

Pinpoint: **Staff Disciplinary Policy**

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Pinpoint: **Staff Disciplinary Policy**

Policy Statement

All employers must administer discipline to staff at some time or another whenever an employee performs unsatisfactorily. The company believes that any action taken in such circumstances should be aimed at identifying those problems that cause or contribute to improper habits or conduct on the job, and to assist in correcting them. The company believes that it is in the interests of all that the disciplinary actions are prompt, uniform and impartial.

Disciplinary action may take any of four forms depending on the severity of the problems and the number of occurrences.

1. A verbal warning
2. One or more written warnings
3. Suspension with or without pay
4. Dismissal

The Company recognises that there are certain types of problem that are so serious they justify either a suspension or, in extreme situations, dismissal, without verbal or written warnings being given.

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning this company's approach to staff discipline. The purpose of this policy is to ensure a fair and systematic approach to the enforcement of acceptable standards of conduct and behaviour amongst all employees. The major purpose of disciplinary action is to correct the problem, prevent its recurrence and prepare the employee for satisfactory service in the future.

Staff Disciplinary Procedure

The Company:

- For offences other than serious or gross misconduct or dismissal in probation period (details later in policy), the employee's immediate supervisor or manager should first ascertain the facts and review any evidence relating to a breach of rules of discipline, the employee will be interviewed in private and should be asked for an explanation; the manager will then decide upon course of action. This is considered investigatory; no decisions of outcome can be made at this stage and this meeting can be held without notice to the employee.
- If following on from an investigation meeting, the manager decides that action is required, a disciplinary meeting should be scheduled and the employee should be provided with 48 hours notice of this meeting and offered the opportunity to be represented by a trade union official or appropriate colleague. They also have a right to access any information which may be used within the meeting so they can prepare.
- Within the disciplinary meeting, there should be the chair, note taker, employee and their representative. Note taking is vital and these must be kept factual and specific. The notes are then shared after the meeting for accuracy.

OUTCOMES

Pinpoint: Staff Disciplinary Policy

- If an informal, verbal warning is decided upon then this should be administered in private by the manager and appropriate notes made in the employee's personnel file.
- If a formal, written warning is required, because an informal warning has already been given for the offence, or because of the severity of the offence, the manager will carry this out, and appropriate notes will be made in the employee's personnel file.
- If the offence is repeated then a second and final written warning may be issued, again documentation to be kept.
- If standards improve and there is no repetition of the offence then the employee may request the warning is removed from their file after 12 months; The Company reserves the right to refuse to remove the offence from file if it feels that the offence warrants or that there is a likelihood of further transgression.
- An employee may be suspended without pay if The Company deems them incapable of performing their duties or while investigations take place, a written copy of the suspension should be given to the member of staff by the manager. Suspensions must be a last resort and are usually done so with pay and without blame until the matter is resolved. When suspended, staff may be asked to return all company property until they return to work (ID, vehicles, phones and laptops for example).

An employee may be dismissed if:

- They have already received a final written warning and repeat the offence or
- They have been suspended and The Company decides that, upon investigation, their offence merits dismissal.
- They have committed serious or gross misconduct (see examples below)
- They have committed an offence that makes their continued employment impossible.

Disciplinary matters should be dealt with quickly and fairly, be thoroughly documented and always be reasonable for the employee:

- An indication should be provided of the disciplinary action that might be taken (potential outcomes)
- Employees should be told of the complaint against them and be given full opportunity to state their case before a decision is taken (in a hearing)
- Employees have the right to be accompanied by a trade union representative or fellow employee of their choice.
- Employees will not normally be dismissed for a first offence, other than gross misconduct or in cases of certain probationary period misconduct.
- No disciplinary action will be taken before there has been a full investigation, other than gross misconduct or in cases of certain probationary period misconduct.
- An explanation of any penalty will be given in writing by the manager
- Employees have a right of appeal if they are outside of their probationary period and have >2 years service.
- Employees can seek support from ACAS once they have exhausted all options with the company procedure.

Pinpoint: **Staff Disciplinary Policy**

- Employees can request minutes of meetings and notes taken so long as they make this request in writing.

What is gross misconduct?

dishonesty;
theft;
malicious damage;
fighting or assault on another person;
serious incapability through the use of alcohol or illegal drugs;
actions which endanger another employees' safety;
gross negligence;
a serious act of insubordination.

Written Warnings

Written warnings should state clearly:

- The conduct concerned
- The improvement required and the time limit for this , if appropriate
- The likely consequences of further offences or failure to improve (e.g. final warning, dismissal, etc.)

The warning should be handed to the employee, who should be informed of the right to appeal.

PERIOD OF WARNINGS

Verbal Warnings

A verbal warning will be disregarded after a six-month period, unless the particular offence is repeated or relates to a rule, which can only be broken on isolated occasions.

Written Warnings

A written warning will be disregarded after a 12-month period unless the misconduct is of a serious nature or relates to a rule, which can only be broken on isolated occasions.

Final Written Warnings

A final written warning will be disregarded after a 12-month period unless misconduct is of a serious nature or relates to a rule, which can only be broken on isolated occasions.

Records

Records will be kept in the employee's personnel file detailing the nature of any breach of disciplinary rules, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent development. These records will be carefully safeguarded and kept confidential.

