

colart

Disciplinary/Dismissal & Grievance Procedures

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SECTION 1 DISCIPLINARY

1. INTRODUCTION

1.1 Objective

The purpose of the Disciplinary & Dismissal procedure is to establish a fair, consistent and non-discriminatory policy applicable to all employees covering any failure to meet the standards prescribed by the Company. It also clarifies relationships between management and employees so that all concerned understand their rights (i.e. right to be accompanied and be informed of all relevant evidence) and obligations. All employees must familiarise themselves with the contents of this document, which is non-contractual and which does not form part of your contract of employment. This policy may be amended by the Company from time to time at its complete discretion. Failure to meet the prescribed standards gives management the right to follow the disciplinary procedure set out below.

1.2 Scope

The procedure identifies the action to be taken in the event of an alleged act of misconduct/gross misconduct and applies to all ColArt UK employees.. Stages I to III will not apply to any employees still in their probationary period. Notice following non confirmation of probationary period will be as per the employee's contract.

2. PROCEDURE

In all cases, the employee's immediate Line Manager must ensure that steps are taken to investigate the alleged misconduct by interviewing witnesses and collecting appropriate written evidence. The employee concerned will also be given the opportunity to put forward his/her case, **before** it is decided whether action in accordance with the disciplinary procedure is well founded.

At any stage of this procedure including the appeal stage, the employee has the right to be accompanied (for example, by a work colleague or Union Representative).

Furthermore, the initial meeting under the Disciplinary Procedure will take place no earlier than 2 working days after the date of receipt of the notification of disciplinary letter but no later than (where practical) 3 working days of the incident of misconduct.

If a Union Representative (if applicable) commits misconduct, then before any disciplinary action is taken the circumstances of the case will be discussed with the Senior Steward (or District Official as appropriate). Following this consultation if disciplinary action is still appropriate, normal procedures will apply.

2.1 **STAGE I - Verbal Warning**

Minor alleged misconduct other than serious and gross misconduct, will be dealt with at this stage (examples are given in Appendix I).

- a) A Notice of Disciplinary Hearing Letter will be sent to the employee (Appendix II).
- b) The employee will be interviewed by his/her Line Manager and will be given an opportunity to state his/her reasons for the alleged misconduct.
- c) If no satisfactory reason, in the Company's view, for the alleged misconduct is forthcoming a verbal warning will be given. The Line Manager will make a note of the date in a book/diary whilst notifying the HR Department and completing the form shown in Appendix III.
- d) This warning will remain in force for 12 months.

2.2 **STAGE II - First Written Warning**

A further alleged misconduct after a verbal warning or where the misconduct is regarded as more serious will be dealt with at this stage.

- a) A Notice of Disciplinary Hearing Letter will be sent to the employee (Appendix II).
- b) The employee will be interviewed by the Line Manager and will be given an opportunity to state his/her reasons for the alleged misconduct.
- c) If no satisfactory reason in the Company's view, for the alleged misconduct is forthcoming, a first written warning will be given.
- d) The Line Manager will both complete the form shown in Appendix IV with the appropriate signatures and ensure that the form is distributed according to the specified list. The employee and Representative signatures indicate their understanding of the situation, not necessarily their agreement. Any refusal to sign will be noted.
- e) This warning will remain in force for 12 months.

2.3 **STAGE III - Final Written Warning**

A further alleged misconduct after a first written warning or a more serious misconduct, other than an act of "gross misconduct" referred to in Stage VI, will be dealt with at this stage.

- a) A Notice of Disciplinary Hearing Letter will be sent to the employee (Appendix II).
- b) The employee will be interviewed by the Line Manager and will be given an opportunity to state his/her reasons for the alleged misconduct.
- c) If no satisfactory reason in the Company's view, for the alleged misconduct is forthcoming, a final written warning will be given. The Line Manager will then complete the form shown in Appendix V with the appropriate signatures and ensure that the form is distributed according to the specified list. The employee and Representative's signatures indicate their understanding of the situation, not necessarily their agreement. Any refusal to sign will be noted.
- d) This warning will remain in force for 12 months.

2.4 **STAGE IV - Dismissal - Misconduct and Gross Misconduct**

Action will be taken at this stage in the event of either:

- A further alleged misconduct following a final warning.
 - Alleged Gross Misconduct (examples of which are given in Appendix VII).
- (a) A Notice of Disciplinary Hearing Letter will be sent to the employee (Appendix II).
 - (b) The Line Manager will interview the employee, to discuss the full circumstances and an opportunity given to the employee to state his/her reasons for the alleged misconduct/gross misconduct. HR will also attend the meeting.
 - (c) At the conclusion of the meeting the Line Manager, following discussions with HR, will determine the appropriate courses of action. If the decision is to dismiss the employee if no satisfactory reason in the Company's view, for the alleged misconduct is forthcoming, the following action will be taken:
 - i) Dismissal for Misconduct - the employee would normally be required to work his/her notice period but the Company reserves the right in exceptional cases to give a payment in lieu of this notice.

ii) Dismissal for Gross Misconduct - the dismissal would be summary dismissal and no notice would be given.

