**Disciplinary Policy**

**Aims:**

* Understand what our disciplinary policy and procedures are
* Know who to appeal to if you are not satisfied
* Know the different stages of the Disciplinary Procedure

The company expects good standards of conduct and work performance from all its Employees. Should Employees fall below these expected standards they will have a fair opportunity to resolve the problem. To this end the company operates a Disciplinary Procedure. This disciplinary procedure is applicable to all Employees who have completed their probationary procedure with us.

The aim of the disciplinary procedure is to help employees whose performance or conduct falls below our standards and it is designed to ensure that employees are dealt with fairly and consistently in disciplinary and other related matters affecting their work within the company.

However, this procedure is intended only as a statement of our policy and management guidelines, and it does not give employees contractual rights. We may omit any or all of the stages where we consider it appropriate. This procedure may be amended by the company at any time.

Examples of breaches of conduct where the disciplinary procedures will be invoked include but are not limited to: -

* lateness/absenteeism
* insubordination
* unauthorised absence
* disorderly conduct in or out of the office
* consistently inadequate work performance
* refusal to obey appropriate work-related instructions given by a manager/partner
* excessive absenteeism
* failure to notify the company if convicted of a criminal offence
* touting
* incapacity due to alcohol or being under the influence of illegal drugs whilst on our premises or our clients
* unauthorised use of the property belonging to us, our employees or clients without permission
* harassment or bullying
* fraud against us or our customers
* acceptance or use of funds or other assets in exchange for confidential information, or the performance of illegal acts
* verbal or physical abuse of our employees or our customers
* wilful damage to property belonging to the company, its employees or clients
* undertaking secondary or additional employment which conflicts with the work of the company
* deliberate tampering with, or unauthorised use of, computer hardware or software
* serious negligence which causes unacceptable loss, damage or injury
* conviction by a court of law for a serious criminal offence which brings the company into disrepute
* failure to follow procedures we have established to guard against theft, fraud or the commission of other unlawful acts
* use or sale of alcohol or drugs on the company’s property
* any other action which could adversely affect the image of the company.

The above are examples only and should not be treated as a definitive list. Some behaviour has the potential to be so injurious to the welfare of the company or to a fellow employee, that immediate dismissal of an employee engaging in such behaviour may be warranted.

**The Disciplinary Procedure is a staged procedure**.

The following principles underpin the procedure:

* Every effort will be made by the Employee’s immediate Manager to address shortcomings in work standards, conduct or attendance through informal counseling without invoking the Disciplinary Procedure.
* While the Disciplinary Procedure will normally be operated on a progressive basis, in cases of serious misconduct the Manager may bypass Stages 1, 2 and 3 of the Procedure
* No decision regarding disciplinary action will be made until a formal disciplinary hearing has been convened and the Employee has been afforded an opportunity to respond
* The Employee will be advised of his or her right to be accompanied by a work colleague at any meeting under the formal Disciplinary Procedure
* The Employee will be advised in advance of the disciplinary hearing of the precise nature of the complaint against him or her and will be given copies of any relevant documentation
* The Employee will be afforded the opportunity to state his or her case and challenge any evidence that may be relied upon in reaching a decision
* An Employee may appeal the outcome of the disciplinary hearing.
  1. **Conduct of the Procedure – General**

An employee may be suspended from work for as long as necessary, with or without pay at our discretion pending the outcome of an investigation into the conduct at issue.

In all cases, before any disciplinary action (including written warnings) is taken, the employee will be asked to attend a disciplinary interview and he or she will be informed, usually in advance, of the allegations or complaint made against him or her. Employees may be accompanied at the interview by a work colleague. At the interview, the employer will be given the opportunity to state his or her case. Management may adjourn a disciplinary interview in order to consider the case and any representations made by an employee before making a decision.

If the complaint is upheld, the employee will be informed of any disciplinary action to be taken and of the right to appeal the decision.

