



Disciplinary procedure

Purposes and aim

1. The purposes of this procedure are:

- to ensure consistent and fair treatment of any disciplinary or performance issues;
- to help and encourage employees to achieve and maintain appropriate standards of conduct and performance.

2. The aim of this procedure is to bring about improvements in work and conduct. It is not simply a mechanism to dismiss employees, although in some cases this may be an outcome of the procedure.

General principles

3. The purpose of this document is to set out the Company's current procedure and rules for the handling of disciplinary matters. It does not confer any contractual rights.

4. Management can choose to deal with minor instances of misconduct and initial unsatisfactory levels of performance informally, by way of counselling, guidance or instruction or by informally cautioning the employee.

If a problem continues or management judges it to be sufficiently serious, this procedure will apply.

5. The Company will not dismiss any employee for a first offence, unless the offence amounts to gross misconduct (see section on gross misconduct below) in which case the employee will be dismissed without notice or pay in lieu.

6. The Company will not take any formal disciplinary action under this procedure without:

- having carried out a prompt investigation. The Company will inform the employee whether any meeting he or she is asked to attend is investigatory or disciplinary;
- giving or sending the employee a letter setting out the complaint made against him or her and possible outcomes of the disciplinary hearing. The letter will also inform the employee that he or she must attend a disciplinary hearing to discuss the matter and confirm the time, date and location of that meeting. Any employee who has difficulty understanding such a letter should ask their manager for an explanation;
- before the meeting, providing the employee with relevant evidence;
- giving the employee, together with any permitted companion (see 17 below) a reasonable opportunity to consider his or her response to that information;
- explaining the Company's case at the meeting and giving the employee an opportunity to put his or her case in respect of the allegations made.

7. Employees have the right to appeal against any formal action taken against them under the procedure.
8. Depending on the seriousness of the misconduct or poor performanceⁱ or the employee's disciplinary record taken as a whole, Level 1 or Level 2 of the procedure may be omitted.
9. Depending on the circumstances, it may be appropriate to suspend the employee from work on full pay to enable the investigation to take place. Suspension on full pay does not amount to a disciplinary sanction.
10. The Company has other policies which are relevant to disciplinary matters, such as the attendance policy, dignity at work policy, the health and safety policy, the electronic communications policy. This procedure should be read as incorporating provisions relating to discipline in any other Company policies.
11. Each stage of this procedure will be carried out without unreasonable delay.
12. The Company will keep records of any action taken under these disciplinary procedures. These will be treated as confidential.

Gross misconduct

13. The following are examples of conduct falling within the definition of gross misconduct and which entitle the Company to take action up to and including dismissal without notice or payment in lieu:
 - Refusal to accept and act on reasonable instructions from an employee's 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.
 - Theft, fraud, falsification of Company records or any dishonesty involving the Company, its employees, customers or authorised visitors or attempts to commit such offences.
 - Deliberate or reckless damage to the property of the Company, its employees, customers or authorised visitors.
 - Being unfit to work through alcohol or illegal drugs.
 - Unlawful discriminatory conduct or harassment.
 - Unauthorised disclosure of confidential information.
 - Any action likely to endanger seriously the health and safety of the employee or any other person.

The above list is *not* exhaustive. It illustrates the type of conduct that normally merits dismissal for a first offence. Other types of offence, such as harassment, deliberate

unlawful discrimination or computer misuse, may be treated as gross misconduct, depending on the seriousness of the particular facts.

14. If the Company is satisfied, following investigation and a disciplinary hearing, that the employee has committed gross misconduct, the Company will normally dismiss the employee without notice or pay in lieu. In some circumstances, demotion or suspension without pay may be used as alternative sanctions.

Other misconduct or poor performance

15. In other cases coming within the ambit of this procedure, there will be no dismissal for a first offence. Instead, the Company may issue a formal warning to an employee, which may be a Level 1, Level 2 or Final Warning, as appropriate.

Conduct of meetings under the procedure, including appeals

16. All disciplinary meetings, including appeals, will be held at a reasonable time and place. An employee who has been invited to attend a disciplinary meeting must take all reasonable steps to attend the meeting.

17. In any disciplinary proceedings under the procedure, including appeals, an employee has the statutory right reasonably to request to be accompanied by a fellow employee of his or her choice. The companion may address the hearing to put the employee's case, sum up his or her case or respond on the employee's behalf to any view expressed at the hearing. He or she may also confer with the employee during the hearing, but does not have the right to answer questions on his or her behalf, address the hearing if the employee does not want him or her to or prevent anyone, including the employee, from making his or her contribution to the hearing.

18. The appropriate level of management (see below) will conduct meetings. At the meeting, the Company will explain the role of all those attending on its behalf. The Company will then explain its case against the employee and will give the employee the opportunity to respond in full. At appeal meetings, the employee will present his or her reasons for appealing the decision and the Company will consider these.

