

When things are not working out (Disciplinary procedure)

## **DISCIPLINARY PROCEDURE**

### **The Disciplinary Procedure in operation**

This procedure applies to both your conduct and performance of your duties at work. Minor problems will be dealt with informally, and where possible this will be the first step before the disciplinary procedure begins. In cases of more serious problems, the Employer will conduct an investigation of the facts. The Employer may suspend you on full pay during the course of such an investigation, but investigatory suspension is not a disciplinary sanction. If the Employer considers that it is necessary to take formal action the following procedure will apply.

#### **Stage 1**

**The Employer will set out in writing your alleged conduct or characteristics, or other circumstance, which have lead the Employer to contemplate dismissing or taking disciplinary action against you.**

The Employer will send a copy of the statement to you and invite you to attend a meeting with your Employer to discuss the matter.

#### **Stage 2**

The meeting will take place before action is taken, except in the case of suspension. You must take all reasonable steps to attend the meeting. You may be accompanied by a work colleague or trade union representative of your choice at the meeting.

After the meeting, your Employer must inform you of their decision, stating the stage of any disciplinary action to be taken, (dependent upon the seriousness of the matter). You will be notified of your right to appeal against the decision if you are not satisfied with it.

#### **Stage 3**

If you wish to appeal you must do so in writing within 10 working days of notification of the decision. You must take all reasonable steps to attend the meeting. You may be accompanied by a work colleague or trade union representative of your choice. The appeal meeting does not need to take place before any dismissal or disciplinary action takes effect. After the appeal meeting you will be informed of the Employer's final decision. The Employer will attempt to ensure that each stage of the procedure is carried out without unreasonable delay and that the timing and location of meetings is reasonable.

## Action under the Disciplinary Procedure

### Warnings

**Formal warnings will be given if it is considered that disciplinary action is necessary. A warning will be issued by your Employer in the following stages:**

Stage 1 – Recorded Oral Warning

Stage 2 – Written Warning

Stage 3 – Final Written Warning

Where there are ongoing complaints (whether or not of the same nature) or insufficient improvement, warnings will generally progress through the above 3 warning stages. However, if a disciplinary matter occurs which the Employer considers to be sufficiently serious, the Employer may apply any warning stage which it considers is most appropriate in the circumstances.

In each case the warning will state:

- The stage of the warning
- The precise nature of the complaint(s)
- The improvement required from you and the time in which the improvement must be made
- The likely consequences of further instances of unsatisfactory performance or conduct.

The warning will be effective for 12 months from the date of the warning if no further disciplinary offence has been committed during that 12 months.

You will be advised your right of appeal in each instance.

### Suspension

The Employer may impose disciplinary suspension without pay to a maximum of 1 working week.

Unless specifically agreed in writing by the Employer, the suspension, will not result in warnings being effective.

You will be advised of your of appeal.

### Dismissal

If you fail to meet the standards required of you following a Stage 3 Final written warning or there is a gross misconduct and/or gross incompetence, dismissal will normally result. You will be provided with written reasons for dismissal which will also inform you of your right of appeal. In the event of gross misconduct or gross incompetence you will be told about the complaint(s) against you and the procedures as set out in paragraph 1 will be followed. If, after such procedures have been complied with, the Employer concludes your behaviour or performance is gross misconduct or gross incompetence you will be dismissed with immediate effect and without notice.

**Please note that the Employer reserves the right to apply this procedure at any stage if your conduct or performance warrants such action whether or not the Employer has progressed through all the available disciplinary warnings.**

## **Gross Misconduct**

Gross misconduct includes matters relating to serious breaches of the Employer's policy. The following is a non-exhaustive list of examples which are normally regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records, reports or expense.
- Fighting, assault on another person
- Deliberate damage to property of the company or of a third party.
- Being under the influence of illegal drugs or alcohol.
- Negligence which causes or could cause significant loss, damage or injury or other serious consequences (for example criminal or civil liability or damage to the Employer's reputation)
- A serious act of insubordination
- Wilful or reckless failure to follow the safety rules of the Employer
- Harassment or discrimination on the grounds of sex, race or disability.
- Misuse of the Employer's information systems, associated data, copyright, software and the telecommunications network
- Disclosure of confidential information
- Refusal or persistent failure to carry out working instructions or the Employer's rules and procedures

## **Health and Safety and Gross Misconduct**

**For Health and Safety reasons, the following is a non-exhaustive list of disciplinary**

**offences which are normally liable to end in summary dismissal**

- Coming to work and/or being under the influence of alcohol
- Taking any illegal drug (whether or not at work)
- Being under the influence of any illegal drug at work
- Failing to report to the Employer any medical condition or medication/drug taken (whether prescribed or not) which could interfere with your ability to perform your work competently and safely