

DISCIPLINARY POLICY

Date Created
Status
Version
Review Date
Date of next review

01/12/2014
Final
6.0
31/12/23
Changes to
legislation/processes
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1. SCOPE

This policy aims to set out a fair process for dealing with employees whose conduct in the workplace is unacceptable. This policy sets out how disciplinary matters will be dealt with. EasTec UK Ltd will always seek to act without undue delay and in a reasonable manner.

2. RESPONSIBILITIES

This policy applies to all EasTec UK Ltd employees. Employees of EasTec UK Ltd must observe standards of acceptable behaviour in the workplace.

Issues relating to poor performance at work that are considered to be due to a lack of skill, aptitude or poor health will be dealt with through the capability procedure or managing absence policy as appropriate.

3. PRINCIPLES

- This policy is a guidance document and it is for line managers to determine appropriate disciplinary action fairly and objectively, taking into account the severity of any breach of conduct
- Any employee against whom disciplinary action is to be taken must first be given full details of why such action is necessary
- Any employee required to attend a disciplinary hearing will have the right to be accompanied by a colleague, family member/friend, or a trade union representative if he/she is a member of a trade union
- An employee will, at all stages, have the opportunity to state his / her case, before a decision on disciplinary action is made
- The seriousness of the alleged misconduct will determine the stage of the disciplinary procedure to be implemented
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the disciplinary action will usually result in summary dismissal
- Employees have the right of appeal against any disciplinary action, as set out in the disciplinary proceed

4. COUNSELLING

Where an employee's conduct is considered to fall short of acceptable standards the matter will normally be resolved informally by the line manager. In most cases the right word, at the right time and in the right way will be all that is needed. A diary note of any counselling should be kept for reference purposes. Following such counselling, however, persistent minor misconduct may lead to disciplinary action.

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5. DISCIPLINARY ACTION PROCEDURE

5.1 Investigation

Where an employee's conduct requires investigation, EasTec UK Ltd will determine who should conduct that investigation.

5.2 Suspension

It may be that circumstances warrant the suspension of an employee, pending investigation into his/her misconduct. Such suspension is non-prejudicial and does not infer that the employee is guilty.

EasTec UK Ltd will set out in writing to the employee:

- The alleged conduct or characteristics or other circumstances which have led the line manager to take disciplinary action against the employee
- Invite the employee to attend a meeting to discuss the matter (include date, time, place)
- Be advised of right to be accompanied
- Given a copy of the disciplinary policy and procedure.

The meeting will take place before the disciplinary action is taken, except in the case of suspension.

5.3 First written warning

Where conduct does not meet acceptable standards and where informal counselling if given, has failed to lead to the required improvement. The employee's line manager will usually give the first written warning. The first written warning will give details of the complaint, specify the improvement required of the employee and the timescale in which this must be achieved. It will also inform the employee of his/her right of appeal and that failure to achieve and sustain the required improvement may lead to further disciplinary action. The warning will be recorded on the employee's personal file but will be disregarded for disciplinary purposes after six months, subject to satisfactory conduct on the employee's part.

5.4 Final written warning

If improvement is not achieved or sustained, or if the complaint appears to be sufficiently serious, or in the case of a series of unrelated minor misconduct sufficient to constitute a pattern of unacceptable behaviour, a final written warning may be issued by the line manager. This will give details of the complaint, specify the improvement required of the employee and the timescale in which this must be achieved. It will also inform the employee of his/her right of appeal and that failure to achieve and sustain the required improvement may lead to further disciplinary action. The warning will be recorded on the employee's personal file but will be disregarded for disciplinary purposes after twelve months, subject to satisfactory conduct on the employee's part.

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5.5 Dismissal

If improvement is not achieved or sustained, then dismissal is the next step. The employee will be informed as soon as reasonably practicable of the reasons for dismissal, the date on which the contract between the parties will terminate, the appropriate period of notice, or pay in lieu of notice, and information on the right of appeal.

5.6 Gross misconduct

In cases of gross misconduct dismissal may be the appropriate sanction (without notice or payment in lieu of notice).

Examples of gross misconduct include (this is not exhaustive list):

- Theft, fraud, deliberate falsification of records
- Deliberate damage to company property
- Negligence of a serious nature / or deliberate violation of rules, practices and instructions relating to health and safety at work, putting others at risk
- Violent behaviour or the threat of violent behaviour
- Harassment or bullying of fellow employees
- Unfair discrimination on the grounds of age, disability, ethnicity, national origin or nationality, gender, marital status, family status, nationality, race, religion (religious or political beliefs) or sexual orientation
- Serious incapability through alcohol or drug abuse
- Serious breaches of confidentiality or unauthorised entry to computer records
- Serious act of insubordination

5.7 Appeal

- Any appeal against disciplinary action should be made in writing to EasTec UK Ltd within 10 working days of the disciplinary action being taken
- Appeals will be heard as soon as possible – usually within 15 working days – and will be heard by a manager who has had no direct involvement in the case. In the case of dismissal, EasTec UK Ltd will chair the appeal hearing. The employee has the right to be accompanied by a colleague, family member or trade union representative if he/she is a member of a trade union, at the appeal hearing
- The accompanying person is there in an advisory position for the individual, not to speak on their behalf
- The appeal authority can review but not increase the penalty. In the case of a decision to reinstate an employee, there will be no break in service
- The appeal authority will communicate the results of the appeal and the reasons for the decision, in writing, within five working days. This decision is final. There is no further right of appeal available within EasTec UK Ltd