**2. Operation of the Procedure**

This disciplinary procedure provides for warnings to be given for failure to meet our standards of job performance, conduct, attendance or for breach of any of the terms and conditions of employment. Upon the company invoking the disciplinary procedure, in the first instance the employee’s immediate superior will establish the facts surrounding the complaint (if appropriate, taking into account the statements of any available witnesses).

Investigations will take place where considered necessary in the interests of fairness and natural justice.

If the immediate superior of the employee then considers that it is not necessary to resort to the formal warning procedure or other disciplinary action, he or she will discuss the matter with the employee and, if appropriate, suggest areas for improvement. The discussion will insofar as possible be in private and the employee will be informed that no disciplinary action is being taken.

If in the circumstances the immediate superior of the employee considers it is necessary to take disciplinary action, he or she will inform the employee of that decision. Depending on the seriousness of the matter, the procedure may be invoked at any level, including summary dismissal.

It is possible that the employee may be suspended from work if he/she is accused of misconduct. This is not a pre-judgement of any decision that the company may ultimately reach – the company will not make any decisions until an investigation has been carried out. Suspension is typically driven by the disciplinary concerns the company has raised, the need to carry out a fair and unhindered investigation and all factors that the company has so far considered. So, if the company suspend an employee, it will be in order to cause the least disruption to the business while an investigation is carried out.

If an employee is suspended from work, the following factors will apply:

1. The employee will be prohibited from coming in to his/her normal workplace, or any other premises from which the company conducts its business
2. Unless the company gives the employee authorization to do so, the employee must not contact any staff, clients, customers or suppliers – unless the employee needs to contact a particular individual arising from his/her intention to request them to act as a witness for the employee (in which case the employee needs to inform the company first)
3. Provided that the employee’s contract terms do not contradict this, the company will continue to pay the employer his/her full entitlement. If the employee falls sick during his/her suspension period and he/she is unfit to work, the employee will be paid according to the company’s sickness policy, which might mean that the employee does not receive his/her full pay (i.e. if the employee is only entitled to statutory sick pay under his/her contract terms)
4. If pre-approved holidays fall during a period of suspension, they will count as holiday leave and will be deducted from the employee’s holiday entitlement as normal.

In all cases, a note of the sanction applied will be retained permanently on the employee’s personnel record.

Where appropriate, we may require medical reports and the employee will provide prompt assistance in providing these.

**3. Stages of disciplinary action**

There are four levels to the procedure. Depending upon the seriousness of the complaint, the procedure may be invoked at any level including, where appropriate, level 4 (dismissal).

**Stage 1 - Verbal Warning**

In the case of a minor complaint or offence, the employee will be given a formal oral warning. He or she will be advised that the warning constitutes the first formal level of the disciplinary procedure and that the warning will normally remain current for [6] months. The nature of the offence or complaint and the likely consequences of further offences or complaints or a failure to improve will be explained to the employee. The oral warning will be confirmed in writing to the employee.

**Stage 2 - Written Warning**

In the case of (i) a new offence or repetition of earlier minor offences during a current warning period; or (ii) a more serious new offence, the employee will be given a written warning. The warning will set out the precise nature of the offence or complaint, the likely consequence of further offences or complaints and specifying, if appropriate, the improvement required and over what period. The warning will be placed on the employee’s personal file and normally remain current for a period of [12] months.

**Stage 3 - Final Written Warning**

In the case of (i) a new or further repetition of earlier offences during a current warning period; or (ii) if the employee still fails to improve; or (iii) if the offence or complaint (whilst falling short of a breach justifying dismissal) is serious enough to warrant only one written warning, the employee will be given a final written warning. The warning will set out the precise nature of the offence or complaint and contain a statement that a recurrence will lead to dismissal or whatever other penalty is considered appropriate and specifying, if appropriate, the improvement required and over what period. The warning will be placed on the employee’s personal file and normally remains current for a period of [12] months.

