
Disciplinary Procedure

1. Introduction

GRAHAM Facilities Management (the Company) recognises that the maintenance of standards is essential for the business to operate effectively and is particularly necessary for the safety and well-being of its employees and visitors. The Company takes view that in most cases employees are committed to achieving and maintaining acceptable standards of conduct, attendance and performance.

This procedure is designed to help and encourage employees to achieve the required standards of conduct, attendance and performance. The procedure will be applied in a fair, reasonable and consistent manner and at all times the Company will respect your rights of natural justice and fair procedures.

The Company reserves the right to enter at any stage of this procedure depending on the seriousness of the matter.

2. General Principles

Where there is an allegation that your conduct, attendance and performance falls below the standards and the Company is considering disciplinary action the following general principles will apply:

- The Company has right to commence the procedure at any stage depending on the seriousness of the allegations
- The Company will comply with the rules of natural justice and follow fair procedures [including taking steps without unreasonable delay.]
- The Company will conduct a fair and reasonable investigation
- The Company has a right to suspend you (with pay) to facilitate the investigation
- You have the right to know the allegations against you.

You have a right to representation by a fellow colleague or trade union representative at disciplinary and appeal hearings.

- You have a right to respond to the allegations against you
- The Company will make a fair and impartial determination of the allegations, considering all representations made and any other relevant evidence, factors, circumstances.
- You have a right to appeal the decision.

This procedure does not apply during probationary periods for Performance Management, nor does it apply to sickness absence management. This policy is adopted on a non-contractual basis and therefore does not make up part of your contractual terms and conditions.

Disciplinary Rules

3. Gross Misconduct

3.1 The following examples will be considered by the Company to be gross misconduct and include but are not limited to the following:

- Theft, fraud, or unauthorised possession of Company property.
- Dishonesty
- False declaration of any kind in connection with your employment.
- Fighting or horseplay
- Assault in any form or threatening physical violence towards any person on the Company's premises, and/or behaving in such a way that is liable to injure a person or damage either Company property or that of other employees or visitors
- Being under the influence of alcohol or under the influence of illegal drugs in the workplace and/or if the results of a drugs and/or alcohol test show that you are above recommended levels, [or the refusal to take a drugs test]
- Being in possession or dealing illegal drugs or substances.
- Abusive or threatening language or conduct.
- Insubordination and/or refusal to carry out a reasonable management instruction or follow procedures.
- Disclosure of confidential information to unauthorised persons.
- Discrimination on the grounds of gender, marital status, family status, age disability, sexual orientation, race, religion, and membership of the Traveller community
- Bullying and/or harassment, indecent and/ or offensive behaviour
- Serious negligence which causes or may cause unacceptable loss, damage, or injury.
- Sleeping during working hours.
- Disregard for Health and Safety rules and practices
- Smoking in a designated non-smoking area.
- Use of Company property or information for personal gain.
- Falsifying any company document including attendance records.
- Driving at excess speed and/or reckless driving in breach of the Vehicle/Commercial Vehicle Policy.
- Any actions that bring or are likely to bring the company into disrepute
- Breach of anti-bribery policy.
- Breach of IT Acceptable Use Policy and Social Media Policy
- Covert recording of any meeting or conversation in the workplace.
- An arrest or conviction on a criminal charge, whether it is committed inside or outside of employment, where it makes you unsuitable for the role you are employed to do, is unacceptable to fellow employees or is contrary to the Company's best interests or reputation.

Gross misconduct may result in immediate dismissal without notice or pay in lieu of notice.

The above is not intended to be an exhaustive list nor does its order imply any significance. Management reserves the right to decide how other conduct will be categorised

4. Suspension Pending Investigation

4.1 In some circumstances it might be deemed necessary to suspend an employee pending an investigation into alleged misconduct. Where this is applied it does not imply any guilt on the employee suspended but to facilitate the investigation.

4.2 You should remain contactable by the Company and be available to attend for interview/consultation at any time within the normal working day.

