

Disciplinary Policy

1. **Purpose:**

1.1 The purpose of the disciplinary procedure is to ensure that any concerns over employees' conduct or performance are handled in a fair, consistent and timely manner, with the intention of bringing about an improvement, and to protect the proper operation of the business and the health and safety of its employees.

- This procedure may be reviewed and updated from time to time. Any amendments will be notified to employees, following consultation or notice where appropriate.
- Where time limits are specified in this Policy and Procedure, they may be varied by agreement between the Company and the employee.
- The Disciplinary Policy and Procedure do not form part of the contract of employment.

2. **Persons Affected:**

2.1. The Disciplinary policy and procedure apply to all employees.

2.2. This policy and procedure does not apply during an employee's probationary period.

3. **Policy:**

3.1. Restitute endeavors to ensure that all employees achieve and maintain a high standard of performance in their work.

3.2. To this end, Restitute monitors employee performance and will provide employees with appropriate training and support to enable them to meet established standards.

3.3. The Disciplinary procedures will not be implemented without good reason.

3.4. Employees will have the opportunity at every stage of the process to state their case.

3.5. Many potential disciplinary or grievance issues can be resolved informally.

3.6. Where some form of formal action is needed, what action is reasonable or justified will depend on the circumstances of the particular case.

4. **Definitions:**

4.1. **Disciplinary:** Disciplinary situations include misconduct and/or poor performance.

4.1.1. The Disciplinary policy does not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry.

5. **Responsibilities:**

5.1. All employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

5.2. All employees should act consistently and behave fairly.

6. **Coaching**

6.1. Minor lapses in performance or conduct will be dealt with by an informal meeting to explain the

- problem and hopefully prevent a more serious situation building up.
- 6.2. A diary note of the discussion may be kept for reference, but it is not recorded on your file as disciplinary action.

7. Paid Suspension:

- 7.1. Following an allegation of gross misconduct, you may be suspended from work on contractual pay while an investigation is carried out. Paid suspension is not disciplinary action and does not imply guilt. You will receive a letter stating why you have been suspended and how long it is likely to last. Normally the decision to suspend will be made by your immediate Supervisor or Manager after guidance from the Company's HR consultant.
- 7.2. Only the Chief Executive or the Chair of Directors has the authority to suspend an individual.

8. Procedures:

8.1. Informal Process

- 8.1.1. Many potential disciplinary or grievance issues can be resolved informally, via mediation.
[for further information please see the Mediation Policy]
- 8.1.2. When a manager has minor concerns with an employee's performance or conduct the matter will initially be dealt with by holding an informal discussion with them to try to establish the reason/s. Any explanation given may, where necessary, be investigated.
- 8.1.3. Following this, the following outcomes and actions are possible:
- 8.1.3.1. The manager decides that the employee's poor performance is due to insufficient training.
- 8.1.3.2. This may be due to a change in Restitutes' working practice and/or the employee not receiving appropriate training having taken on a new post or a change in duties.
Action: Plans for additional support in the form of training will be agreed and provided.
- 8.1.4. The manager decides that the employee's poor performance or actions constitute misconduct, but at a minor level and are not consistent with the employee's usual performance and conduct.
Action: The manager may choose to deal with the matter informally by reminding the employee of the standards expected and stating that further incidents may result in a formal disciplinary procedure.
- 8.1.5. The manager decides that the employee's poor performance or actions may warrant a formal warning because of the apparent seriousness of the misconduct or because s/he believes the performance/conduct is consistent with previous occurrences that have been dealt with informally.
Action: The disciplinary procedure will be implemented.
- 8.1.6. If 8.1.3 or 8.1.4 apply the employee's performance will, following the informal discussion, be monitored thereafter for an appropriate period. Should the problem persist, the manager will follow the formal procedure below. Employees will always be given prior notice of the implementation of a formal procedure.

9. Informal Investigation:

When it is considered that an employee's conduct or performance is sufficiently unsatisfactory as to be

a potential disciplinary issue, their manager will discuss the matter with them asking for an explanation. If it is considered necessary, the manager dealing with the case will conduct a more detailed investigation.

The nature of the investigation will depend on the case but it may include fact-finding interviews and examination of relevant documents. Investigatory interviews are not part of the 'formal' disciplinary interview process and employees therefore do not have the right to be accompanied.

