

## **Disciplinary procedure**

### **Prior to a meeting**

#### **Investigation**

Depending on the circumstances, you may be required to attend an investigation meeting before a decision is taken to invoke the disciplinary procedure. An investigation meeting is an informal meeting and therefore, you are not permitted to be accompanied unless you are under the age of 18 (when a parent or guardian will be permitted).

Depending on the outcome of the investigation, we will decide whether to proceed with a disciplinary meeting.

If it is decided there is no case to answer, then you will be informed of this either verbally or in writing. This will end the process.

#### **Suspension**

If necessary, at any point of the process we may suspend you from work on your basic salary and benefits while the investigation is completed. This is a purely precautionary action and would not affect the outcome or your future employment. Suspension is not formal action and will be for as short a period as possible, under constant review and would only be used after careful consideration.

#### **Invitation to a disciplinary meeting**

If you are required to attend a disciplinary meeting, you will be informed of this in writing.

In the letter, we will set out the issues that are to be considered, how seriously these are being viewed, the potential consequences and details of any intention to call witnesses. The letter will also inform you of the date and time of the meeting to allow you sufficient time to prepare your case.

The letter will also explain your right to be accompanied.

#### **The meeting**

The meeting will normally be chaired by your Line Manager or a Director. There may be a note taker present. The chairperson will not usually have been involved in any formal investigation prior to the meeting.

Our policy is that meetings are not recorded. You will be asked at the beginning of a meeting to confirm you are not recording the conversation. Any breach may lead to disciplinary action against you, up to and including dismissal. If you would like to record the meeting please speak to us beforehand and if we permit the recording, we will take responsibility for making the recording.

In certain circumstances, we may permit the meeting to be recorded electronically eg as an appropriate reasonable adjustment under the Equality Act 2010.

During the meeting you have every opportunity to respond. The meeting can be adjourned at any time by you or the chairperson and will be reconvened at the earliest opportunity.

You can bring your own documents to the meeting if you feel this would help your case, including witness statements. If it is reasonably believed that witness statements would not be adequate, you are able to invite a witness to the disciplinary meeting, so that the witness can be questioned by both the chairperson and yourself. You should inform the chairperson in advance of the meeting if you wish to invite a witness to your meeting.

The timing and location will be arranged to be reasonable for all involved and will normally be arranged at least three days in advance.

You should take all reasonable steps to attend the meeting. If your companion cannot attend, for a reason that was not reasonably foreseeable when the meeting was arranged, the meeting will be re-arranged. If the meeting has been postponed, please propose an alternative meeting date which is no more than five working days after the original date. If you do not attend this alternative meeting, it may result in the meeting being held without you.

The chairperson will be responsible for the final decision after holding an adjournment to consider all the facts properly and take advice if necessary. The adjournment will be for as long as it takes to make an informed decision. If further investigation is needed prior to a decision being made, an adjournment may last for as long as it takes to conclude this investigation. However, the meeting will be concluded and a decision communicated without undue delay.

### **After the meeting**

A decision will be taken as to whether we wish to take action. Before deciding on any action, we will consider any previous sanctions or informal action on your record, the seriousness of the issue, actions taken in any previous similar case and the explanations given by you, including any mitigating circumstances.

Where formal action (apart from dismissal) is taken, you will be advised in writing of:

- the issue(s) and the improvement required
- the timescale for achieving this improvement and a review date
- the time the action will remain on record
- any measures, such as additional training or supervision which will be taken with a view to improving performance
- what may happen if the improvement required is not achieved and
- your right of appeal

Where formal action is dismissal, you will be advised in writing of:

- the reason(s) for dismissal
- your effective last day and details about your notice
- the reason why dismissal was considered to be appropriate and
- the timescale for lodging an appeal and how it should be made

Where it is decided that no action will be taken, you will be informed of this decision in writing.

