

DISCIPLINARY POLICY

The company operates a Disciplinary Procedure and may initiate this for reasons of **POOR PERFORMANCE** and/or **MISCONDUCT**. These procedures will be used by the company as a means to help, support and encourage you to improve your performance and/or conduct, rather than primarily as a means of punishment. This does not however preclude that the outcome may in fact result in sanctions being applied.

Poor Performance

Where your work performance falls below the standard required by the company, this issue will be addressed with you in order to encourage the improvement, achievement and/or maintenance of the required standard. Such cases may be addressed generally through the performance management process or as a specific instance of poor performance.

Misconduct

The objective of the disciplinary procedure for misconduct is not to seek your dismissal but to obtain a full explanation of the circumstances and following this, to ensure that such misconduct does not reoccur.

Please note that in all cases, a full impartial investigation will be undertaken to establish the facts, before and where appropriate, during the disciplinary process.

INFORMAL RESOLUTION

Where there is an initial issue of poor or unsatisfactory performance; or where there is any allegation of misconduct, especially where it is of a minor nature, all endeavours will be taken by the company to resolve this through informal methods.

The company will deal in the first instance through a process of confidential discussion in order to encourage an improvement in your performance or behaviour. This is an opportunity for you as the employee to address any such failings and in most cases, no further formal action will be necessary. Where there is no improvement, then formal action may be taken.

FORMAL PROCESS

Where informal discussion does not result in an improvement in your performance, or there continues to be allegations of misconduct (or these appear to be of a more serious nature), then formal action will be instigated by the company.

Notification

- You will receive a formal written letter outlining the areas of unsatisfactory performance and/or allegations of misconduct.

- This notification letter will also invite you to a meeting within 5 working days (or at a mutually agreeable time and date), where the meeting will be held, who will be present and will also inform you of the right to be accompanied.
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- You are required to attend this meeting and failure to do so without a reasonable excuse will result in the meeting being rearranged within a further 5 working days.
- Failure to attend this rearranged meeting without reasonable excuse will result in a decision being taken in your absence

Meeting

- During the meeting, which should be uninterrupted and held in private, a detailed discussion should take place outlining the areas of your poor performance and/or the allegations of misconduct.
- Full disclosure of the investigation undertaken by your employer will be made in order for you to be able to argue your case and offer an explanation of the alleged failings. This may include you providing evidence as part of the investigation process; or at the meeting itself; such as witnesses who were not interviewed as part of the original investigation, or other mitigating circumstances.
- Where there is evidence requiring further investigation, the meeting will be adjourned whilst this evidence is obtained. The meeting may also be adjourned for short periods to allow for comfort breaks, or to allow the manager conducting the meeting time to consider your comments and/or any evidence presented therein.

Decision

- Following the meeting, your employer will adjourn in order to fully review all the evidence prior to making any decision.
- Before making a decision, your employer will consider all the facts as well as your previous disciplinary record, previous performance, length of service and any action taken in any previous disciplinary cases. In addition careful consideration will be given to whether the intended action is reasonable and appropriate given the circumstances of the case.
- If the decision is to take no further action, you will be informed of this.
- The decision should be given to you orally upon reconvening of the hearing and will also be provided to you in writing as soon as practicable following the meeting.
- You have the right to appeal against the decision.

WRITTEN WARNING

The first formal disciplinary action that may be taken by your employer is a written warning.

Misconduct

- The written warning should detail the nature of the misconduct, what is expected of you in order for you to change your behaviour for the future, appropriate review dates and your right to appeal against the decision.
- The letter will also be retained on your personnel record but will be disregarded for disciplinary purposes after a specified period (i.e. 6 months).

Poor Performance

- The written warning should detail the nature of the poor or under performance; the steps you need to take to improve, a timescale for achieving this, appropriate review dates and your right to appeal against the decision.
- In addition, the letter should outline any help and support to achieve the improvement that you could receive from the company.
- The letter will also be retained on your personnel record and act as a framework for assessing and reviewing your performance over a specified period (i.e. 6 months). This may be combined with a formal process of Performance Management or Employee Appraisal.