- 9.1. To be carried out by the most appropriate manager who is not directly involved with the incident being investigated.
- 9.2. This manager may involve others to assist with the investigation process.
- 9.3. All the relevant facts will be gathered promptly as soon as is practicable after the incident.
- 9.4. Statements will be taken from witnesses at the earliest opportunity.
- 9.5. Any physical evidence will be preserved and / or photographed if reasonable to do so.
- 9.6. A report will be prepared which outlines the facts of the case.
- 9.7. This will be submitted to the appropriate senior manager / director who will decide whether further action is required.
- 9.8. Where appropriate, this report may be made available to the individual and their representative.
- 9.9. No formal disciplinary action will be taken against an employee until the case has been investigated

10. Formal Process:

If, following the investigation, if the decision is to take formal disciplinary action the following procedure will be followed:

- 10.1. The employee will be asked, in writing, to attend a disciplinary hearing, and notified of the nature of the complaint against him or her.
- 10.2. The employee will be sent, at least 48 hours before the hearing, any written information or evidence to be considered during the hearing.
- 10.3. The meeting will normally be chaired by your immediate Supervisor or Manager and HR will be present to advise and take summarized notes.
- 10.4. The employee may be accompanied by a colleague, employee representative or trade union official certified for that purpose, at any formal meeting within this procedure.
- 10.5. At the hearing, the employee will have the opportunity to state his or her case, answer the complaint, ask questions, present evidence, call witnesses & raise points about the evidence, before any decision is made.
- 10.6. Both the manager and the employee have the right to call witnesses to give evidence at a disciplinary hearing. If the manager or employee intends to call a witness, they should inform the other party before the disciplinary hearing.
- 10.7. If necessary, the hearing may be adjourned to allow for further investigation.
- 10.8. No decision will be made until the hearing has concluded.
- 10.9. In reaching decisions on appropriate disciplinary penalties, managers will consider any mitigating circumstances
- 10.10. 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.
- 10.11. An employee will have the right to appeal against any disciplinary penalty imposed and will be notified of who to address the appeal to.
- 10.12. The formal procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

11. The Right to be Accompanied

- 11.1. Employees may, if they wish, be accompanied at any formal stage (including appeal meeting) by any willing and appropriate work colleague or a registered trade union official.
- 11.2. HR will be present at any formal stage.
- 11.3. The representative will be allowed to address the disciplinary hearing and to sum up the employee's case.
- 11.4. The representative can also respond on behalf of the employee to any views expressed at the meeting and confer with the employee.
- 11.5. The representative is not allowed to answer questions on the employee's behalf if the employee does not want him/her to and is not allowed to prevent the manager from explaining his/her case.
- 11.6. Where the chosen representative is unavailable on the date the meeting is scheduled, the meeting will be rearranged provided that the employee proposes an alternative time within five working days of the scheduled date.

12. Stage 1 – First Formal Written Warning:

A formal written warning may be given if informal action has not been effective, or the first offence is considered serious. This will state the reason for the warning and a note that, if there is no improvement, a final written warning will be given. A copy of this first written warning will be kept on file, but the warning will lapse after 12 months' subject to satisfactory conduct and/or performance. If conduct does not meet acceptable standards, the employee will normally be given a formal written warning.

- 12.1. The employee will be advised of the following:
- 12.1.1. confirmation of the decision and the reason for the warning;
 - 12.1.2. any improvement required and the timescale in which this should take place;
 - 12.1.3. that action under Stage 2 (see below) will be considered if there is no sustained satisfactory improvement
 - 12.1.4. a reminder of the right of appeal.
- 12.2. A copy of this written warning will be kept on the employee's file.
- 12.3. It will be disregarded for disciplinary purposes after six / twelve months subject to satisfactory conduct.
- 12.4. These time scales remain, provided that, during that period, no further warnings have been issued in respect of the employee's conduct.

13. Stage 2 - Final Written Warning:

A final written warning will be given if a further offence occurs while a written warning is valid, or the misconduct is sufficiently serious to warrant only one written warning, and there is inadequate improvement and/or conduct is still unsatisfactory. The warning will make it clear that any recurrence of the offence or other serious misconduct will result in dismissal. A copy of the warning will be kept on file, but the warning will lapse after twelve / eighteen months' subject to satisfactory conduct and/or performance.

