

DATED

TRANSLATE PLUS LIMITED

UK DISCIPLINARY RULES AND PROCEDURES

LAYTONS

GUILDFORD



LONDON



MANCHESTER

1. DISCIPLINARY RULES AND PROCEDURES

- 1.1** When people work together certain principles and standards must be maintained and it is believed that these are only what employees would expect to find in any workplace. Any changes in rules and regulations will be published on company Notice Boards.
- 1.2** The purpose of the Company's disciplinary rules and procedures is to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance and to ensure that any failure to observe the Company's rules is fairly dealt with. These rules and procedures do not form part of your contract of employment and are provided for information purposes only for all employees who have completed their initial probationary period.
- 1.3** All cases of disciplinary action under these procedures will be recorded and placed in the appropriate Company records.

2. INVESTIGATIONS

- 2.1** No action will be taken by the Company before a proper investigation has been undertaken by the Company relating to the circumstances of the matter complained of. If appropriate, the Company may, by written notice, suspend you from work for a specified period during which time such an investigation will be undertaken. However, this will not be considered as disciplinary action at this stage. If you are suspended, your contract of employment will be deemed to continue together with all your rights thereunder, including the payment of wages. During the period of suspension, however, you will not be entitled to access to the Company's premises, except with the prior consent of the Company and subject to such conditions as the Company may impose.

3. DISCIPLINARY HEARING

- 3.1** If, under these procedures, the Company decides to hold a disciplinary hearing relating to the matter complained of, you will be given details of the complaint against you at least two working days before any disciplinary hearing takes place. At any disciplinary hearing you will be given an opportunity to state your case and you are also entitled to be accompanied by a companion of your choice who may be a colleague, a trade union representative or a trade union official certified in writing by his or her union as competent to act as a worker's companion at a disciplinary hearing. Your companion will be allowed to address the hearing to put and sum up your case and confer with you, but does not have the right to answer questions on your behalf.

4. DUTY TO REPORT MISCONDUCT

- 4.1** It is expected that you will act with utmost honesty at all times. Should any matters of concern come to your attention you must report them immediately to a Director. The Company sees it as your duty to report any acts of misconduct, dishonesty, bribery, breach of Company rules or procedures, or failure to comply with the Company's cash handling requirements committed, contemplated or discussed by any other member of staff or by you or other third party. The Company will treat whatever you have reported with confidentiality as far as this is practicable.
- 4.2** Should you fail to act in accordance with the above provisions the Company reserves the right to treat this as a disciplinary matter which could if the circumstances warrant it lead to summary dismissal.

5. DISCIPLINARY ACTION

- 5.1** Offences under the Company's disciplinary procedures fall into two categories:-
- 5.2** Misconduct

Examples of misconduct are as follows:-

- 5.2.1 Persistent lateness;
- 5.2.2 Unreasonable or unexplained absence;
- 5.2.3 Frequent instances of absenteeism;
- 5.2.4 Minor damage to the Company's property;
- 5.2.5 Smoking in no-smoking areas;
- 5.2.6 Misuse of Company property;
- 5.2.7 Non compliance with the Company's sickness reporting procedure;
- 5.2.8 Abusive verbal behaviour including the use of obscene or offensive language;
- 5.2.9 Unsatisfactory job performance;
- 5.2.10 Bribery and fraud.

This list is not intended to be exhaustive or exclusive and offences of a similar nature or severity will be dealt with in a similar manner.

The following procedure shall apply to cases of alleged misconduct:-

6. VERBAL WARNING

- 6.1** If conduct or performance is unsatisfactory, you will be given a formal verbal warning with details of the reason for the warning and of the required improvement in your conduct or performance within a stipulated time period, failing which further disciplinary action will be taken. The formal verbal warning will be recorded and will remain on your file for a period of 6 months but, subject to satisfactory conduct or performance, will be removed from your record following the expiry of that period.

7. FIRST WRITTEN WARNING

- 7.1** If the offence is of a more serious nature or if, following a verbal warning, your conduct or performance is still unsatisfactory, a first written warning will be given to you which will state the reason for the warning and will require an improvement in your conduct or performance within a stipulated time period, failing which further disciplinary action will be taken. The written warning will remain on your file for a period of 12 months but subject to satisfactory conduct and performance, will be removed from your record following the expiry of that period.

8. FINAL WRITTEN WARNING

- 8.1** If the offence is very serious but does not amount to gross misconduct or if, following a first written warning, your conduct or performance is still unsatisfactory, a final written warning will be given which will state the reason for the warning and will require an improvement in your conduct or performance within a stipulated time period, failing which further disciplinary action will result which could ultimately lead to dismissal. This warning will remain on your file for a period of 12 months but subject to satisfactory conduct and performance, will be removed from your record following the expiry of that period.

