

## **Disciplinary Policy:**

### **Purpose:**

The disciplinary policy of (Company) is designed to help and encourage all employees to achieve and maintain high standards of conduct, job performance and attendance.

The disciplinary policy aims to help employees whose performance, attendance or conduct falls below company requirements to achieve the necessary improvement.

Formal procedures are vital to ensure consistent and fair disciplinary action at all times.

### **Scope:**

The policy applies to all employees of (Company Name) who have successfully completed their probationary period.

### **Employee Rights:**

(Company) undertakes to follow a fair and consistent procedure in relation to the application of the disciplinary policy.

At all stages of the procedure the principles of natural justice and fairness will apply.

At each stage of the disciplinary procedure, employees will have the right to:

- Be informed of the complaint against them and be given sufficient opportunity to present their case and call witnesses to support their case, as appropriate.
- Be accompanied to disciplinary meetings by a work colleague
- Be normally not dismissed for a first offence, other than gross misconduct.
- Be informed and encouraged to use the right of appeal.

The company reserves the right to skip stages of the disciplinary procedure depending on the seriousness of the allegation.

### **Procedure:**

The company reserves the right to take disciplinary action on the basis of:

- a breach of a contractual or established work rule
- poor performance
- capability issues
- misconduct
- gross misconduct
- high levels of absence

The disciplinary policy allows for a progressive series of warnings to be issued. As a general rule, the stages to be followed are:

1. Informal Discussion
2. Verbal Warning
3. First Written Warning
4. Final Written Warning
5. Dismissal

The disciplinary process can be invoked at any of these stages depending on the seriousness of the allegation.

### **1) Informal Discussion, Pre-Disciplinary**

- If an employee's performance, attendance or conduct falls below an unacceptable level, their immediate manager will informally make them aware that this is unacceptable, and point to how it is to be improved.
- If the standard of work continues to deteriorate, or there is a breach of regulations, the formal disciplinary procedure begins. This counselling will be recorded on the employee's personnel record.

### **2) Formal Verbal Warning**

- Should an employee's performance, attendance or conduct fail to improve they will be invited to attend a disciplinary meeting where the matter will be fully investigated by the employee and their immediate manager
- If arising out of this meeting the employee's breach of standards is deemed unacceptable they may be issued with a verbal warning which is the first stage of the company's formal disciplinary procedure.
- The employee will be informed that the continuation of the breach is unacceptable and the manager will inform the employee how and to what extent the individual is falling short of expected standards, the time-scale for improvement and the consequences of failure to improve.
- This warning will remain active for disciplinary purposes for six months from date of final decision.

### **3) First Written Warning**

- If in the first instance the offence is more serious, or if there are no improvements arising from the formal verbal warning, the employee will be invited to attend a disciplinary meeting where the matter will be fully investigated by the employee and the relevant manager.
- If arising out of this meeting the employee's breach of standards is deemed unacceptable they may be issued with a first written warning which is the second stage of the company's formal disciplinary procedure.
- The employee will be informed of the extent to which they are falling short of the expected standards, the time-scale for improvement and the consequences of the failure to improve.
- This written warning will be active on the personnel file a period of twelve months, from date of final decision, unless there is repetition within the agreed review period.

#### **4) Final Written Warning**

- If the offence is very serious, or there is no improvement arising from the first written warning, the employee will be invited to attend a disciplinary meeting where the matter will be fully investigated by the employee and the Manager.
- If arising out of this meeting the employee's breach of standards is deemed unacceptable they may be issued with a final written warning
- Again the employee will be informed of the extent to which they are falling short of the expected standards, the time-scale for improvement and the consequences of the failure to improve, which may result in dismissal.
- This written warning will be active on the employee's personnel file for a period of 12 months, from date of final decision, unless there is repetition within the agreed review period.

#### **5) Dismissal Following a Series of Warnings**

- If warnings under the previous stages have proved ineffective, and there is sustained failure to improve standards, the employee may be:
  - Given due notice of termination of employment
  - Terminated with pay in lieu of notice
  - Transferred to other duties, including demotion.

The company reserves the right to initiate the disciplinary process at any stage taking into account the seriousness of the allegation

Persistent failure to attend a disciplinary hearing may result in the hearing being held in the employee's absence and the decision being communicated to them in writing.

#### **Gross Misconduct:**

Serious (Gross) Misconduct may result in the summary dismissal of the employee, without recourse to the above stages, after a full investigation has been completed.

Employees who are summarily dismissed will not be entitled to notice, or payment in lieu of notice.

The following are examples of misconduct, which may be defined as gross misconduct leading to summary dismissal.

- Theft
- Fraud or deliberate falsification of records
- Violence, threats of violence, intimidation or fighting
- Sexual, racial or other harassment
- Bullying
- Unauthorised use or disclosure of confidential information
- Attending work under the influence of alcohol or non-medically prescribed drugs
- Any action that may bring (Company) into disrepute
- Serious acts of insubordination
- Any criminal offence that may adversely affect the interest of the company or its employees

The above list is not exhaustive

Should the company have any reason to suspect gross misconduct, the employee may be suspended with full pay pending the investigation. Suspension with pay will not constitute disciplinary action.

**Appeal:**

At all stages of the disciplinary procedure, the employee shall have the right to appeal against the decision. From receipt of a warning at any stage of the procedure, an employee may appeal the warning within seven working days. The grounds of appeal should be submitted in writing.