable after the end of the disciplinary meeting, he or she will:

- specify the reason for your dismissal
- specify where applicable, the length of notice you are being given
- specify the date on which your employment will terminate
- inform you of your right to appeal

These matters will be confirmed in writing.

Alternatives to dismissal

In some cases, we may at our discretion consider alternatives to dismissal. These may be authorised by a Director and will usually be accompanied by a final written warning.

Examples include:

- Demotion
- Transfer to another department of job
- A period of suspension without pay
- Loss of seniority

Gross Misconduct

Where the Company establishes that an employee has committed an act of gross misconduct, the employee will be summarily dismissed.

The following are examples of behaviour which fall within the definition of 'gross misconduct':

- refusal to accept and act on reasonable instructions from your supervisor or other member of management
- serious negligence that could or does result in unacceptable loss, damage or injury

- fighting, assault or threatening or bullying behaviour
- harassment or deliberate discrimination
- theft, fraud, accepting or offering a bribe, falsification of company records or any dishonesty involving the company, its employees, customers or authorised visitors, or attempts to commit such offences
- deliberate and/or serious breach of any of our company policies
- data protection breaches and misuse of the Company's information
- gross neglect of duties
- fraudulent time keeping / unauthorised absence;
- deliberate or reckless damage to property belonging to the company, its employees, customers or authorised visitors
- serious bullying or harassment;
- being unfit to work due to misuse of alcohol or illegal drugs
- unauthorised disclosure of confidential information
- any action likely to endanger seriously the health and safety of the employee or any other person
- any action or behaviour which could seriously damage the company's reputation or bringing the company into serious disrepute
- deliberately accessing Internet sites containing pornographic, offensive or obscene material
- misuse of the Company's property or name
- serious acts of insubordination;
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

The above list is *not* exhaustive. It illustrates the type of conduct that will normally merit dismissal for a first offence. Other types of offence may also be treated as gross misconduct, depending on the seriousness of the particular facts.

Following investigation and a disciplinary hearing, if we are satisfied that you have committed gross misconduct, we will be entitled to dismiss you without notice or payment in lieu of notice.

Appeals

If you are dissatisfied with a disciplinary decision that has been taken about you, you can appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal, and should be delivered to your Line Manager within five working days of the disciplinary decision. We will then invite you to an appeal meeting which will normally take place within five working days of receipt of your appeal. The appeal meeting may take place after the disciplinary decision has taken effect. If you are appealing against dismissal and your appeal is upheld, you will normally be treated as having continued in employment pending the hearing of the appeal and will be reinstated with back pay. However, if your appeal is not successful, the original date of your dismissal will stand.

You have the right to be accompanied to an appeal.

Wherever possible, your appeal will be heard by someone more senior than the person who took the decision to take disciplinary action against you. If this is not practicable, the appeal will be heard by another manager who has not previously been involved in the matter. We will tell you

promptly of the outcome of the appeal, wherever possible within three working days of the hearing and confirm it in writing. The decision is final.

Status of this policy

This policy does not give contractual rights to individual employees. The company reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.

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Signature	<i>Lee Johnston</i>