13.1. The final written warning will include the following:

13.1.1. confirmation of the decision and the reason for the warning

13.1.2. any improvement required and the timescale by which this should take place

13.1.3. a warning that dismissal will result if there is no satisfactory improvement

13.1.4. a reminder of the right of appeal.

13.2. A copy of this final written warning will be kept on the employee's file.

13.3. It will be disregarded for disciplinary purposes after twelve / eighteen months, subject to satisfactory conduct.

13.4. These time scales remain, provided that, during that period, no further warnings have been issued in respect of the employee's conduct.

14. Dismissal:

If the misconduct is sufficiently serious to be regarded as gross misconduct, or if a previous written warning is still current and the employee's conduct fails to reach the prescribed standard and/or the improvements in performance are inadequate, dismissal will normally result.

14.1. Before a decision to dismiss an employee can be taken, the decision must be authorised by an appropriate senior manager.

14.2. Where the employee is a senior manager the principle of the disciplinary procedures being conducted by the next tier of management (an authorization to dismiss being approved by a senior person) will similarly be applied.

14.2.1. This might involve the Chief Executive and/or members of the Board of Directors as appropriate.

14.3. If a senior manager is not present during the disciplinary interview, the manager conducting the interview must adjourn the process and seek a senior manager's approval before notifying the employee of a decision to dismiss. As soon as reasonably practicable, the employee will be provided with:

14.3.1. confirmation of the decision and the written reasons for dismissal;

14.3.2. the date on which employment will terminate (in accordance with the employee's notice entitlement);

14.3.3. advice on the right of appeal.

15. Right to Appeal:

15.1. If, following a disciplinary decision, an employee feels that she/he has been unfairly treated during the disciplinary process or that the decision is inappropriate, an employee has the right of appeal.

15.2. An employee who wishes to appeal must inform, in writing, the manager who has been appointed to consider the appeal within five working days of the receipt of the letter confirming the outcome

- of that interview.
- 15.2.1. The outcome confirmation letter will state who the appeal must be addressed to. The employee's appeal letter should state the grounds on which the disciplinary outcome should be reviewed.
- 15.3. The appeal will normally be considered within ten working days of receipt of the employee's letter by a manager or director senior to the one who made the original decision.
- 15.3.1. Where the employee is a senior manager the principle of referring to the next tier or management will similarly be applied by involving the Chief Executive and/or members of the Board of Directors as appropriate.
- 15.3.2. This principle applies whenever manager/director roles are referred to throughout this policy.
- 15.4. If there are grounds for the appeal to be considered at an appeal hearing, the hearing will be considered as a part of the formal disciplinary process.
- 15.4.1. Employees may be accompanied by a colleague, employee representative or trade union official certified for that purpose, at any formal meeting within this procedure.
- 15.5. At the appeal hearing, the employee will be given full opportunity to state the ground(s) on which the appeal is made.
- 15.5.1. The manager/director hearing the appeal may request that the Manager who issued the disciplinary penalty attends to provide background information and/or explain their decision to impose the given penalty.
- 15.6. The manager/director conducting the appeal may exercise discretion as to whether the two parties will be present together or separately during the proceedings.
- 15.6.1. When all the evidence has been heard the hearing will be adjourned. The manager/director conducting the appeal will consider the merits of the appeal, in private, before reaching a decision.
- 15.7. The manager/director of the appeal hearing will, whenever possible, verbally inform the employee of the decision reached and confirm this in writing no later than seven working days after the hearing.
- 15.8. The manager/director of the appeal hearing may either approve the disciplinary decision already advised, substitute it with alternative decision where this would seem to be more relevant, or cancel the decision.
- 15.9. The employee should note that an appeal hearing is not intended to repeat the detailed investigation that led to or formed part of the previous hearing, but to focus on specific factors that the employee feels have received insufficient consideration, such as:
- 15.9.1. an inconsistent/inappropriate harsh penalty;
- 15.9.2. extenuating circumstances;
- 15.9.3. bias of the disciplining manager;
- 15.9.4. unfairness of the hearing;
- 15.9.5. new evidence subsequently coming to light;
- 15.9.6. where an appeal against dismissal fails, the effective date of termination shall be the date on which the employee was originally dismissed;
- 15.9.7. the paperwork relating to any appeal will be kept on the employee's file;
- 15.9.8. The decision reached at the end of the appeal stage is final.

