



## **Purpose**

All the SES Group employees are required to behave and perform in a professional, responsible and reasonable way towards fellow employees, their employer, company property, customers, customers property and premises, suppliers and members of the public at all times.

Employees are representatives of the SES Group while at work and high standards of conduct and performance are expected in order to promote a safe and respectful environment in which to work. The disciplinary procedure that follows aims to ensure consistent and fair treatment to all employees.

The purpose of the disciplinary procedure is to formally recognise and deal with instances of misconduct or under performance, promptly and transparently. Not all failures to comply with rules require the same degree of severity of sanction which will equate to the degree by which misconduct or under performance has occurred.

Line managers will guide, coach and develop employees who are unsure about the work, conduct or standards expected of them and will normally in the first instance use informal methods to address issues with performance or behaviour before resorting to the formal disciplinary process. However, there are occasions when informal methods may not be appropriate.

The disciplinary procedure incorporates an objective assessment of the facts before any decision to apply a disciplinary sanction, up to and including dismissal is made. Persistent or serious failure on the part of the employee to behave or work to acceptable standards may lead ultimately to dismissal.

## **Scope**

The disciplinary procedure sets out the rights and obligations of managers, employees and their representatives and the actions that will be taken when the company's rules and standards are breached. This policy applies to everyone employed by the SES Group with the exception of those employed by means of TUPE who instead must adhere to their respective terms and conditions of employment and in turn the disciplinary process included.

If disciplinary action needs to be taken against other workers e.g. agency staff, a procedure for dealing with such action should be implemented by the employing agency.

## **Principles**

- All disciplinary matters will be fully investigated promptly and no disciplinary sanction will be applied until a full investigation has occurred. Investigations will normally be conducted informally; however, formal investigations may be conducted if deemed necessary.
- The employee will be advised of the nature of any complaint against him or her and be given the opportunity to state his or her case before any decisions are made.
- The procedure may be implemented at any stage if the alleged misconduct warrants such action.
- No dismissal can occur for a first breach of conduct except in the case of gross misconduct.
- At all formal stages the employee will have the right to be accompanied by an SES work colleague and will be advised of this right.
- No recording devices are permitted from either SES representatives or employees of the business during investigatory or disciplinary hearings. Such devices may be considered if required to aid disability.
- The employee will have the right to have the meeting postponed for up to five working days to facilitate their right to be accompanied.
- In the event of alleged gross misconduct the employee may be suspended from employment whilst an investigation is carried out or until such time that a disciplinary hearing can be arranged. Such suspension does not imply guilt or blame and will be for as short a period as is reasonably practicable. This is a precautionary measure and the employee will remain on full pay during this time, if casual or temporary employed this period of suspension would be unpaid. If an individual reports sick during a period of suspension then the suspension pay will cease for the duration of the employee's sickness absence and payment will be made in accordance with the employee's entitlement to sick pay as defined in their contract of employment.



- Where performance is unsatisfactory the decision will need to be taken as to whether this is a capability issue which might be corrected by further training and dealt with using the Performance Management policy or a conduct issue e.g. malicious and wilful underperforming which may be dealt with directly under the disciplinary procedure.
- The employee will be advised in writing of the decision of any hearing and will be advised of the right to appeal against any disciplinary decision and/or penalty imposed.
- Details relating to the sanction, proceedings, witness statements and records will be kept confidential and will be kept on the employees personnel file and will be discounted when the warning is spent.

## **Procedure**

Informal advice, coaching or counselling is not part of the formal disciplinary procedure however if a matter is dealt with informally the employee will be made aware of the problem, with the objective of:

- Encouraging improvement
- To understand what improvements need to be made
- How conduct will be reviewed and over what period
- What action may be taken if conduct is not improved

A record of the discussion will be kept on the employee's personnel file and details confirmed in writing to the employee either by letter or with a copy of the notes from the discussion.

## **Investigation**

When a potential disciplinary matter arises, an appropriate person will be appointed to establish the facts as promptly as is reasonably practical and to decide whether to take no action, arrange informal action or arrange for the matter to be dealt with under the disciplinary or Performance Policy Procedure. Investigations will normally be conducted informally; however, formal investigations may be conducted if deemed necessary. The investigating officer will present their findings and recommendations to the appropriate manager who will be responsible for the disciplinary hearing; this will not be the recommended outcome of the investigation rather the recommendation to hold a hearing. The person who conducts any subsequent disciplinary hearing will not have conducted the investigation.