DISCIPLINARY PROCESS

Pinpoint: **Staff Disciplinary Policy**

1. When a disciplinary matter arises, the facts will be established promptly before recollection fades, considering statements of any available witnesses. On some occasions, it may be necessary for an employee to be suspended on full pay by a superior in order for a potentially difficult situation to be avoided or to facilitate an uninterrupted investigation process to take place.
2. Suspension with pay is a temporary measure to assist in the clarification of facts and collation of details and is not to be regarded as disciplinary action or a penalty of any kind.
3. Before any disciplinary action is imposed you will be invited to attend a disciplinary hearing and at this time you will be given the opportunity to be accompanied by a fellow employee of your choice. The nature of the disciplinary matter will be explained in as much detail as possible.
4. If the matter is connected with capability, then details of any shortfall in performance will be outlined in order that you may understand the exact nature of the complaint and be able to respond in an appropriate and relevant manner.
5. If this is a conduct matter the details of the conduct and any allegations will be put to you in full, in order that you may comment and fully state your case.
6. If the matter is connected with absence, timekeeping or some other factual matter of this kind then the details of this will be produced in order that the matter concerned can be discussed fully.
7. In all circumstances, you will be given as much information and documentation as is appropriate in the circumstances and be given an opportunity to explain fully your response. If you feel that you need time to prepare an answer, the disciplinary hearing will be adjourned and reconvened at a more appropriate time when you have had an opportunity to consider matter more fully. At any reconvened disciplinary hearing following an adjournment, you will be expected to comment on the matters of concern to us and give us explanations as required.
8. If you agree that the criticisms are justified, then any mitigating circumstances will be taken into account. If, however, you have an alternative explanation as to the matters concerned or are in a position to deny them in their entirety then dependent upon the circumstances, we will undertake further investigations to establish the credibility of your explanations or to allow an opportunity for us to investigate matters further in order that a true understanding of the circumstances is established.
9. In these circumstances, you may be invited to a second disciplinary hearing in order that the outcome of our further investigations can be put to you for any final comments before a decision is made.

Rules

- We retain discretion in respect of the disciplinary procedures to take account of short serving employees and to vary the procedures accordingly. If you are a short serving employee, you may not be in receipt of any warnings before dismissal. This disciplinary procedure is entirely non-contractual to short serving employees and does not form part of an employee's contract of employment.
- If a disciplinary penalty is imposed it will be in line with the procedure outlines above, which may encompass a verbal warning, written warning, final written warning, or dismissal, and in the circumstances full details will be given to you. All written warnings will contain details of all the matters concerned, as well as summarising and cataloguing the content of disciplinary

Pinpoint: Staff Disciplinary Policy

interviews and the disciplinary process, including information put to you by management, your explanations and the final conclusions reached.

- Warnings for capability or performance will give a period to allow an improvement.
- Warnings for conduct will require that there is not repetition of the matter concerned or that there is an immediate, significant and sustained improvement.
- In all cases warnings will either be issued for capability or conduct, irrespective of the precise matters concerned, and any further breach of the procedure in relation to similar or entirely independent matters of capability or conduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the appropriate improvements and warnings are not heeded. All warnings will also include a reminder of the right appeal.
- If the result of the disciplinary process is dismissal, be it dismissal in the first instance for gross misconduct, or a dismissal following a series of warnings, you will be issued with a letter of dismissal outlining precisely the reasons for your dismissal and in these circumstances, this will also contain a reminder of your right of appeal. This may also be referred to as termination of employment.

GENERAL NOTES

Dismissal for Gross Misconduct offences will render you liable to termination without notice.

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal may be considered by the person authorised to dismiss.

DISCIPLINARY AUTHORITY

The operation of the Disciplinary Procedure contained in the previous section is based on the following authority at the various levels of disciplinary action.

PERSONS AUTHORISED TO APPROVE DISCIPLINARY ACTION

Company Directors

Senior Managers

DISCIPLINARY APPEAL PROCEDURE

- 1) The Disciplinary Rules and Procedures which form part of your Contract of Employment incorporate the right to lodge an appeal in respect of any disciplinary action taken against you so long as you have passed your probationary period.
- 2) If you wish to exercise this right, you should apply in writing to the Human Recourse Department within five working days of the decision you are complaining against.
- 3) You will be invited to attend an appeal hearing. Persons with authority to hold an appeal hearing are members of the Management team.
- 4) Appeals against warnings or dismissal must give details of why the penalty imposed is considered too severe, unfair, or inappropriate in the circumstances.
- 5) Because you will be fully aware of the disciplinary action taken against you (be it a warning or dismissal) you should have sufficient information to establish what aspect of the action taken

Pinpoint: **Staff Disciplinary Policy**

against you, you feel is in need of appeal. Therefore, you should try to be specific in appealing as to what aspect of the disciplinary process you wish to complain about.

- 6) If you feel it appropriate, you may request that at the beginning of any appeal hearing the aspects of the warning or dismissal are explained again to you in full detail in order that you fully understand the disciplinary penalty taken against you, and you may, more appropriately, challenge the areas about which you feel concerned.
- 7) Where possible, the disciplinary appeal procedure will be conducted by somebody not previously connected with the disciplinary action taken, and you may again be accompanied by a colleague of your choice. At the appeal you may introduce information you feel appropriate and to call witnesses relevant to the matter concerned. We may also find it appropriate to call to the meeting the person who took the disciplinary action and any other individuals involved in the disciplinary process, in order to clarify the matters concerned.
- 8) Our aim is to have the appeal as a complete rehearing and reappraisal of all matters in order that the person who conducts the appeal can make an independent decision into the severity and appropriateness of the disciplinary action before deciding to refuse or grant the appeal.
- 9) The result of the appeal will be made known to you in writing within five working days after the hearing.

This policy should be read in conjunction with the following:

- Grievance Policy
- Capability Policy

References

Dismissed employees still have the right to a company reference; depending on the reason for dismissal will depend on the information provided however the company will maintain to be reasonable and fair to the employee.

Policy Review - This policy will be reviewed annually or sooner should significant changes occur.