



disciplinary policy & procedure

01/08/2008 rev16/06/09

This procedure is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct. The aim of this procedure is to ensure that all employees receive consistent and fair treatment.

PRINCIPLES

At every stage in the procedure the employee will be advised in writing of the nature of the complaint against him/her, and will be given the opportunity to challenge the allegations and state his/her case before any disciplinary action is taken. Written notice should be given of formal disciplinary hearings.

Disciplinary hearings should be arranged as soon as possible after the alleged misconduct, normally within 5 working days. At all stages in the procedure the employee will have the right to be accompanied by a work colleague or union representative of his/her choice during any disciplinary interview. The hearing will be chaired by the employee's immediate line manager unless personally involved in the incident, in which case it should be the next most senior line manager. All meetings shall be recorded in writing.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct. Lesser penalties may be applied under appropriate circumstances.

An employee will have the right to appeal against any disciplinary penalty imposed.

The procedure may be implemented at any stage depending upon the seriousness of the employee's alleged misconduct. The stage at which the procedure is being implemented will be clearly indicated to the employee and, where relevant, to his/her representative.

PROCEDURE

MINOR OFFENCES. Minor faults should be dealt with informally, but where the matter is more serious, or an informal discussion has not resolved the problem satisfactorily, a disciplinary hearing should be arranged and the following procedure will be used.

STAGE 1: ORAL WARNING If conduct does not meet acceptable standards the employee will normally be given a formal Oral Warning. He/she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure, and of his/her right of Appeal. A brief note of the Oral Warning will be kept on the individual's Personnel File, and copied to the employee, but it will be disregarded for disciplinary purposes after 6 months subject to satisfactory conduct being maintained.

STAGE 2: FIRST WRITTEN WARNING If the offence is a serious one, or if a further offence occurs, a written warning will be given to the employee. This will give details of the complaint, and will warn that action under Stage 3 will be considered if there is no improvement or if there is any further breach of the code of conduct, and will advise the employee of his/her right of Appeal. A copy of the Written Warning will be kept on the individual's Personnel File, but will be disregarded for disciplinary purposes after 6 months, subject to satisfactory conduct being maintained.

STAGE 3: FINAL WRITTEN WARNING If there is still a failure to improve, and conduct is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect combining both first and final written warning), a Final Written Warning will normally be given to the employee.

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This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement, and will advise of the right of Appeal. A copy of the Final Written Warning will be kept on the individual's Personnel File, but will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct being maintained (in exceptional cases a longer period may be specified when the warning is issued).

STAGE 4: DISMISSAL If, during the period of the Final Written Warning, conduct is still unsatisfactory, or if a further offence occurs (or in the case of Gross Misconduct - see below), dismissal will normally result.

MISCONDUCT AND GROSS MISCONDUCT

MISCONDUCT It is not possible to give an exact definition of misconduct. However, the following are given as examples: behaviour which is likely to bring CuCo into disrepute, damages the interests of staff, or causes loss of public or professional confidence; unauthorised removal or use of CuCo property or assets; malicious or negligent damage to CuCo property; conduct likely to offend decency; breach of safety requirements; unauthorised absence from duty; neglect of duty and abuse of authority; disregard of reasonable instructions; being under the influence of drink or drugs at work; breach of the Equal Opportunities policy; unauthorised disclosure of confidential information; breach of no-smoking rules. (This list is not exhaustive).

GROSS MISCONDUCT of which the foregoing may include examples, will be misconduct deemed to be so serious that CuCo can no longer tolerate the presence of the employee. Examples may include; physical violence; theft or fraud; deliberate falsification of records, deliberate damage to CuCo property; serious incapability through being under the influence of alcohol or drugs at work; serious negligence which causes an unacceptable loss, damage or injury; serious act of insubordination; serious breach of the Equal Opportunities policy. An employee who commits such an act or omission will therefore be liable to summary dismissal - i.e. without notice. (This list is not exhaustive).

APPEALS

An employee who wishes to appeal against a disciplinary decision must do so in writing to a Director within 5 working days of being notified of that decision. A hearing shall then be arranged in not more than 10 working days from the date of receipt of notification. At the end of the hearing CuCo will notify the appellant of the decision and confirm the same in writing within 5 working days or may defer the decision for notification in writing within 5 working days.