## Definitions

### Misconduct

Misconduct would normally warrant either a written or final written warning. A non-exhaustive list of examples includes:

- poor time-keeping
- absenteeism
- time wasting
- smoking in areas where it is prohibited to do so
- using materials or equipment for personal use
- failure to adhere to the Company's policies and procedures
- providing incorrect or unchecked advice to a client
- use or excessive use of a mobile phone in working hours

### Gross misconduct

Below are examples of offences and failures to meet our standards which may result in summary dismissal without notice or pay in lieu of notice. We also reserve the right to inform the Police of any criminal offences. A non-exhaustive list of examples of gross misconduct includes:

- excessive and unauthorised use of Facebook, Twitter, Bebo, LinkedIn or other similar forms of social media during working hours
- the misuse of IT or social media
- giving inaccurate or unauthorised advice which has resulted in a significant risk to the Company
- participation in any crime which relates to or affects ability to perform employment duties or participation in any criminal offence (excluding minor traffic offences) taking place on the Company's premises or during the course of employment
- the aiding or abetting of such a criminal offence
- the theft or attempted theft of property belonging to the Company, its employees, clients or any other persons
- possession of, or supplying any illegal drugs or psychoactive substances
- reporting for work when incapable through the effect of or under the influence of alcohol, illegal drugs or psychoactive substances
- causing deliberate damage to the Company's property (or property belonging to employees/clients/others)
- grossly insulting or discourteous behaviour towards clients, colleagues or management
- fighting, disorderly or violent conduct, threatening physical violence or indecent conduct or assault whilst on the Company's premises or client's premises
- any act of harassment, incitement, victimisation or discrimination on the grounds of sex, race or nationality, ethnic origin, marital status, sexual orientation, health, disability, faith or religion or similar
- deliberate falsification of records, including accounts, expenses or other information of a financial or statistical nature (or gross negligence in compiling such information)
- failure to disclose previous criminal convictions or material facts relating to previous employment, amounting to falsification of records
- grossly negligent behaviour endangering the health and safety of employees/ clients/others or their respective properties
- serious contravention of policies and procedures

- divulgence to outside parties of confidential information regarding the affairs of the Company, its employees, management or clients which could be damaging to our business
- breach or implied breach of any signed Non-Disclosure Agreement
- breach of the social media/networking policy
- unauthorised media contact or the making of defamatory remarks to outside parties regarding the Company, its employees and clients
- the giving away of the Company's property without payment or at an unauthorised discount
- unauthorised access to a computer and/or associated peripherals including software
- breach of professional confidence or ethics
- fraudulent recording of time worked or expenses
- serious insubordination
- taking sick leave when you are fit enough to go to work and failing without good cause to submit a valid medical certificate
- leaving your place of work without authority
- engaging in other work when claiming to be unfit for work due to sickness or injury
- any other act or omission which is or could be seriously detrimental to the good of the Company's business.

### **Sanctions**

There are three sanctions you could be given following a formal disciplinary meeting. They are normally applied in sequence but this will depend on the seriousness of the matter. They are:

#### **Level 1 (written warning)**

We may issue a level 1 written warning if your conduct does not meet the Company's standards. A level 1 warning will normally be issued by your Line Manager. Where, at the conclusion of the disciplinary meeting, we decide to issue such a warning, you will be informed of the following:

- the nature of the misconduct that has led to the warning
- that it is the first stage of our disciplinary procedure
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for taking any such action
- the consequences if you do not take the required action, fail to improve or there is further misconduct
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after 6 months but a longer period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing.

#### **Level 2 (final written warning)**

We may issue a final written warning if:

- the required improvement is not achieved within any timescale stated in a level 1 warning or
- further misconduct takes place during the timescale of a level 1 warning, whether or not involving a repetition of conduct which was the subject of a previous warning or

- the seriousness of the misconduct merits it, regardless of whether we have issued any previous warnings

A final written warning will normally be issued by a senior member of management. As with a level 1 warning, where, at the conclusion of the disciplinary meeting, we decide to issue a final written warning you will be informed of:

- the nature of the misconduct that has led to the final written warning, including any prior warning(s) taken into account
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for implementing any such action
- the fact that this is a final written warning and that the next stage of the procedure may be dismissal
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after 12 months, but a longer period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing.

### **Level 3 (dismissal, demotion, redeployment or transfer)**

Dismissal occurs when your employment is terminated either with or without notice. Dismissal without notice is also referred to as 'summary dismissal' and is restricted to cases of gross misconduct.

We reserve the right, at our complete discretion, to impose a sanction short of dismissal if it is deemed appropriate. This may include demotion, transfer to a different post or another appropriate sanction. Any such decision will be confirmed to you in writing once you have been informed of the outcome. You will have the right to appeal.