

# **Disciplinary / Dismissal Procedure**

It is the company policy that the following procedure should be followed when an employee is being disciplined or dismissed. A series of warnings will normally be given before discipline or dismissal is contemplated.

Matters which may be dealt with under this disciplinary and dismissal procedure:

- Misconduct
- Sub-standard performance
- Harassment and victimization
- Misuse of company facilities
- Poor timekeeping
- Unauthorized absences
- Minor failures to comply with company's policies and procedures

Some of the above mentioned matters may be dealt with by informal advice and coaching. An informal oral warning will be given, which does not count as part of the formal disciplinary procedure, no record of this type of warning will be kept.

If one of the above matters is serious enough, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You are allowed to bring a colleague or a friend to the meeting. The outcome of the meeting will be communicated to you. There are four possible outcomes:

## **1. Oral warning**

You may be given a formal oral warning, a note of this will be kept on your file and will be disregarded for disciplinary purposes after six months. You have the right to appeal against a formal oral warning.

## **2. Written warning**

If the infringement is more serious or there is no improvement in conduct after a formal oral warning you will be given a formal written warning. We will record details of the infringement, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months.

## **3. Final written warning**

Where there is a failure to improve during the currency of a prior formal written warning or where the infringement is sufficiently serious, you may be given a final written warning. This will give the details of the complaint, warn that a failure to improve will lead to dismissal and refer to the right of appeal. The final written

warning will be kept on file but will normally be disregarded for disciplinary purposes after 12 months.

#### **4. Dismissal**

If your conduct or performance still fails to improve the final step will be to contemplate dismissal. Your employer must follow the Disciplinary and Dismissal procedure. The employer reserves the right to dismiss you with immediate effect in the case of **gross misconduct**.

#### **Gross misconduct**

If after an investigation it is confirmed that you have committed one of the following offences (the list is not exhaustive), you will be dismissed immediately:

- Deliberate harm or abuse of a child, staff member or other adult
- Theft
- Fraud and deliberate falsification of records
- Physical violence
- Serious bullying or harassment
- Deliberate damage to property
- Gross neglect
- Misuse of company's property or name
- Bringing the employer into serious disrepute
- Incapability whilst on duty brought on by alcohol or illegal drugs
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious infringement of health and safety rules
- Serious breach of confidentiality
- Serious or repeated failure to comply with company's policies and procedures

You might be suspended without pay whilst the alleged gross misconduct is being investigated. The decision to dismiss will be taken after a full investigation.

#### **Right of appeal**

You have a right to appeal against the disciplinary or dismissal decision. You must appeal in writing to the manager/director within the timescale given during the disciplinary procedure. You will be invited to another meeting within a reasonable period of time; you can bring a colleague or a friend. The employer will inform you of their final decision shortly after the meeting, written record of the meeting and the final decision will be provided within reasonable time. To appeal against this final decision you will have to take the case to court or employment tribunal.