

**Disciplinary Procedure**

Please note; referred throughout ‘The Company’ meaning Diligence Security Solutions Limited.

Employee refers to contractors or permanently employed individuals.

This procedure is designed to help and encourage all employees & contractors to achieve and maintain standards of conduct and performance.

Normally, minor issues are resolved informally with members of staff. The Disciplinary Procedure is used to deal with repeated minor offences or more serious offences of misconduct or poor performance.

The rules and procedures set out in this Policy will be reviewed periodically by The Company in light of experience, changes in legislation and other relevant factors. Employees will be involved in any subsequent changes.

Please note that the disciplinary procedure is non contractual.

 **Policy Principles**.

The principles of the Disciplinary Procedure are as follows:

• To promote fairness and consistency of treatment between all employees;

• To ensure that no disciplinary action is taken until the case has been fully investigated;

• The Company’s objective in applying this disciplinary procedure is that, where possible, any action taken should be corrective rather than to inflict punishment;

• To apply a system of warnings, according to the staged procedure outlined below.

 However,

The Company may commence the procedure at any stage if the alleged misconduct or poor performance warrants it.

No disciplinary action will be taken until a case has been fully investigated. The investigation may include the holding of an investigation meeting with the employee, depending upon the specific case. Following an investigation meeting a decision as to whether disciplinary action is required will be made.

All investigation and disciplinary meetings will be handled by managers of The Company. All arrangements regarding dates and times of meetings will be notified to the employee in writing by email or letter, followed by a telephone call.

The Company will write to the employee to invite them to a disciplinary meeting. The letter or email will explain:

• The time, date and location of the meeting;

• The reason for and nature of the meeting;

• The allegations or criticisms (together with supporting evidence where relevant) which have given rise to it;

• What will happen at the meeting, including the employee’s opportunity to ask questions, present evidence and call witnesses (if advance notice is given to the Company before the meeting);

• The possible consequences of the meeting; and

• The employee’s right to be accompanied to the meeting.

The Company, the employee and the chosen companion will make every effort to attend all meetings. Where the employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the Company can make a decision on the evidence available.

The purpose of a disciplinary meeting is to establish the relevant facts and only after these are clear may a warning be issued. Formal warnings will be confirmed in writing.

At a disciplinary meeting:

• The Company will explain the complaint against the employee;

• The Company will go through the evidence gathered;

• The employee will be given the opportunity to present their case;

• The employee will be given the opportunity to answer any allegations made against them;

• The employee will be given a reasonable opportunity to ask questions;

• The employee will be given a reasonable opportunity to present evidence;

• The employee will be given a reasonable opportunity to call witnesses;

• The employee will be given a reasonable opportunity to raise points.

At all stages of the formal disciplinary procedure, the employee has the right to be accompanied by a work colleague or a representative to any meeting. The employee’s choice of companion must be reasonable. If the proposed person is not available to attend the hearing, the hearing can be postponed to a date and time within 5 working days of the date of the originally proposed meeting to enable the employee to choose an alternative colleague if they wish to.

At each meeting a companion:

• Can, if the employee wishes, address the meeting

• Can, if the employee wishes, put or sum up the employee’s case

• Can respond on the employee’s behalf to views expressed

• Can confer with the employee during the meeting

• Cannot answer questions on the employee’s behalf

• Cannot prevent the employee from explaining their case

The employee has a right to appeal against any decision made if the employee feels that the disciplinary action taken against them is wrong or unjust.

Summary dismissal without notice will take place if an act of gross misconduct is committed. Gross misconduct is misconduct serious enough to prejudice the business or reputation of the Company and to damage the working relationship and trust between the employee and the Company. The sanction for gross misconduct may be summary dismissal i.e. dismissal without notice or payment in lieu of notice.

**Examples of Misconduct**

The following is a non-exhaustive list of examples of offences which amount to misconduct falling short of gross misconduct:

• Refusal to carry out duties or reasonable instructions

• Neglecting to complete a required task at work promptly and diligently, without sufficient cause

 • Bad time keeping/lateness

• Unauthorised absence

• Minor damage or misuse of the Company’s property

• Non-compliance with the Company’s Policies, Procedures and/or Codes

• Unacceptable performance and/or attendance

• Not maintaining agreed standards of appearance and deportment

• Lack of application

• Smoking on Company premises unless in designated areas

• Unauthorised disclosure of Company Information

• Unauthorised use of the Company’s or Client’s telephone or internet.

