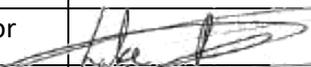
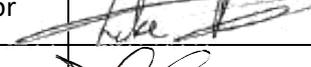


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Prepared By	Luke Deasy	Managing Director		10/02/2023	1.01
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DISCIPLINARY PROCEDURE POLICY:

The Company’s disciplinary policy describes how the disciplinary process is used to address alleged misconduct and gives examples of what would be considered gross misconduct. Minor conduct issues can often be resolved informally. In some cases, an informal verbal warning may be given by a Manager to their direct report and that may resolve the matter. For anything more than minor issues, or if the informal approach has not been successful, or if the alleged incident may be considered gross misconduct the formal procedure must be used. The formal procedure is designed to enable alleged misconduct to be dealt with quickly, fairly and consistently. The disciplinary policy does not apply to you if you are during your probationary period save in circumstances of alleged misconduct (as opposed to alleged poor performance).

GROSS MISCONDUCT:

Gross misconduct is misconduct which, in the opinion of the Company, is serious enough to prejudice our business or reputation, or which irreparably damages the working relationship and trust between the employer and the employee. Some examples of gross misconduct are as follows; however, this is not an exhaustive list:

- theft, fraud or unauthorised possession of any property belonging to someone else;
- serious, deliberate or reckless damage to property;
- any form of fraud, forgery or other dishonesty - including, for example, falsification of reports, accounts, expense claims or self-certification forms or providing false information as to qualifications or entitlement to work (including immigration status) to gain employment or other benefits;
- repeated or serious disobedience or other serious act of insubordination; • intoxication or serious incapability at work by reason of alcohol or drugs;
- possession, use, supply or attempted supply of drugs:

- serious or deliberate breach of your employment contract our rules or operating procedures;
- major breach of our Health and Safety policy and/or regulations;
- fighting or other violent dangerous or intimidating conduct (including threats, violence or behaviour which provokes violence);
- bullying, unlawful discrimination or harassment;
- making untrue allegations in bad faith against another employee;
- undertaking unauthorised paid or unpaid employment on your own account or for other third parties during your working hours for the Company;
- gross negligence, serious neglect of duties or incompetence;
- unauthorised use or disclosure of confidential Information or failure to ensure that confidential information in your possession is kept secure;
- bringing our business into disrepute;
- serious misuse of our information technology systems (including misuse of email and internet for example, sending abusive, scandalous, obscene or defamatory communications of any kind, misuse of developed or licensed software or use of unauthorised software) contrary to our IT policies; or
- accessing or downloading any rude, offensive or obscene images or other material from the internet or by email or otherwise being in possession of rude, offensive or obscene material or publications or images in any media at your place of work or during working hours.

INVESTIGATION:

The first step with allegations of misconduct is for the Office Manager to appoint an investigating officer, who will carry out an investigation. The Office Manager will provide process advice to the appointed investigating officer, the investigating officer will generally be a senior manager or director who has no prior knowledge of the alleged misconduct. The purpose of the investigation is to establish a fair and balanced view of the facts and prepare an investigation report before the Company decides whether to proceed with a disciplinary hearing. An investigation may involve reviewing relevant documentation, interviewing you and any witnesses, and taking witness statements. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held if it is determined that the application of the disciplinary policy, is warranted following review of the investigation report. We expect you to cooperate fully and promptly in any investigation, including informing us of the names of any relevant witnesses, disclosing any relevant documents, and attending any investigation interviews. You do not have a legal right to be accompanied at an investigative interview. Following the conclusion of the investigation, you will be provided with a copy of the investigation report. In cases of alleged gross misconduct or other serious disciplinary action we may need to suspend you from work while an investigation or disciplinary procedure is ongoing. If this is the case, the Company will confirm the arrangements with you in writing. Suspension is not a disciplinary sanction, and it does not imply that any decision has already been made about your case.

Following the investigation, if the Company considers the application of the disciplinary policy to be warranted, you will be informed in writing of the allegations against you and the basis for those allegations, as well as the possible consequences.

