



## Disciplinary Procedure

### Purpose and scope

In order that the Company can operate its business effectively, it requires all employees to achieve and maintain high standards of conduct, performance and attendance. This procedure applies to all employees, and should be read in conjunction with the Underperformance Guidelines (Operations or Sales). Employees in their probation period may be subject to a shortened disciplinary process but where possible will be invited to a formal meeting to review any conduct or performance issues.

For avoidance of doubt, this formal procedure (and any other disciplinary procedure as may be applicable to the Company's employees from time to time) does not form part of your contract of employment. The Company will not be under any contractual obligation to follow any such procedure in relation to any disciplinary matter. The disciplinary rules relating to conduct and performance do form part of your contract.

Wherever possible, managers and employees are encouraged to resolve issues informally. However where this hasn't brought the desired improvement or where concerns are very serious, the formal procedure set out below may be followed.

The aim is to ensure consistent and fair treatment for everyone working in the business.

### Principles

- Informal action will always be the preferred means of resolving issues of underperformance, misconduct or attendance, where appropriate.
- At each stage of the procedure the employee will be advised of the nature of the problem prior to the disciplinary meeting, at which he/she will have the opportunity to state his or her case before any decision is made.
- At all stages of the procedure, the employee will have the right to be accompanied to disciplinary meetings by a work colleague or trade union representative.
- An employee will have the right to appeal against any discipline imposed.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action (see above).

### The Procedure

#### Stage 1 - Improvement notice or first written warning

If performance or conduct does not meet acceptable standards, the employee will normally be given an improvement notice (or first written warning for misconduct or attendance



issues). This will set out the performance or conduct problem, the improvement or change in behaviour that is required, the timescale and any help that may be given. This will be issued by your line manager or HR, following a meeting to discuss the issues.

The individual will be advised that it constitutes the first stage of the formal procedure, and that a final written warning be considered if there is no sustained satisfactory improvement or change. A record of the improvement notice or first written warning will normally be kept for 12 months, but will then be considered spent - subject to achieving and sustaining satisfactory performance and/or conduct.

## **Stage 2 - Final written warning**

If there is a failure to improve during the currency of a prior warning for underperformance or the same type of offence, or an unrelated new offence is, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to action under Stage 3 (dismissal or some other action short of dismissal\*), and will refer to the right of appeal.

A copy of this written warning will be kept by Human Resources but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory performance and/or conduct.

Before a final written warning is issued, you will be required to attend a meeting with your Team Manager or Associate/Divisional Director and a Human Resources representative during which the nature of the problem will be confirmed to you and you will have the opportunity to explain the reasons for continued underperformance, misconduct or attendance issues.

## **Stage 3 - Dismissal or other sanction**

If there is still a failure to improve, the final step in the procedure may be dismissal or some other action short of dismissal (such as demotion, suspension, transfer or exclusion from the bonus scheme).

Dismissal decisions can only be taken by a Director/the CEO or COO. In the absence of a satisfactory explanation at a Stage 3 meeting, the employee will be provided, as soon as reasonably practicable, with reasons for dismissal, the date on which the employment will terminate, and the right of appeal. The decision to dismiss will be confirmed in writing.

If some sanction short of dismissal is imposed, the employee will receive details of the sanction, the improvement required, timescales and will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal.

## **Timescale**

Timescales for improvement will vary depending on the issue but will not normally exceed four weeks.

In the case of misconduct or poor attendance, you will be expected to meet the required standard immediately.



For underperformance you will normally be given a period of between one and four weeks to achieve the required standard.

## Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. All appeals will be heard by a more senior manager/director and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

You have the right to be represented at any such appeal.

## Representation

You have the right to be accompanied by a colleague, or a trade union representative. Your chosen representative will be allowed to address the hearing but may not answer questions on your behalf. A Director or senior manager will always attend a Stage 2 or Stage 3 meeting, together with an HR representative if required.

## Gross misconduct

The following list provides examples of offences normally regarded as gross misconduct:

- theft, fraud, or deliberate falsification of records
- insufficient compliance checks where candidates work with vulnerable people
- physical violence or bullying
- unlawful discrimination or harassment
- deliberate damage to organisational property
- serious incapability through alcohol
- being under the influence of illegal drugs
- negligence which causes serious loss, damage or injury
- serious act of insubordination
- unauthorised entry or amendment to computer records

Also included would be any act or failure to act that seriously affects The Company or its clients, either financially or by reputation.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

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