



## 1. DISCIPLINARY POLICY & PROCEDURES

### 1.1 Purpose and scope

The disciplinary procedure applies to all established employees/Subcontractors (that is employees who has successfully completed their probationary period). It is designed to help and encourage them to achieve and maintain acceptable standards of conduct, attendance, and job performance. The aim is to ensure consistent and fair treatment for all. Strict discipline is essential for the health, safety, welfare, and protection of individuals, as failure to perform to prescribed standards may have adverse consequences for the Company, its customers, subcontractors, and its employees. Employee/Subcontractor have a responsibility to perform to a satisfactory level and should be given every help and encouragement to do so. The Company has a responsibility to set realistic performance standards and to explain these to employees.

Where an individual is not performing to the required standards, the matter should be investigated before any action is taken.

- Informal action
- Investigating Poor Performance
- Identifying the Cause
- Representation
- Records of the Process

### 1.2 Principles

No disciplinary action will be taken against an employee/Subcontractor unless and until the case has been fully investigated. In circumstances where dismissal or termination of contract may result if an allegation is substantiated, then the employee may be suspended with pay until the investigation and the disciplinary interview have been concluded and in the case of a subcontractor removed from site. Pay during suspension means basic contracted pay, inclusive of any permanent allowances. This is also known as "Gardening Leave".

At every stage of the disciplinary procedure the employee will be advised of the nature of the complaint against him / her and will be given the opportunity to state their case before any decision is made. At all stages of the formal disciplinary procedure the employee will have the right to be accompanied by a representative, union member or member of ACAS during any investigatory or disciplinary interview or appeal.

No established employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice. Any established employee will have the right to appeal against any written formal disciplinary penalty imposed. The disciplinary procedure may be implemented at any stage (i.e. from 'verbal warning' to dismissal') if an employee's alleged misconduct or performance warrants such action.

### 1.3 Administration

In the case of all disciplinary interviews, a confidential interview report form must be completed at the time of the interview. This form, together with any notes of the interview and any supporting documentation, must be forwarded to the HR Manager who will take any action required such as the issue of any letters.

#### 1.4 Procedure – Informal

Minor faults may be dealt with informally by means of unrecorded verbal warnings. Where the matter is repeated or is more serious, the formal procedure detailed below will be used.

Cases of unsatisfactory performance are usually best dealt with informally. A quiet word is often all that is required to improve an employee's or sub-contractors conduct or performance and problems can be dealt with quickly and confidentially. There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working.

If informal action does not bring about an improvement, or unsatisfactory performance is too serious to be classed as minor then the employee must be informed of this and the company disciplinary process invoked.

Investigating Poor Performance - Any investigation should consider the background, length of service, previous career history and past performance of the employee. In assessing the problem, the following questions should be addressed:

- Is there an underlying health problem?
- Has there been a gradual or sudden deterioration?
- Is it really a case of deterioration, or has the poor performance been noted but tolerated previously?
- Are personal or domestic difficulties creating problems?
- Has the employee changed jobs recently?
- Is the employee on probation, or new to the job and struggling to cope with the job?
- Has the work been re-organised, or the duties redistributed?
- Is there any friction between the employee and the manager or other colleagues?
- Has the employee's line management or reporting line changed?
- Is the performance consistently poor, or are there times when it is better than others?
- Does the employee perform some tasks better than others?

##### (a) Identifying the Cause

There are several causes of poor performance, of which the most common are listed below:

- Inexperience or lack of training - a common problem during probation.
- Lack of skill - often characterised by poor quality work, sometimes in more than one area of the job. It may have been brought about by new work practices, for example the introduction of computers. Technical developments may have rendered the employee's specialist training/education obsolete, or the employee may simply have been promoted beyond his/her capability.
- Lack of aptitude - often characterised by poor- or low-quality work in one or more areas of the job. To differentiate between lack of skill and lack of aptitude, it is essential to know something of the employee's history. An employee who has performed successfully in one area may not have the aptitude to work in another area.
- Poor health - often characterised by prolonged or frequent absences and patchy performance. This requires particularly sympathetic and sensitive handling.
- Domestic or personal problems - often characterised by frequent minor absences and lack of concentration on the job.
- Working relationships - problems arising from the relations between the employee, manager, or colleagues.
- Attitude problems - these include laziness, conduct and behavioural problems, lack of commitment, poor attendance or timekeeping, the inability to maintain good or effective personal and/or working relationships and carelessness or negligence.
- By exploring such issues, the manager and the individual concerned may determine the cause(s) and thus identify measures that are likely to be effective in resolving the problem.

Where the reason for the poor performance- is found to be a lack of the required skills, the employee will, wherever practicable, be given the appropriate training/coaching and given reasonable time to reach the required standards.

However, where the poor performance continues in spite of informal discussion and/or appropriate training/coaching, then the disciplinary procedure will be followed, ensuring that reasonable objectives/time scales in which to improve are set. Any objectives set should be Specific, Measurable, Achievable, Realistic and Time-bound. (SMART).

They should concentrate on key, identified areas of competence within the post concerned. It is important to try and reach agreement with the individual about the objectives set and time scales for improvement

Every attempt should be made to support the achievement of the objectives within the times scales set including one-to-one coaching and training.

(b) Representation

The employee (and any other employees interviewed) has the right to be represented at all meetings by, either a union representative, staff association representative or an available work colleague of their choice. It is the employee's responsibility to ensure that the chosen individual is available at the time of the meeting and is willing to act on behalf of the employee. Reasonable paid time will be allowed for any relevant meetings.