(d) The decision taken would be confirmed in writing stating the reason for the dismissal.

(e) In cases of Gross Misconduct, if the Line Manager and HR are not available, the employee will be sent home by another available Line Manager and instructed to return to the site to see the Line Manager at the earliest opportunity. A mutually acceptable replacement may be used if the Line Manager is unavailable.

(f) If a person is suspended or sent home pending seeing the Line Manager [as described in e)], payment of wages for the period of absence involved will be made.

3. **APPEAL AGAINST DISMISSAL OR WARNINGS GIVEN**

An employee who objects to any stage of disciplinary action has the right to appeal. Notice of appeal must be in writing using the Employee Appeal Notification Form in Appendix VI, stating the grounds for the appeal, and forwarded to HR within five working days of the date of notification of the disciplinary action taken. There may be exceptional occasions when it is impossible to comply with the five days, in which case the Company will decide on the acceptability of the appeal depending on the merits of the situation.

Upon receipt of the appeal, HR will convene a meeting for all appropriate parties including the immediate Line Manager of the person who issued the warning. Both parties may have any relevant witnesses at the meeting.

The Line Manager concerned will consult HR and after hearing the facts of the case will then decide whether to uphold or reject the appeal. A written notice to this effect will be forwarded to all parties concerned within five working days of the meeting. This decision is final and concludes the Company Disciplinary Procedure.

EXAMPLES OF MISCONDUCT

It is difficult to define all potential infringements likely to lead to disciplinary action. The following list is a **guide**, but is **not** intended to be exhaustive:-

- a) Persistent lateness or unauthorised absenteeism. It is expected of all employees to achieve and maintain a high standard of attendance and timekeeping.
- b) Poor standards of workmanship, negligence or inadequate attention to work.
- c) Refusal to obey a reasonable instruction.
- d) Foolish or inappropriate behaviour or actions.
- (e) Breach of safety rules.
- (f) Breach of the smoking policy
- (g) Minor breach of any Company rule, procedure or policy.

NB.

- Unacceptable absence is covered by the Absence Counselling Policy.
- Unacceptable performance such as poor attitude and failure to meet agreed objectives or responsibilities within the agreed timeframe and standards, whether through lack of commitment or inability, will be managed under the Capability Procedure.



NOTICE OF DISCIPLINARY HEARING LETTER (FOR ALL STAGES)

DATE

EMPLOYEE
DEPT

Dear

I am writing to inform you that you are required to attend a disciplinary hearing at..... onwhich is to be held in At this hearing, the question of disciplinary action against you, in accordance with the Company's Disciplinary & Dismissal Procedure, will be considered with regard to:

.....

.....

.....

.....

You are entitled, if you so wish, to arrange to be accompanied at the meeting.

Yours sincerely

LINE MANAGER

cc: HR



CONFIRMATION OF VERBAL WARNING

To: HR
From:
Department:

Please be advised for your records that received a verbal warning on
..... for the following reason
.....
.....

The Employee has been notified of their right of appeal.

Signed:
Dated:

Received by HR.....on.....



CONFIRMATION OF FIRST WRITTEN WARNING

TO:

DEPARTMENT:

Further to the disciplinary hearing held on, this is to confirm that you received a First Written Warning in accordance with the Disciplinary & Dismissal Procedure, from the undersigned for misconduct relating in this instance to:-

.....
.....
.....

Any further acts of misconduct will place your continued employment with this Company in jeopardy.

This warning will be placed in your personal file but will be disregarded for disciplinary purposes after a period of 12 months, if there is an improvement to the extent that it is not necessary to give you further warnings.

You have the right to appeal against this decision in accordance with the Disciplinary & Dismissal Procedure.

SIGNED: DATE:
(Line Manager)

SIGNED: DATE:
(Employee)

Representative both requested and present **YES/NO**

If yes SIGNED:
(Representative)

Distribution:

- 1. Employee
- 2. HR
- 3. Representative (only if present)
- 4. Line Manager



CONFIRMATION OF FINAL WRITTEN WARNING

TO:

DEPARTMENT:

Further to the disciplinary hearing held on, this is to confirm that following the First Written Warning which you received on, you are given a Final Written Warning in accordance with the Disciplinary & Dismissal Procedure, from the undersigned for misconduct relating in this instance to:-

.....
.....
.....

Any further acts of misconduct will place yourself in a position whereby it will be highly likely that your employment will be terminated.

This warning will be placed in your personal file but will be disregarded for disciplinary purposes after a period of 12 months, if there is an improvement to the extent that it is not necessary to give you further warnings.

You have the right to appeal against this decision in accordance with the Disciplinary & Dismissal Procedure.

