

BEE ACTIVE

Disciplinary Policy and Procedure

This policy and procedure is not part of contractual terms and conditions.

Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The company rules and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

No disciplinary action will be taken against an employee until the case has been fully investigated.

At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

At all stages of the procedure the employee will have the right to be accompanied by a work colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any discipline imposed. The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

The Procedure

Minor faults will be dealt with informally but, where the matter is more serious, the following procedure will be used:

Stage 1:**Unsatisfactory performance**

If performance does not meet acceptable standards the employee will normally be given an improvement note. This will set out the performance problem, the improvement that is required, the timescale and any help that may be given. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for a specified time (e.g. 6 months), but will then be considered spent – subject to achievement and sustainment of satisfactory performance.

Misconduct

If the conduct does not meet acceptable standards the employee will normally be given a written warning. This will set out the nature of the misconduct and the change in behaviour required. The warning should also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (e.g., six months).

Stage 2:**Final written warning**

If the offence is sufficiently serious, or there is a failure to improve during the timescale of a prior warning for the same type of offence, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to action under Stage 3 (dismissal or some other action short of dismissal), and will refer to the right of appeal. A copy of this written warning will be kept by the Company but will be disregarded for disciplinary purposes after a specified time (e.g. 6 months) subject to achievement and sustainment of satisfactory conduct or performance.

Stage 3:**Dismissal or other sanction**

If there is still a failure to improve the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or transfer (as allowed in the contract of employment).

The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which the employment will terminate, and the right of appeal. The decision to dismiss will be confirmed in writing.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the Company but will be disregarded for disciplinary purposes after a specified time (e.g. after 6 months) subject to achievement and sustainment of satisfactory conduct or performance.

Statutory discipline and dismissal procedure

If an employee faces disciplinary action – the minimum statutory procedure will be followed. This involves:

- step one: a written note to the employee setting out the allegation and the basis for it
- step two: a meeting to consider and discuss the allegation
- step three: a right of appeal including an appeal meeting.

The employee will be reminded of their right to be accompanied.

Gross misconduct

The following list provides examples of offences, which are normally regarded as gross misconduct. The list is not exhaustive and does not cover all circumstances that may arise:

- Theft, fraud, deliberate falsification of records including, removal of property of client, company or employee; unauthorised consumption of Company stock; falsification of any records (e.g. expense claims, medical reports, application forms, time / shift cards).
- Fighting, assault on another person whether employee, guest, supplier or client of the Company.
- Abusive, objectionable or threatening behaviour or language in the presence of or towards clients or fellow employees.
- Deliberate damage to organisational property.
- Being under the influence of alcohol or illegal drugs, or being found or suspected of bringing drugs onto Company premises or offering drugs to any other employee or customer.
- Serious negligence which causes unacceptable loss, damage or injury
- Any actions that may put others at risk of harm (e.g. removing safety guards from dangerous equipment).
- Serious act of insubordination (disobeying any reasonable request or instruction by a more senior member of staff, after having being warned that such a disobedience would constitute gross misconduct).
- Unauthorised disclosure of confidential information or statistics regarding a client, employee or the Company.
- Unauthorised entry to computer records.
- Bribery or corruption
- Flagrant disregard of either statutory or Company rules regulations relating to health, and safety.
- Gross indecency on company and/or client premises
- Any action, which could result in the Company contravening the law by continuing to employ you.
- Any criminal offence committed within or outside work, the nature of which would be that it makes the employee unsuitable for their work or unacceptable to clients of fellow employees.
- Failure to inform the Company of any Police cautions and/or convictions that may appear on an enhanced DBS check.
- Offering goods for sale which are not the property of the Company, on the Company premises, without prior written consent.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so in writing to the Managing Director, within five working days of the disciplinary letter confirming the outcome. The Managing Director will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.