



Disciplinary Policy

This policy applies to all companies within the Relyon Group.

This policy has been designed to help and encourage employees to achieve and maintain appropriate standards of conduct, attendance and job performance by establishing the facts quickly and dealing consistently and fairly with any disciplinary issues.

This disciplinary policy does not form part of the contract of employment and is meant as a guide to the procedures that will normally be followed when an employee faces an allegation of misconduct. As such the Company reserves the right to vary the procedure or omit stages where it believes it to be appropriate in the circumstances. However, where applicable, the company will ensure that any procedure followed will comply with the current statutory minimum.

Principles

In most cases where a disciplinary matter arises it should be resolved at an early stage through informal discussion between the employee and their line manager.

Where the matter is not resolved informally or is of a serious nature this Policy will be implemented.

All matters should be dealt with without unreasonable delay.

Any time limits provided in this policy are for guidance purposes only. If it is not possible to adhere to any time limit it may be amended as appropriate to the circumstances.

Under the standard procedure no disciplinary action will be taken against an employee until the Company has fully investigated the allegations against them.

At every stage of the standard procedure the employee will be advised of the nature of the complaint against them and be given the opportunity to state their case before any decision is made.

The Employee has the right to be accompanied at any disciplinary meeting by a trade union representative or fellow work colleague.

The Employee will not normally be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice and without pay in lieu of notice.

Normally, the procedure will be followed in the order of the stages set out below, however the Company reserves the right to jump stages where the seriousness of the allegation justifies doing so.

The Employee will have the right to appeal against any disciplinary action taken.

The Company reserves the right to follow the Statutory Modified Dismissal and Disciplinary Procedure in certain exceptional cases of gross misconduct.

Misconduct

These are offences in breach of policy/procedure or accepted standards of conduct which may lead to informal or formal disciplinary the likely result of which could be any sanction short of instant dismissal. This could include dismissal on notice where there are incidents of repeated misconduct.

- a. Offensive language
- b. bad time keeping
- c. Some failures to follow reasonable instructions or minor insubordination
- d. occasional lateness
- e. lack of diligence
- f. minor work errors
- g. unprofessional behaviour
- h. Failure to comply with Absence Notification and Certification Procedure
- i. Ignoring minor safety or security rules
- j. Unreasonable standards of dress or personal hygiene
- k. Extended tea and meal breaks
- l. Excessive time away from the job
- m. Any other conduct that from time to time is defined by the Company as amounting to misconduct

Serious Misconduct

This is conduct which constitutes more serious behaviour than ordinary conduct. Serious misconduct is where an employee's behaviour has caused severe harm to the Company.

- a. an error made by an employee when calculating their expense and causing financial loss
- b. damage to the Company's image or reputation through social media
- c. causing serious or imminent risk to the health and safety of another individual

Gross Misconduct

This is conduct so serious that it destroys the mutual trust and confidence between Company and employee and merits dismissal without notice or pay.

- a. Deliberate falsification of records, deceit or other dishonesty.
- b. Theft, unauthorised use or possession of the Company's property or theft of the property of a fellow employee.
- c. Any act or omission with intent to deprive the company of monies due to it.
- d. Knowingly claiming bonus or other payment to which the Employee is not entitled.
- e. Borrowing the company's money without written appropriate authority.
- f. Committing any criminal act other than a motoring offence whether in the course of employment or otherwise.

- g. Deliberate and/or persistent failure to obey the usual practice of the company, or persistent disregard for the instructions of senior employees of the company.
- h. Gross negligence in carrying out your duties.
- i. Any serious neglect of normal precautions for the security or safety of the company or its employees.
- j. Incapacity through alcohol or drugs.
- k. Being in possession of, or dealing with drugs on the Company's premises or at a Company event.
- l. Use of verbal or physical violence towards persons or property, or use of obscene language, or threatening or insulting behaviour.
- m. Knowingly providing false information on a Company absence certificate.
- n. Unauthorised absence or leaving the place of work without permission during working hours.
- o. Inappropriate sexual conduct on Company premises or at a Company event.
- p. Serious acts of bullying, harassment or victimisation or any discrimination on the grounds of age, disability, race, religious belief, sex or sexual orientation, or other offensive behaviour.
- q. Accessing internet sites containing pornographic, offensive or obscene material or transmitting via email or otherwise material of that nature.
- r. Serious unauthorised disclosure of confidential information (whether or not such information has been expressly designated as confidential).
- s. Smoking in an unauthorised place.
- t. Sleeping at work
- u. Any other conduct that from time to time is defined by the Company as amounting to gross misconduct.

Suspension

Where an allegation of misconduct is made against an Employee the Company may consider whether it is necessary, given the nature of the allegation and circumstances of the workplace, to temporarily remove the Employee from the Workplace or their normal duties.

Where this is considered necessary the removal may take the form of either;

- A temporary transfer of the Employee to an alternate position and or location, pending the completion of an investigation, or
- A suspension from the workplace throughout the duration of the investigation.

