

360 Recruitment – Disciplinary & Grievance Policy

360Rec-18 | 2024-2025

Disciplinary Procedure

The purpose of the Disciplinary Procedure is to outline a recognised and consistent system to deal with any issues of conduct, capability or other circumstances which may result in a disciplinary warning or dismissal.

The Disciplinary Procedure does not form part of your contract of employment for the first two years of continuous employment.

Before considering a warning or dismissal, steps will be taken by the Company to establish the facts. At any stage of the Disciplinary Procedure you may be suspended, on full pay, whilst investigations are carried out. This does not mean that you have been or will be found guilty of any particular offence or act of misconduct.

If it is necessary for the Company to take action under the Disciplinary Procedure you will be issued with a written statement setting out the nature of the conduct, capability or other circumstances that may result in a disciplinary warning or dismissal. You will only be issued with a disciplinary warning or dismissed following a formal disciplinary meeting, at which you will have been given the right to be accompanied by a fellow employee or an accredited trade union official. You should take all reasonable steps to attend the meeting. Throughout the Disciplinary Procedure you will be given the opportunity to respond to any complaint before any decision on a disciplinary warning or dismissal is taken.

The Company may commence the Disciplinary Procedure, depending on the circumstances, at any of the following levels:

Verbal warning

A record of the verbal warning will be placed in your personnel file.

This will remain on file for 3 months.

Written warning

A written warning will be issued, and a copy placed in your personnel file.

A written warning will remain on file for 6 months.

Final written warning

A final written warning will be issued, and a copy placed in your personnel file.

A written warning will remain on file for 12 months.

Dismissal

Dismissal may be with or without notice depending on the circumstances and may occur whether warnings have been issued.

You will be entitled to appeal against any disciplinary or dismissal decision taken, such appeal being held in accordance with the Appeal Procedure, which is outlined below.

Please Note: The Company reserves the right to use or omit or enter any step in the Disciplinary Procedure at any stage should it consider it appropriate or if your alleged misconduct warrants such action.

Misconduct

In cases of minor misconduct, breaches of rules, poor performance or unacceptable attendance, managers are encouraged to initially deal with them through informal discussions with you.

The following is a non-exhaustive list of examples that are normally regarded as misconduct:

- Poor time keeping
- Unauthorised absence and frequent short-term absence
- Minor damage to Company property e.g. Company cars, IT / communications equipment etc.
- Breaches of Company rules or procedures, including Health & Safety
- Failure to observe Company procedures
- Failure to carry out reasonable instructions
- Abusive behaviour

Incapability

The following is a non-exhaustive list of examples that are normally regarded as incapability:

- Poor performance
- Incompetence
- Long term absence

Gross Misconduct

The following is a non-exhaustive list of examples that are normally regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records
- Physical violence including fighting and assault on another person
- Deliberate damage to Company property or property belonging to any Employee
- Incapability through alcohol
- Abuse of non-prescriptive and prescriptive drugs
- Negligence which causes significant loss, damage, or injury
- A serious act of insubordination
- Serious failure to follow the health and safety rules of the Company
- Failure to notify the Company of a serious and immediate danger to health or safety
- Serious misuse of the Company's computing, telephone, or facilities
- Unlawful discrimination including Harassment and Bullying of any kind
- Disclosure of confidential information
- Dishonest use of the Company's property or name
- Bringing the Company into disrepute
- Being charged with and/or convicted of a criminal offence which in the opinion of the Company demonstrates unsuitability for further employment with the Company.

If gross misconduct is alleged against you, the Company may suspend you on full pay pending investigation of the matter. You will be given a written statement prior to the formal disciplinary hearing, setting out the appropriate reasons. You will have the opportunity to make representations and the issues will be fully discussed at the meeting. Following the meeting you will be informed in writing of the outcome. If, following investigation and after a full disciplinary hearing, the Company

is satisfied that there has been gross misconduct, the outcome will normally be summary dismissal with neither notice nor payment in lieu of notice.

Appeal Procedure

The Appeal Procedure does not form part of your contract of employment for the first two years of continuous employment.

If you wish to appeal against any disciplinary warning or a decision to dismiss, you should apply in writing within 5 working days. You will be invited to attend a meeting and you should take all reasonable steps to attend.

After the appeal meeting you will be informed of the final decision.

Your appeal should be to the next higher level in the line of management than the level, which handled the disciplinary matter or the decision to dismiss. Where this is not possible due to the management structure of the business, you may appeal to the person who handled the disciplinary matter or the decision to dismiss or to someone at the same level of management, who has the authority to overturn the original disciplinary decision. Your Statement of Main Terms of Employment sets out the designation of the person to whom you should direct your appeal.

You will be given the opportunity to be accompanied at the meeting by a fellow employee or accredited trade union official.

Capability Procedure

The Company recognises that poor performance cannot always be treated as a disciplinary matter. There may be a range of underlying causes for poor performance, such as lack of skills or resources or unsatisfactory attendance. In dealing with such cases, the Company will normally follow its capability procedure, the aim of which is to improve the performance of the individual concerned. This procedure is not legally binding and does not form part of your contract of employment.

