



# Disciplinary Policy

Last Reviewed - April 2020

## 1. Introduction

The purpose of the disciplinary policy and procedure is to set and maintain standards of conduct within I-BOS Interiors, and in doing so, ensure that all employees are treated fairly and consistently. It is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct.

The disciplinary policy is normally only used where other interventions have failed to produce the required improvement or when the conduct matter is sufficiently serious to require immediate formal action.

## 2. Objectives

The primary objectives of the disciplinary policy are to;

- Maintain satisfactory conduct and performance
- Ensure that employees are treated fairly and consistently, and any disciplinary action is invoked for a fair reason and in accordance with fair procedures

Employees have the right to;

- Know the case against them i.e. what they have been accused of
- Be accompanied by a colleague or a trade union representative
- Reply to allegations
- Have a case investigated and heard without pre-judgements being made

Examples of incidents where the disciplinary procedure could be invoked, include, but are not limited to;

- Unacceptable performance / standards of work
- Poor attendance
- Unauthorised absence from work
- Breach or repeated breach of company rules and regulations
- Confidentiality breach
- Breach or repeated breach of health & safety rules and regulations
- Misconduct
- Gross Misconduct

## 3. Principles

The principles defined below will be applied in any performance, conduct or other issue.

- Every effort will be made by the employee's immediate line manager to address disciplinary matters through informal methods, without invoking the formal disciplinary procedure
- While the disciplinary procedure would normally be operated on a progressive basis, the company may bypass stages of the procedure should the nature of the employee's performance, conduct, actions or attendance warrant it.
- The employee will be advised of his or her right to be accompanied by a work colleague or trade union representative at any meeting under the disciplinary policy. The company reserves the right to request an alternative companion if it is considered that the original choice may hinder the process in some way. A legal representative may not act as a companion.

- All employees are required to, and have a responsibility to, co-operate with any investigation into conduct and attend any disciplinary hearings they are required to attend. If they refuse, they could be subject to disciplinary action.
- All employees have the right to appeal any formal disciplinary outcome.

#### **4. Informal Resolution of Disciplinary Issues**

If an employee's standard of work or conduct falls below an acceptable level, the immediate line manager will informally advise the employee of this and discuss ways in which performance can be improved. In some cases, additional training, coaching or advice on future conduct/performance may be enough to resolve problems. Brief notes should be kept of informal action for reference purposes. If the standard of work continues to deteriorate the formal disciplinary procedure will be invoked.

Where an allegation has been made against an employee, in most circumstances, the immediate line manager would carry out a brief preliminary investigation. This could simply be a private conversation with the employee, enabling both parties to discuss the allegation(s). Sometimes other relevant witnesses may also be approached for further information. The purpose of this investigation is to gain information to evaluate how serious the allegation(s) are and to determine whether further action needs to be taken.

Because this is an informal meeting, employees do not have a 'right' to be accompanied by a work colleague or trade union representative.

If informal action does not bring about a change in conduct/performance or the issue is considered too serious to resolve in this way, then formal action must be taken.

#### **5. Formal Investigation**

The formal investigation will be carried out by a senior manager, referred to as the investigating officer throughout this policy.

It is important to carry out the necessary investigation of potential disciplinary matters to establish the facts of the case. In some cases, this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

##### **5.1. Formal Investigatory Meeting**

- The employee will be notified of the date and time of the meeting and who will be attending.
- Witnesses will be contacted and may be required to attend a meeting or provide a written statement, which will be determined by the investigating officer.
- The employee subject to investigation will be offered the right to be accompanied by a work colleague not involved in the process or a or trade union representative.

##### **5.1.1. Meeting Format**

The interview order needs to be planned on a case by case basis but will comprise of the following;

- The employee is advised of the allegation/s or areas of concern, the purpose of the meeting and the potential outcomes.
- The objectives for the investigation are explained: inquire into the circumstances of the suspected or alleged misconduct.
- The employee is made aware of the next steps of the investigation.

### **5.1.2. Meeting Outcome**

- Notes of the meeting are typed up and the employee is given an opportunity to review their account before signing.
- Witnesses are advised that their signed accounts may be used in formal procedures and given to the employee concerned, and they may have to give evidence personally at a disciplinary hearing, subsequent appeal or employee tribunal.
- A decision is made by the investigating officer as to whether a disciplinary hearing is required. Consideration will be given to informal action (e.g. issuing a management guidance/instruction letter) instead of proceeding to a disciplinary hearing, where appropriate in the circumstances of the case.
- The employee will be notified in writing of the outcome of the disciplinary hearing.

## **6. Formal Disciplinary Hearing**

- The case will be heard by a senior manager not previously involved in the investigation stages.
- The employee must receive advance notice of the time, date and venue of the hearing – 10 working days' notice should be given.
- The investigating officer will compile a report to present the facts and documents from the investigation at the hearing.
- The purpose of the disciplinary hearing is to enable the panel to decide whether it is more likely than less likely that the employee did what is alleged and if so what action to take.
- The objective of the hearing is to provide the opportunity for the presentation and questioning of the evidence, statements and/or witnesses.
- Notes of the meeting will be taken.

## **7. Potential Outcomes**

Any potential outcome under the disciplinary policy will be recorded and the employee clearly informed that;

- It is a formal warning under this policy
- The implications of the warning
- The length of time that the warning will be 'live'
- Their rights to appeal

The outcome letter should clearly outline the allegations and the decision made in relation to each one (if there is more than one issue).

The written confirmation of this must be sent to the employee within 10 working days of the decision.

<b>Formal Disciplinary Warnings</b>	<b>Periods they remain 'live'</b>
Recorded Verbal	6-12 Months
Written	12-18 months
Final Written	18-24 Months

## **8. Dismissal**

Employees should never be dismissed, with or without notice, without a formal hearing and the opportunity to state their case in accordance with the disciplinary policy. If the decision of a hearing is to dismiss on the grounds of Gross Misconduct, the employee's employment would end immediately. In the case of a dismissal on the grounds of Serious Misconduct the employee's employment ends at an expiry of the appropriate notice period. However, in cases of Serious Misconduct, the dismissed employee would normally receive pay in lieu of notice meaning that their employment ends on the day the decision to dismiss is taken.

## **9. Suspension**

If the situation warrants it, the company reserves the right to suspend an employee on full pay in order to carry out an investigation into an alleged disciplinary offence. The period of suspension should be for no longer than is reasonably necessary and will be confirmed in writing. A decision to suspend an employee should not be considered as a disciplinary sanction or as an indication of prejudgment of the matter.

## **10. Appeals**

An employee has a right of appeal at any stage of the disciplinary procedure. Appeals should be in writing addressed to the Director identified within the outcome letter to the employee, within seven working days of the decision being notified to the employee.

A meeting will be held after the receipt of an appeal. The Director, to whom the appeal is made, will meet with the parties concerned to consider all relevant evidence within seven working days of receipt of the appeal letter. A decision will be given to the employee within 10 working days after the meeting. The decision reached after the appeal will be final.

The appeal decision may confirm, quash, reduce or increase the disciplinary action previously decided upon. All records should be updated accordingly to reflect the decision of the appeal.