Please note that any transfer/suspension is not a disciplinary sanction but rather it is a neutral act and does not imply any guilt on the part of the Employee or any pre-judgement on the part of the Company.

Suspension would normally occur immediately following an incident or as soon as reasonably practicable after an allegation comes to light.

Suspension will normally be carried out in a face to face meeting and confirmed in writing within five working days.

Suspended employees must only contact other employees through a named contact in the Company. Any attempt by an Employee to contact other witnesses or any complainant will be seen as an attempt to interfere with the integrity of the investigation or to harass or threaten.

The Employee should not attend the Company premises at any time while on suspension without prior agreement.

During the suspension the Employee must be available for their normal working hours to assist in the investigation. Therefore, the Employee should not leave the area or go abroad throughout the duration of the suspension save with prior authorisation.

Any suspension would normally be on full pay.

Informal Record of Concern

Depending on the believed level of misconduct, before formal action is taken, the Company will seek to hold an informal conversation about the concerns they may have.

This conversation will be between the employee and their line manager.

The conversation will be an informal process with no formalities such as letters. It will be a one off chat for the line manager to raise their concerns to the employee, to give them a chance to rectify before an informal process is put into place, with a written record of the conversation which can be used in the instance of repeated behaviour.

The employee will be made aware that if their behaviour or actions are not amended to the standards of the Company, further action will be taken.

An email will be sent to the employee following this chat, containing the points covered by manager and employee.

Formal Action – First Written Warning

A First Written Warning would be issued where the offence involves; a more serious act of misconduct, repeated acts of minor misconduct, a failure to comply with the terms of any Verbal Warning or further misconduct while a Verbal Warning remains active.

The warning will give written details of the complaint, the improvement or change in behaviour or conduct required, the timescale allowed for this, the likely effect of further offences and the right of appeal.

A record of any First Written Warning will be kept on the Employees personnel file.

Any First Written Warning will remain active for a period of 6 months. After that period a First Written Warning will be considered spent for the purposes of further disciplinary action.

The Company reserves the right to bypass the First Written Warning stage should the offence be sufficiently serious in nature.

Formal Action – Final Written Warning

A Final Written Warning would be issued where the offence involves; a very serious act of misconduct falling just below the standard of gross misconduct or repeated misconduct during the period a First Written Warning Remains active.

The warning will give written details of the complaint, the improvement or change in behaviour or conduct required, the timescale allowed for this and the right of appeal.

Here the written details of the warning should also warn the Employee that further offences with during the time the warning remains active could result in their dismissal on notice.

A record of any Final Written Warning will be kept on the Employees personnel file.

Any Final Written Warning will remain active for a period of 12 months. After that period a Final Written Warning will be considered spent for the purposes of further disciplinary action.

Formal Action – Dismissal

Dismissal will be considered if; the Employee has failed to comply with the terms of any Final Written Warning issued, if there are repeated offences of misconduct during the period a Final Written Warning remains active or if the employee has committed an act of Gross Misconduct.

A dismissal which is an escalation from a Final Written Warning, entitles the employee to dismissal with pay, however a dismissal from a Gross Misconduct is without entitlement to notice pay.

When dismissed, an Employee will be advised in writing of the reason for the dismissal, the date on which the employment will terminate, any notice payments (or payment in lieu of notice) and details of their right of appeal.

In cases of Gross Misconduct the Employee may be dismissed summarily without notice following the standard procedure being completed in full.

Action other than dismissal

The Company may believe that the disciplinary action to be taken may not be dismissal. Other actions which the Company will consider include demotion and removal of Company benefits.

If a sanction other than dismissal is to be imposed, the employee will, as soon as is reasonably practicable, be provided with written confirmation of the action to be taken, how it is to be implemented, the reason for the action, the date on it will come into force (if appropriate) and information on the employee's right to appeal. These sanctions may be used in conjunction with a written warning.

Actions other than dismissal will only be authorised by a manager who has the authority to do so.

Formal Action – Standard Procedure

No formal disciplinary action will be taken without a disciplinary hearing. Other than certain exceptional instances of Gross Misconduct to which the Statutory Modified Dismissal and Disciplinary Procedure may apply.

Should a formal grievance be lodged by the Employee during the course of the disciplinary process, the disciplinary hearing may still proceed although before doing so, an assessment will be made as to the nature of the grievance and its relevance to the disciplinary process.

Investigation

Before taking any formal disciplinary action the company will investigate as much as is reasonable in the circumstances.

To ensure fairness and objectivity the Company will appoint a suitable Investigator to consider all the relevant facts about the alleged misconduct.

The employee may be required to attend an Investigatory Meeting as part of the investigation procedure. Such a meeting will only be a fact finding meeting and not a disciplinary hearing.

If there are witnesses the Investigator will be responsible for interviewing them and obtaining written statements.

