

## **ALTEREGO CONSULTANCY – DISCIPLINARY POLICY 2016**

### **DISCIPLINARY PROCEDURE**

This procedure is designed to help and encourage all employees achieve, maintain and improve upon the required standards of conduct and job performance. The prime objectives of the disciplinary procedure are to encourage improvements and to ensure that employees are treated fairly and consistently. It is anticipated that minor difficulties would normally be raised by your line manager on an informal basis, with a view to solving the problem without recourse to the formal stages of the disciplinary procedure. Where this proves unsuccessful, however, or where the matter is more serious, or a case of gross misconduct, the formal disciplinary procedure will be invoked.

#### **Staff with more than 12 months' service**

Should ever the need for disciplinary action arise, either as a result of an act of misconduct or for reasons of poor performance, the Company has a 3 stage procedure, which applies to all employees who have completed more than 12 months' service.

1st Stage: First written warning - Kept on file 6 months

2nd Stage: Final written warning - Kept on file 6 months

3rd Stage: Dismissal

#### **Staff with less than 12 months' service**

In instances of poor performance or misconduct involving an employee with less than 12 months' service, no formal warnings will be given prior to dismissal. In such instances, the Company reserves the right not to follow the stated disciplinary procedure, but to apply the statutory minimum disciplinary and dismissal procedure.

#### **Procedure**

No disciplinary action will be taken before a proper investigation has been undertaken. In certain circumstances you may be suspended while a case is being investigated. The suspension is not disciplinary action but is intended to facilitate the fair and proper investigation of an allegation. During a period of suspension, providing you are otherwise available for work, you will receive your basic pay for a period of up to two weeks. If after two weeks it is considered necessary to continue the suspension, you will be informed of this and the reasons for the action in writing. If appropriate, depending on the outcome of the investigation, you will be asked in writing to attend a formal disciplinary hearing with an appropriate senior representative of the Company. You will be advised of the complaint against you, given any supporting evidence and will be told that the outcome of that meeting may result in a warning (the level of warning likely will be specified e.g. written/final written) or otherwise dismissal on grounds of misconduct/poor performance.

You will be given copies of all relevant documents to ensure you are able to properly prepare for your meeting. Around 1 - 3 days' notice will usually be given of a disciplinary hearing depending on both the seriousness of the incident and the business situation; however this will not normally take place more than 14 days following notification.

At the formal disciplinary hearing you will be presented with all the management evidence including copies of all relevant documentation (if not previously given to you) and you will have an opportunity to fully state your case. If necessary, further investigation may take place after the hearing, prior to a decision being made. A decision will be made as soon as is reasonable after the hearing to allow appropriate consideration of the facts presented. This decision will be confirmed to you in writing. In all cases where a warning has been given for misconduct, you will be informed that if a further act of misconduct occurs, further disciplinary action will be taken, and the consequences thereof. In all instances of misconduct the Company reserves the right to start disciplinary proceedings at an appropriate level based, for example, on the seriousness of the act of misconduct, the adverse effect of the act on the business or the level of responsibility and length of service of the person concerned. Examples of different types of misconduct and how seriously they will be viewed are given at the end of this Procedure.

### **Right to be accompanied**

At all formal disciplinary hearings, including appeal hearings, you have the right to be accompanied by a colleague or an accredited Trade Union representative. Your companion will have the right to address those present at the start and the end of the hearing only. They will not be able to answer questions on your behalf or to otherwise represent you. They will however be able to confer with you during the hearing. Should your chosen companion not be available on the date or time designated by the Company, a further date and time will be arranged. No delay for a hearing to take place will be permitted in excess of 5 working days.

### **Poor Performance**

If poor performance is identified as the reason for disciplinary action, you will be told that failure to improve will result in further disciplinary action being taken. However, at all stages of the disciplinary process, the Company will endeavour to allow sufficient time for improvement and will help you perform satisfactorily through additional training or coaching.

### **Notice**

If you are dismissed as a result of disciplinary action but not as a result of Gross Misconduct you will receive notice from the Company in accordance with your contract. If you are dismissed as a result of Gross Misconduct you are not entitled to notice.

### **Right to Appeal**

You have the right to appeal against any decision. An appeal should be made in writing to the person so identified in the letter confirming the outcome of the disciplinary action, clearly indicating the grounds for your appeal, within 5 working days of receipt. An appeal hearing will usually be organised within 10 working days of notification of the appeal and, where possible, will be heard by someone not hitherto involved in the disciplinary case. You will be advised of the outcome of the appeal meeting in writing. A dismissed employee, who appeals, will be suspended pending the outcome of the appeal. In the event that the appeal is upheld, there will be no interruption in the employee's pay. Should it not be upheld, the date of dismissal will be the original date and not the date of the appeal.

### **Sickness Absence at the Time of a Hearing**

If you are required to attend a disciplinary interview and you are absent for reasons of sickness at the time when the meeting is due to be held, the meeting will be postponed to a date within the next 5 working days. If you are still absent for sickness reasons at the time when the re-arranged meeting is due to be held, then as indefinite postponement is unsatisfactory the following process will be implemented. If it is clear that you will be fit to return to work within the next 5 working days the meeting will be again postponed to the date of your return. However, if your return date is not clear, a hearing will be arranged within the next 5 working days which you may choose to attend, if you are well enough, or otherwise you may submit a written representation and, if you so wish, appoint a representative in possession of the full facts to attend on your behalf. This should be a colleague or an accredited Trade Union representative. If you do not attend, or submit written representation, the hearing will go ahead in your absence and a decision will be made on the basis of the information available. Your right to appeal is not affected.