DISCIPLINARY HEARING:

If the Company believes the application of the disciplinary policy is warranted, you will be asked to attend a disciplinary hearing. You will be given reasonable written notice of the date, time and place of the disciplinary hearing, and must take all reasonable steps to attend, if you fail to attend the hearing without satisfactory explanation, the Company reserves the right to hold the meeting in your absence and to consider the allegations on the basis of the information available to it at the time. A hearing officer will be appointed by the Office Manager to carry out the disciplinary hearing. This will generally be a senior manager or director from a different part of the business, who has no prior knowledge of the alleged misconduct.

The purpose of the disciplinary hearing is for the hearing officer to explain the complaint against you, to review the evidence and to enable you to set out your case and respond to any allegations that have been made against you. You will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses if appropriate.

The hearing officer may adjourn the disciplinary hearing if he/she needs to carry out further investigations.

You will be given a reasonable opportunity to consider any new information obtained before the disciplinary hearing is reconvened.

You will receive written confirmation of the Company's decision as soon as reasonably possible following the conclusion of the disciplinary process.

At any disciplinary hearing or appeal meeting you have a legal right to be accompanied by a work colleague or by a trade union official. For the avoidance of doubt, this should not be taken as meaning the Company will recognise any trade union for collective bargaining purposes where it is not legally obliged to do so.

In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless you have been authorised to do so by your Manager.

Disciplinary Sanctions

FIRST WRITTEN WARNING:

A first written warning will generally be given for first acts of misconduct where there are no other active warnings on your file. The warning will be given to you in writing and a record will be placed in your file. The warning will set out improvements in conduct required to be achieved and maintained, the duration of the warning, and the consequences of failure to respond as required.

FINAL WRITTEN WARNING:

A final written warning will generally be given for further misconduct where there is already an active written warning on your file, whether the subsequent misconduct is the same as that for which the first written warning was issued, or where there is no active written warning on file, but the Company considers that the misconduct is sufficiently serious to warrant a final written warning. This will be given to you in writing and will state that if you commit a further offence of misconduct whilst this final written warning is active, your employment may be terminated.

A first written warning will usually remain active for 6 months and a final written warning will usually remain active for 12 months. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently, we may decide to extend the active period.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings. **Sanctions Short of Dismissal**

in some circumstances the Company may apply a serious sanction such as, for example, demotion, transfer to another department or job, suspension without pay, loss of seniority, or reduction in pay. These sanctions may be used in conjunction with a written warning.

DISMISSAL:

Dismissal will be considered if you fail to act upon the requirements of behaviour and conduct made in previous warnings, or due to the seriousness of the incident or the behaviour that has occurred. Gross misconduct will usually result in summary dismissal (dismissal without notice or any payment in lieu of notice) whereas in cases not involving gross misconduct, you may be given your full contractual notice, or a payment in lieu of notice if available under your Contract.

APPEALS:

You have the right to appeal any disciplinary sanction taken against you. You must put your appeal in writing, setting out your grounds for appeal, and send it to the Office Manager within 5 working days of receiving written confirmation of the decision.

If you raise any new matters in your appeal, we may need to carry out further investigation prior to the appeal hearing.

You will be invited to an appeal hearing and have the right to be accompanied by a work colleague or trade union official. For the avoidance of doubt, this should not be taken as meaning the Company will recognise any trade union for collective bargaining purposes where it is not legally obliged to do so.

The outcome will either be:

- to reject the appeal and confirm the original disciplinary action; or
- to uphold the appeal and revoke the original disciplinary action or substitute a different disciplinary sanction.

The result of the appeal will be confirmed in writing as soon as reasonably possible following the conclusion of the investigation. If your appeal relates to dismissal, then the date on which any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if an appeal against dismissal is successful, you will be reinstated with no loss of continuity or pay.

The decision at the appeal stage is final.

CRIMINAL ALLEGATIONS:

Where your conduct is the subject of a criminal investigation, charge, or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.



Luke Deasy
Managing Director