

# **Disciplinary Policy**

## **Purpose & Scope**

The purpose of a disciplinary procedure is to ensure the safe and effective operation of the business and to promote fair treatment of individual employees. The following procedure provides a framework to address any lapses in conduct [or attendance] and encourages individual employees to achieve and maintain an acceptable standard.

This procedure applies to all employees. It does not form part of your terms and conditions of employment.

This policy does not apply to dismissals, where the employment is terminated for a reason unconnected to disciplinary action, such as in the event of redundancy, retirement, or non-renewal of a fixed term contract. If these situations arise the Company will follow a fair and reasonable procedure, which will include consultation with you prior to any dismissal taking effect.

## **Informal Warnings**

Minor breaches of Company standards may result in an informal warning being given to you by [your immediate manager]. The objective of the warning is to help you to improve your conduct [or attendance] without having to use a formal procedure.

An informal warning is normally given verbally, although a note may be kept in your personnel file of what was discussed and what was agreed. Your manager will monitor your conduct [or attendance] over an agreed period. If you do not improve satisfactorily, or there are any further breaches of Company standards, then the formal disciplinary procedure will be invoked.

## **Investigation**

If it becomes necessary to formally address issues regarding your conduct [or attendance] the matter will first be investigated by [HR or an appropriate manager].

This investigation will be carried out thoroughly and as quickly as possible in all the circumstances. Confidentiality will be maintained, as far as is reasonably practicable, during the investigation and throughout the disciplinary process, should this be activated.

Under certain circumstances, including but not limited to harassment, bullying, theft and violence, the Company may decide to suspend you on [full] [basic] pay, while the matter is being investigated. This is not a disciplinary sanction, but a way of ensuring that a full review of the circumstances can take place as effectively as possible.

## **Criminal Charges**

Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

## **Disciplinary Meeting**

If, after an investigation has been carried out, it is considered that there is a case to answer, you will be notified in writing of the nature of the complaint against you. You will be provided with details of any supporting evidence which may be available and will be invited to attend a disciplinary meeting. You will be advised that disciplinary action may be taken as a result of this meeting and of your statutory right to be accompanied at this meeting by a colleague or a trade union representative. You should take reasonable steps to attend this meeting. If you are persistently unable or unwilling to attend, the Company reserves the right to proceed in your absence.

This meeting will be conducted by [an appropriate manager], [who will have played no part in the investigation process.] The Company may also have someone present at the meeting to take notes.

At this meeting the nature of the alleged breach of Company standards will be made clear to you and you will be given the opportunity to state your case and call any relevant witnesses. If any additional issues arise during this meeting, an adjournment may take place to allow further investigation.

During the disciplinary process or appeal, you will be provided with copies of any notes, witness statements or interview transcripts that the Company considers to be relevant as soon as they become available.

## **Right to be Accompanied**

You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell [HR] who your chosen companion is, [in good time/at least 24 hours] before the hearing.

The companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards we may ask you to choose someone else.

## **Disciplinary Action**

If, at the conclusion of a disciplinary meeting, or shortly thereafter, it is decided that there has been a breach of standards, formal disciplinary action will be taken.

If you are issued with a warning, you will be informed of the period for which the warning will remain in place. A copy of the written warning will be kept in your personnel file. If your conduct [or attendance] has reached an acceptable level after the specified period, the warning will be disregarded for disciplinary purposes, but will be kept on your personnel file.

If you wish to appeal against any level of disciplinary sanction, including dismissal, you should follow the procedure for appeals set out below.

## **Stage 1 – Oral Warning**

If your conduct [or attendance] is unsatisfactory or there is no improvement, or another breach of Company standards occurs, after an informal warning has been issued, you will be given a formal ORAL WARNING, a note of which will be held on your personnel file. You will also be reminded that if there is no improvement, or a further breach occurs, within a specified period, further disciplinary action will be taken.

## **Stage 2 – Written Warning**

If the breach of Company standards is more serious, or there is no improvement in your conduct [or attendance] or another breach of Company standards occurs, you will receive a WRITTEN WARNING. This will include the reason for the warning, give details of how you should improve and remind you that if there is no improvement, or a further breach occurs, within the specified period, further disciplinary action will be taken.

## **Stage 3 – Final Written Warning**

If the breach of Company standards is very serious, or there is still no improvement in your conduct [or attendance] or another breach of Company standards occurs, despite a previous warning, a FINAL WRITTEN WARNING will be given. This will include the reason for the warning, giving details of how you should improve, and remind you that if there is no improvement, or a further breach occurs, within the specified period, you may be DISMISSED.

## **Stage 4 – Dismissal or other disciplinary action**

If there is no satisfactory improvement in your conduct [or attendance] or if a further breach of Company standards occurs, you may be DISMISSED (or other disciplinary action may be taken i.e. demotion/ transfer/ reduction of pay/ suspension without pay). You will be informed in writing of the decision, given details of the reason for the dismissal, or other disciplinary action, your termination date (if relevant), the appropriate period of notice or amount of pay in lieu of notice, and details of your right to appeal.

A decision to dismiss or impose other disciplinary action will normally be taken by [a senior manager] and dismissal will only be applied if the Company does not consider any alternative to dismissal would be appropriate.

If you are dismissed under this policy your employment will terminate on the date specified in writing. Your employment will NOT be suspended pending the outcome of any appeal procedure. Should an appeal reverse the decision to dismiss you, you will be reinstated with no break in service and any monies owing to you will be paid.

Any of the above stages of disciplinary action may be omitted, depending on the seriousness of the misconduct.

## **Gross Misconduct**

If you are found guilty of gross misconduct the Company is entitled to summarily dismiss you. This means that you will be dismissed with immediate effect, without notice or pay in lieu of notice. Alternatively, the Company may impose another penalty short of dismissal.

Examples of gross misconduct include, but are not limited to:

- Theft, fraud or deliberate falsification of records
- Misuse, abuse or deliberate damage to Company property, including intellectual property, or that of other employees
- The supply or possession of alcohol or illegal drugs, or being under the influence of alcohol or illegal drugs on the Company's premises or during working hours
- Physical violence, actual or threatened
- Serious act of insubordination
- Inappropriate use of internet, intranet and email facilities
- Harassment or discrimination on any grounds

- Accepting or offering a bribe [or any other breach of the Company's anti-corruption and bribery policy]
- Disclosure of confidential information
- Serious breach of the health and safety rules
- Serious or repeated negligent acts in the performance of your duties
- Persistent or serious failure to follow reasonable instructions
- Giving false or misleading information to the Company
- Leaving the workplace without permission or reasonable excuse
- Serious disregard for rules or instructions given by the Company
- Unauthorised absence
- Bringing the Company into disrepute

### **Procedures to appeal against Dismissal or other Disciplinary Action**

Your appeal must be made in writing to [HR/a senior manager] within [5] working days of the decision being communicated to you in writing and you should detail your reason(s) for appealing against the disciplinary action.

Your appeal will be considered by [a senior manager], [who, when practicable, will not have had any previous involvement in your case], within [5] working days of receiving your appeal. If it is anticipated that the appeal process will take longer than [5] working days from receipt of your appeal you will be informed of this and of the expected timescale.

You will be notified of your statutory right to be accompanied at the appeal meeting by a colleague or a trade union representative. If additional issues or new evidence arise during this meeting, an adjournment may take place to allow for these to be investigated.

After considering your appeal, a decision may be taken to uphold the dismissal or other disciplinary action or to overturn the findings of the disciplinary meeting. You will be informed of the outcome of the appeal and the reasons for the decision in writing, as soon as possible. The decision which is reached is final.

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