



**SPARTANS**

**LIMITED**

**DISCIPLINARY POLICY AND  
PROCEDURES**

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## **300 SPARTANS LIMITED**

### **DISCIPLINARY POLICY AND PROCEDURES**

#### **Purpose and scope**

1. This policy and procedures for 300 Spartans Limited is non contractual and sets out how any issues with employee standards of conduct, attendance and job performance will be dealt with. This aim of this policy and procedure is to ensure consistent and fair treatment for all employees. If an employee has any queries in respect of this procedure, they should contact Iulian Stan.
2. Any disciplinary action taken against employees for matters concerning performance, behaviour, or absence etc., will normally follow the procedure detailed below.

#### **Primary Principles**

3. Employees are expected to know the standard of conduct or work expected of them.
4. A final decision on a disciplinary sanction will not be taken against employee without the employer carrying out what it reasonably believes in the circumstances to be an appropriate level of investigation.
5. A formal disciplinary sanction will not be taken against employee without the employee being advised of the nature of the problem. The employee will also have the opportunity to state their case at a formal disciplinary meeting before a final decision is taken.
6. Except where an employee has been found to have committed a gross misconduct offence, or is still serving their probationary period, no employee will be dismissed for a first breach of discipline.
7. An employee can appeal against any disciplinary action taken by the employer.
8. Disciplinary matters will be dealt with confidentially, so far as is reasonably possible and employees should keep confidential any information they learn in relation to any disciplinary matter (unless they are the subject of the investigation and disclosure is required to prepare for a meeting under this procedure).
9. The employer may suspend an employee on full pay. This does not mean that you have been or will be found guilty of any offence or act of misconduct. This suspension is not considered a disciplinary action.
10. 300 Spartans Limited processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its data protection policy. Data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purpose of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with 300 Spartans Limited data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

## Informal Discussions

11. Where possible and appropriate the employer will initially deal with disciplinary matters informally. This will take the form of the employee's line manager speaking with them in confidence about the disciplinary issue(s), making a confidential note for the employee's personal file and monitoring them informally to see if there is an improvement. Only if this does not resolve the issue(s) or the matter cannot be dealt with adequately informally, will the employer start the formal procedure.

## Formal procedure

### 12. Stage 1- Formal Meeting

- a. An employee will usually be invited to a formal meeting in a writing and given at least two working days' notice. If required, there may be an investigatory interview before this meeting. At the meeting, the person chairing will explain the complaint against the employee and go through the evidence, giving the employee the opportunity to ask questions, present their case and respond to allegations including responding to witness statements. If the employee wishes to call a witness, they should notify the employer at least 24 hours before the meeting.
- b. The employee will be advised that they are able to bring a companion to the meeting with them. The employee's choice of companion will be agreed to if they are either a colleague, a trade union officer, or a trade union representative (which must be certified by their union as competent to accompany a worker) and under the circumstances, the employee has made a reasonable request to be accompanied. The employee should advise the employer of the identity of the companion (or any change in their choice of companion) and whether they will require any special adjustments to be made for their or their companion's attendance, at least 24 hours before the start of the meeting.
- c. If an employee or their companion is unable to attend the meeting at the time, date and place specified by the employer, they must notify the chair of the meeting as soon as possible in writing. Except in the case of an emergency, this should be at least 24 hours before the start of the meeting and the employee should advise of a time when they and their choice of companion will be able to attend within five working days of the original proposed meeting and provided this is reasonable, the new meeting time will be agreed.
- d. The role of the companion in a formal meeting is to make a notes, confer with the employee and if employee requests it, to address the hearing to state the employee's case and respond to any views expressed at the meeting. The companion does not have the right to answer questions or address the hearing if the employee does not request this and must not prevent the employer from explaining its case.
- e. Employees must make every effort to attend any scheduled meetings under this procedure, failure to co-operate under this procedure could be treated as a disciplinary offence in itself and a decision could be made in an employee's absence if they are unable to attend more than two consecutive scheduled meetings.

- f. If the employer will be referring to any documentation during the formal meeting, unless this is a document an employee will have already seen (such as an email sent by the employee) this should be sent to the employee at least 24 hours before the start of the meeting, so that they have a reasonable chance to prepare. Likewise, if the employee wishes to refer to any documentation, this should be sent to the chairing the meeting at least 24 hours before the start of the meeting.
- g. If the employer finds as a result of the first formal meeting that a disciplinary offence was committed by the employee, the sanction will normally be either:
- h. An improvement note setting out the performance problem, the improvement required, the timescale in which the employee must make the improvements, any support or training the employee will receive to help with the improvement and the right to appeal the improvement note. The employee will be advised that this constitutes the first stage of the formal procedure. A record of the improvement note will be kept on the employee's file for six months, but will then be disregarded for the purpose of the continuing whit this procedure, subject to achieving and sustaining satisfactory performance; or
- hh. first written warning for misconduct if conduct does not meet acceptable standards. The warning will be in writing and set out the nature of the misconduct, the change in behaviour required and state that there is a right of appeal against the first written warning. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after six months.

