

Disciplinary policy

This policy is a framework for dealing with cases of where an individual's performance and/or conduct has failed to reach the required standard. Just Electrical Training recognises that employees should be treated fairly and this policy aims to provide consistency in the treatment of all staff.

It will guide during alleged breaches of organisational policies, rules and procedures, aiming to help and support employees in achieving acceptable standards of conduct, we believe disciplinarys should only be used where problems with conduct cannot be resolved through advice and encouragement, training or increased support.

In cases of inadequate performance, this procedure will only be used once an employee has been referred from the organisation's formal capability procedure.

1. Policy Statement

1.1 Just Electrical Training is committed to supporting its staff to learn and achieve their full potential. We consider that informal action should be taken in cases of minor misconduct. In such instances, the employee will be invited to attend an informal meeting by their line-manager where an account of the minor misconduct will be given. The line-manager will give constructive feedback and the employee should share their views on the issue. This is separate from any formal part of a disciplinary process.

2. Definitions

Misconduct is defined as failure in personal conduct, persistent poor performance or if an employee contravenes the organisation's policies, rules and procedures. A list of possible disciplinary offences follows. Reasons for disciplinary action may include but are not limited to:

Acts of misconduct	Acts of gross misconduct
Dishonesty	Theft, fraud, deliberate falsification of records
Misuse of the organisation's name	Criminal offence which affects the individual's ability to carry out his/her job
Breach of confidentiality and/or data protection	Physical assault by an employee on any other person
Breach of financial trust	Serious negligence which causes unacceptable loss, damage or injury
Misuse of the organisations equipment and materials	Serious breach of confidentiality

Engaging in activities on the premises which could bring the employer into disrepute	Deliberate falsification of financial claims including timesheets or expenses
Supplying false or misleading information when applying for employment	
Health and Safety issues, for example threatened or actual physical assault	With reference to the appropriate policy: Serious acts of harassment / bullying / discrimination, persistent alcohol or drug abuse
Deliberate or reckless damage to the organisation's property	Wilful misconduct or disobedience of lawful and reasonable orders
Abusive, obscene language or gestures	Engaging in undisclosed employment during hours when contracted to work or during periods of designated leave, for example paid sick leave or time off for training.
Failure to observe establish health and safety rules and report accidents or injuries whilst at work	
Creating or contributing to unsanitary conditions	
Possession of offensive weapons	
Performance related issues for example, serious neglect of duty which undermines the organisation	
Failure over time to perform work to satisfactory standards	
Refusal to carry out a reasonable request of a manager	
Breach of the organisations written policies, examples include harassment and bullying.	

3. Process

Disciplinary action will not be taken before an investigation has taken place. Any investigation will usually be carried out by the employee's line-manager. The employee will be informed as soon as possible that an investigation is taking place and the date when the investigation will conclude. The investigation should take no longer than 10 working days. There may be instances where an employee is suspended with pay while the investigation is carried out.

Depending on the case, it may be necessary for the employee to attend an investigatory interview. If such an interview is held, it will be made clear that the interview is part of the investigation process and separate from any disciplinary

hearing. The employee has the right to be accompanied to an investigation interview by their trade union rep or fellow work colleague.

4. Procedure

Once the investigation has concluded and the employee's line-manager believes that there are reasonable grounds that an employee committed an act of misconduct, the employee will be invited to attend a disciplinary hearing. The disciplinary hearing will take place within 10 working days of the conclusion of the investigation. The disciplinary hearing will be heard by a senior manager and the organisation will:

- Give the employee in advance at least 5 working days notice of the hearing date, time and venue, in writing;
- Explain that the disciplinary hearing will be conducted.
- Provide correspondence with a full explanation as to why the disciplinary hearing is taking place;
- Said correspondence will state the employee's right to be accompanied by their trade union rep or fellow work colleague;
- Provide the employee with all relevant information including statements the employer wishes to use as part of this process;
- Witnesses – the names of any witnesses being called by the employee must be made available to Just Electrical Training no later than 2 working days prior to the hearing. It is the responsibility of the employee to organise their own witnesses, and all concerned of any access requirements needed.
- The employee will be advised of the name of witnesses along with the panel within 2 working days of the hearing.

Attendance at hearing

The employee should take all reasonable steps to attend the hearing on the date / time stated in the employer's correspondence. However, the hearing will be rescheduled to another time if the accompanying person is not available at the chosen time. In these circumstances, the employee must propose another date within 5 working days of the original hearing date.

Where an employee fails to attend or remain throughout a scheduled hearing through circumstances beyond their control, the hearing or the continuation of the hearing should be arranged for another time (within 5 working days).

Employees may not be able attend a hearing due to ill health. In these circumstances the employee may be required to provide a medical certificate from their GP. The matter may also be referred to an external designated Occupational Health Practitioner who, with the employee's consent, will discuss the matter with the

individual's GP, to assess the length of time the employee is unable to attend hearings. If an employee does not give their consent, the panel will have no option but to base any decision on whether to defer the hearing or proceed in the employee's absence on the information available. Each case will be evaluated on its own merits but the prime objective is to minimise any barriers or further delays.

If there is any additional evidence presented at the hearing, the panel may decide to adjourn a hearing and reconvene at a later date (within 5 working days of the original hearing date).

