

Disciplinary Procedure

1. Introduction

The Company requires good satisfactory standards of work from its employees, together with that any concerns over employee performance are handled in a fair, consistent and timely manner, bringing about an improvement, and to protect the proper conduct of the Company's business and the health and safety of its employees.

This procedure may be reviewed from time to time. Any amendments will be notified to employees by consultation and/or notice where appropriate.

Where time limits are specified in an agreement between the Company and its employees, they may be varied by agreement.

During the probationary period, this procedure and grievance procedure will not apply.

The Disciplinary Policy and Procedure form part of the contract of employment.

2. Rules and Application

2.1 The following are examples of poor performance that will normally be addressed through the Company's disciplinary procedure:

2.1.1 Unsatisfactory performance;

2.1.2 Breaches of Company policies and procedures;

2.1.3 Inappropriate behaviour (e.g. drunkenness, etc.);

2.1.4 Bullying, harassment;

2.1.5 Discrimination on grounds listed in the Company's Equality and Diversity Policy (e.g. race, sex, sexual orientation, age, gender reassignment, marital status);

2.1.6 Persistent lateness;

2.1.7 Unacceptable absence, especially when unauthorised;

2.1.8 Serious or persistent failure to follow reasonable requests or instructions;

2.1.9 Abuse, misuse of Company property or facilities;

2.1.10 Bribery offences under the Bribery Act 2010; and

2.1.11 Use of Company time for personal reasons during

- work time e.g. mobile phones and internet access.]
- 2.2 Confidentiality:
- 2.2.1 Disciplinary matters will be handled with as high a degree of confidentiality as possible, particularly when the issue is of a sensitive nature.
- 2.2.2 Confidential disciplinary matters will be kept in the confidence of the employee in accordance with Data Protection legislation. Confidentiality will be provided to the employee, although the Company reserves the right to withhold certain information (e.g. legal advice) if necessary.
- 2.3 Investigation:
- 2.3.1 The employee will be asked to fully and thoroughly investigate any matter that is referred to be a disciplinary matter. The employee will be asked to complete the investigation as soon as possible and to submit a report to the Company.
- 2.3.2 The employee will be asked to attend an investigatory interview. If the employee fails to attend a disciplinary meeting, the employee will be advised that the interview is an investigatory interview.
- 2.3.3 The Company may decide to omit the investigatory interview stage and move directly to a disciplinary meeting.
- 2.4 Suspension:
- 2.4.1 The Company may suspend an employee from work, normally for a period of 5 working days, while a disciplinary investigation is ongoing.
- 2.4.2 Employees who are suspended are likely to last longer than 5 working days.
- 2.4.3 Suspension is a disciplinary action. The Company will inform the employee of the reason for the suspension.
- 2.4.4 Employees may be paid full pay or on reduced pay but only if this is allowed for in the employee's contract and the Company is acting reasonably.
- 2.5 The Company reserves the right to:
- 2.5.1 monitor employees' use of Company property, including telephone calls, email messages and internet access, at any time, whether as part of a disciplinary investigation or otherwise. Employees should therefore not consider such communication methods of communication to be confidential or private.
- 2.5.2 search an employee's personal property or possessions, such as lockers, lockboxes, vehicles, vehicle or other Company property, where such action is considered necessary in the interests of the Company. A search will only be carried out if the employee has been given notice in writing that such a search may take place.

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the presence of a witness and
of a work colleague.

3. Disciplinary Procedure

3.1 Informal Discussion

3.1.1 The Company
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the employee concerned.

3.1.2 This is a two-
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explanation.

the Company will be able to inform
n conduct or performance and at
with the opportunity to provide an

3.1.3 The main pu
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talk is to find a solution to the
Company and the employee.

3.1.4 Generally, c
performance
performance,
where couns
failed to pr
However, if
problem or i
informally, the

conduct and/or unsatisfactory
mally. In the event of poor
will usually only be undertaken
further training (if required) has
improvement to performance.
s not provide a solution to the
is too serious to be dealt with
procedure will be followed.

3.2 Written Notice of In

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3.2.1 If it is decided
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notice informing them that this
disciplinary procedure and as such

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- notice of
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performance and any possible

any timescale for achieving this
ailable (if appropriate);

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warning, the confirmation of a
other disciplinary action. (This
once the employee has made a
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3.2.2 The employe
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3.2.3 The meeting
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before the meeting by collecting
people to interview and taking
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seriously. At least <<2>> days
ould be provided with all relevant
on which the Company intends to

3.2.5 Where the
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intend to do t
evidence incl

oyee intends to call relevant
notice to the other party that they
ropriate to provide copies of written
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3.2.6 If the employ
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the employee

the disciplinary meeting at the
r an alternative reasonable time
least <<2>> days' notice of any
e fails to attend the rearranged
consideration any reasons and
ut good cause, is free to decide
available. In these circumstances,
written submissions.

3.3 Disciplinary meeting

3.3.1 A disciplinary
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be conducted by the employee's
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3.3.3 The employee
evidence, an
witnesses.

opportunity to present their own
ask questions and call relevant

3.3.4 If the Comp
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the earliest opportunity and a
ded to the employee.

3.3.5 Where possib
attend the me

not carry out the investigation will

3.4 Outcome of meeting

3.4.1 As soon as p
the employee
disciplinary a
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sion of the disciplinary meeting,
l inform the employee what
. If the Company finds there has
e, the employee will be informed

3.4.2 Where a min
may be giv

mitted, a recorded oral warning
that any further misconduct will

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render the employee's position more severe, disciplinary action. The employee's position will remain 'live' <<e.g. 3 or 6 months>>.