Please note: You will also be notified that this written warning represents the first stage in a process where if improvement in performance and/or conduct is not achieved, may lead to a final written warning; some other penalty; and/or ultimately dismissal.

FINAL WRITTEN WARNING

If poor performance and/or conduct are not improved; usually within the specified period, you will be issued with a final written warning.

- However, depending upon the individual circumstances of each case, you may be issued with more than one written warning before reaching this stage.
- Prior to any decision being taken, your employer will follow the formal process as outlined above and only determine the severity of disciplinary action to be taken following a full investigation and relevant meetings with you.
- Where the decision is taken to issue you with a final written warning; this will be sent to you as soon as practicable following the meeting with you and will outline the necessary changes in your performance or behaviour that are required; and a timescale for those improvements; and your right to appeal against the decision.
- In cases of poor performance, any support the Company may offer you to achieve and improvement will also be outlined along with a date for further review. The letter will be retained on your personnel record and act as a framework for assessing and reviewing your performance over a specified period (i.e. 12 months).
- In cases of misconduct, the letter will clearly outline what is expected of you in order for you to change your behaviour in the future as well as a review date. The letter will also be retained on your personnel record but will be disregarded for disciplinary purposes after a specified period (i.e. 12 months).

Please note: You will also be notified that this written warning represents the final stage in a process where if improvement in performance and/or conduct is not achieved, may lead to a penalty which could include dismissal.

DISMISSAL

If there is a continued failure to improve poor performance and/or conduct after following the above process, then the final sanction available to your employer may be your dismissal. Alternative penalties may include demotion, transfer or loss of pay.

- Prior to any decision being taken, your employer will follow the formal process as outlined above and only determine the severity of disciplinary action to be taken following a full investigation and any relevant meetings with you.
- Where the decision is to dismiss; you will be informed of the reasons at the meeting and this will be supported in writing as soon as practicably thereafter.
- The letter outlining the reasons for dismissal will also state the date of termination of your contract, any notice period and your right to appeal against the decision.

APPEAL

You have the right to appeal at each stage of the above process if you do not feel the decision and/or the penalty issued has been fair and reasonable.

- If you wish to appeal against a decision from any stage of the above process then you must notify the company, in writing, within 7 days following the hearing date.
- The letter must outline your grounds for the appeal
- Your employer will arrange an appeal hearing as soon as possible and in any case within 5 working days.
- You will receive a letter inviting you to the appeal which will outline the time and date of the meeting and the names of those who will be hearing the appeal. You have the right to be accompanied by a work colleague or Trade Union representative at this meeting.
- The appeal will be heard by a more senior manager or Director; however, if due to the size of the company this is not possible, then another manager should normally hear your appeal.
- Once your appeal has been heard, you will be informed of the decision.
- A letter outlining the decision will also be sent to you within a reasonable time outlining the reasons for the decision. This will also state whether this appeal was the final step of the process or whether further representation is available to you.

GROSS MISCONDUCT

If the Company is satisfied that an act of gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Gross Misconduct is where there has been a serious breach of contractual terms. There is no exhaustive list which may constitute gross misconduct and whether a particular act or omission is gross misconduct, serious misconduct or general misconduct will depend on the circumstances. Some examples are listed below; where you:-


- Breach any of your obligations under the contract of employment.
- Are guilty of any conduct which brings the Company into disrepute.
- Are convicted of any criminal offence (other than road traffic).
- Become bankrupt.
- Become a patient within the meaning of the Mental Health Act.
- Are absent from work through illness for a certain period.
- Commit theft, fraud or deliberate falsification of records.
- Assault or fight with another person.
- Deliberately damage company property.

- Are seriously incapable whilst at work through alcohol or illegal drugs.
- Through serious negligence cause unacceptable loss, damage or injury.
- Carry out a serious act of insubordination.
- Deliberately or maliciously breach the Company's equal opportunities policy.

SUSPENSION FROM WORK

Following an allegation of gross misconduct, your employer may suspend you on full pay.

- Such decision will only be taken after careful consideration of the available facts.
- This will not normally be for more than five working days and will only last for the period whilst the allegation is investigated.
- Suspension from work is not a disciplinary action and is not a prejudgement.

Sign Date 12/07/2023.....

Next review date will be 12/07/2024