



Disciplinary & Grievance Policy & Procedure

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The Company rules and this procedure apply to all employees. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and consistency in the treatment of individuals. Every effort will be made to ensure that any action taken under this procedure will be fair.

If an employee faces dismissal, or action short of dismissal, the following procedure will be followed. The Company's procedures outlined below comply with the ACAS code of practice.

- a) All employees are fully aware of the standards of performance, action and behaviour required of them
- b) Disciplinary action where necessary is taken speedily and is in a fair uniform and consistent manner
- c) All information associated with a disciplinary matter must be kept confidential between those parties involved in any part of the investigation, disciplinary hearing, and appeal if appropriate
- d) You will only be the subject of the disciplinary process after careful investigation of the facts and will be given the opportunity to present your side of the case. You or your companion will be given the opportunity to respond to the complaint and any supporting evidence before a decision is reached
- e) You will receive a written letter setting out the allegations and the basis of the allegations with supporting evidence which have led to the Company contemplating disciplinary action, and the invitation to the disciplinary hearing to discuss the matter
- f) A meeting will then be held to discuss the allegations; at which you have the right to be accompanied by a work colleague of your choice or a properly accredited trade union representative who may present on your behalf but is not allowed to answer questions on your behalf. You will be notified of the decision either at the end of the meeting or at a later date should further investigation be required.
- g) It is not normal to be dismissed for a breach of discipline on the first occasion except in a case of gross misconduct. The warning will reflect the severity and nature of the offence. On some occasions it may not be appropriate to start with a verbal warning if it is felt by the Company, after investigation, that the nature of the offence merits a first written warning or in a particularly serious situation, a final written warning
- h) You will also be given the right of appeal against any decisions taken and to attend an appeal meeting at which you also have the right to be accompanied.

The Company requires every employee to observe satisfactory standards of behaviour and it is expected that employees will meet these standards.

Penalties imposed as a result of disciplinary action taken against an employee will be generally based on the following procedure.

- **Generally, on the first occasion** or minor infringement you will be issued with a verbal warning confirmed in writing which will be recorded on your file for 6 months.
- **Generally, on the second occasion** or more serious infringement you will be issued with a first written warning which will be recorded on your file for 6 months.
- **Generally, on the third occasion**, serious misconduct, or failure to improve or change behaviour you will be issued with a final written warning which will be recorded on your file for 12 months.
- **Generally, on the fourth occasion** you can expect to be dismissed with appropriate notice. In instances of gross misconduct, you will be summarily dismissed without notice. The Company reserves the right to vary or shorten this procedure depending on individual circumstances.
Sanctions imposed will reflect the severity and nature of the offence. In certain circumstances the Company reserves the right to attach conditions to penalties, for example demotion, transfer, or re- grading.
Any employee who is suspected of having committed an act of gross misconduct may be suspended from work on full pay while the Company investigates the alleged offence. If on completion of the investigation and after the full disciplinary procedure has taken place, the Company is satisfied that the employee has committed the offence, the normal consequence will be summary dismissal without notice or entitlement to pay in lieu of notice.

Examples of Gross Misconduct

Please note these are examples only. The list is not exhaustive and there may be other incidents which would fall into the category of Gross Misconduct which, if after investigation the Company is satisfied the employee has committed the offence complained of, would normally result in summary dismissal.

A serious breach of any conduct rule including:

- Gross indecency or behaviour likely to cause offence to other employees or to the Company, our customers or suppliers.
- Dangerous behaviour, serious horseplay, fighting or physical assault.
- Acts of discrimination or harassment of a racial, sexual or religious nature
- Undertaking private work on the premises.
- Deliberate falsification of any records, a specific example of this would be: one employee to clock in or out for another.
- Theft or misappropriation of money or property belonging to the Employer, another employee or a third party.
- Serious Health and Safety and Hygiene breaches which could bring danger to life or danger of serious injury to any person.
- Destruction or sabotage of the Employer's property or any property on the premises, or of property belonging to customers, visitors etc.
- Gross insubordination and/or refusal to obey legitimate instructions given by a supervisor or member of management.

- Any breach of a legal statute.
- Actions liable to bring the Company into disrepute.
- Any action that breaches the rules of the internet, email and mobile phone rules

Disciplinary Appeal Procedure

If you wish to lodge an appeal against any disciplinary decision, then you must do so within 5 working days of receiving the decision about which you wish to appeal. Your appeal should be in writing and addressed to the Operations Director. You should set out the grounds on your appeal. At the appeal hearing you will again be entitled to be accompanied by a work colleague. The result of the appeal will be made known to you, in writing within 5 working days after the hearing. This decision is final.

Grievance Procedure

A grievance procedure is quite simply a way for all employees to discuss any problems, or air their views on any dissatisfaction that relates to their work. An informal discussion can often resolve matters, but if you wish to raise the grievance formally, you should use this procedure.

Swann Recruitment Ltd encourages the use of the Grievance Procedure by any employee who feels dissatisfied with any matter relating to his or her work. Having an immediate means by which such a grievance can be resolved is fundamental for the avoidance of any issue not addressed escalating unnecessarily to one of major proportions.

Swann Recruitment Ltd actively encourages all employees and workers to raise issues of concern in relation to the workplace and relationships within. Anyone doing so can be assured that there will be no form of discrimination or recrimination as a result of raising concerns.

The Company grievance procedures outlined below complies with the ACAS Code of Practice:

Step 1: if possible raise the grievance informally with your immediate supervisor in the first instance to establish if it can be quickly and easily resolved. If this is not possible a formal grievance should be in writing to the MD who will allocate responsibility for hearing the grievance to the appropriate manager. If the grievance is about your immediate supervisor, the matter should be raised with the MD

Step 2: Your immediate line manager, or in the case of a grievance about the individual, the MD, will then invite you to attend a formal hearing in order to discuss the grievance. At such a hearing you have the statutory right to be accompanied if the grievance concerns the performance of a "duty by an employer in relation to a worker" e.g. grievances about bullying and harassment. If you have any doubt about your entitlement to be accompanied, ask your Manager for clarification but regardless of statutory right we believe every worker has a right to be accompanied by a work colleague of their choice.

The manager will then reply in writing to the grievance within 5 working days of the hearing taking place, or if no formal hearing has taken place, within 5 working days of receiving written notice of the grievance.

Step 3 (Appeal): If you are unhappy with the decision after a grievance meeting or if the matter has not been resolved at stage 1, you may then raise an appeal against the decision within 5 working days of the decision being communicated to you. Your appeal should be in writing to the MD who will allocate an appropriate manager to hear the appeal. That manager will then arrange

to hear the appeal, again within a period of 5 working days and as previously you have the right to be accompanied.

After the appeal hearing, the manager will, where possible, respond to the grievance in writing within a period of 5 working days. If it is not possible to respond within that time, an explanation for the delay will be given and information as to when the response can be expected.

The decision given at this stage is final.

The Company reserves the right to vary or shorten this procedure depending on individual circumstances.

Please note that a written record of each stage of the grievance procedure will be kept by the Company and a copy of the record will be provided to you.