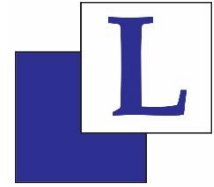


Disciplinary Policy



1. DISCIPLINARY, DISMISSAL AND APPEAL PROCEDURE:

1.1 Subject to point 1.4 the following procedure will apply in most cases of misconduct or where any disciplinary action (including dismissal for any reason) is contemplated (save for verbal warnings). It will be operated in line with the Employer's Equal Opportunities Policy and the Employment Act 2008

(a) Step One: Statement of Grounds

The Employer will set out in a letter the Employee's alleged conduct or characteristics, or other circumstances, which led them to contemplate dismissing or taking disciplinary action against the Employee in sufficient detail to enable the Employee to prepare to answer the case at the meeting. The Employer will then send the letter to the Employee and invite the Employee to attend a meeting to discuss this matter. This letter shall be given by any person or persons deemed fit by the Employer

(b) Step Two: The Meeting

1.2 No disciplinary action will be taken before the meeting (except in the case where the disciplinary action consists of suspension), and the meeting will not be held until the Employee has had a reasonable opportunity to consider their response to the information set out in the letter sent under Step One. In the event that the Employee wishes to call witnesses at his/her meeting, he/she must give advance notice of such a request (which shall be considered by the Employer having regard to all the circumstances). Both the Employer and Employee must take all reasonable steps to attend the meeting. After the meeting the Employer will inform the Employee of their decision without unreasonable delay and notify the Employee of his/her right to appeal against the decision if they are not satisfied with it. The meeting shall be conducted by the person or persons deemed fit by the Employer. If at the conclusion of this procedure it is decided that disciplinary action should be taken, then the Trustees shall be informed, and may attend any subsequent appeal if they deem fit.

(a) Step Three: Appeal

If the Employee wishes to appeal they should inform the Employer in writing of this (clearly setting out the grounds on which they wish to appeal) within five (5) working days of the Employer's decision being communicated to them. The Employer shall then invite the Employee to an appeal meeting which both the Employer and Employee shall take all reasonable steps to attend. An appeal meeting shall be conducted by the person or persons deemed fit by the Employer and in any event (wherever practicable) will be conducted by a more senior representative of the Employer than he or she that conducted the Step Two meeting. After the appeal meeting the Employer will inform the Employee of their final decision in writing

1.3 Each Step of the above procedure will be taken without unreasonable delay and the timing and location of all meetings must be reasonable. The Employee is entitled to be accompanied at any Step Two or Step Three meeting by either a colleague or a trade union representative of their choice unless such a request is deemed unreasonable by the Employer in all the circumstances

- 1.4 Where the Employee is unwilling or persistently unable to attend a Step One meeting without good cause the Employer reserves the right to conduct the meeting in the Employee's absence and make a decision on the evidence available to it
- 1.5 The Employer reserves the right to shorten or dispense with or extend this procedure in circumstances where the Employer feels that to do so is reasonable and taking into account the ACAS Code of Practice on Discipline and Grievance Procedures (as amended). Specifically, it may be that the procedure will be dispensed with entirely in the case of Employees with less than twenty-four (24) months service
- 1.6 After the conclusion of any disciplinary procedure (whether in accordance with the above procedure or otherwise) the Employer may give a warning in accordance with point 1.6 below or in the case of gross misconduct may dismiss (with or without notice) depending on the circumstances of each case. Examples of gross misconduct (which are not exhaustive) are set out in point 2 below. Examples of general misconduct (which are not exhaustive) which necessitates the invocation of the disciplinary procedure set out herein, but which does not amount to gross misconduct includes unsatisfactory attendance or punctuality, poor work performance, unacceptable standard of dress and poor attitude towards colleagues or third parties.
- 1.7 The Employer will issue warnings in the following sequence - First Written Warning, Second Written Warning and then Final Written Warning - unless the gravity of the complaint/s against the Employee justifies a stage being omitted. A Written Warning will detail the nature of the misconduct and any improvement required and the consequence of any further misconduct or failure to improve within a set period. Any written warning will remain on the Employee's personnel file for 12 months (unless a different period is stated), following which time it will be disregarded for disciplinary purposes. The Employer may also, where appropriate, issue verbal warnings which fall outside the formal scope of the procedures set out in this Policy.
- 1.8 The Employer reserves the right to impose a disciplinary sanction such as demotion, loss of or reduction in pay, loss of status or seniority to the Employee following disciplinary action above

2. GROSS MISCONDUCT AND RELATED MATTERS:

- 2.1 If the Employee shall: -
 - (a) commit any serious or persistent breach of any of the provisions herein contained;
 - (b) be guilty of any gross misconduct or wilful neglect in the discharge of his/her duties hereunder;
 - (c) commit an act of theft or unauthorised removal of the Employer's property or the property of another employee, contractor, customer or member of the public;
 - (d) commit an act of fraud, forgery or serious dishonesty;
 - (e) be guilty of a serious breach of confidence including unauthorised use or disclosure of confidential information or failure to ensure that confidential information in his/her possession is kept secure;
 - (f) accept any bribes or other secret payments or profits arising out of his/her employment
 - (g) cause any deliberate damage to the Employer's property

- (h) be guilty of serious misuse of the Employer's property or name to include serious misuse of Employer's premises, telephones, vehicles and computer facilities
- (i) commit repeated or serious acts of disobedience or commit an act of serious insubordination;
- (j) be guilty of bringing the Employer's reputation into disrepute;
- (k) be guilty of failing to notify the Employer of his/her involvement in criminal proceedings or be convicted of any criminal offence that in the Employer's reasonable opinion may affect its reputation or its relationships with its other employees, customers or the public, or otherwise affects the Employee's suitability to remain an employee;
- (l) without prior consent, hold shares in any company or be interested in any business which in the reasonable opinion of the Employer is a business competitor of the Employer save for any public company quoted on the stock exchange without using his/her best endeavours to dispose of the same forthwith;
- (m) be absent from work without the Employer's authority other than by reason of illness or give inaccurate information about the reason for any absence;
- (n) be absent for any reason (excluding annual and public holiday, maternity leave/absence and parental leave) for a period of or in excess of sixteen (16) weeks (eighty (80) working days) in any period of twelve (12) months;
- (o) breach health and safety rules and/or be guilty of actions which seriously endanger the health or safety of others whilst at work;
- (p) behave in a disorderly, physically violent, offensive or indecent manner or commit any act of harassment, bullying or discrimination for which the Employer may be held liable under English law;
- (q) commit a serious breach of any IT or Office Communications Policy operated by the Employer from time to time (to specifically include the Employee's posting of any comments that the Employer may find potentially defamatory, disrespectful or disparaging regarding the Employer, its business and its employees or customers on a social networking site or similar)
- (r) drink alcohol or take illegal drugs and/or be under the influence of alcohol or illegal drugs, or in possession of illegal drugs or permit or facilitate others to possess or consume illegal drugs during working hours;
- (s) smoke in the workplace contrary to the 'No Smoking Policy' in force;

Then the Employer may dismiss the Employee forthwith without notice or pay in lieu of notice. Alternatively (at the Employer's discretion) the Employer may decide to demote the Employee or suspend without pay for such period of time that it deems to be reasonable in the circumstances

- 2.2 Any Employee suspected of gross misconduct or any other matter covered by this clause 2 may immediately be suspended from all duties while a thorough investigation into all aspects and details of the allegation is made by the Employer.