5. Disciplinary Procedure

5.1 Informal Counselling

Minor breaches of discipline may be dealt with informally by counselling from your Line Manager about your conduct, attendance, and performance. You will be told the time period over which it is expected that you will improve. Continued failure to meet specified standards may lead to formal disciplinary action being taken.

This is an informal part of the process, and a note of the discussions will be recorded by your Line Manager.

5.2 Formal Discipline

If after informal counselling your conduct, attendance and performance is unacceptable or there is a more serious breach has occurred the Company will commence the formal process.

You may be invited to an investigatory meeting to help establish facts. This does not form part of the disciplinary hearing.

If it is established that there is a case to answer at a disciplinary hearing the above general principles will apply to the process.

6. The Disciplinary Hearing

6.1 At a disciplinary hearing, the Manager conducting the hearing will:

- Inform you of the alleged breach of conduct.
- Tell you the facts relating to the alleged breach.
- Invite you to respond fully to the allegations and put forward any explanations or mitigating circumstances.

6.2 In reaching a decision, the chairperson will take into account the seriousness of the misconduct, any other relevant or appropriate evidence, factors, circumstances including the representations made by, or on behalf of you and your current disciplinary record.

6.3 If the allegation is upheld and a warning issued you will be told:

- That breach of conduct found
- The level of disciplinary sanction being issued (if any).
- The improvement required and any action necessary to achieve it.
- The length of time over which the improvement must be achieved.
- The consequence of your failure to achieve the specified improvement.
- Your right of appeal.

6.4 The disciplinary sanction and your right of appeal will be confirmed to you in writing.

7. Disciplinary Sanctions

The disciplinary sanctions are as follows:

Stage 1: **Formal Verbal Warning** – for minor breaches of conduct, poor attendance, or lapse in performance you may be given a Formal Verbal Warning. A record of this sanction will be retained on your staff record but disregarded for disciplinary purposes after 6 months.

- Stage 2: **First Written Warning** – for standards of conduct or performance that have not reached a satisfactory level following a Formal Verbal Warning or where there is an accumulation of minor offences, or where the offence is deemed to be more serious you may be given a First Written Warning. A record of this sanction will be retained on your staff record but disregarded for disciplinary purposes after 12 months.
- Stage 3: **Final Written Warning** – for standards that are not achieved within the desired timescale following a First Written Warning, or if the offence, is sufficiently serious to warrant the issuing of a Final Written Warning. A record of this sanction will be retained on your staff record but disregarded for disciplinary purposes after 12 months.
- Stage 4: **Dismissal** – if there are further breaches and/or standards are not achieved within the desired timescale following a Final Written Warning then you may be dismissed following a full investigation and fair procedures. In these circumstances, dismissal will be with notice or with pay in lieu of notice.

As an alternative to dismissal (both with and without notice) the Company will consider whether an alternative penalty is appropriate including transfer to another department, suspension without pay and/or demotion. These may be applied in addition to another penalty noted above.

The Company also reserve the right to seek full recompense for the cost of any damage's costs by your actions and you agree that the Company has a right to recoup such payment directly from any money owed to you by the Company.

Dismissal without notice or without pay in lieu of notice (Summary Dismissal) is reserved for cases of gross misconduct.

8. Authority Levels

Managers who have the authority to issue sanctions within the Disciplinary Procedure are as follows:

- Sanctions up to and including First Written Warning – immediate Line Manager.
- Sanctions up to and including Final Written Warning – Middle Manager or Senior Management within the Business Unit following liaison with the HR Department.
- Sanctions up to and including Dismissal (including Summary Dismissal) – Senior Management within the Business Unit and Human Resources.

9. Appeals Procedure

- 9.1 You have a right to appeal any disciplinary decision. If you wish to appeal you should do so in writing within five working days of the date of the decision. You will be invited to attend an appeal hearing. The decision of the appeal panel will be final.

10. Recordings

Notes may be taken at any meeting held under this policy however no one is permitted to make any electronic recording of meeting, for example, on a mobile phone, dictaphone or other recording device. Any breach of this rule will be treated seriously and will be dealt with under the Company's Disciplinary Procedure

11. Third Parties

The Company has a reserve the right to engage an independent third party to assist at any stage of the disciplinary procedure.