



DISCIPLINARY POLICY AND PROCEDURES

1 SCOPE

The Company Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal means and other good management practices will be used to resolve matters prior to any disciplinary action being taken.

This policy is intended to help clarify an employee's or service providers' rights, as well as give guidance and support where it may be needed.

The employee or service provider will be hereafter referred to as "staff", "staff member" or "member of staff".

2 SUSPENSION

Suspension is not disciplinary action. There are various situations in which suspension may be appropriate. For example when it is necessary to remove a member of staff from the workplace pending an investigation; to allow time for a 'cooling down period'; for their own or others protection; to prevent them influencing or being influenced by others; or to prevent possible interference with evidence. Only the departmental or divisional head, in consultation with the HR department, has the authority to suspend an individual.

A member of staff suspended from duty will receive written confirmation outlining:

- The reason for the suspension
- The date and time from which the suspension will operate.
- The timescale of the ongoing investigation.

3 PROCEDURE FOR FORMAL INVESTIGATION

Formal investigations should be carried out by the most appropriate manager who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process.

All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.

A report should be prepared which outlines the facts of the case. This should be submitted to the appropriate senior manager/Director, who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.

In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate Senior Manager/Director, who would be accompanied by a member of the HR team. The investigating manager would be asked to present his/her findings in the presence of the member of staff who has been investigated. Witnesses should be called at this stage, and the staff allowed questioning these witnesses.

Following the full presentation of the facts, and the opportunity afforded to the member of staff to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the senior manager/Director hearing the case, and the other manager. They would discuss the case and decide which of the following option was appropriate:

1. Take no further action against the staff; or
2. Proceed to a disciplinary hearing.

The staff will be informed in writing of the outcome. Where the decision is to proceed to carry out a disciplinary hearing, the staff will be informed in writing of the following:

- He or she is to attend a disciplinary hearing;
- The reason for the hearing;
- The date and time of the hearing; and
- He or she has the right to be accompanied by **either a colleague or union representative**.

4 WARNINGS AND SANCTIONS

4.1 Stage 1 – First written warning

To be issued when an informal attempt to resolve the issue has not been effective and the misconduct has not improved or has been repeated;

4.2 Stage 2 – Final written warning

A final written warning is appropriate when:

- A staff member's offence is of a serious nature falling just short of justifying dismissal; or
- A staff member's persists in the original misconduct or commits another act of misconduct that would warrant a first written warning and the staff currently has a live warning.

4.3 Stage 3 – Dismissal

Dismissal is appropriate when

- A staff member's behaviour is considered to be Gross Misconduct; or
- A staff member's misconduct has persisted, exhausting all other lines of the disciplinary procedure.

4.4 Time Scales for the expiry of warnings

Warnings issued to staff members shall be deemed to have expired after the following periods of time.

- First written warning: 6 months
- Final written warning: 12 months

These time scales remain provided that during that period, no further warnings have been issued in respect of the staff's conduct.

4.5 Downgrading or Transfer to another Post

This action is appropriate when:

- Previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss the staff member; or
- The staff member is considered by the Manager of the department to be incompetent or otherwise unfit to fulfil the duties for which he is contracted but where dismissal is not thought to be appropriate.

Warning letters

All Warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing;
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken;
- The period of time given to the staff for improvement;
- The staff member's right to appeal to the manager directly above that of the one issuing the warning;
- A copy of the warning and any supporting documentation must be attached to the individual's personnel file;
- The staff member must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person; and
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the staff has the right of appeal, and to who they can make that appeal.

The letter confirming dismissal will contain the following information:

- The reason for dismissal and any administrative matter arising from the termination of their services; and
- The staff member's right of appeal and to whom they should make that appeal.

Appeals

Every staff member has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- That the Company's Procedure had not been followed correctly;
- That the resulting disciplinary action was inappropriate;
- That the need for disciplinary action was not warranted; and
- That new information regarding disciplinary action has come to light.

An appeal must be put in writing. The letter of appeal may be constructed by the staff or their representative. The letter should contain the grounds for appeal and should be lodged within 10 calendar days of receipt of the warning/dismissal letter.

Appeals against written warnings

Appeals will be heard by a senior manager not previously connected with the matter.

Appeals against downgrading and dismissal

The hearing and determining of appeals against downgrading and dismissals will be heard by a Director in liaison with the HR team.

Examples of misconduct

Below are listed examples of misconduct which may warrant either a first or final written warning. This list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor time-keeping
- Absence from work, including going absent during work, without valid reason, notification or authorisation
- Smoking within unauthorised areas
- Failure to work in accordance with prescribed procedures
- Incompetence
- Unreasonable standards of dress or personal hygiene.
- Failure to observe Company regulations and procedures

Examples of Gross Misconduct

Listed below are examples of misconduct which may be considered to be Gross Misconduct and may lead to summary dismissal. This list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.

- Theft, including unauthorised possession of Company property;
- Breaches of confidentiality, prejudicial to the interest of the Company;
- Being unfit for duty because of the misuse/consumption of drugs or alcohol;
- Refusal to carry out a reasonable management instruction which is within the individual's

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capability

- Breach of security or health and safety procedures;
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe;
- Physical assault, breach of the peace or verbal abuse;
- False declaration of qualifications or professional registration;
- Failure to observe Company rules, regulations or procedures
- Willful damage of property at work;
- Negligence or failure to apply sound professional judgement.