SIGNED: DATE:
(Line Manager)

SIGNED: DATE:
(Employee)

Representative both requested and present **YES/NO**
If yes SIGNED:
(Representative)

Distribution:

- 1. Employee
- 2. HR
- 3. Representative (only if present)
- 4. Line Manager

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EMPLOYEE APPEAL NOTIFICATION

TO: HR

FROM:

DATE:

SUBJECT: **APPEAL**

On.....I received a warning (please state level, eg verbal, first, final) and I wish to appeal this decision on the following basis:

Signed:

Date:

EXAMPLES OF GROSS MISCONDUCT

It is difficult to define all potential cases of Gross Misconduct covering deliberate actions by employees that are reckless, careless or result from conduct which injures, damages or interferes with the running of the Company's business or property or employees of the Company. The following list is a **guide** but is **not** intended to be exhaustive:-

- a) Deliberate damage to the Company's plant, equipment or buildings (including deliberate damage to a colleague's property).
- b) Seriously ignoring Fire and Health and Safety regulations.
- c) Dishonesty involving theft of cash, goods or valuables from the Company, its customers or other employees. Receiving of cash, goods or valuables belonging to the Company, its customers or employees knowing them to be stolen.
- d) Falsifying or altering of Company documents in order to obtain a financial or other gain for self or others, including, misrepresentation of facts material to employment.
- e) Unauthorised removal of goods, vehicles, equipment, fixtures or fittings or any other Company property from the Company premises.
- f) Consumption of alcohol or drugs on site during working hours. Smoking inside the building.
- g) Disorderly and irresponsible behaviour during working hours arising out of consumption of alcohol or misuse of drugs.
- h) Behaving in an indecent, bullying or threatening manner or conducting any form of harassment whether on grounds of sex, race, disability, sexual orientation, religion or belief or any personal characteristic of the individual.
- i) Assault or attack against any employee or any other person having legitimate business on any of the Company premises or on the Company's business.
- j) Wilfully revealing confidential trade or commercial information about the Company whether or not the result is to the Company's detriment.
- k) Inappropriate/misuse of company computer (as specified by the Company's Computer Use Policy).
- l) Serious insubordination.
- m) Serious negligence that causes, or might cause unacceptable loss, damage or injury.
- n) Serious breach of Company rules/ procedures leading to either loss or detriment to either the Company or its employees.
- o) Whether directly or indirectly, demand or accept, offer or give any kind of bribe, kickback or any other unlawful or unethical benefit to another employee or any other third party with the intention to influence or persuade.
- p) Failure to report to the Company awareness of any kind of bribe, kickback or any other unlawful or unethical benefit to another employee or any other third party with the intention to influence or persuade.
- q) Serious breach of our Code of Conduct.

SECTION 2 GRIEVANCE

1. PROCEDURE

A grievance is defined as some action that the employer or a colleague has taken or proposes to take affecting an employee that the employee considers unacceptable and not connected with the way he or she is doing the job.

Employees are encouraged to raise these issues informally rather than being aggrieved in silence! This may solve the problem quickly, and protect good working relations. However, if this informal approach does not work, then the employee must formally raise the grievance following the procedure below:-

Step One The employee must set down in writing the nature of the alleged grievance and send the written complaint to his/her immediate Line Manager informing the Line Manager of the basis for his/her complaint.

Step Two The Line Manager should invite, in writing the employee to a hearing at a reasonable time (normally within five working days) and place at which the alleged grievance can be discussed (no more than 28 days from the receipt of the written grievance). The employee should take all reasonable steps to attend.

The employee has a right to be accompanied by a colleague or employee representative. After the meeting, the Line Manager must inform the employee about any decision in writing, and offer the employee the right of appeal.

Step Three If the employee considers that the grievance has not been satisfactorily resolved, he/she should inform the next Line Manager that he wishes to appeal against the decision or failure to make a decision. The Line Manager should arrange a meeting (normally within five working days) to discuss the appeal following the above procedure. After the meeting, the Line Manager's decision should be communicated to the employee in writing and the decision made will be final.

GRIEVANCE FORM

EMPLOYEE (raising the grievance):

DEPARTMENT:

1. I am raising a formal grievance as follows:
(Note: A separate Grievance Form should be completed at each stage of the Grievance Procedure, explaining why the matter was unresolved at the previous stage).

Grievance Raised

(Please summarise the main points of the grievance below and continue on a separate (s) if necessary, attaching any supporting evidence)

Please return this completed form to the HR Department.

2. **To: Employee (raising the grievance)**

Further to our meeting on I wish to inform you that your Grievance has been **Upheld/ Rejected**. A letter explaining the reasons for my decision and action to be taken (if appropriate) is attached.

If you do not agree with the decision, you have the right to take your grievance to the next level in accordance with procedure.

Signed (Line Manager) Date.....

3. **To:**

I wish to appeal against the above decision and have attached a separate grievance form for my grievance to be heard at the next level.

Signed (Employee) Date.....

Please return to the HR Department.