16. Rules and Procedures: Conduct – Misconduct – Gross Misconduct

It is your responsibility to familiarise yourself with the following rules and procedures. Any breach may result in action being taken in accordance with the disciplinary procedure. Restitute may need to change the rules from time to time and any such changes will be notified to you as appropriate. If you have any concerns or require clarification on any issue, please raise these with your line manager.

17. What is Classed as a Misconduct (this is not an exhaustive list)

17.1. The following list provides examples of offences which are normally regarded as misconduct which may warrant a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- 17.1.1. persistent lateness and poor time-keeping
- 17.1.2. absence from work, including going absent during work, without valid reason, notification or authorisation
- 17.1.3. failure to notify the company of absence in good time
- 17.1.4. producing shoddy work, taking shortcuts & cutting corners
- 17.1.5. hiding mistakes from managers & colleagues
- 17.1.6. gossiping, insulting & badmouthing colleagues leading to unlawful discriminatory nature. this includes harassment and bullying
- 17.1.7. delegating tasks that do not need to be delegated
- 17.1.8. slacking off & taking long breaks
- 17.1.9. failure to observe health and safety rules
- 17.1.10. failure to conduct yourself in a professional manner
- 17.1.11. failure to conduct yourself and perform your work at all times in a manner that is in the interests of the company
- 17.1.12. smoking within unauthorised areas
- 17.1.13. failure to work in accordance with prescribed procedures
- 17.1.14. taking credit for another employee's work
- 17.1.15. taking time off sick when it is unnecessary to do so
- 17.1.16. stealing office equipment
- 17.1.17. misuse of email, internet or social media
- 17.1.18. discrimination towards colleagues or customers
- 17.1.19. incompetence
- 17.1.20. unreasonable standards of dress or personal hygiene
- 17.1.21. failure to follow reasonable and lawful direct instruction given by management.
- 17.1.22. failure to observe Restitute's notices, regulations and procedures that are displayed by the company
- 17.1.23. any conduct detrimental to its interest or its relations with any third party, or damage to public image.

18. What is Classed as a Gross Misconduct:

- 18.1. The following list provides examples of offences which are normally regarded as gross misconduct, but this list is not exhaustive:
- 18.1.1. Theft, fraud, dishonesty or deliberate falsification of Company records including time-sheets commission claims, and/or the false declaration of qualifications or professional registration.
 - 18.1.2. serious case of unlawful Bullying, harassment, victimisation, or discrimination
 - 18.1.3. serious breaches of Data Protection policy, confidentiality and / or security
 - 18.1.4. physical violence, assault, breach of the peace, verbal abuse or other violent behaviour
 - 18.1.5. deliberate or reckless damage to Restitute's property;
 - 18.1.6. serious incapability at work due to being under the influence of alcohol or illegal drugs. Being in possession of, or dealing in illegal drugs whilst at work
 - 18.1.7. deliberate and serious negligence, which causes or could have caused significant loss, damage, misuse or injury to Restitute, its employees or service users or the general public
 - 18.1.8. false declaration of qualifications or professional registration
 - 18.1.9. bringing Restitute's name into disrepute, including but not limited to, making negative or disparaging comments on social media sites or similar
 - 18.1.10. serious breach of trust or confidentiality (subject to the public interest [disclosure] act 1998)
 - 18.1.11. Deliberately accessing internet sites containing pornographic, offensive or obscene material.
 - 18.1.12. Taking part in activities which could or do result in adverse publicity to Restitute or which cause us to lose faith in your integrity
 - 18.1.13. Acts of gross negligence, or misconduct involving careless or reckless driving, excessive speeding, including the use of hand-held mobile phones whilst driving.
 - 18.1.14. serious infringement of Restitute's safeguarding and/or health and safety policies;
 - 18.1.15. conviction of a criminal offence that makes an employee unsuitable or unable to carry out their duties;
 - 18.1.16. Serious breach of the Anti-Bribery policy - bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe
 - 18.1.17. serious act of insubordination, such as a deliberate refusal to follow reasonable and lawful direct instruction given by management which is within the individual's capabilities, and which would be seen to be in Restitute's interests

19. *Monitoring and Policy Review*

19.1 Compliance with the policy will be monitored by the HR department.

19.2 This policy will be reviewed by the HR Manager on an annual basis and will be updated where necessary.

Last Review Date: August 2024

Next Review Date: August 2025