

# DISCIPLINARY POLICY AND PROCEDURE

## POLICY

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The Company will endeavour to assist the Employee to resolve allegations of unacceptable performance. Accordingly the Company reserves the right to initiate the Disciplinary Procedure where it is established that the treatment of the Employee is no less fair. The Disciplinary Procedure may be initiated by the Line Supervisor or Manager when it is appropriate.

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## DISCIPLINARY OFFENCES

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Offences under the Company's Disciplinary Procedure are:

- 1
- 2
- 3

categories:

The following are examples of offences which are not exhaustive and are dealt with under this procedure:

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### Misconduct

The following offences are:

exhaustive):

- Bad time-keeping
- Unauthorised absence
- Minor damage to Company property
- Breach of Confidentiality
- Failure to observe Health and Safety rules
- Unsatisfactory performance

### Incapability

The following are *example* offences:

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- Poor performance
- Unsatisfactory performance

## Gross Misconduct

The following offences are

- Serious breach
- Theft of or unauthorized use of any Company property
- Acts of incitement on the grounds of sex, age, disability, race, religion, or ethnic origin
- Serious damage to the Company or its property
- Falsification of any Company records
- Refusal to carry out duties or insubordination
- Being in possession of alcohol or drugs during working hours
- Violent, indecent or threatening conduct

is not exhaustive):

belonging to the Company

the grounds of sex, age, disability, race, religion, or ethnic origin

self-certification forms or

ons or serious acts of

nk or illegal drugs on alcohol or drugs during

reatening conduct

## MISCONDUCT AND

### Investigations

Where a complaint has been received, the Employee's Line Manager shall be given to the Employee in writing that these should be kept confidential.

will be investigated by the Manager. All appropriate copies will be kept confidential in the circumstances mentioned above.

### Suspension

If appropriate, for instance where an Employee interferes with the performance of the Company, the Employee on full pay suspension the Employee shall be suspended except at the prior request of the Employee on condition as the Company may determine.

if the presence of the Employee at the Company may suspend the Employee. During the period of suspension the Employee shall not be on the Company's premises unless authorized in writing by the Manager.

### Informal Hearing

If after consideration of the circumstances, the Manager determines that the most appropriate way to resolve the matter is through an "informal meeting". The Employee shall be invited to attend an informal meeting with a representative. If at any time it becomes clear that disciplinary action may be required, a formal hearing will need to be arranged.

An informal hearing is the most appropriate way to resolve the matter. The Employee shall be invited to attend an informal meeting with a representative. If at any time it becomes clear that formal disciplinary action may be required, a formal hearing will need to be arranged.

## Disciplinary Hearing

Following the Investigation or another Manager as appropriate

- 1 Disciplinary warning has been held
- 2 The Employee stating the nature of the offence, colleague or a representative chosen company representative answer questions
- 3 The Employee (the Company representative publishing statement)
- 4 The meeting will be held at a reasonable location
- 5 An Employee may be excused from attending for a valid reason for the absence and rescheduled. Failure to attend could result in a Disciplinary Hearing
- 6 At the Hearing the Employee may defend themselves
- 7 Minutes or notes will be taken

ted by the Line Manager

will attend a Disciplinary Hearing

The Employee may be accompanied by a representative of their choice, accompanied by a work colleague or a representative of their choice, as stated in the letter. The representative may ask questions, but cannot answer questions

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The meeting will be held at a reasonable location

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At the Hearing the Employee may defend themselves

## DISCIPLINARY ACTION

### Warnings – Guidance

- 1 Depending on the nature of the offence, a warning may be issued at any time
- 2 The Manager should discuss the nature of the offence with the Employee and the appropriate level of warning
- 3 The Employee should be advised that a disciplinary process is being taken
- 4 The Employee should be advised that this will normally be extended if the offence is repeated
- 5 All warnings should be issued in writing and accompanied by a copy of the warning letter
- 6 The Right of Appeal should be explained
- 7 A copy of the warning letter should be placed in the Employee's Personnel File

The Manager may apply the level of warning appropriate to the nature of the offence

The Manager should discuss the nature of the offence with the Employee and the appropriate level of warning

The Employee should be advised that a disciplinary process is being taken

The Employee should be advised that this will normally be extended if the offence is repeated (in minor breaches 6-12 months, which may be extended if the offence is repeated)

All warnings should be issued in writing and accompanied by a copy of the warning letter with timescales

The Right of Appeal should be explained

A copy of the warning letter should be placed in the Employee's Personnel File

## Warnings - Stages

- Verbal warning – Stage 1  
The Employee will be given a clear indication that corrective action which in some instances may result in the loss of employment. The right of appeal will be given to the Employee.
- First written warning – Stage 2  
If the Employee has already been a subject of a verbal warning and the complaint is of a more serious nature; the action recommended will be a written warning. The Employee will be advised that further warnings may result in the loss of employment. The right of appeal will be given to the Employee.
- Final written warning – Stage 3  
If there is no improvement or the complaint is sufficiently serious. This warning will be given during the period specified in the written warning. The right of appeal will be given to the Employee.
- Dismissal – Stage 4  
If the Employee fails to achieve the required standards or standards normally be dismissed without notice. The decision to dismiss will be taken by the Director. The right of appeal will be given to the Employee.

## Gross Misconduct

Where gross misconduct is established, the Employee may be dismissed without notice or pay in lieu of notice. The decision to dismiss will be taken by the Director. Dismissal will be without reference to a grievance procedure.

## Alternatives Short of Dismissal

The following are examples of alternatives short of dismissal. These examples are not exhaustive when considering alternatives short of dismissal and are only to be considered in exceptional circumstances.

- Suspension with or without pay
- Demotion if a suitable alternative position is available
- Transfer to another department or location
- Loss of bonus or other financial benefits

## Right to Appeal

The Employee has a right to appeal a disciplinary action. The Employee is obliged to notify the Employer (with reasons for doing so) within five working days of the date of the decision.

decision. However, the Employee must appeal (with reasons) within five working days of the date of the decision.

## Appeal Hearing

Wherever possible a high level of confidentiality should be maintained. The Employee will be given the opportunity to be accompanied by a representative of their choice. The representative may ask questions on the Employee's behalf.

The Employee will be given the opportunity to be accompanied by a representative of their choice. The representative may ask questions on the Employee's behalf, but cannot answer questions on the Employee's behalf.

The decision of the Manager may include:

in writing which may include:

- Original decision upheld
- Original decision reversed
- Alternatives short of reinstatement
- Re-instatement if error is proven

## Spent Warnings

Subject to satisfactory performance, warnings issued under these procedures will be removed after a specified period.

Warnings issued under these procedures will be removed after a specified period if the warning has expired.