



## **DISCIPLINARY PROCEDURE**

The disciplinary procedure is statutory and entirely non-contractual and does not form part of an employee's contract of employment.

### **Disciplinary Principles**

Whilst the Company does not wish to impose unreasonable rules of conduct on its employees, certain standards of behaviour are necessary to maintain good employment relations and discipline in the interest of all employees. The disciplinary procedure is not intended as a means of imposing sanctions, but is designed to encourage improvement in an individual's conduct and/or performance and, where this is not forthcoming to provide a fair and reasonable process, which may lead to dismissal.

**No** disciplinary action will be taken until the case has been thoroughly and carefully investigated.

### **Disciplinary Procedure**

Before taking a decision to dismiss an employee on the grounds of misconduct or poor performance, the Company will, as a general rule and subject to any permitted statutory exceptions, comply with the following procedure. The employer and employees who must also act reasonably must follow four simple stages:

#### Stage 1 – Put It In Writing

The Company will notify the employee in writing of the allegations against them, supported by the evidence, and will invite the employee to a disciplinary hearing to discuss the action to be taken against them. The Company will also notify the employee of the basis for the complaint of alleged misconduct, capability, poor performance or other circumstances.

#### Stage 2 – Meet And Discuss

Having given the employee a reasonable opportunity to consider their response to the allegations, a disciplinary meeting will then be held at a reasonable time and place in which the employee will be given the chance to state their case. A minimum of two (2) days' notice will normally be given (this is discretionary) of the time and date of the meeting. The employee may be accompanied, if requested, by a trade union official or a fellow employee of their choice. The employee must take all reasonable steps to attend that meeting.

#### Stage 3 - Outcome

Following the meeting, the employee will be informed within five (5) working days' of the Company's decision in writing and notified of their right to appeal against it. This could be in the format of a verbal warning, written warning, final written warning or dismissal. It may be, however, that no further action will be taken.

## Stage 4 – Appeal

If the employee wishes to appeal against the Company's decision, they can do so by notifying their employer, preferably in writing, within five (5) working days stating the grounds for the appeal. The employee will be invited to attend an appeal meeting chaired by a senior person in the Company. Again a minimum of two (2) days' notice will normally be given of the time and date of the meeting. At the appeal meeting, the employee will again be given the chance to state their case and will have the right to be accompanied by a trade union official or a fellow employee of their choice. Following the appeal meeting, the employee will be informed of the appeal decision in writing as soon as possible and, in any case, within five (5) working days of the appeal hearing. The Company's decision on an appeal will be final.

## **Rearranging Meetings**

Where the employer arranges a meeting to the convenience of the employee and the employee then fails to turn up, or informs the employer in advance that they cannot make it, the question of what happens next depends on the reason for non-attendance.

Where the employee has not taken all reasonable steps to attend the meeting, they will be in breach of the requirements and the employer will be released from future obligations under the procedures.

Where it was not reasonably practicable for the employee to attend, eg the employee was ill or their car broke down on the way to the meeting, this will not count as a breach if it was for a reason that was not foreseeable at the time the meeting was arranged. The employer must then rearrange the meeting and invite the employee to the rearranged meeting. The obligation to rearrange the meeting only applies once. If it becomes not reasonably practicable for the employee to attend the rearranged meeting, then there is no obligation under the new procedures to rearrange it again. This does not mean, however, that an employer can ignore any further procedure and simply dismiss, because, in assessing whether the dismissal was fair, the employment tribunal will still consider whether the employer followed a fair procedure overall.

## **Possible outcomes of the Disciplinary Procedure**

### Verbal Warning/ Improvement Notice

The employee will be given a documented verbal warning. He or she will be advised of the reason for the warning, how they need to improve their conduct or performance, that the warning is the first stage of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The verbal warning will be recorded but nullified after six (6) months, subject to satisfactory conduct and performance.

### Written Warning

The employee will be given a formal written warning. He or she will be advised of the reason for the warning, how they need to improve their conduct or performance, the timescale over which the improvement is to be achieved, that the warning is part of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The written warning will be recorded but nullified after twelve (12) months, subject to satisfactory conduct and performance.

### Final Written Warning

Failure to improve performance in response to the procedure so far, a repeat of misconduct for which a warning has previously been issued, or a first instance of serious misconduct or serious poor performance, will result in a final written warning being issued. This will give details of, and grounds for, the complaint, how he or she needs to improve their conduct or performance, the timescale over which the improvement is to be achieved and warn that dismissal will probably result if the terms of the warning are not complied with. This final written warning will be recorded but nullified after twelve (12) months, subject to satisfactory conduct and performance.

### Dismissal

Failure to meet the requirements set out in the final written warning will normally lead to dismissal with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. Dismissal can be authorised only by a senior member of the Company. The employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which his or her employment will terminate and how the employee can appeal against the dismissal decision.