### **13. Stage 2- Second Formal Meeting**

- a. If there is sufficiently serious misconduct, further misconduct or a failure to improve performance during the currency of a prior warning, the employee will be invited to a second formal meeting in writing by the employer, with at least two working days' notice. As in the case of the first formal meeting, (b)-(f) under Stage 1 above will apply.
- b. If the employee is found to have committed a disciplinary offence as result of a Stage 2 meeting, the sanction will usually be a final written warning. A final written warning will give details of the complaint, the improvements required and the timescale. It will also warn that failure to improve may lead to dismissal and will refer to the right of appeal. A cop of this written warning will be kept on the employee's file but will be disregarded for disciplinary purposes after six months, subject to achieving and sustaining satisfactory conduct of performance.

### **14. Stage 3- Final Formal Meeting**

- a. If there is sufficient serious misconduct or still further misconduct or failure to improve performance, the employee will be invited to a third and final meetings in writing by a director of the employer, with at least two working days' notice. Again, at this stage of the disciplinary procedure, (b)-(f) under Stage 1 above will apply.
- b. If the employee has been found to have committed a disciplinary offence as a result of a Stage 3 meeting, the sanction may be dismissal or some other action short of dismissal,

such as demotion, disciplinary suspension or transfer to another role, place if permitted by the employee's contract of employment with the employer.

- c. Decisions taken under Stage 3 of this disciplinary procedure can be taken by the Director of the employer. If Director takes the decision to dismiss as a result of a Stage 3 meeting, they will advise the employee in writing of the reasons for dismissal, the date on which the employment will terminate, practical arrangements on termination and the employee's right of appeal.

d. If the Director takes the decision after a Stage 3 meeting to impose some sanction short of dismissal, the employee will receive details, of the complaint, will be warned that dismissal could result if there are no satisfactory improvements, and will be advised of the employee's right of appeal. A copy of the written warning will be kept on the employee's file but will be disregarded for disciplinary purposes after six months, subject to achieving and sustaining satisfactory conduct of performance.

### **Examples of Misconduct and Gross Misconduct**

#### **15. Misconduct**

- a. Minor misuse of Company's e-mail, internet, social networking sites or any internal mailing facilities.
- b. Persistent absenteeism or lateness.
- c. Poor effort or sub-standard work.
- d. Absence without authorisation.
- e. Failure to follow absence reporting procedures.
- f. Non-serious failure to comply with health and safety requirements.
- g. Misuse of Company equipment.
- h. Failure to comply with a reasonable management instruction.
- i. Sleeping on the premises/workplace.
- j. Foul or abusive language.
- k. Abusive, objectionable, or insulting behaviour.
- l. Disorderly conduct.
- m. Excessive wastage of Company time or materials.
- n. Damage to equipment or material caused by carelessness.
- o. Misrepresentation of fact-lying.
- p. Excessive breaks.

#### **16. Goss Misconduct**

- a. Incapacity through drink or drugs.
- b. Serious misuse of Company's e-mail, internet or internal mailing facilities.
- c. Lying or misrepresenting facts to Company management.
- d. Theft of other's possessions whether belonging to the Company, employees, visitors or contractors.
- e. Fraud or dishonesty.
- f. Receiving and/or giving bribes.

- g. Loss of driving licence where such a requirement is a key part of your job tasks.
- h. Fighting/physical violence or bullying, including psychological bullying, unlawful discrimination, or harassment.
- i. Foul or abusive language or behaviour directed at another employee, visitor or contractor.
- j. Gross immorality or indecent behaviour.
- k. Deliberate and serious damage to Company property.
- l. Supplying/possessing and/or taking illegal drugs and/or alcohol to your workplace.
- m. Serious cases of non-compliance with health and safety instructions.
- n. Serious insubordination or wilful refusal to comply with any lawful and reasonable management instructions.
- o. Unauthorised release of Company/commercially sensitive information.
- p. Negligence or neglect of duty resulting in any loss, damage, or injury, which might expose the Company to a serious claim.
- q. Misuse or the unauthorised release of technical, commercial, financial, or other information, which could lead to a competitor gaining commercial advantage.
- r. Breaches of Business Ethics or bringing the Company's name into disrepute.
- s. Any derogatory, discriminatory, insulting or prejudicial comments made on any social network site that relates to the Company or its customers, clients or employees, whether done in work hours or not.
- t. Criminal offences outside the workplace which may impact upon the trust and confidence placed in the employee.
- u. Breach of Data Protection.

## Appeals

17. An employee will be advised about their right of appeal whenever a decision is made under this procedure. An employee who wishes to appeal against a disciplinary decision must do so in writing as directed by the employer when they are informed by the employer of the disciplinary decision, within five working days.
18. A manager who has not been involved with the process until this stage will invite the employee to an appeal hearing, where (b)-(f) under Stage 1 above will again apply. At the appeal hearing, any disciplinary penalty imposed will be reviewed or the case reheard, at the employer's discretion.
19. The employee will be informed in writing of the result of their appeal, usually within five working days and the director's decision on the appeals is final.
20. If the employee appeals a dismissal, their employment will not continue whilst the appeal process is taking place. However, if the appeal is successful, the employee will be reinstated with no loss of continuity of employment or pay.