3.4.3 *First Written Warning* If, after a verbal warning, the employee's misconduct or further misconduct is deemed to require a written warning, the Company will issue a written warning stating that further misconduct or poor performance may result in further disciplinary action. The warning will include details as to the improvement required, time-scale for improvement and details of any help available. The employee shall be informed of the right to appeal against the warning. The warning will remain 'live' <<e.g. 3 or 6 months>>.

3.4.4 *Final Written Warning* If, after a first written warning, the employee's misconduct or poor performance is deemed to require a final written warning, the Company may issue a final written warning stating the details of the complaint and nature of the improvement required, the time-scale for improvement and details of any help available. It may lead to dismissal or some other action. The employee shall be informed of the right to appeal against the warning. The warning will remain 'live' <<e.g. 3 or 6 months>>.

3.4.5 *Dismissal / Other Action* If, after a final written warning, the employee's misconduct or poor performance is deemed to require dismissal or some other action short of disciplinary suspension, the Company may issue a final written warning stating the details of the complaint and nature of the improvement required, the time-scale for improvement and details of any help available. It may lead to dismissal or some other action. The employee shall be informed of the right to appeal against the warning. The warning will remain 'live' <<e.g. 3 or 6 months>>.

3.4.6 *Dismissal without Warning* If, after a final written warning, the employee's misconduct or poor performance is deemed to require dismissal or some other action short of disciplinary suspension, the Company may issue a final written warning stating the details of the complaint and nature of the improvement required, the time-scale for improvement and details of any help available. It may lead to dismissal or some other action. The employee shall be informed of the right to appeal against the warning. The warning will remain 'live' <<e.g. 3 or 6 months>>.

3.5 Appeal

3.5.1 Employees have the right to appeal against any formal disciplinary action. An appeal must be made in writing within <<5>> working days of the date of the disciplinary action. The appeal shall be heard by a manager not involved in the disciplinary action. The appeal shall be heard within <<5>> working days of the date of the disciplinary action. The appeal shall be heard by a manager not involved in the disciplinary action. The appeal shall be heard within <<5>> working days of the date of the disciplinary action.

3.5.2 The employee must state the grounds for appeal in writing, and must attend the appeal meeting. In making an appeal, the employee must state the grounds for appeal. If they are appealing against the finding that they have committed misconduct and/or poor performance, the employee must state the grounds for appeal. If they are appealing against the finding that they have committed misconduct and/or poor performance, the employee must state the grounds for appeal.

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3.5.3 The Company shall, where possible, deal with the employee by a manager, preferably more senior, than the employee. If this is not practicable, the manager may handle both the disciplinary and the appeal.

without unreasonable delay and shall deal with by a manager, preferably more senior, than the employee. However, where this is not practicable, the manager may handle both the disciplinary and the appeal. The manager will act as impartially as possible.

3.5.4 The outcome of the appeal shall be confirmed in writing within <<5>> working days of the appeal. Decisions made at this stage will be final and there is no further appeal.

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4. Special Cases

4.1 Where disciplinary action is taken against an employee who is an accredited trade union member, the above procedure will not be followed until the Company has obtained the prior agreement of the relevant permanent union official. The Company shall, however, be able to suspend the employee in the event of a suspected or known incident of gross misconduct.

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4.2 An employee being absent from work as a result of a criminal offence is not in itself a reason for disciplinary action. The Company will consider whether the employee is unsuitable for their type of work. There shall be no disciplinary procedure. The Company shall, however, be able to suspend the employee in the event of a suspected or known incident of gross misconduct.

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5. Gross Misconduct

5.1 In the event that a manager considers an act of gross misconduct, the Company is entitled to terminate the employee's contract of employment without notice.

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5.2 The following non-exhaustive list of examples of offences that the Company will normally consider to be gross misconduct:

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5.2.1 Theft, fraud, or dishonesty;

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5.2.2 Fighting, assault, or sexual harassment;

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5.2.3 Deliberate damage to Company property;

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5.2.4 Deliberate use of Company property for a pornographic or inappropriate nature;

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5.2.5 Incapability or refusal to work due to alcohol or drugs;

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5.2.6 Possession, use, or distribution of illegal drugs on Company premises;

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5.2.7 Serious breach of Company policies and procedures;

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5.2.8 Serious negligence, damage or injury;

5.2.8 Serious negligence, damage or injury;

5.2.9 Conviction of a criminal offence which renders them unsuitable for their work;

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5.2.10 Conduct likely

name into disrepute;

5.2.11 Bullying, hara

discrimination;

5.2.12 Accepting bri

5.2.13 Serious breac

anti-bribery policy;

5.2.14 Gross neglig

5.2.15 Drunkenness

ence of illegal drugs at work;

5.2.16 Possession o

on the Company's premises;

5.2.17 Serious acts

5.3 If the Company decid
employment without
acting *fairly and re*
Disciplinary Procedu

minate the employee's contract of
of notice the Company must be
action rather than following the
ove.

6. Data Protection

The Company shall process
and any subsequent discipl
Data collected during the i
will be held securely and
purposes of completing the

during the investigation process
e with its Data Protection Policy.
d subsequent disciplinary action
osed to, individuals only for the

This procedure has been approved

Name: <<Insert Name>>

Position: <<Insert Position>>

Resources Manager>>

Date: <<Date>>

Signature:

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