19. If matters come to light during a disciplinary meeting which require further investigation, the Company may at its discretion, adjourn any disciplinary meeting to enable further investigation to be carried out.

Possible outcomes of a disciplinary hearing

Level 1 warning

20. The Company may issue a Level 1 warning if the employee's conduct or performance does not meet the Company's standards.

21. A Level 1 warning may be issued normally by the employee's immediate manager or a nominated deputy. Where, at the conclusion of the disciplinary hearing, the manager decides to issue such a warning, he or she will inform the employee of the following:

- the reason for the warning;
- that it is the first stage of the Company's disciplinary procedure;
- the action or improvement (if any) which he or she requires of the employee;
- if appropriate, the timescale for implementing any such action;
- the consequences for the employee of not implementing required action or of further misconduct;
- when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after six months but a longer period may be stated in exceptional cases;
- the right of appeal.

All of these matters will be confirmed to the employee in writing.

Level 2 warning

22. The Company may issue a Level 2 warning if:

- the required improvement is not achieved within any timescale stated in the first warning; or
- further misconduct or poor performance takes place during the currency of a Level 1 warning, whether or not involving a repetition of the conduct or poor performance which was the subject of the first warning; or
- the seriousness of the misconduct or poor performance merits it, regardless of whether a Level 1 warning has already been issued.

23. A Level 2 warning may be issued by the employee's immediate manager (or a nominated deputy). Where, at the conclusion of the disciplinary meeting, the manager decides to issue a Level 2 warning he or she will inform the employee of:

- the reason for the warning, including any prior warning(s) taken into account;
- that it is the second stage of the Company's disciplinary procedure;
- the action or improvement (if any) which he or she requires of the employee;
- if appropriate, the timescale for implementing any such action;
- the consequences for the employee of not implementing the required action or of further misconduct, which could be a final warning;
- when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after twelve months but a longer period may be stated in exceptional cases;
- the right of appeal.

All of these matters will be confirmed to the employee in writing.

Final warning

24. The Company may issue a final warning if:

- the required improvement is not achieved within any timescale stated in a second warning; or
- further misconduct or poor performance takes place during the currency of a Level 2 warning, whether or not involving a repetition of conduct or poor performance which was the subject of a previous warning; or
- the seriousness of the misconduct or poor performance merits it, regardless of whether it has issued any previous warnings.

25. A final warning may be issued by a Head of Department (or a nominated deputy). As with Level 1 and Level 2 warnings, where, at the conclusion of the disciplinary meeting, the Head of Department decides to issue a final warning he or she will inform the employee of:

- the reason for the final warning;
- the action or improvement (if any) which he or she requires of the employee;
- if appropriate, the timescale for implementing any such action;
- the fact that this is a final warning and that the next stage of the procedure will be dismissal;
- when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after twelve months but a longer period may be stated in exceptional cases;
- the right of appeal.

All of these matters will be confirmed to the employee in writing.

Dismissal

26. The Company may dismiss an employee where:

- the required improvement is not achieved within any timescale stated in a final warning; or
- further misconduct or poor performance takes place during the currency of a final warning – whether or not involving a repetition of conduct or poor performance which was the subject of a previous warning; or
- it is reasonably believed that he or she has committed an act of gross misconduct.

27. Unless dismissal is for gross misconduct, the employee will be dismissed with notice.

28. Only a Head of Department or the Managing Director may dismiss an employee. An employee will only be dismissed after he or she has received a written invitation to a disciplinary hearing and the disciplinary hearing has been held. Where the Head of Department or the Managing Director determines to dismiss the employee, he or she will state the reason, the date on which the dismissal takes effect and inform the employee of his or her right to appeal as soon as possible after the end of the disciplinary meeting, or if not, as soon as reasonably practicable. These matters will be confirmed in writing.

29. In exceptional circumstances, the Company may seek the employee's agreement to demotion or suspension without pay or other penalty as an alternative to dismissal. Where it is deemed appropriate, a final warning may also be issued or continued in force.

Appeals

30. Any employee who is dissatisfied with a disciplinary decision taken in respect of him or her may appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal, and should be delivered to the Managing Director within five working days of the disciplinary decision. The Company will then invite the employee to an appeal meeting, which will normally take place within five working days. The appeal meeting may take place after the disciplinary decision has taken effect.

31. Where an employee has been dismissed, the appeal will be heard by the Managing Director or a nominated deputy. In other cases, the appeal will normally be heard by a more senior manager than made the original disciplinary decision.

32. Wherever possible, the decision on the appeal will be communicated to the employee orally and in writing within three working days of the hearing. The decision is final.