## **Disciplinary hearing**

Before a decision is reached or any disciplinary sanction applied there will be a disciplinary hearing at which the employee will have the opportunity to state their case and to respond to the allegations that have been made. The nature of the allegation, together with the date, place and time of the formal disciplinary hearing will be confirmed in writing to the employee within a reasonable timeframe of the hearing.

Where the evidence in support of the allegation(s) consists of written statements or other documentary evidence, copies of the documentation will normally be made available where reasonably expected to the employee and their representative before the hearing. Should the hearing require witnesses to be called to make a statement, the employee and their representative will confirm the names and attendance of these individuals to the disciplining manager before the hearing and the disciplinary manager will confirm the names of the witnesses the company wishes to call to the employee and their representative.

At the hearing, the allegation(s) against the employee will be explained, the evidence will be set out and any witnesses called to the meeting as appropriate and the employee will be given the opportunity to present an explanation of the events and raise points regarding the information provided in support of the allegation(s). The disciplining manager, employee or representative may adjourn the proceedings at any stage if it appears necessary or desirable.

Upon completion of the disciplinary hearing, the manager will adjourn to consider whether there is sufficient evidence to support the allegations, based on the information available, including witness statements, any other relevant documentation and other evidence and they will decide whether disciplinary or any other action is justified. The outcome will be confirmed to the employee in writing and will provide an outline of where performance improvement or behavioural change needs to be made. In all cases the employee will be informed of the length of time the disciplinary sanction will remain live on their personal file, the consequences of failure to improve and their right to appeal. Any decision is made considering the burden of proof in these circumstances is on the balance of probability.



### **Right to be accompanied at a hearing**

At the hearing the employee is entitled to a representative who will be a SES Group colleague. The employee is responsible for informing the disciplining manager of the identity of their chosen representative and confirming attendance at hearing.

With the permission of the employee the representative is allowed to address the hearing on behalf of the employee and support the employee during the hearing however they are not able to answer questions on behalf of the employee.

### **Postponements**

An employee is entitled to request a postponement of the hearing for up to five days giving a responsible explanation. In the event that the employee fails to attend or is unwilling to attend then the disciplining manager will provide a further opportunity to attend a rearranged disciplinary hearing. Employees may be advised that nonattendance at the rearranged disciplinary hearing may result in the hearing taking place in their absence and a decision made based on the evidence put forward at the meeting. The employee will be notified in writing of the outcome, sanction and right to appeal as with the normal procedure.

### **Disciplinary sanctions**

There are four formal disciplinary sanction stages all of which will be recorded in the employees personal file for the appropriate duration as detailed below:

1. Formal verbal warning
2. First written warning
3. Final written warning
4. Dismissal

The stages are not necessarily consecutive and in some situations it will be inappropriate to go through all the stages of the procedure. There may be circumstances where the procedure is started in the middle or repeated where, for example, there has been some but not enough improvement. Some stages may be omitted, particularly where it is clear that the employee is unlikely to perform or behave to the required standard, despite time to improve, or where the alleged misconduct warrants serious action short of dismissal. A serious case of gross misconduct may be taken straight to stage four.

The duration that sanctions remain live is at the discretion of the disciplining manager and the SES Group reserves the right to extend the time period in appropriate circumstances. It is usual for verbal warnings to remain live for a period of six months, while a first written warning or final written warning may remain live for a period of 12 months.

An alternative to dismissal may be considered, however, this will be decided on a case by case basis and will only be agreed if the discipline manager holds a genuine belief that the employee's behaviour will improve and that retaining the employee in employment will not cause a risk to the company or its employees. In circumstances where all trust and confidence has been lost an alternative to dismissal is unlikely to be considered. The alternative that could be considered is:

- Transfer and/or downgrading – may include transfer to other duties at the same or lower grade at the same location or transfer to other duties at the same or lower grade at another location on terms to be determined by the supervisor or manager imposing the penalty. In this instance salary will move to the rate for the role.