Principles

The Company accepts that there may be situations where an Employee cannot achieve the standards required from them in their job. Every effort will be made to understand the causes for this and find remedies which will enable them to achieve the required standards.

A fair procedure will be followed to ensure they are given feedback on their performance and an opportunity to improve. At each stage of the procedure, the Employee may be accompanied by a work colleague or Trade Union representative.

A supportive and positive approach will be adopted throughout this procedure and, as far as is reasonably practicable, every attempt will be made by the Employee's manager to provide appropriate, training, knowledge and supervision to achieve the accepted standards of performance.

This procedure applies where either the skills or abilities of an Employee are not sufficient to fulfil their job to the required standard.

In cases where it is considered that an Employee's performance, conduct or behaviour is unacceptable and falls outside the scope of this procedure it may be appropriate to consider the

Disciplinary Procedure as an alternative. If this is the case, this will be made clear to the Employee concerned.

Depending on the nature, cause and seriousness of the situation this procedure can be commenced at any stage. The timescale allowed for improvement may vary and will be determined taking into account the reason for the incapability, and the impact of this on business operations.

Procedure

Informal Counselling – Stage 1

Where there are minor issues, such as small but repeated errors in work, an informal discussion about the causes and what can be done to provide support will often result in an improvement. The discussion should normally bring to the Employee's attention the aspects of the job in which the Employee is not performing satisfactorily and it is hoped that in the majority of cases this will be sufficient action. Appropriate arrangements will be put in place to train, support and assist the Employee and to supervise and monitor the Employee's performance.

Formal Procedure – Stage 2

Where there are major issues, or there is no improvement following informal discussions, a formal meeting will be held. The Employee will be advised in advance of the date, time and reason for the meeting, including any evidence or examples of unsatisfactory performance that will be discussed.

At the meeting to discuss performance, the areas of concern will be clearly stated, with examples, and the Employee given the opportunity to express their point of view. If no satisfactory explanation is given by the Employee, the following action will be taken:

1. a formal written warning will be issued; and
2. a performance improvement plan will be drawn up and agreed, with a timescale for improvement and a date set for review. The Employee's performance will be closely monitored during the review period.

The meeting will be documented and a formal record placed on file.

Formal Procedure – Stage 3

At the end of the review period a further formal meeting will be held to confirm either that improvement has been achieved and sustained, or that there is insufficient progress. If progress has been made and the required standard has been achieved, the matter is then closed.

If there is insufficient improvement a further discussion will take place to agree a further performance improvement plan and the Employee will be given a further period to improve. The previous warning may be reiterated or a final warning issued. The final warning should inform the Employee that his continued employment may be at risk if satisfactory performance is not achieved or sustained. The meeting will be documented and a record placed on file.

Formal Procedure – Stage 4

At the end of the further review period, performance will be reviewed again. A formal meeting will be held.

If progress has been made to the required standard the matter is then closed. It will be expected that the improvement in performance will be sustained. Any deterioration in the standard of performance may reactivate this procedure at the stage where it was closed, or at a more advanced stage of the procedure.

In circumstances where the Capability Procedure has been exhausted and the Employee has failed to achieve the desired standards of performance it may be appropriate to consider alternatives to dismissal which could involve: demotion, transfer to another premises, departments, locations on a temporary or permanent basis, with any consequent reduction in pay, status or benefits. If, however, this is not appropriate, the Employee may be dismissed.

If the Company is considering dismissal or the above alternatives to dismissal, the Employee will be asked to attend a formal meeting prior to which he/she will be given a written statement, setting out the reasons for the proposed course of action.

The Employee will have the opportunity to make representations and the issues as set out in the written statement will be fully discussed at the meeting. Following the meeting, the Employee will be informed in writing of the outcome.

Right of Appeal

The Employee may appeal against any action taken under this procedure (save informal counselling) and such an appeal should be submitted (clearly stating the grounds of appeal) in writing within 5 days of being notified of the relevant action to the manager nominated by the person who has taken the action. The person nominated will hold an appeal hearing at which the Employee may make appropriate representations. The Employee may be accompanied at the appeal by a work colleague or Trade Union Official.

The decision reached at an appeal will be notified to the Employee in writing and will be final.

Grievance Procedure

Where you have a grievance relating to any aspect of your employment you should have no hesitation in raising the matter informally with your line Manager, as stated in your Statement. If you wish to make a formal grievance it must be set out in writing.

It is the Company's intention to consider all grievances as soon as possible, and a meeting will be held usually within 5 days of you raising the grievance. The meeting will enable you to give full details.

You are entitled to be accompanied by a fellow employee or accredited trade union official at the grievance meeting.

It may not be appropriate to take up your grievance with your line Manager if your grievance is about that person. In this case you should raise it with a more senior member of management, or, if not possible, another member of management at the same level.

After the meeting the Manager will inform you of his or her decision in response to the grievance. You have the right to appeal against this decision.

If you wish to appeal, you must inform the Company in writing. You will then be invited to attend another meeting, after which you will be informed of the final decision.