The investigation should be concluded as quickly as possible normally within ten working days.

If at the end of the investigation it is decided there is a case to answer then the Employee will be invited to a disciplinary hearing.

Invitation and Attendance

The Company will set out in writing the alleged conduct or other circumstances which lead the Company to contemplate dismissing the employee or taking disciplinary action against them and the basis for the allegation. The Company will ensure a copy of that statement is sent to the employee along with an invite to attend a disciplinary meeting to discuss the matter.

The letter will also confirm what potential outcomes there could be and highlight to the Employee if the allegation is one (if founded) which could amount to Gross Misconduct or result in the Employee's dismissal.

In advance of any disciplinary hearing and where appropriate the Company will look to provide the employee with copies of, or access to any evidence collected as part of the investigation into the alleged offence.

The Employee may be accompanied to any disciplinary meeting by a fellow worker or by a representative of a trade union.

The Employee should generally be given at least five working days' notice in writing, of the hearing date to ensure they have reasonable opportunity to consider their response.

The Employee must take all reasonable steps to attend the meeting.

If the time or date proposed for the meeting is for good reason unsuitable for either the Employee or for their companion, the Employee may ask to postpone the meeting by up to 5 working days. No further rescheduling will be considered unless the reasons provided for non attendance are exceptional.

Should an Employee refused to attend a disciplinary hearing without good reason, this may be considered a failure to comply with a reasonable instruction on the part of the employee or a breach of their contract. In such circumstances the Employee will be reminded of their obligation to attend and informed that continued refusal may result in the matter being dealt with in their absence.

Hearing

Wherever possible a note-taker should be present to ensure an accurate record of the Hearing.

The employee should be afforded every opportunity in the Hearing to state their case fully.

The Employee's companion may put forward an Employee's case, sum up that case or with the Employee's permission respond to a view expressed at the hearing. However the companion may not answer questions of fact on behalf of the employee or use their right to attend to prevent the Company or any other party explaining the case.

The Hearing may be adjourned in exceptional circumstances to allow unexpected matters which come to light in the hearing to be investigated.

Decision

A decision on would not normally be provided until the manager/supervisor responsible has had time to consider their decision.

Within five working days of the close of the hearing the employer will write to the Employee confirming the decision, any applicable sanction and the Employee's right to appeal.

Any sanction will take effect from the date a decision is made.

Appeal

Should the Employee wish to appeal the decision they must do so in writing within 10 working days from the date of the decision. The Employee must include full details of their grounds for appeal.

Upon receipt of any application of appeal the Company shall invite the employee to a disciplinary appeal hearing. The appeal hearing should normally take place no more than 10 days from the receipt of the application.

The Employee must take all reasonable steps to attend the meeting.

The Employee may be accompanied to any disciplinary appeal meeting by a fellow worker or by a representative of a trade union.

If the time or date proposed for the meeting is for good reason unsuitable for either the Employee or for their companion, the Employee may ask to postpone the meeting by up to 5 working days. No further rescheduling will be considered unless the reasons provided for non attendance are exceptional.

A manager not previously involved in the original hearing who will normally be at a more senior level than the manager who imposed the original penalty will conduct the appeal hearing.

The appeal hearing would normally be by way of a review of the decision of the disciplinary hearing and not by way of a full rehearing.

Appeal Decision

The disciplinary sanction originally imposed cannot be increased upon appeal.

The chair of the disciplinary appeal hear may:

- Uphold the decision of the original disciplinary
- Substitute the penalty imposed for a lesser sanction
- Remove any disciplinary sanction imposed

The decision of the disciplinary appeal hearing will be sent to the employee in writing within five working days of the hearing confirming the outcome of the appeal (whether the decision of the Disciplinary Hearing is upheld, removed or reduced) and that there is no further avenue for appeal.

Illness and Disciplinary

It is recognised that the completion of any disciplinary process without unreasonable delay is beneficial for both the Company and the Employee.

Employees subject to disciplinary hearings may sometimes be unable to attend any meeting or hearing by reason of ill health. In such circumstances the employee will be required to report the illness to the Company immediately and submit a medical certificate from their GP confirming they are unfit to attend a meeting.

Where the illness is short-term, the meeting or hearing may be arranged for a later date.

The matter may be referred to the Occupational Health Service who with the employee's consent will discuss the matter with the individual employee's GP to assess the likely duration of the inability to attend hearings.

If the employee refuses to consent to an approach to the GP then the Company may have no option but to base any decisions on the information available.

Where the employee is too ill to attend a meeting or hearing in the reasonably near future, the investigation or disciplinary hearing may proceed with the Company taking all reasonable measures to accommodate the needs of the employee.

The Company in consultation with the Employee will decide on the best method for proceeding, the options considered will include;

- Submissions from the employee's representative
- Allowing the employee to make written representations
- Holding the meeting at the Employee's home or a neutral venue

- Dealing with the matter via telephone conference