In conjunction with the above alternatives a final written warning will be issued for a period of 12 months or an existing live final written warning extended for a further 12 months from the date of this disciplinary outcome decision.

### **Examples of gross misconduct**

Gross misconduct may lead to summary dismissal without notice or pay in lieu of notice; it includes but is not limited to:

- Theft or dishonesty such as fraud or any other similarly serious offences, including falsification of company records, timesheets, reports, accounts, expenses or company self-certification forms.
- Gross negligence or incompetence



- Breach of company rules or policies
- Breach of trust and confidence
- Breaches of GDPR
- Abusive, objectionable, violent or insulting behaviour, language or conduct including physical assault, actual or threatened conduct, violence, dangerous or intimidating conduct.
- Incivility to persons encountered in the course of duties or misuse of authority in connection with business.
- Breaches of the dignity at work policy and/or related procedures or related legislation, including harassment and bullying. Unethical or inappropriate behaviour or language, whether during or outside work, which could bring the company into disrepute or adversely affect the employees ability to do his/her job.
- Serious infringement of Health and Safety rules and/or legislation
- Prolonged and/or frequent absence without leave or proper reason
- Reporting for duty under the influence of alcohol or restricted drugs or use or supply of while on duty.
- Smoking in non-designated areas
- Unauthorised possession or use of company equipment, materials, stores, tools or facilities
- Damage to company property, plant or equipment or to another employees or customers property caused deliberately or recklessly or as a result of wilful omission/negligence.
- Failure to account for keys, money or property received in connection with business.
- Use of uniform, equipment or identification without permission
- Misuse of fuel card
- Carrying of equipment not issued as essential to an employee's duties or use of a customer's equipment or facilities without permission or permitting unauthorised access to customer's premises by another person.
- Flagrant or unauthorised misuse of the company's computer equipment including software and systems, including but not limited to the downloading or unauthorised material or the use of sexually explicit or pornographic material as well as those matters which are expressed to be acts of gross misconduct within the IT policy
- Gross or flagrant disregard of reasonable instructions
- Neglecting to complete a required task at work promptly and diligently, without sufficient cause
- Leaving a place of work without permission or without sufficient cause
- Malingering and/or undertaking private work utilising Company property or on Company premises without authorisation.
- Soliciting or receipt of gratuities or other consideration from any person
- Destroying, altering or erasing documents, records or electronic data without permission or through negligence.
- Unauthorised disclosure of confidential information, including divulging matters confidential to the organisation or customer, either past or present, without permission.
- Carrying out work of any kind for a competitor
- Failure to notify the employer immediately of any; conviction for a criminal offence and/or motoring offence, indictment for any offence, police summons, legal summons or refusal, suspension or withdrawal (revocation) of a Security Industry Authority (SIA) License.
- Aiding and abetting a colleague in any act which could constitute a gross misconduct offence.

## Appeals

The right and procedure for an appeal will be confirmed in writing and the employee will have seven calendar days from the date the written notification of the disciplinary sanction is received to appeal the decision. Appeals must be made in writing to the HR department and must clearly state the grounds of appeal.

HR will notify the appropriate manager who will hear the appeal and who will normally be a more senior manager than the manager who conducted the disciplinary hearing and made the decision to impose a sanction. The manager hearing the appeal will be at least the same level as the manager who imposed the penalty.

The employee will be notified in writing of the date, place and time of the appeal hearing within a reasonable timeframe of lodging their appeal.



The employee will be informed of the results of the appeal in writing. This may include confirming, revoking or verifying the original sanction. This notification will occur within seven calendar days of the appeal hearing.

### ACAS Arbitration Scheme

In the event that the above procedure has been exhausted and an employee still disagrees with a decision to terminate employment or regarding a flexible working arrangement, the employee may have the matter referred for arbitration by an independent person using the Advisory, Conciliation and Arbitration Service (ACAS) Arbitration Scheme. The ACAS Arbitration Scheme is an alternative to registering a claim with an Employment Tribunal where the case is concerned only with a claim of unfair dismissal and will mean that the employee waives their right to appeal to an Employment Tribunal.

Taking advantage of this service is an option for the individual and is entirely voluntary. Further advice on the use of the scheme can be obtained from: ACAS; the Citizens Advice Bureau; the employee's trade union; or the employee may choose to seek independent legal advice.

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