

# Disciplinary Procedure Policy

Updated 25th March

## Disciplinary Procedure

The purpose of this procedure is to assist WEDF to act fairly in handling problems relating to conduct, attendance, breach of any terms of employment or WEDF's policies. The procedure is non-contractual and is only intended as guidance for managers. WEDF may depart from the procedure set out below where it is expedient to do so and where it is considered that the alternative procedure remains fair in the circumstances of the particular case.

## Disciplinary

In the first instance, WEDF will investigate the facts surrounding the complaint, which may include an initial discussion with the associate or staff member and other witnesses.

If WEDF considers that it is not necessary to resort to the formal warning procedure, the matter will be discussed with the associate or staff member and perhaps deliver an informal warning or suggest areas for improvement.

The associate or staff member will be informed that no formal disciplinary action is being taken, although a note of the discussion may be placed in the associate or staff member's HR file.

If WEDF considers disciplinary action may be necessary, the associate or staff member will usually be interviewed and be informed of the allegations made against them. For very minor matters, where there is little dispute of fact, it may be appropriate to make a decision regarding the misconduct at this initial interview.

However in cases where WEDF deems it appropriate, a disciplinary hearing will be set (this will not normally be set be less than five working days, although this may be reduced if necessary or varied by mutual agreement. We will also tell the associate or staff member, in writing, the reason for the disciplinary meeting, and remind them of their right to be accompanied or represented by a work colleague. They will be given the opportunity to state their case and when the person making the decision will consider the facts and the evidence of any witnesses.

Should WEDF deem it necessary, the associate or staff member will have the right to ask questions of any witnesses, (through WEDF at the hearing). In exceptional cases it may not be appropriate for the witness to attend the hearing and the associate or staff member may not have the opportunity to question the witness at the hearing, (for example if there is an allegation of sexual harassment and the witness is intimidated by the associate or staff member). In such cases WEDF will consider the most appropriate way to conduct the hearing to try to ensure the rights of all employees are safeguarded, so far as possible.

WEDF may at any time suspend the associate or staff member from work on full pay for the purposes of investigating any allegation of misconduct or breach by the associate or staff member's terms and conditions of employment and pending the outcome of the investigation into the alleged offence. During the period of suspension, except with the prior written

consent of WEDF, the associate or staff member must not attend any premises of WEDF, including virtual areas, including but not limited to The Forum, or conduct any business on behalf of WEDF. Any suspension, investigation and disciplinary hearing carried out pursuant to this procedure will usually be completed within a two-week period, but the associate or staff member's suspension may be for a longer period, if necessary.

Decisions regarding all issues of misconduct will usually be made by John Marshall. Anyone materially involved in the incident under investigation will not usually decide the outcome of the disciplinary hearing, unless it is impractical or inappropriate for anyone else to do so.

If some or all of the allegations are upheld, any of the following formal sanctions may be imposed:

### **Oral warning**

In the case of minor offences the associate or staff member will be given a formal oral warning. They will be advised of the precise nature of the offence, the likely consequences of further offences and their right of appeal. A written record of this warning will be given to them and placed on their personnel file. The written record will usually be disregarded for disciplinary purposes after 12 months in the absence of further offences.

A list of the types of conduct that will normally be considered to be misconduct is below.

### **Formal written warning**

In the case of more serious offences, the associate or staff member will be given a formal written warning. They will be advised of the precise nature of the offence, the likely consequences of further offences and their right of appeal. A copy of the formal written warning will be placed on their personnel file. The written record will usually be disregarded for disciplinary purposes after 12 months in the absence of further offences.

A list of the types of conduct that will normally be considered to be misconduct is below.

### **Final written warning**

In the case of further offences or if the associate or staff member still fails to improve during the period of a prior warning or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, the associate or staff member will be given a final written warning setting out the precise nature of the offence. The warning will confirm that any recurrence or further offence may lead to dismissal (or whatever other penalty is considered appropriate). A copy of the final written warning will be placed on the associate or staff member's personnel file. After 12 months (and in the absence of further offences), the final written warning will usually revert to the status of a first written warning and will then usually be disregarded for disciplinary purposes after a further 12 months.