### Summary Dismissal

For serious offences and those regarded by the Company as Gross Misconduct, the Company reserves the right to terminate an Employees employment by summary dismissal regardless of whether the Employee has been subject to any previous disciplinary action or warnings. In such cases, the Company reserve the right to dismiss without notice of termination or payment in lieu of notice.

### **Other Disciplinary Actions**

If conduct, performance or attendance continues to be unsatisfactory, dismissal will normally result. An alternative to dismissal could be demotion; however this would depend upon all the circumstances.

### **Suspension**

Where an act of gross misconduct is:

- Alleged or suspected
- Audit or police investigations are proceeding
- Criminal charges are pending
- Where there are doubts as to the suitability of the employee to continue at work

An employee may be put on suspension. Suspension is a neutral act, which does not imply guilt or blame, and will be for as short a period as possible. Suspension will allow a full investigation to be made and removes the employee from a potentially difficult situation.

If an employee is put on suspension it will be with full pay.

## **Examples of Behaviour That Might Invoke The Dismissal And Disciplinary Procedure**

Listed below are examples of behaviour that could render an employee being liable to the dismissal and disciplinary procedure being invoked:

- Concealing defective work and scrap.
- Failure to apply reasonable care and attention to work.
- Failure to observe such other rules and regulations as may be notified by the Company or which constitute customary practice within the Company.
- Failure to observe the terms and conditions of their employment, as set out in the written statement of the main terms and conditions of employment or in the Company Handbook.
- Failure to take a constructive and co-operative approach to their work and fellow employees.
- Failure to wear safety equipment provided for personal protection.
- Failure, after appropriate training, to achieve and maintain the full requirements of the position.
- Misuse of Company telephones/mobile telephones.
- Misuse of Company's resources including computers and computer software. The Company will not tolerate employees misusing the Company's computers or wasting Company time by sending unauthorised e-mails, using the Internet, or playing computer games.
- Persistent failure to work reasonable levels of overtime, when required.
- Poor standards of housekeeping.
- Substandard work and failing to achieve quality levels.
- Unacceptable levels of attendance.
- Unacceptable levels of timekeeping.
- Unauthorised absence or failure to comply with absence procedure.
- Failure to carry out specified checks on vehicles in their care.
- Failure to ensure that all goods carried on lorries is properly loaded and adequately secured.

This list is intended to give examples of unacceptable conduct or capability and is not exhaustive.

## **Gross Misconduct**

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases, the Company reserve the right to dismiss without notice of termination or payment in lieu of notice. Examples of gross misconduct are:

- Actions contrary to the Company's equal opportunity policy.
- Any act of a criminal nature, whether committed on Company, client or other premises during or outside the normal course of employment which has a detrimental effect on the individual's job, working relationship and/or the Company's business efficiency or reputation.
- Any conduct which brings the name of the Company into disrepute.
- Any deliberate violation of Company health and safety rules or recklessly interfering with or damaging safety equipment or engaging in activity prejudicial to the health and safety of people on the Company or clients premises.
- Deliberate breach of any government discrimination legislation.
- Deliberately causing damage to the Company's property.
- Dishonesty in the representation of the Company or its services.
- Falsely claiming qualifications, age, or previous experience essential for employment with the Company.
- Falsification of Company accounts or records that may result in financial loss to the Company.
- Gross negligence.
- Harassing or victimising another employee on the grounds of:
  - Age
  - Colour

- Disability
  - Ethnic or national origin
  - Marital status
  - Nationality
  - Race
  - Religious belief
  - Sex
  - Sexual orientation
  - Union membership status
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- Harassment, whether to the detriment of colleagues or clients and whether committed in the course of employment or otherwise.
  - Incapacity or misconduct whilst on Company or client premises due to the influence of drink or drugs whether during or out of working hours.
  - Insubordination and failure to carry out reasonable requests of management.
  - Leaving the job/premises without permission (walking off the job)
  - Misappropriating Company money or borrowing Company money without written permission from an authorised member of management.
  - Possessing, using, displaying or dealing in illegal drugs on Company premises.
  - Using a Company computer to view, download, or copy pornographic or any material which any employee may find offensive or has the potential to be offensive.
  - Wilfully causing harm or injury to another employee, physical violence, bullying or grossly offensive behaviour
  - Banned from driving
  - Carrying goods other than those authorised by the Company.
  - Carrying passengers without the specific authority of the Company on each and every occasion.
  - Driving dangerously.
  - Failure to report an accident.
  - Loading and securing goods in a dangerous manner.
  - Tampering with, altering or falsifying tachograph records.

The above is intended as a guide and is not an exhaustive list and there may be other circumstances or examples of gross misconduct, which could result in dismissal. The Company reserve the right to report any offence to the police, but this will not prevent the Company from instigating or continuing its own disciplinary actions.