Disciplinary Policy

This policy has been produced to help and encourage staff to achieve and maintain the standards of conduct, attendance and job performance that are expected of them. The aim is to ensure consistent and fair treatment of all staff who are the subject of disciplinary action.

This policy and these procedures will apply to all employees and will cover all cases where an employee's conduct is in breach of PACE Regulations, or where performance does not meet the required standard.

Responsibilities

If you are responsible for supervising or managing staff, you have a responsibility to ensure that the disciplinary policy and procedures are implemented fairly.

The Board are responsible for monitoring the implementation of this procedure and ensuring that it reflects any changes in codes of practice or relevant legislation.

Examples of general misconduct

The following is a list of issues, which may be subject to disciplinary procedures. It should be noted that this is not an exhaustive or exclusive list.

- Refusal or neglect in observing established Health and Safety requirements as set out in our Health and Safety policy;
- Unreasonable and/or unexplained absences from work;
- Abuse of our sick pay or leave of absence procedures;
- Poor timekeeping;
- Poor job performance, neglect of duties, poor quality of work or low output;
- Behaviour upsetting or disruptive to others including, the use of obscene or abusive language;
- Unauthorised use of PACE assets and equipment (including telephones, internet and email);
- Failure to obey a reasonable instruction from a Manager or Board member;
- Smoking/Vaping on the premises;
- Serious incapability whilst on duty brought about by alcohol or illegal drugs; or
- An unsatisfactory sickness record.

Principles

Cases of minor misconduct or unsatisfactory performance will normally be dealt with informally. In situations where matters are more serious or where an informal approach has been tried but is not working, then formal action will be taken.

No disciplinary action will be taken against you until the case has been investigated and evidence collected.

The first step, at any stage of formal disciplinary action, will be to advise you in writing of what

it is you are alleged to have done wrong and the reasons why it is not acceptable. The letter will invite you to a meeting at which the problem can be discussed and will inform you of your right to be accompanied at the meeting. You will also be given copies of any documents that will be produced at the meeting.

The next step will be to hold a meeting where the complaint will be explained to you and the evidence reviewed. You will be allowed to set out your case and answer any allegations that have been made.

At all stages you will have the right to be accompanied by a work colleague (or by an official of a Trade Union as long as they have been certified by their union as having experience of, or received training in, acting as an employee's companion at disciplinary hearings) during the disciplinary interview.

If your companion cannot attend on the proposed date, you can suggest an alternative time and date so long as it is reasonable and is not more than five working days after the original date.

Your companion has a right to confer with you and address the hearing to put forward your case, sum up your case and respond on your behalf to any view expressed at the meeting, but no right to answer questions on your behalf.

Following the meeting, a decision will be made on whether disciplinary action is justified and if so, what form it should take, in line with our policies and legal requirements.

You will have the right to appeal against any disciplinary penalty imposed.

This procedure may be implemented at any stage, if in our reasonable view, your alleged misconduct warrants such action.

You may be suspended pending investigation. Precautionary suspension may be with full pay in certain cases, for example, in cases involving gross misconduct, where relationships have broken down or there are risks to an employer's property or responsibilities to other parties. Such suspension is not considered a disciplinary action.

Confidentiality

Our aim during an investigation or disciplinary procedure is to deal with matters sensitively and with due respect for the privacy of those involved.

All employees must treat, as confidential, any information communicated to them in connection with an investigation or disciplinary matter. If the employee breaches this need for confidentiality, then disciplinary action may be taken against them.

You are not permitted to make any covert electronic recordings of any investigative meetings, disciplinary or appeal hearings. Your representative, or any companions or witnesses who accompany you to any meetings or hearings are also forbidden from making electronic recordings without express agreement from both parties.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless, in our discretion, we believe that a witness's identity should remain confidential.

Witnesses must treat as confidential any information given to them in the course of an investigation, including the identity of any employees under investigation.

The procedure

First Formal Action – Unsatisfactory Performance

Following a formal meeting, if you are found to be performing unsatisfactorily, you will be given a written note setting out:

- the performance problem;
- the improvement required;
- the timescale for achieving this improvement;
- a review date; and
- any support we will provide to assist you.