Stages of Disciplinary Action

The table below sets out the stages of disciplinary action within this procedure. In more serious cases of misconduct a stage may be escalated to higher level disciplinary action:

Stage 1 – Oral Warning (recorded)	If an employee's conduct or performance does not meet the required standards the employee may be given an oral warning, which may be recorded on their employee record for 6 months and then removed. The employee is advised at this stage that if their conduct or performance does not improve, the employer may move to the second stage of this disciplinary procedure.
Stage 2 – First Written Warning	If the offence is a serious one, or following a review of stage 1 of this procedure there has been no improvement in conduct or performance, a written warning will be given to the employee. The warning will set out details of the complaint and the required improvement. This warning will be placed on the employee's record for 9 months and then removed.
Stage 3 – Final Written Warning	A final written warning will be issued to an employee if there is still a failure to improve conduct or consistent poor performance, or if the misconduct warrants a written warning but not dismissal. The written warning will have a full account of the complaint and will detail that continued misconduct or poor performance will result in dismissal. This final written warning will be placed on an

	employee's record and will be removed after 12 months.
Stage 4 – Dismissal	If an employee's performance or conduct continues to be unsatisfactory, then the employee's employment may be concluded. Only a senior manager can make the decision to dismiss an employee. The employee will receive full written confirmation of the decisions that have been taken and the date in which employment will terminate. The letter will also set out the employee's right to appeal.
Stage 4 – Action Short of Dismissal	In serious cases where dismissal is considered but it is decided to impose disciplinary action other than dismissal, it may also be agreed to retain a final warning permanently on the employee's file, and the employee be advised that any recurrence will lead to dismissal. Such a warning will be subject to review, at not less than 12 month intervals, at the request of the employee.

The agreed panel has the authority to :

- Find that the employee has no case to answer to and discharge the case.
- Require satisfactory completion of a course of training or developmental activity.
- Issue a first written or final written warning and impose conditions in relation to such warnings.
- Extend the period of the final written warning as an alternative to dismissal.
- Dismiss the employee with the appropriate period of notice or payment in lieu of notice.
- Dismiss the employee without notice or payment in lieu of notice.

When deciding on the level of disciplinary action to take, the panel will take into account any previous disciplinary warnings issued that are still current.

Decision and Written Notice

On the basis of the discussion and evidence provided, the panel will decide what action, if any, should be taken. The employee will normally be notified in writing within 7 working days of the conclusion of the hearing.

If a disciplinary warning has been issued, the written notification will set out all the conditions associated with the warning, i.e. the reason for the warning, the improvement required, how monitoring will take place, the period for which the warning will be in effect, the likely penalties for failure to meet conditions of the warning, and the employee's right to appeal.

Where disciplinary action is dismissal, the written notification will state the reason for the dismissal, the date on which their employment will terminate (taking into account the employee's required notice period if appropriate) and the employee's right to appeal.

Appeal

An employee can appeal against any disciplinary sanction imposed against him / her, with the exception of an informal oral warning.

The employee has the right to be accompanied to the disciplinary hearing by another employee, a recognised trade union representative or an official employed by the recognised trade union.

When lodging the appeal, an employee must state:

- The grounds of the appeal; and
- Whether he/she is appealing against the findings that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

The employee must submit a written appeal to the Training Manager within 5 working days of being informed of the disciplinary sanction being imposed against him / her.

Names of any witnesses to be called by the employee must be made available to the Training Manager or panel, no later than 2 working days prior to the hearing. It is also the employee's responsibility to inform witnesses where the appeal is taking place and the time.

The appeal will be heard by a senior staff member who has had not been involved in the decision to impose the disciplinary sanction on the employee. The senior staff member is obliged to consider any representations made by the employee, trade union rep or trade union official and those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction.

The senior staff member, on hearing the appeal, must make a judgement after reviewing all the evidence put forward from all parties, together with any further facts of evidence they may have come to light. The senior manager must make a decision whether to uphold the disciplinary sanction.

In the event that the senior manager finds for the employee, anything relating to the disciplinary sanction will be removed from the employee's record.

Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.

The employee should take all reasonable steps to attend the appeal hearing on the date/time stated in the written notification. However, the hearing will be re-scheduled to another time convenient for the employee if the employee's accompanying person is not available. The employee must propose an alternative date within 5 working days of the original date (this time limit may be extended only by mutual agreement).

Upon completion of the appeal, the senior manager will inform their decision to the employee. The decision will be confirmed in writing within 7 working days. The organisation's decision is final.

When an appeal lies against a dismissal by the panel, the panel's decision to dismiss will have had immediate effect and therefore, if the dismissal is by notice, the period of notice will have already commenced on the date the panel gave their decision. If the panel's decision was to dismiss the employee summarily without notice, the organisation will be under no obligation to reinstate or pay the employee for any period between the date of the original dismissal and the appeal decision and the original date of termination will stand.

In the event that the panel's decision to dismiss is overturned, the employee will be reinstated with immediate effect and he/she will be paid for any period between the date of the original dismissal and the successful appeal decision. An employee's continuous service will also not be affected.

5. Review of Policy

This disciplinary policy will be periodically reviewed by the Training Manager to ensure it remains compliant and relevant with current UK legislation.