(c) Records of the Process

Even in the case of informal action it is necessary for records to be kept of the nature of the inefficiency; the communication of this; subsequent action taken; and the reasons for the action taken. Copies of meetings and correspondence will be given to each party involved (line manager; Human Resources, employee).

Any warnings will be disregarded for disciplinary purposes after they lapse.

## 1.5 Procedure - Formal

### (a) Stage One – Verbal Warning

If the employee's conduct or performance does not meet acceptable standards or does not improve as required following any informal warnings, the employee will be interviewed and given a **RECORDED VERBAL WARNING** by his / her Manager (or other authorised manager).

At the conclusion of the interview, the interviewing manager will confirm to the employee:

- The nature and detail of the complaint
- The improvement(s) required of the employee
- The required timescale of those improvement(s)
- That further disciplinary action may result if there is not the required improvement(s) and/or there is any repetition of the matters in question during the currency of the warning

The completed documents and any accompanying evidence will be retained on the employee's personal file but the warning will be deemed spent after 3 months have elapsed from the date of the interview, subject to satisfactory conduct and / or performance during that time.

### 1.6 Stage Two – Written Warning

If a more serious offence is committed, or there is a repetition of a previous offence, or if there is no improvement following any recorded verbal warning, the employee will be interviewed and a **FIRST WRITTEN WARNING** may be issued to the employee.

This written warning will confirm the information advised to the employee during the disciplinary interview by the interviewing manager, i.e:

- The nature and detail of the complaint
- The improvement(s) required of the employee
- The required timescale for those improvements
- The employees right of appeal

- That further disciplinary action may result if there is not the required improvement(s) and or there is any repetition of the matters in question during the currency of the warning

A copy of the written warning will be retained on the employee's personal file but will be deemed spent after 6 months have elapsed from the date of the interview, subject to satisfactory conduct and/or performance during that time. Copies of the written warning will be sent to the interviewing officer and any representative assisting the employee concerned.

(a) Stage Three – Final Written Warning

If conduct or performance remains unsatisfactory, and / or if the employee still fails to reach the required standards within prescribed timescales, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal, a FINAL WRITTEN WARNING will normally be issued to the employee.

This final written warning will confirm the information advised to the employee during the disciplinary interview by the interviewing officer, including:

- The nature and detail of the complaint.
- The improvement(s) required of the employee.
- The required timescale for such improvement(s)
- The employee's right to appeal.
- That dismissal may result if there is not the required improvement and/or there is any repetition of the matters in question, during the currency of the warning.

A copy of the final written warning will be retained on the employee's personal file but will be deemed spent after twelve months have elapsed from the date of the interview, subject to satisfactory conduct and performance during that time.

Copies of the final written warning will be sent to the interviewing manager and the representative assisting the employee concerned.

(b) Stage Four – Dismissal

If conduct or performance remains unsatisfactory, and / or if the employee still fails to reach the required standards within prescribed timescales, and/or if there is any repetition of the offence, or if the employee commits an act of gross misconduct, then DISMISSAL will normally result.

Interviews, which may potentially result in dismissal, are to be conducted by a manager of at least Operational Manager level, or equivalent.

Before a disciplinary interview which may result in dismissal takes place, the matter must be referred by the interviewing manager to an HR Advisor, as means of confirming that the matter has been brought to the attention of a senior manager.

Also, if the allegation is substantiated then the interviewing manager is authorised to dismiss the employee concerned, if deemed appropriate so to do by that interviewing manager.

It must be emphasised that this `referral is in no respect to be interpreted as an instruction to dismiss an employee but to ensure that due diligence is carried out prior to such a serious decision being taken. Such decisions are left entirely to the judgement of the interviewing manager.

In the event an employee is dismissed, then within fourteen days of the date of dismissal he/she will be furnished with a letter confirming that information originally advised to him/her by the interviewing manager during the disciplinary interview, including:

- The reason(s) for his/her dismissal.
- The date on which their employment ceased (or will cease in the case of employees working a notice period).
- The employee's right of appeal.

Copies of such letters will be sent to the interviewing manager. As an alternative to dismissal, the following penalties may be considered by management, if deemed appropriate:

- Transfer to another site or location at the appropriate rate(s) for the job at that site or location
- Downgrading or demotion.
- The opportunity to resign.

## 1.7 Gross Misconduct

If an employee is accused of an act of gross misconduct, or of misconduct serious enough to warrant dismissal if substantiated, then he/she will normally be suspended from work whilst the Company investigates the alleged offence. Such suspension will be with pay (although see below), which will continue until the disciplinary interview has been concluded. If the disciplinary interview is adjourned for any reason, the employee will remain on paid suspension until the interview has been reconvened and concluded.

An employee may only be suspended without pay if he/she refuses to co-operate with the disciplinary process, e.g. by failing to attend an investigatory interview, or failing to remain in contact with the Company during the investigation, or failing to attend a disciplinary interview. The following list provides examples of offences, which are normally regarded as gross misconduct. The list is not exhaustive.

- Theft, fraud, or deliberate falsification of records
- Fighting or assault on another person
- Deliberate damage to Company, Customer, or third-party property
- Consumption of alcohol or illegal substances
- Serious negligence or breach of the Company's or clients operational or Health & Safety procedures whilst on duty
- Serious breach of statutory regulations
- Discussing Company business with any unauthorised third party, e.g. press, media.
- Sleeping whilst on duty
- Unauthorised private use of Company or Customer equipment (e.g. telephone lines, computer equipment etc)
- Serious act of insubordination, offensive or abusive behaviour
- Leaving a post without permission
- Serious breach of the company's equal opportunities policy

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