### **Examples of Misconduct – First Stage Warning (First Written)**

The following are likely to result, if a first instance of misconduct, in a first stage warning:

- Lateness/Poor timekeeping/Time-wasting
- Short periods of unauthorised absence
- Repeated failure to provide appropriate sickness absence documentation
- Minor violation of safety/hygiene rules
- Unacceptable personal hygiene at work
- Poor attitude demonstrated towards work
- Refusal to obey a reasonable instruction
- Failure to follow clear Company guidelines, rules or policies

### **Examples of Misconduct – Second Stage Warning (Final Written)**

The following are likely to result, if a first instance of misconduct, in a second stage warning:

- Serious breach of safety/hygiene rules
- Unauthorised absence of between 1 day and 4 working days
- Persistent refusal to obey a reasonable instruction
- Smoking in prohibited areas
- Abuse of Company facilities
- Misuse of power or position
- Minor breach of confidentiality, data protection, E-mail or Misuse of Company equipment policies
- Repeated failure to provide appropriate sickness absence documentation
- Rudeness to a customer, supplier, colleague or manager
- Conduct which could be prejudicial to the good name of the Company
- Persistent or more serious failure to follow clear Company guidelines, rules or policies

### **These lists give examples only and are by no means exhaustive.**

In all cases of misconduct, the Company reserves the right to start disciplinary proceedings at an appropriate level. (Appropriateness will be determined by any relevant or mitigating factors including for example, seniority/responsibility of the employee, seriousness of the offence or whether the misconduct is just one of a number of acts of misconduct for which the employee is being disciplined.)

## **Gross Misconduct**

There are certain actions by employees, which may constitute misconduct serious enough to justify omitting the first two stages of the disciplinary procedure and progressing straight to dismissal without notice or pay in lieu of notice. The Company reserves the right in each situation to decide what constitutes gross misconduct, however, gross misconduct is defined as “behaviour, which materially injures or threatens to injure persons or the Company’s premises, equipment, products, information, data sources, records, finance, security, operation or reputation”. Examples of what might be seen to be gross misconduct are given below, however, these are intended as a guide only and the list is neither complete nor exhaustive.

- Deliberately damaging or destroying Company property or failing to return property when requested to do so
- Failure to disclose information relating to a conflict of interest
- Contravention of the Company’s rules regarding cash handling procedure
- Misappropriation or consumption of Company owned products, funds or property
- Theft from the Company, its employees or contractors
- Unauthorised possession of cash or property belonging to the Company, other employees, sub-contractors, suppliers or clients of the Company
- Being unfit for work as a result of alcohol, illegal drugs or other substances
- Criminal offences against the Company or against another employee
- Serious or persistent acts of unlawful discrimination or harassment of any kind
- Acts of incitement to discrimination on grounds of sex, race, religion, belief, colour, ethnic origins, disability, age or sexual orientation
- Conviction of a criminal charge if relevant to the employee’s employment
- Conduct outside of work, which has a direct bearing on your job or which affects employee or customer relations or amounts to a breach of trust, or brings the Company’s name into disrepute.
- Use of violent, threatening or insulting behaviour towards other persons or use of obscene language
- Disorderly behaviour likely to cause damage, injury or waste of resources
- Fighting or assaulting any other person during the course of employment
- Deliberate and serious contravention of Health and Safety procedures
- Dangerous working practices or serious breach of safety rules potentially involving loss of life or limb
- Failure to report and/or record a notifiable accident
- Gambling on Company premises
- Possession, sale, transfer or use of any illegal drugs or other prohibited materials on Company property and/or during any Company activities
- Deliberate bullying and harassment (including sexual and racial harassment) or deliberate discrimination of any other member of staff, supplier or client.
- Deliberate contravention of statutory regulations
- Any act of fraud, e.g. working whilst claiming Company sick pay, making false statements on the application form, falsification of legal or Company documentation, including falsification of holiday forms/expenses claims/timesheets etc
- Loss of driving licence where driving is an essential part of the job
- Introduction of a computer virus through wilful/careless disregard for Company policy
- Deliberate (or serious) breach of confidentiality, data protection or misuse of Company equipment policies
- Serious carelessness resulting in loss or damage, or potential loss or damage of Company property or assets

- Unauthorised entry to computer records or use of computer equipment or serious misuse of computer facilities including email, internet and the deliberate importation of a computer virus
- Deliberate or negligent disclosure of confidential information to competitors or other third parties
- Unauthorised absence of more than 5 working days
- Failure to comply with Company policies on security including unauthorised dealings in the securities of the Company
- Downloading and/or circulating pornographic or inappropriate material which would be considered immoral or cause offence or harassment
- Private trading on Company premises or engaging in any business or activity harmful to the Company
- Serious subordination
- Sleeping whilst on duty
- A significant breach of the implied trust and confidence that must exist between the Company and employee
- Significant (or persistent) failure to follow clear Company guidelines, rules or policies

In all instances of gross misconduct, or where gross misconduct is suspected, you will have the same rights as an employee facing a warning for misconduct. You will therefore have the right to be told what act of misconduct you are thought to have committed, the right to prepare before the disciplinary hearing, the right to be accompanied and the right to appeal following a decision being made.

### **Alternatives to Disciplinary Action**

As an alternative to disciplinary action or dismissal, the Company reserves the right to take any or all of the following actions:

- A change of duties within the job role and/or
- A demotion to another role and/or
- A reduction in salary/benefits commensurate with a revised role, duties or an entirely new position.

Signed:



Date: 4 April 2016

Derek A Bolton (Managing Director)