

## DISCIPLINARY ACTIONS AFTER A HEARING

### **Formal verbal warning**

If, despite informal discussions, the employee's conduct or performance does not meet acceptable standards, following a Disciplinary Hearing, the employee will be given a formal verbal warning by their Supervisor or Manager.

#### **They will be told:**

- The reason for the warning.
- This warning is the first stage of the formal disciplinary procedure.
- They have the right of appeal.
- A brief note of the reason for the warning will be kept for six months, after which time it will lapse, subject to satisfactory conduct and/or performance in that period.

### **Written warning**

If there is no improvement in standards, or if a further offence occurs, following a disciplinary hearing, a written warning will be given, by the employee's Supervisor or Manager.

The written warning will state:

- The reason for the warning.
- Timescale for improvement.
- Likely consequences of non-improvement (a final written warning).
- They have the right of appeal.
- The details of that warning will be recorded and retained for nine months, after which time it will lapse, subject to satisfactory conduct and/or performance in that period.

### **Final Written warning**

If the conduct of the employee remains unsatisfactory, or if the misconduct is substantial and sufficiently serious to warrant only one written warning, then following a disciplinary hearing a final written warning may be given, by the appropriate Manager making it clear that any recurrence of the offence or other serious misconduct will result in dismissal.

A copy of that warning will be kept on file for 12 months, after which time it will lapse, subject to satisfactory conduct and/or performance in that period.

### **Dismissal**

If there is no satisfactory improvement or if further serious misconduct occurs, the employee will be subject to a formal disciplinary hearing, which may lead to their dismissal.

Only a Company Director or their nominated deputy may award such a penalty. Except in cases of gross misconduct, employees may receive notice or payment in lieu of notice.

At all stages of the disciplinary process, the right of appeal will be offered and confirmed to the Employee.

### **Gross misconduct**

For a serious act of misconduct, an employee may be dismissed. Such a penalty may only be given by the Director of the Company or their nominated deputy.

A decision to dismiss an employee will only be taken when all relevant stages of the disciplinary procedure have been fully completed except for Gross Misconduct.

If, after investigation and full disciplinary hearing, it is deemed that the Employee had committed an offence of the following nature, the Company may terminate that person's employment immediately and without pay in lieu of notice.

(Please note that this list is not to be considered exhaustive for gross misconduct offences).

- Breach of your duty of confidentiality in relation to the Company's affairs or with respect to clients of the Company.
- Professional misconduct or dishonesty.
- Conduct which in the opinion of the Company, may injure or damage the business or the reputation of the Company.
- Fighting or instigating a fight with a fellow employee or any other person invited onto the Company's premises, or at a client's premises.
- Abuse or destruction of property of the Employees of the Company, or a client.
- Theft of property belonging to fellow employees, the Company, or a Client.
- Consumption of any intoxicating beverage or the taking of any unlawful or non-prescribed drugs on the Company's or a Client's premises without prior permission.

OR

Intoxication due to alcohol or drugs which have not been prescribed by a Medical Practitioner.

- Falsification of records or making untrue statements, which may result in the falsification of records.
- Misuse or removal of any documents, data, records or information of any nature from Company or Client premises without authority.
- Refusal to follow reasonable and lawful instructions from a Manager
- Any form of harassment or bullying including abusive language.
- Failure to follow Health & Safety rules or common safety practices.

### **Suspension**

While the alleged gross misconduct is being investigated, the employee may be suspended during which time normal remuneration will be paid.

The suspension in itself is not to be regarded as a form of disciplinary action and will be for as short a period as possible.

Any decision to dismiss will only be taken after investigation and a full disciplinary hearing being held.

If the employee is found to have committed an act of gross misconduct, he or she will be dismissed without notice or payment in lieu. The decision will be confirmed in writing, stating the reason for the dismissal.

### **Appeals**

At all of the stages of the disciplinary procedure, the employee has the right to appeal against a disciplinary decision, by use of the Company's Appeals Procedure.

The Employee's right of appeal will be confirmed as part of the warning or dismissal letter. See Appeal Procedure.



Wherever possible, a Manager who was not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible. However, it should be understood that in a small Organisation this may not always be practicable or possible.

Where, at any stage or at Appeal, a disciplinary sanction is not upheld all reference to the incident will be removed from the employee's disciplinary record and a full appropriate explanation will be made to the employee.

### Rotunda Policy Review Record

Reviewed by:	Approval date:	Review frequency:	Review date:	Signed:
Maxine Ennis	11 <sup>th</sup> May 2024	Annual	12 <sup>th</sup> May 2025	