

POLICY NAME	Disciplinary Policy and Procedure
PURPOSE	To ensure that the ACAS Code of Practice guidelines on disciplinary procedures are followed when disciplinary action is required.
APPLIES TO	All Staff
DATE IMPLEMENTED	January 2015

1 Introduction

- 1.1 In this Policy Arctics Ltd (trading as Igloo) is referred to as the 'Company'. The Company has developed this Policy and procedure to provide a framework for the prompt, consistent and effective resolution of instances relating to misconduct and low standards of work performance.
- 1.2 The purpose of the procedure is to:
- Help and encourage employees at all level to achieve and maintain standards of conduct, attendance and job performance;
 - Ensure that disciplinary action is fair and reasonable in the circumstances of each case; and
 - Ensure that disciplinary action is carried out in a manner that is equitable and consistent within the Company.
- 1.3 This policy applies to all Company employees who have two or more years' continuous service at the time of the alleged disciplinary offence.
- 1.4 The Company will use its' discretion as to whether the disciplinary process will be applied in relation to employees who have less than two years' service.
- 1.5 The Company may hold a concerns meeting as part of its' corrective measures in order to correct conduct. This is an informal process; however the content of the discussion is documented and placed on the individual employees' personnel file. The Company is not required to give prior notice to such meetings and there is no right to be accompanied.

2 Timescales

- 2.1 All steps in relation to disciplinary procedures will be carried out by the Company within a reasonable time. This will depend on the nature of the disciplinary issue and the investigation requirements.
- 2.2 Where reasonably practicable, at least 48 hours' notice will be given of the requirement to attend any disciplinary meeting.

3 Disabled Employees

- 3.1 The Company will ensure that reasonable adjustments are made to ensure that any disabled employee is not disadvantaged in any way.

4 Employee Representation

- 4.1 All employees will be given the right to be represented to any formal disciplinary hearing by a work colleague or trade union representative.
- 4.2 Any trade union representative invited to attend a disciplinary hearing (who is not an employee of Igloo) must produce evidence that he/she is employed by an independent trade union, or a written document from his/her trade union certifying their competence to act as a companion at such a hearing.
- 4.3 Where an employee is represented, the representative may confer with the employee, speak on behalf of the employee, or sum up the employee's case. However, the representative may not answer questions put to the employee. The representative may act solely in the capacity of a witness, should the employee so wish.
- 4.4 A disciplinary hearing or appeal hearing may be postponed for a period of up to five days to accommodate the availability of a proposed representative.

5 Special Circumstances

- 5.1 There will be no requirement to start or take part a disciplinary procedure if:
- One party has reasonable grounds to believe that starting or completing the procedure would result in a significant threat to any person or any person's property. The words "significant threat" are intended to cover both violence, and threats of violence either to a party or a party's property or any other person or person's property.
 - One party has been subjected to harassment and has reasonable grounds to believe that starting or completing the procedure would result in further harassment.

6 Hearings

- 6.1 Where possible, every effort will be made to re-arrange a hearing if either the person conducting the process, the employee, or the employee's representative is unable to attend through unforeseen circumstances, for example illness or motor car breakdown.

7 Suspension

- 7.1 An employee subject to disciplinary action may, in appropriate cases, be suspended on full pay. This does not indicate the presumption of guilt.

8 Disciplinary Process

8.1 Initial Investigative Meeting

An investigative meeting may be held, although will not always be necessary, in order to establish the set of facts and decide whether to proceed with the disciplinary process. An employee is not entitled to have a witness or representative at an investigative meeting, and no prior notice of this meeting is required.

8.2 Step 1 - Statement of Grounds for Action and Invitation to Hearing

- The person conducting the disciplinary hearing will, wherever possible, take statements from relevant witnesses.
- This person may conceal the identity of the statement makers if he/she considers it appropriate.
- Except in exceptional circumstances, this person will set out in writing, in a letter, the employee's alleged conduct or characteristics or other circumstances which lead him/her to contemplate dismissing or taking disciplinary action against the employee. The letter will invite the employee to a disciplinary hearing, giving at least 48 hours' notice where possible.
- Wherever possible, copies of the statements which have been taken will be enclosed with the letter for the employee to consider prior to a disciplinary hearing.
- If, for any reason, the employee has not received such evidence in advance of the disciplinary hearing, the meeting may be postponed to give the employee the opportunity to consider the evidence.
- The employee will be offered the opportunity for a work colleague or trade union official to attend the disciplinary hearing as a representative or witness.

8.3 Step 2 - The Disciplinary Hearing

- Before the hearing takes place, where possible, an employee will be given a reasonable opportunity to consider their response to the alleged allegation and any statements which the Company will endeavour to send, 48 hours before the hearing.
- Once a disciplinary hearing has been arranged, an employee must take all reasonable steps to attend it.
- At the disciplinary hearing, the employee will be given a reasonable opportunity to comment on the case against him or her.
- After the hearing, the person conducting the disciplinary hearing will inform the employee of the decision made and notify the employee of their right to appeal against the decision.
- A decision will be made as soon as possible; however, this may not always be on the same day as the disciplinary hearing.
- In any case, the decision will be confirmed in writing.

