



## Disciplinary Policy and Procedure

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### 1. Scope of Procedure

1.1 The Disciplinary and Grievance Procedure outlined below ("the Procedure") applies to all employees who have completed their probation period (hereunder referred to as "Employee" or "Employees") of Burrows Communications Ltd ("the Employer").

### 2. Statement of Intent

2.1 It is the Employer's intent to create a good working relationship between Employees and management, to promote effective and open communication and to ensure that the required standards of performance attendance and conduct are maintained. The Employer aims to provide a safe forum where Employees may raise problems concerns or grievances.

2.2 In some cases, the Employer may need to take formal disciplinary action to address problems such as poor performance, poor attendance or misconduct. At times, Employees may wish to bring to the Employer's attention concerns or complaints in relation to their employment.

2.3 It is the Employer's intention to implement just and effective arrangements for handling disciplinary and grievance matters to ensure fair and consistent treatment of all Employees. Disciplinary Procedure

### 3. General Principles

3.1 This Disciplinary Procedure applies where an Employee's level of conduct attendance or performance has fallen below the standard expected of him / her ("Misconduct"). Examples of Misconduct in respect of which disciplinary action will be taken include (but are not limited to) unauthorised or persistent absence; poor timekeeping; failure to comply with the Employer's rules on notification and evidence of sickness absence; failure to meet required performance standards.

3.2 Before taking formal disciplinary action in relation to an Employee, the Employee's line manager will consider whether the matter can be resolved effectively through informal action (eg training coaching or counselling), taking into account the nature of the Misconduct and the Employer's size and administrative resources.

3.3 No disciplinary action will be taken until a matter has been fully investigated and considered by the Employee's line manager.

3.4 Employees will normally receive advance written notice of any disciplinary hearing interview or meeting. In addition, Employees will normally be told in advance (and receive written confirmation) of:

- the nature of the complaint / allegation against them; and
- any witness who is called to support such complaint / allegation and what s/he might say; and
- where appropriate, Employees will receive a copy of any written evidence which will be used to support the complaint / allegation against them; and
- the possible outcome of any disciplinary hearing interview or meeting.

3.5 At all formal stages of the Disciplinary Procedure, Employees will be given full opportunity to present their case and to put forward evidence in their defence. Provided an Employee makes a prior written request within 5 days of the relevant hearing meeting or interview, s/he may be represented by a fellow Employee or a trade union official during any formal stage of the Disciplinary Procedure.

3.6 All warnings will remain on the Employee's personal file indefinitely. Warnings will be disregarded for disciplinary purposes after a period of 12 months, except in the case of a final written warning where the period will be 18 months. Time shall start to run from the date of the written notification confirming the relevant warning.

3.7 At each stage of the Disciplinary Procedure, an Employee has the right to appeal against the decision. The Employee shall have an opportunity to comment on any new evidence arising during the appeal before a new decision is taken.

3.8 As far as is reasonably practicable, the Employer shall keep disciplinary matters confidential.

3.9 The Disciplinary Procedure has four stages. The Employer reserves the right to initiate the procedure at any stage or to jump stages depending on the circumstances of the case and the seriousness of the Employee's Misconduct. Except in the case of gross misconduct or conduct which is sufficiently serious to amount to gross misconduct, no Employee will be dismissed for a first breach of discipline.

### 4. Stage 1 - formal verbal warning

4.1 Where informal attempts to resolve a problem have failed, or a first instance Misconduct is sufficiently serious to warrant formal action, a disciplinary hearing may be called by the Employee's line manager following which s/he may issue the Employee with a formal verbal warning.

4.2 A written record of the warning will be kept on the Employee's file. The Employee will be told clearly of the improvements

expected of him / her, the timescale within which they have to be achieved and the consequences of failure to do so.

## **5. Stage 2 - first written warning**

5.1 In the event of further Misconduct, or where previous attempts at resolving a problem have failed, or a first instance Misconduct is sufficiently serious to warrant action at an advance stage of the Disciplinary Procedure, a disciplinary hearing may be called by [6] following which s/he may issue the Employee with a first written warning.

5.2 The Employee will be given a copy of the warning which will also confirm in clear terms the improvements expected of the Employee, the timescale within which they have to be achieved and the consequences of failure to do so. A copy of the warning will be kept on the Employee's file.

## **6. Stage 3 - final written warning**

6.1 In the event of more serious or further Misconduct, failure to comply with the terms of a previous warning, or a first instance Misconduct which is sufficiently serious to warrant more than a first written warning but is not sufficiently serious to justify dismissal, the director responsible for the Employee's division may call a disciplinary hearing following which s/he may issue a final written warning to the Employee.

6.2 The Employee will receive a copy of the final warning which will detail in clear terms the improvements required from him / her, the timescale within which they have to be achieved and the fact that failure to do so may result in further disciplinary action and dismissal. A copy of the warning will be kept on the Employee's file.