### **Dismissal and penalties**

In the case of gross misconduct or further misconduct (if the previous stages of the warning procedure have been exhausted), the associate or staff member will normally be dismissed, but only after consideration of other possible disciplinary action. In serious cases, dismissal will usually be without notice.

A list of the types of conduct that will normally be considered to be gross misconduct and lead to the associate or staff member's summary dismissal is below.

If the associate or staff member has received a final written warning further misconduct or poor performance may warrant the consideration of a penalty short of dismissal. Such penalty may include demotion, disciplinary transfer, loss of seniority or loss of increment.

If the associate or staff member is dissatisfied with the outcome of any stage of the above procedure or the grievance procedure they may give notice of appeal in writing within five days of receiving the written decision. Their notice of appeal must set out why they disagree with the decision and any complaints the associate or staff member has about the decision itself or the manner of the decision. If they do not set these out in the associate or staff member's notice of appeal, they may not be able to raise these points at any appeal hearing. The appeal decision shall be final and binding. The appeal would normally be heard by a level of management above the person carrying out the disciplinary action or, if that is not possible, at the same level.

### **Examples of Misconduct**

The following are non-exhaustive examples of the sort of offences that will amount to misconduct and which could therefore lead to the disciplinary procedure being invoked:

- Persistent absenteeism or lateness
- Absence without authorisation
- Failure to follow absence reporting procedures
- Contravention of minor safety regulations
- Failure to comply with reasonable management instructions
- Foul or abusive language
- Abusive, objectionable or insulting behaviour
- Disorderly conduct
- Minor breach of company terms and conditions, rules, policies or procedures
- Wilful or excessive wastage of WEDF's time or materials
- Damage to equipment or material caused by carelessness
- Misuses of WEDF's email, internet or internal mailing or communication facilities

### **Examples of Gross Misconduct**

The following are non-exhaustive examples of the sort of offences which could amount to gross misconduct and which could therefore lead to the associate or staff member's summary dismissal without notice or pay in lieu of notice

- Serious damage to WEDF's or partner's property
- Falsification of reports, accounts, expense claims, self-certification forms, employment applications or any other of WEDF's records or reports
- Wilful refusal of an associate or staff member to carry out their duties or reasonable instructions of their manager, or person in a managerial role within WEDF
- Intoxication by reason of drink or drugs or having illegal drugs in associate or staff member's possession, custody or control on WEDF's premises or whilst carrying out the associate or staff member's duties on a third party's premises
- Serious breach of company terms and conditions, rules, policies or procedures

- Violent, dangerous or intimidatory conduct or serious abusive behaviour
- Sexual, racial or other harassment of a fellow employee or the associate or staff member's manager
- Negligence resulting in serious loss, damage or injury
- Serious cases of non-compliance with safety regulations
- A criminal offence committed outside of the workplace (the nature of the offence being incompatible with the employees job/position)
- Making any form of secret personal financial profit in the associate or staff member's role as a associate or staff member of WEDF
- Transacting personal business during working hours to further personal business interest
- Serious misuses of WEDF email, internet or internal mailing or communication facilities
- Illegal activity on WEDF's premises
- Unauthorised use or disclosure of confidential information
- Discrimination towards fellow employees, supplier or clients on the grounds of race, sex disability or any other ground prohibited by law
- Rudeness to clients and potential clients or partners of WEDF
- Theft, fraud or unauthorised possession of any property belonging to WEDF or any employee.

### **Right Representation**

During Disciplinary, Poor Performance and Grievance hearings, but not investigatory meetings, the associate or staff member has the right under EU law to be accompanied and represented by an official from a recognised trade union or a work colleague (with the consent of that person).

It is not appropriate to have close family, a solicitor or anyone who does not work for WEDF present. The associate or staff member's representative's role is to witness the meeting, help them prepare, speak on their behalf (but not answer questions on their behalf) and give them support through the process. Normal standards of behaviour are expected during any hearing. All shouting, rudeness or intimidatory conduct by any person at the hearing may result in disciplinary action for the behaviour in the meeting.

If the associate or staff member cannot attend on the date set for any meeting, we will postpone the meeting for up to five days and may postpone it for longer (at our discretion) depending on the reason for non attendance.

### **Approval and Document Control**

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