8.4 Step 3 – Appeal Process

- At the disciplinary hearing the employee will be informed of their right to appeal against the disciplinary hearing outcome. This will also be confirmed in the decision outcome letter. The employee may then appeal in writing, within five days of the disciplinary decision being communicated to them.

- The employee's appeal letter should provide details of the basis of the appeal, namely the reasons why they are not satisfied with the disciplinary outcome.
- The appeal meeting will be heard by someone independent.
- An appeal meeting will be conducted where possible.
- The employee must take all reasonable steps to attend the meeting.
- As in the case of the disciplinary hearing, the employee will be offered the opportunity for a work colleague or trade union official to attend the appeal hearing either as a witness or to represent the employee.
- At the appeal hearing the employee will be given a reasonable opportunity to expand on the reasons for their appeal.
- After the appeal hearing, the employee will be informed in writing of the final decision. This may not be on the same day as the appeal hearing.
- Any decision made following an appeal will be final.

9 Offence Categories

9.1 The following lists, which are by no means exhaustive, indicate the type of circumstance in which disciplinary action may be taken:

9.2 Minor Offences

- Minor departures from processes
- Time wasting
- Minor misbehaviour
- Occasional bad timekeeping
- Poor personal performance

9.3 Serious Offences

- Repeated minor offences
- Persistent bad timekeeping
- Rudeness to a colleague/customer/supplier etc.
- Absence from work without permission (except certified absence)
- Serious or continued poor performance
- Failure to carry out a reasonable management request

9.4 Gross Misconduct

9.4.1 This category covers actions by employees which are careless, reckless, or result from bad conduct which damage, injure or interfere with the conduct of the Company's business, the safeguarding of its property or that of other employees of the Company or its customers/suppliers. Such actions may lead to dismissal without notice or payment in lieu of notice. The following is a non-exhaustive list of examples:

- Discreditable conduct likely to bring the Company into disrepute;
- The unauthorised removal from the Company's premises or customer's premises of any cash, property, equipment, data or material which is the property of the Company or the customer;
- Gross negligence in carrying out duties;
- Unauthorised disclosure of confidential Company or customer information;

- Fraud, attempted fraud, or deliberate falsification of any document or Company record;
- Making false statements with regards to matters affecting employment;
- Use of Company or customer premises or equipment for the carrying out of private work for gain, and/or the unauthorised use of these facilities for personal work;
- The undertaking of any work for reward or receiving commissions outside of normal employment with the Company, where the work is of such a nature as to be related to the business of the Company;
- Drunkenness; or being in possession of/under the influence of alcohol or illegal drugs on Company or customer premises;
- Using threatening behaviour, fighting, or attempting actual bodily injury to another person on Company or customer premises’;
- Any act of discrimination, harassment, or use of swearing, abusive language or abusive behaviour, in contravention of the Company’s Equal Opportunities and Dignity at Work Policies;
- Failure to observe fire, health, safety and environmental rules and regulations;
- Deliberate damage to Company or customer plant, equipment or buildings;
- Failure to ensure the safety and security of Company or customer property is appropriately maintained whilst under an individual’s responsibility;
- Any criminal or civil offence which, in the opinion of Management, makes the employee unsuitable to carry out his/her duties or where a penalty imposed by a court of law for the offence makes this impossible or impracticable;
- A significant breach of the trust and confidence of the Company or the customer;
- Assisting or encouraging any other employee to commit an act of gross misconduct;
- Smoking or vaping in prohibited areas relating to both the Company and its customers;
- Any breach or disclosure of confidential matters concerning the Company, clients or employees on social media websites (including blogs) either during employment or post-employment;
- Obstructing CCTV cameras; and
- Sleeping whilst on duty.

The above list is not exhaustive and is to be used as guidance when establishing the severity of an offence.

10 Disciplinary Sanctions

10.1 The table below provides guidance on what action may be taken should an allegation of misconduct be upheld:

Classification of Offence	Stage One	Stage Two	Stage Three	Stage Four
Minor	Verbal Warning	First Written Warning	Final Written Warning	Dismissal
Serious	First Written or Final Written Warning	Final Written Warning or Dismissal	Dismissal	
Gross Misconduct	Dismissal without notice			

- 10.2 The person conducting the disciplinary hearing has the discretion to dispense with Stage One for any classification of offence, dependant on the circumstances and intention of the misconduct.
- 10.3 In cases where there have been extenuating or mitigating circumstances leading to a serious offence, it is recognised that a Final Written Warning may not always be appropriate. Therefore, the person conducting the disciplinary is able to issue a First Written Warning in these cases.
- 10.4 In cases where there have been extenuating or mitigating circumstances leading to Gross Misconduct, it is recognised that dismissal may not always be appropriate. Therefore, the person conducting the disciplinary hearing is able to issue a Final Written Warning in these cases.

11 Exceptional Circumstances

- 11.1 The Company will always endeavour to follow the above procedure to ensure that employees are treated fairly and consistently.

However, in some circumstances it may be deemed necessary for business reasons, to react quickly to a disciplinary situation. Therefore, there are instances whereby it may be decided to dispense with the preceding guidelines.