## **7. Stage 4 - dismissal**

7.1 If Misconduct persists following the issue of a final written warning or conduct attendance or performance remains unsatisfactory, or if the offence is sufficiently serious to amount to gross misconduct, a disciplinary hearing will be held following which the Employee may be dismissed.

7.2 If the Employee is dismissed, s/he will be given a written confirmation of the dismissal, the date of termination of the employment and a notice of his / her right of appeal as soon as is reasonably practicable. Action at this stage may only be taken by the Employer's managing director.

## **8. Summary Dismissal**

8.1 The Employer will only dismiss an Employee summarily in the event of gross misconduct or some other serious breach of the Employer's rules or the Employee's contract of employment which amounts to gross misconduct.

8.2 An Employee who is dismissed summarily will not be entitled to notice or pay in lieu of notice. In each case before dismissing the Employee, the Employer will take into account the gravity of his / her conduct and any individual mitigating circumstances.

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

- theft or attempted theft fraud or deliberate falsification of records or expense claims;
- dishonesty;
- violent behaviour or fighting at work;
- negligence capable of causing unacceptable loss, damage or injury;
- deliberate damage to property;
- disloyalty or breach of confidence (subject to the Public Interest (Disclosure) Act 1998);
- serious acts of sexual, racial or disability harassment;
- downloading and / or circulation of pornographic abusive or defamatory material;
- unauthorised operation of software on the Employer's equipment;
- being unfit to work through the influence of alcohol or drugs;
- behaviour likely to damage the image or interests of the Employer to a material extent;
- serious insubordination or wilful refusal to comply with the Employer's lawful instructions / rules.

## **9. Appeals**

9.1 At any stage of the Disciplinary Procedure (including dismissal), an Employee has a right to appeal against the decision. The Employee should inform the person who made the decision of his / her intention to appeal and the grounds for doing so. Notification must be in writing, within 5 days of receipt of a written confirmation of the outcome of the disciplinary hearing.

9.2 The Employer will take all reasonable steps to deal with any appeal within 10 days. Where practicable, appeals will be heard by a more senior level of management than that taking the disciplinary action. An appeal against dismissal shall be conducted as a rehearing.

9.3 The person hearing the appeal may uphold the decision reached in the disciplinary hearing; agree with the Employee's appeal and direct that the Employee's disciplinary record be amended accordingly; decide that a lesser penalty be substituted for that imposed following the original disciplinary hearing.

9.4 The Employer will confirm to the Employee in writing the results of the appeal and will outline the reasons for its decision. A decision following an appeal shall be final within the Employer's organisation. Grievance Procedure

## **10. General Principles**

10.1 Wherever possible, Employees are encouraged to raise their concerns as soon as possible informally with their line manager. The Employee's line manager shall act promptly to investigate the Employee's grievance speedily efficiently and impartially. If necessary,

s/he shall take appropriate action. If the Employee is not satisfied with the result of an informal action, s/he may lodge a formal grievance.

10.2 This Grievance Procedure may not be used for appeals against any decision reached under the Disciplinary Procedure.

10.3 At all formal stages of the Grievance Procedure which deal with a complaint in relation to the Employer's duties to its Employees, the Employee may be accompanied by a fellow Employee or a trade union official, provided s/he makes a prior written request within 5 days of a hearing meeting or interview.

10.4 As far as practicable, the Employer will keep grievance complaints confidential.

### **11. Stage 1 - formal complaint to a member of staff**

11.1 If the Employee wishes to make a formal complaint, s/he should do so in writing to his/her line manager. If the complaint relates to the Employee's line manager, the Employee should write to his / her head of department.

11.2 The Employee's line manager shall act promptly to investigate the grievance speedily thoroughly and objectively. If the grievance is contested, the line manager will arrange a meeting within reasonable time. In the meeting, all persons involved will be able to put their case forward. The line manager shall inform the Employee and all other persons involved of his/her decision following the meeting.

### **12. Stage 2 - formal complain to a senior member of staff**

12.1 If the Employee is not satisfied with his/her line manager's decision, s/he may make a written complaint to the Employer's managing director. The Employer's managing director shall take the necessary steps to investigate the Employee's grievance speedily efficiently and impartially. If s/he considers it appropriate, s/he shall call a meeting within reasonable time. In the meeting, all persons involved will be able to put their case forward. The Employer's managing director shall inform the Employee and all other persons involved of his / her decision following the meeting. This decision shall be final within the Employer's organisation.

### **13. Additional Information**

13.1 Anyone who requires further information or has a question in relation to this Procedure should contact your Company Director.

13.2 This Procedure does not form part of any Employee's terms and conditions of employment and does not give Employees any contractual or other legal rights.