9. DISMISSAL

- 9.1** If, following a final written warning, there is no satisfactory improvement in your conduct or performance, you will be dismissed.
- 9.2** N.B. In relation to the above, the Company reserves the right to instigate the disciplinary procedure at any stage that it feels to be appropriate and/or, if necessary, to omit any particular stage depending on the severity of the misconduct or failure to perform.

10. GROSS MISCONDUCT

Examples of gross misconduct are as follows:-

- 10.1.1 Acts of dishonesty, fraud, or deliberate falsification of records;
 - 10.1.2 Physical assault;
 - 10.1.3 Gross insubordination;
 - 10.1.4 Violent or abusive physical behaviour;
 - 10.1.5 Breach of duty of confidentiality;
 - 10.1.6 Sexual or racial harassment or harassment of individuals who have or have had a disability;
 - 10.1.7 Deliberate breach of the Company's Health and Safety Rules;
 - 10.1.8 Fighting on the premises;
 - 10.1.9 Vandalism or wilful or serious negligent or damage to company property;
 - 10.1.10 Serious breach of the Company's Computer Policy;
 - 10.1.11 Making false or fraudulent claims against the Company
 - 10.1.12 Sale of illegal items and/or sale or consumption of alcohol or illegal drugs on Company premises or being under the influence of alcohol or illegal drugs at work;
 - 10.1.13 Material non-compliance with the Company's sickness or security procedures;
 - 10.1.14 Failure to disclose any criminal convictions (other than spent convictions).
 - 10.1.15 Failure to comply with lawful and reasonable instructions;
 - 10.1.16 Rudeness or abuse shown to any of the Company's customers or employees;
 - 10.1.17 Unauthorised borrowing/ withdrawal of cash from Company funds;
 - 10.1.18 Unauthorised removal of company property;
 - 10.1.19 Any conduct (including conduct outside normal working hours) likely to bring yourself or the Company into disrepute (including, without limitation, any conviction of a criminal offence)
 - 10.1.20 Bribery.
- 10.2** This list is not intended to be exhaustive or exclusive and offences of a similar nature or severity will be dealt with in a similar manner.
- 10.3** If it is established, after investigation and disciplinary hearing that you have committed an act of gross misconduct you will be summarily dismissed. Whilst the alleged gross misconduct is being investigated you may be suspended in accordance with the provision set out above, but this will not constitute disciplinary action at this stage. If the Company takes the decision to dismiss you, you will be advised of the reason for dismissal and the date upon which your employment will be terminated.

11. DISCIPLINARY SANCTIONS

11.1 The Company may impose one or more of the following as an alternative to (or in addition to) any disciplinary action:

- 11.1.1 offer alternative employment to the employee at a lower grade;
- 11.1.2 demote the employee;
- 11.1.3 suspend the employee (with or without pay);
- 11.1.4 introduce a period or periods of retraining at a lower grade;
- 11.1.5 withdraw the employee from participation in any bonus scheme, incentive scheme, shift or attendance allowance scheme.
- 11.1.6 withdraw the employee from a progression plan

11.2 The Company may reduce your salary or wages, benefits or privileges consequent upon demotion, re-training or withdrawal from any bonus or other remuneration.

12. APPEALS

12.1 If you wish to appeal against any disciplinary decision taken by the Company at any stage, you may do so by an appeal in writing to a Director within 5 working days of the disciplinary decision being received by you. At such appeal you will be entitled to attend to state your case and to be accompanied by a companion of your choice who may be a colleague, a trade union representative or a trade union official certified in writing by his or her union as competent to act as a worker's companion at a disciplinary hearing. The decision of the appeal hearing will be confirmed in writing to you.

12.2 In serious cases, a further appeal hearing may be held with the Managing Director, within 5 working days following the first stage appeal. You will be entitled to attend the appeal hearing to state your case and to be accompanied by a companion of your choice who may be a colleague, a trade union representative or a trade union official certified in writing by his or her union as competent to act as a worker's companion at a disciplinary hearing. The decision of that appeal hearing will be final.

12.3 In relation to the above, if the Company's disciplinary procedure is invoked as a result of complaints of discrimination or harassment contrary to the Company's equal opportunities policy being raised against you, and the offence is proved, the severity of the penalty imposed on you will be as provided in the disciplinary procedure, i.e. gross harassment or discrimination will normally result in summary dismissal.

- 12.4** In circumstances where a lesser penalty is appropriate, for example a written warning, this may be coupled with further action by the Company to ensure that the complainant is able to continue working without embarrassment or anxiety. This may include, following consultation with you, your transfer to a different work area or an amendment to working practices to minimise contact between you and the complainant if appropriate.