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TITLE: DISMISSAL & DISCIPLINARY POLICY

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Managers are encouraged to help and counsel employees in the first instance to resolve situations as they arise. This procedure is designed to help and encourage all employees of SETA to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all.

The following is a summary of the statutory procedure which is set out in full in Schedule 2 to the Employment Act 2002.

This procedure applies to disciplinary action short of dismissal (excluding oral and written warnings and suspension on full pay) based on either conduct or capability. It also applies to dismissals (except for constructive dismissals) including dismissals on the basis of conduct, capability, expiry of a fixed-term contract, redundancy and retirement.

However, it does not apply in certain kinds of excepted cases that are described in the Employment Act 2002 (Dispute Resolution) Regulations 2004.

Step 1 - Statement of grounds for action and invitation to meeting

- SETA will set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead them to contemplate dismissing or taking disciplinary action against the employee.
- SETA will send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

Step 2- The meeting

- The meeting will take place before action is taken, except in the case where the disciplinary action consists of suspension.
- The meeting will not take place unless:
 - i) SETA has informed the employee what the basis was for including in the statement under Step 1 the ground or grounds given in it; and
 - ii) the employee has had a reasonable opportunity to consider their response to that information.
- The employee must take all reasonable steps to attend the meeting.
- After the meeting, the SETA will inform the employee of the decision and notify them of the right to appeal against the decision if they are not satisfied with it.
- Employees have the right to be accompanied at the meeting by an employee representative or work colleague and to receive a fair hearing.

Step 3- Appeal

- If the employee wishes to appeal, they must inform SETA.
- If the employee informs SETA of their wish to appeal, SETA will invite them to attend a further meeting.
- The employee must take all reasonable steps to attend the meeting.

- The appeal meeting need not take place before the dismissal or disciplinary action takes effect.
- Where reasonably practicable, the appeal will be dealt with by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).
- After the appeal meeting, SETA will inform the employee of the final decision.
- Employees have the right to be accompanied at the appeal meeting.

Disciplinary Stages & Actions

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct or professional negligence when the penalty will be dismissal without notice or payment in lieu of notice. This procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

An employee involved in a serious incident may be suspended, on full pay, until an investigation has been completed.

Stage 1 – Oral Warning

If conduct or performance does not meet acceptable standards, the employee will normally be given a formal ORAL WARNING. He or she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of his or her right of appeal. A brief note of the oral warning will be kept but it will be spent after twelve months, subject to satisfactory conduct and performance.

Stage 2 – Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given by the appropriate Manager. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. The Manager will keep a copy of this written warning but will be disregarded for disciplinary purposes after eighteen months subject to satisfactory conduct and performance.

Stage 3 – Final Written Warning or Disciplinary Suspension

If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a FINAL WRITTEN WARNING will normally be given to the employee. 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. The Manager will keep a copy of this final written warning but it will be spent after two years subject to satisfactory conduct and performance. Alternatively, consideration will be given to imposing a penalty of a disciplinary suspension without pay for up to a maximum of five working days.

Stage 4 – Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, DISMISSAL may result. Only the Chief Executive can take the decision to dismiss. The employee will be provided, as soon, as is reasonably

practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

GROSS MISCONDUCT

The following list provides examples of offences, which are normally regarded as gross misconduct - and is not exhaustive:

- Theft, fraud, deliberate falsification of records
- Fighting, assault on another person
- Deliberate damage to company property
- Serious incapability through alcohol or being under the influence of illegal drugs
- Serious negligence which causes unacceptable loss, damage or injury
- Serious act of insubordination
- Unauthorised entry to computer records
- Professional Incompetence

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, whilst the company investigates the alleged offence. If, on completion of the investigation and the full disciplinary procedure, the company is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.