Examples of Gross Misconduct

The following list provides examples of offences which are normally regarded as gross misconduct. This list is not exhaustive:

• Theft

• Fraud and deliberate falsification of records

• Making or signing any false statements of any description

• Physical violence

• Unlawful discrimination

• Bullying or harassment

• Deliberate damage to property

• Destroying, altering or erasing documents, records or electronic data without permission or through negligence

• Serious insubordination

• Misuse of the company’s property or name

• Bringing the company into disrepute

• Incivility to persons encountered in the course of duties or misuse of authority in connection with business

• Use of uniform, equipment or identification without permission

• Permitting unauthorised access to a customer’s premises

• Carrying of equipment not issued as essential to an employee’s duties, or use of a customer’s equipment or facilities without permission

• Incapability whilst on duty brought on by alcohol or non-prescription drugs

• Serious negligence which causes or might cause unacceptable loss, damage or injury

• Serious infringement of health and safety rules

• Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

• Divulging matters confidential to the organisation or customer, either past or present, without permission

• Soliciting or receipt of gratuities or other consideration from any person

• Failure to account for keys, money or property received in connection with business

• Failure to comply with search procedures detailed in the Company Handbook

• Failure to comply with statutory or regulatory requirements

• Non-compliance with the rules regarding the use of the Company’s computer systems or equipment as set out in the Company Handbook

• Conviction of a criminal offence which in the Company’s opinion demonstrates unsuitability for continued employment with the Company

• Breach of issued data protection policies whether or not set out in the Company Handbook

• Leaving the place of work without permission, or without sufficient cause

• Failure to notify the Company immediately of any conviction for a criminal and/or motoring offence, indictment for any offence, police caution, legal summons, refusal, suspension or withdrawal (revocation) of a Security Industry Authority licence.

These examples are not an exhaustive list and are merely to be used as guidance to the type of actions that could be considered to constitute misconduct.

**Procedure**

**Stage 1 – improvement note: unsatisfactory performance**

If performance does not meet acceptable standards the employee will normally be given an improvement note. This will set out the performance problem, the improvement that is required, the timescale and any help that may be given. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 6 months, but will then be considered spent – subject to achievement and sustainment of satisfactory performance.

**Stage 1 – first warning: misconduct**

If conduct does not meet acceptable standards the employee will normally be given a written warning. This will set out the nature of the misconduct and the change in behaviour required. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept for 6 months after which it will be disregarded for disciplinary purposes subject to sustainment of satisfactory conduct.

**Stage 2 – final written warning**

If the offence is sufficiently serious, or there is a failure to improve during the currency of a prior warning for the same type of offence, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to action under Stage 3 of this procedure and will refer to the right of appeal. A copy of this written warning will be kept for 12 months after which it will be disregarded for disciplinary purposes subject to achievement and sustainment of satisfactory conduct and/or performance.

**Stage 3 – dismissal or some other sanction short of dismissal**

If there is still a failure to improve the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or transfer. Dismissal decisions can only be taken by the Production Manager or Operations Manager, and the employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which the employment will terminate, and the right of appeal. The decision to dismiss will be confirmed in writing.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept for 12 months after which it will be disregarded for disciplinary purposes subject to achievement and sustainment of satisfactory conduct and/or performance.

**Suspension**

There may be occasions arising out of alleged breach of discipline or misconduct when the Company considers it appropriate to suspend an employee to allow a full investigation of all the facts to take place. During the period of suspension, the employee will be entitled to full pay and the employee will be informed of the suspension in writing.

Suspension is a neutral act and is not a disciplinary action in itself or indicative of any guilt. During a period of suspension, an employee should not attend the Company’s premises or contact other employees, without first obtaining the Company’s permission. The period of suspension to complete investigations will be kept under review and be kept as short as possible.

**Appeals Procedure**

If the employee feels that the disciplinary action taken against them is wrong or unjust they may appeal. The appeal must be in writing to the Managing Director within 5 working days of the date of the Company’s decision against which the appeal is made. The employee must state the grounds for the appeal. Where the employee’s appeal is against dismissal, the affect of lodging an appeal shall not be to postpone the date of dismissal.

As soon as reasonably possible after receipt of the letter an appeal meeting will be arranged. The employee will be required to attend the appeal meeting with the Manager the Company has appointed to hear the appeal and their companion (if they choose to be accompanied). At the meeting the employee will be given the opportunity to explain their appeal and how they think it should be resolved. The purpose of the appeal is not to rehear evidence, but to review the appropriateness of the original decision.

Following the meeting the Company will write to the employee and notify them of the decision and any action the Company proposes to take; this will normally be within 5 working days of the meeting. Whatever the outcome, the decision of the Appeal is final and all internal procedures exhausted.

**Criminal Offences**

Convictions outside of an employee’s employment during the course of your employment will not be treated as an automatic reason for dismissal. The provisions of the Rehabilitation of Offenders Act 1974 and subsequent legislation will be observed.

Where the police are involved in a suspected criminal offence during employment, the Company do not have to await the outcome of legal processes before deciding on its attitude to such cases. The Company may suspend an employee without pay pending investigations. Consideration will be given as to whether the offence makes the individual unsuitable for their duties or unacceptable to customers or other employees.