This represents the first stage of a formal procedure and failure to improve could lead to a final written warning and ultimately dismissal. A copy of the note will be kept and used as a basis for monitoring and reviewing performance over a period of six months.

First Formal Action – Misconduct

Following a formal meeting, if you are found guilty of misconduct, you will normally receive a written warning setting out the nature of the misconduct and the change in behaviour required.

This represents part of the formal disciplinary process and if there is any repeat of such behaviour this could lead to a final written warning and ultimately dismissal. A copy of the warning will be kept on your personnel file but will be disregarded for disciplinary purposes after a period of six months.

Final Written Warning

Where there is failure to improve or change behaviour in the timescale set at the first formal stage, or where the offence is sufficiently serious, you will be issued with a final written warning, subject to the principles set out above. The final written warning will give details of and grounds for the complaint. It will state that failure to improve or modify your behaviour may lead to dismissal or to some other penalty. The final written warning will normally be disregarded for disciplinary purposes after twelve months.

Dismissal or Other Penalty

If your conduct or performance still fails to improve, the final stage in the disciplinary process might be dismissal or, if mutually agreed, some other penalty such as demotion, disciplinary transfer, or loss of seniority/pay. You will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will terminate and the appropriate period of notice.

Right of appeal

If you wish to appeal against the disciplinary action, you should notify the COO, in writing, that you wish to make an appeal and the grounds for that appeal within five working days from the date of receipt of the written confirmation of a warning or date of dismissal.

An appropriate person, usually a more senior manager or the COO, will normally conduct the appeal within ten working days of the date of receipt of your written notice of appeal. The appeal can take the form of either a review of the decision or a rehearing. The decision of the appeal is final.

If a rehearing is held, an independent note taker may be present at any rehearing to keep a record of proceedings and, when all the evidence has been heard the rehearing will be adjourned to enable a decision to be reached.

The decision will be conveyed to you in writing no later than ten working days after the appeal.

At the appeal any disciplinary penalty imposed against you will be reviewed.

Where an appeal against dismissal fails, the effective date of termination shall be the date upon which you were originally dismissed.

Gross misconduct

If you are accused of an act of gross misconduct, you may be suspended from work with pay while PACE investigates the offence.

If, on completion of the investigation PACE is satisfied that gross misconduct has occurred, the result will normally lead to summary dismissal without notice or payment in lieu of notice.

Any of the following types of behaviour are normally regarded as gross misconduct: (this is not an exhaustive list)

- Theft, fraud or deliberate falsification of records;
- Physical violence or deliberate damage to Company or clients property;
- Bullying or harassment;
- Inappropriate use of social media sites including bullying or harassment of employees or making defamatory or inappropriate comments about the Company, its employees, the COO, a Board member, clients or suppliers;
- Serious insubordination;
- Plagiarism;
- Misuse of PACE property or name;
- Bringing PACE into serious disrepute when dealing with a client or a member of the public;
- gross negligence (a serious lack of care to duties or other people)
- Negligence resulting in unacceptable loss, damage or injury including serious abuse of confidential information;
- Breach of confidence or trust;

- Infringement of health and safety rules;
- Incapability whilst on duty due to alcohol or other drug abuse;
- Misuse of our e-mail or internet facilities including the downloading of any pornographic or offensive or discriminatory material;
- Failure to disclose interests which conflict with those of PACE; and Moonlighting (the holding of another paid job at the same time as your employment with us, including informal work like babysitting) without the express written agreement of PACE;
- Covertly recording on a mobile phone or any other device, conversations with colleagues, managers, Board members, clients or suppliers; or
- Breach of confidential information relating to any of our clients.

Probationary period of employment

During any probation period of employment for new employees (as stated in your Contract of Employment) special rules relating to the Disciplinary Procedure apply. During this period we reserve the right to waive some or all of the official warnings described in the Disciplinary Procedures and may terminate your employment contract without any formal warnings at our discretion.

Prior to any dismissal, we will set out in writing the grounds for such action. You will be given the opportunity to consider your response to this and invited to a meeting, at which you will have the right to be accompanied. You will also be given the right of appeal against any decision made as a result of that meeting and you will have the right to be accompanied at any appeal meeting.