



10. Disciplinary Procedure, Action And Appeals

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The primary objective of the Company's Disciplinary Procedure is to ensure that all disciplinary matters are dealt with fairly and consistently, respecting the right to protection from unfair dismissal from the first day of employment. All employees, regardless of tenure, will be subject to a fair investigation and consultation process prior to any dismissal consideration.

10.1 Disciplinary Procedure

In all but a few straightforward cases (e.g., lateness), the Company will first investigate all allegations of potential disciplinary offences to establish the facts before deciding whether to invoke the Disciplinary Procedure.

It may be necessary for the Company to suspend the employee whilst an investigation is taking place. Any suspension will be kept to a minimum and will be on full pay. Suspension does not in itself constitute disciplinary action.

Where the Company decides to invoke the Disciplinary Procedure, it will write to the employee, setting out the basis and grounds for potential disciplinary action and inviting the employee to a disciplinary meeting. The Company will give the employee reasonable notice of the requirement to attend the meeting to allow the employee to prepare his or her case.

Employees are entitled to be accompanied by a fellow employee or by a trade union official at the disciplinary meeting, and the Company encourages them to make use of this entitlement.

The Company will give the employee the opportunity to state his or her case at the disciplinary meeting before it decides whether or not to take any disciplinary action.

Following the disciplinary meeting, the Company may take disciplinary action against the employee. In any event, the employee will be informed of the outcome of the meeting as soon as possible.

Employees have the right to appeal against any disciplinary action taken against them, or in the event of their dismissal, in accordance with the Disciplinary and Dismissal Appeals Procedure.

10.2 Disciplinary Action

The severity of the disciplinary action, if any, will be determined by the severity of the offence. For relatively minor first offences the Company will normally impose a Verbal Warning. If the employee persists with the offence in question, the Company may, having followed the Disciplinary Procedure in each instance, apply a Written Warning followed by Final Written Warning and eventually dismiss the employee. It is important to note that the Company has the discretion to award any level of disciplinary sanction for any offence (including a first offence) as it may deem appropriate on the facts of the case.

For more severe first offences the Company may apply a Written Warning or Final Written Warning if appropriate. In cases of gross misconduct the Company will normally dismiss the employee summarily, i.e., without notice.

A summary of the disciplinary actions that may be imposed is set out below.

10.2.1 Verbal Warning

The Company will advise the employee that his or her standard of conduct or performance has been unacceptable and that a failure to improve will result in further disciplinary action. The required standard will be outlined. The warning will be given verbally and subsequently confirmed in writing.

10.2.2 Written Warning

As for a Verbal Warning, but normally applied following a second disciplinary offence (but may be applied after a more serious first offence). The employee will be advised in writing that a failure to improve the standard of conduct or performance will result in further disciplinary action.

10.2.3 Final Written Warning

As for a Written Warning, but normally applied following a third disciplinary offence (but may be applied after a very serious first offence). The employee will be advised in writing that a failure to improve the standard of conduct or performance will result in dismissal.

10.2.4 Dismissal

The employee may be dismissed either with or without notice, with protections against unfair dismissal applicable from the first day of employment. Dismissal without notice, or 'summary dismissal,' is generally restricted to cases of gross misconduct. However, regardless of length of service, all dismissals will adhere to fair procedural standards, including investigation and consultation, to ensure compliance with employee protections.

10.3 The Right to be Accompanied

10.3.1 Formal Meetings

Employees are entitled to be accompanied by a work colleague or trade union official at any formal disciplinary, grievance or appeal meeting.

An employee under the age of 18 may choose to be accompanied by a parent or legal guardian.

An employee who wishes to take advantage of this right must notify the Company of the name and position of his or her chosen companion. The Company may refuse to allow the companion to attend the meeting if the Company considers there may be a conflict of interest. If so, the Company must allow the employee to choose a different companion.

The meeting may be delayed for up to five working days if the companion is not available to attend.

10.3.2 Informal Investigations

The Company will normally not allow an employee to be accompanied by a companion at an investigatory meeting unless there are exceptional circumstances.

10.4 Disciplinary and Dismissal Appeals

Employees have the right to appeal against any disciplinary action taken against them or in the event of their dismissal.

All appeals must be made in writing no later than the end of the third working day after the employee has been notified in writing of the disciplinary decision or dismissal. The first of these three working days is the day on which the employee received written confirmation of the Company's decision.

The employee should submit the written appeal to the HR Director.

The Company will arrange and hold an appeal meeting as quickly as possible. The employee will be entitled to attend the appeal meeting and will be given an opportunity to state his or her case. The employee must take all reasonable steps to attend this meeting.

The Company will inform the employee in writing of its decision in response to the employee's appeal within three working days of the meeting.

The decision at this stage will be final.

All meetings provided for in this Procedure will be arranged as quickly as possible. The purpose of this Procedure is to resolve at the earliest opportunity any issues raised. While the Company will make every effort to settle issues within the time limits indicated, this may not be possible on occasions. In these circumstances an extension of time may be arranged.

At all stages of the Procedure an employee is entitled to be accompanied by a fellow employee or a trade union official.