**Stage 4 – Dismissal**

In the case of gross misconduct, or if all previous levels of the warning procedure have been exhausted, the employee will normally be dismissed but only after consideration of other possible disciplinary action including (but without limitation):

Demotion;

Loss of seniority or pay;

Suspension with or without pay depending on the circumstances.

If you are dismissed, you will be provided with written reasons for dismissal, the date your employment terminated and details of any notice pay to which you are entitled. You will also be informed of your right to appeal.

If you are demoted, you will be entitled to the salary and other terms and conditions of employment appropriate to the position to which you have been demoted. You have a right of appeal against demotion.

**Please Note: The Company reserves the right to enter this procedure at any stage if your misconduct warrants such action.**

**4. Gross Misconduct and Summary Dismissal**

The company will be entitled to dismiss an employee without notice in the event of gross misconduct or some other serious breach of our rules or of the terms and conditions of employment.

Examples of gross misconduct include but are not limited to:

* theft
* refusal to carry out a reasonable work instruction

deliberately ignoring safety or security rules, thereby endangering one’s own or others’ physical wellbeing or safety

* consumption of alcohol/non-medication drugs at work or attending for work while being, in our opinion, under the influence of alcohol/non-medication drugs
* harassment of or discrimination against fellow employees or any person with whom employees come into contact during the course of their work
* committing a criminal offence either at or outside work which in the opinion of the company undermines the trust between the employee and the company
* the fraudulent obtaining of money or other property from the company, its customers or any other third party
* deliberate falsification of company documents
* communicating confidential information without authority to any person not entitled to receive it.
* refusal to comply with the company search procedure\*
* refusal to undergo a medical examination at the company’s request\*

[\*Omit where the Alcohol and Drug Abuse Policy and Company Search procedure are not in use]

**5. Interim Review**

When appropriate (i.e., in cases of lateness, poor quality work etc) interim reviews will be set during the life of a warning. At these times, the employee will be interviewed regarding his or her progress since the warning was given. If everything is satisfactory, no further action will be taken.

If, however, no sustained improvement or progress has been made or if the situation has worsened, the next stage of the disciplinary procedure may be implemented without waiting for the expiry of the life of the present warning.

Such interim reviews will be undertaken in a positive manner and further disciplinary action will only be taken where merited.

**6. Appeals**

If the employee is dissatisfied with a disciplinary sanction, he or she may appeal in writing within [5] days. The employee will be notified of the identity of the person to whom an appeal should be made at the time a disciplinary decision is given.

In cases not involving dismissal, on presenting an appeal to the Company, the employee may continue to work or he or she may be suspended at the Company’s discretion.

Appeals will be heard and decided as soon as possible and usually within 8 working days of written notification that the employee will be exercising the right to appeal. If the appeal is to be heard beyond [8] working days the employee will be informed in writing.

Wherever practicable, the appeal will be heard by a more senior level of management in the Company than that taking the disciplinary action.

At the appeal, the employee shall have a full opportunity to state his/her case and to comment on any new evidence. Following an adjournment, the employee will be informed of the decision, which will be final.

The Company will confirm to the employee in writing the results of the appeal. If the appeal confirms a decision to dismiss, the effective date of termination will be the date that written notification of dismissal was originally given.

**General provisions**

Before any disciplinary action is taken, an employee will be informed, in advance, of the allegations or complaints made against them.

The procedure will ensure a thorough investigation of all the facts by management prior to implementing any action. Full particulars in relation to the disciplinary interview will be furnished to employees at the same time as they are requested to attend the disciplinary interview.

Pending a determination on a disciplinary matter, the company reserves the right to suspend an employee on full pay pending the outcome of an investigation.

Employees may be accompanied by a work colleague or a trade union representative at a disciplinary interview.

At the interview, employees will be given an opportunity to respond fully to the allegations or complaints. The company may adjourn a disciplinary interview in order to consider matters and any representations made by an employee before making a decision. If the complaint is upheld, the employee will be informed of the right to appeal the decision.