**Procedure**

We are committed to treating all employees fairly and equitably and to help employees to perform effectively. However, there will be occasions when it may be necessary to invoke the disciplinary procedure. Should the need arise, the employee will usually be given the opportunity to improve throughout the stages of the procedure.

When work falls below an acceptable standard, help will usually be given to the employee to improve. Please refer to our Capability Policy. Similarly, when an employee’s behaviour is potentially inappropriate and unacceptable, the Company may initiate the disciplinary procedure.

**Informal pre-disciplinary discussion**

Where appropriate, prior to using the formal aspects of our disciplinary procedure, a pre-disciplinary discussion will be held with the employee.

Minor misconduct or minor breaches of rules will normally result an in informal warning being given by the immediate line manager. This will not be recorded in writing. If that approach is not successful, we may escalate it to the formal disciplinary procedure.

**Formal disciplinary procedure**

If disciplinary action should become is necessary, each case will be treated consistently and fairly, and the disciplinary procedure will be observed at all steps.  This procedure will be used in cases of a breach of the rules that have not been remedied by an informal warning.   The employee will be given the opportunity to provide their version of events and any mitigating circumstances will be considered. An employee’s rights will be upheld at all times, and employees will have the right to:

* Know the case against him/her;
* Reply;
* Due consideration of their case;
* Be accompanied; and
* Appeal.

This policy is adopted on a non-contractual basis and therefore does not make up part of employees’ contractual terms and conditions.  We may amend it at any time.  This procedure applies to all employees regardless of length of service.  It does not apply to agency workers or self-employed contractors.

**Investigation**

Prior to taking the decision to invoke the disciplinary procedure and before any disciplinary hearing is held, we will ensure that a thorough investigation is carried out. This is a fact-finding process and may necessitate the gathering of detailed information as well as the carrying out of formal interviews, taking of written statements, etc.

A proper investigation is an integral part of the process, and, in some cases of alleged misconduct, we may require employees to be suspended on contractual pay whilst this or the full disciplinary procedure is carried out. Suspension on pay is not considered to be a sanction taken under the disciplinary procedure. It is there to ensure that issues are dealt with in a fair and reasonable manner, and adequate protection is given to all employees.  While suspended, the employee should not visit our premises or contact any of our clients, customers, suppliers, contractors, or staff, unless authorised to do so.

**Disciplinary Hearing**

We will give you written notice of the hearing, including sufficient information about the alleged misconduct and its possible consequences to enable you to prepare.  You will normally be given copies of the relevant documents, witness statements and other evidence.  If there are reasons for conducting the hearing remotely, we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing.  In some cases, the use of remote hearings may not be appropriate, in which case the hearing will take place in person, where possible.

You may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion.

You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.

We will inform you in writing of our decision, usually within one week of the hearing.

From the first formal step of the disciplinary procedure there will be the presence of the immediate line manager in conjunction with another member of the management team.

**Disciplinary action and dismissal**

The usual penalties for misconduct are:

**First written warning (step one)**

A first written warning will be applied where the matters of concern are substantiated and where there are no other active written warnings on the employee’s disciplinary record. A record of the first written warning will be given to the employee and a copy will be retained on the personnel file for six months unless there is repetition within this period.

**Final written warning (step two)**

In case of further misconduct where there is an active first written warning on the employee’s record, a final written warning will be applied where the matters of concern are substantiated. A record of the final written warning will be given to the employee and a copy will be retained on the personnel file for twelve months unless there is repetition within this period. The employee will be informed that further misconduct within the specified period may result in their dismissal.

**Dismissal or action short of dismissal (step three)**

An employee will be dismissed for further misconduct where there is an active final written warning on the employee’s record. In the event of a gross misconduct allegation, we may enter the process at step three and dismissal for first offence may occur. As an alternative to dismissal, we may decide that suspension without pay, transfer/re-deployment, demotion and/or an extension of the employee’s final written warning are appropriate sanctions.

Where a warning is issued a copy will be placed on the employee’s file for the specified period. All warnings issued under this procedure will state clearly that the employee will be liable for further disciplinary action should there be a further breach of Company rules. In the event of no further misconduct the warning will be removed and the employee’s file will be clear. The employee will also be advised of their right to appeal against the decision to take disciplinary action.

**Gross misconduct**

The following offences will be viewed by the organisation as gross misconduct:

* Unauthorised use of the Company’s assets and equipment;
* Serious insubordination e.g. refusal to carry out duties or obey reasonable instructions, except where employee safety may reasonably be in jeopardy;
* Sexual harassment, harassment, victimisation, bullying, physical violence, dangerous or intimidatory conduct;
* Serious breach of rules, policies or procedures, especially those designed to ensure safe operation;
* A serious breach of confidence;
* Divulging or misusing confidential information;
* Theft of fraud;
* Possession or consumption of alcohol or drugs, or intoxication by reason of alcohol or drugs, which could affect work performance in any way or have an impact on other employees;
* Unauthorised or inappropriate use of email, internet and/or computer systems including but not limited to accessing internet sites containing pornographic, offensive or obscene material;
* Falsification of any Company records including reports, accounts, expenses claims or self-certification forms;
* Causing loss, damage or injury through serious negligence;
* Bringing unauthorised person(s) onto Company premises; or
* Bringing the Company into serious disrepute.

This list of examples is not exhaustive or exclusive, and offences of a similar nature will be dealt with under this procedure. Gross misconduct will result in the initiation or escalation of the disciplinary procedure and may result in immediate dismissal without notice or pay in lieu of notice (summary dismissal).

**Appeals**

At every step, the employee has the right to appeal in writing. In all cases of dismissal or demotion, the managing director will be considered as the final arbiter.  If you wish to appeal, you should do so

in writing within five working days of the decision. You will be invited to attend an appeal hearing, after which a decision will be made on whether the disciplinary sanction is to be upheld or overturned. You may bring a trade union representative or colleague to the hearing with you.  The decision of the appeal panel will be final.  We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing.  There is no further right of appeal.

**Third parties**

We reserve the right to engage an independent third party to assist at any stage of the disciplinary procedure.

**Further Guidance**

**www.acas.org.uk/disciplinary-procedure-step-by-step**