Disciplinary, Dismissal and Grievance Procedures

Company Name:	SKAT Limited ('the Company')
Date:	04/06/2018

1. GENERAL PRINCIPLES

The following general principles will apply to the Disciplinary, Dismissal and Grievance Procedures:

- Each step and action will be taken without unreasonable delay. Please be aware that timelines may vary to those set out in this policy, due to (for example) the volume or complexity of the allegations being considered, or the availability of appropriate members of staff to conduct each stage of the process.
- Whenever the employee is invited by the Company to attend a meeting, the employee must take all reasonable steps to attend.
- At all stages of the procedure (except any investigation meetings) the employee will have the right to be accompanied by a trade union representative or a work colleague of your choice. If your choice of companion is unreasonable (e.g. because they are unavailable for a prolonged period of time or because of a conflict of interest) the Company may ask you to choose someone else. If your companion is unable to attend any such meeting you may suggest an alternative date, provided it is within 5 working days of the original date.
- Timing and location of meetings must be reasonable.
- Meetings will be conducted in a manner that enables both the Company and employee to explain their case.
- Meetings may be adjourned so that further investigation can be carried out in light of any new points raised. Any new information obtained will be provided to you for consideration before the meeting is reconvened.

- For appeal hearings following a decision the Company will as far as reasonably practicable, be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).
- Whenever the company or employee is required to send the other a statement, the original or a copy will suffice.
- If you have difficulty at any stage of the procedure because of a disability, please discuss this as soon as possible with Desi Gray or Sohini Biswas.

2. *DISCIPLINARY, DISMISSAL AND GRIEVANCE PROCEDURES*

2.1 PURPOSE

The Disciplinary, Dismissal and Grievance procedures are designed to help and encourage all employees to achieve and maintain appropriate standards of conduct, attendance and job performance. The company rules and these procedures apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

a. PRINCIPLES

- No disciplinary action will be taken against an employee until the case has been fully investigated. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.
- The Company may suspend an employee with or without pay while an investigation takes place. Such a suspension will be reviewed as soon as possible and will not normally exceed 10 working days. Suspension of this kind is not a disciplinary penalty and does not imply any decision has been made about the allegations.
- An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct (when the penalty may be dismissal without either notice or payment in lieu of notice).
- Misconduct will generally fall into two categories, namely "general" misconduct (in respect of which the general disciplinary action procedure described below applies) and "gross" misconduct, which is of so serious a nature that it justifies instant dismissal for a first offence. Listed below are examples which would normally be considered to be either general misconduct or gross misconduct. However, it should be recognised that neither list can be regarded as complete to meet every case, and also that action described as general misconduct may amount to and be treated as gross misconduct if the circumstances or the manner of the misconduct are such as to warrant serious disciplinary action. **These lists should be regarded therefore as being illustrative rather than exhaustive.**

2.2.1 Examples of "gross" misconduct:

Summary dismissal (i.e dismissal without notice or pay in lieu of notice) may be necessary in cases of gross misconduct. For guidance, the following are examples of the offences which may be regarded as gross misconduct and will normally result in summary dismissal. It is emphasised that this is not an exhaustive list:

- Unauthorised use or disclosure of confidential information or business matters relating to the Company, its clients, temporary workers or applicants.
- Breach of the Data Protection Laws or the Company's Data Protection Policy.
- Unauthorised amendments to the Company's profile pages on any networking site or Networking Site as defined in the Company's Email, Telephone, Computer Facilities and Social Media policy or website.
- Any prohibited use of the Company's internet and email facilities as set out in the Company's Email, Telephone, Computer Facilities and Social Media Policy including in particular any activities set out on sections 3.3, 4 and 5 of that policy.
- Acts of violence, including physical assault, unlawful discrimination, drunkenness, taking of non-prescribed drugs in such a way as to impair the ability to carry out work or conduct of any kind which endangers the health and safety of others.
- Any bullying or harassment of fellow employees, clients, candidates or any other person including via the company's facilities or any Networking Sites (as defined in the Email, Telephone, Computer Facilities and Social Media Policy).
- A criminal offence committed at work other than a minor road traffic offence committed in the course of the employment, or an offence committed outside work which is incompatible with the employee remaining in the Company's employment.
- Falsification of information or references on appointment.
- Theft or fraudulent activity.
- Unauthorised absence or gross negligence in the performance of duties.
- Breach of the Company's Anti-Bribery and Corruption Policy.
- Breach of the Criminal Finances Act 2017.

- Any conduct tending to bring the Company, or the employee into disrepute or which results in the loss of custom of a client, temporary or applicant or a loss of business.
- Working for or assisting a competitor of the company or seeking to establish a business which is likely to compete with the company or divulging confidential information concerning the company and its business.
- Serious insubordination or refusal to obey a lawful instruction in connection with the employment.
- Deliberate and serious damage to property or causing any loss, damage or injury through negligence.
- Serious misuse of the Company's property or name.

2.2.2 Examples of "general" misconduct

The following may be regarded as reasons for disciplinary action in that they deviate from accepted standards and constitute general misconduct. The employee's first offence will usually result in a written warning. Repetition of offences following a warning could lead to a final written warning as appropriate. Thereafter any repetition will result in dismissal. It is again emphasised that **this is not an exhaustive list**:

- Poor job performance.
- Poor timekeeping.
- Failure to comply with the conditions of your employment contract.
- Unseemly or disruptive conduct.

2.3 DISCIPLINARY ACTION

The following is the disciplinary action that may be taken against an employee in cases of misconduct or unsatisfactory performance**:**

STAGE 1 – FORMAL WRITTEN WARNING

If an employee's conduct or performance is unsatisfactory, they will be given a formal written warning. This written warning will include the reason for the warning and a note that, if there is no improvement after a specified period, a final written warning will be given. A copy of the written warning will be given to the employee and a copy will be placed on their personnel file. The warning will be disregarded after 6 months satisfactory service.

STAGE 2 – FORMAL FINAL WRITTEN WARNING

If following a written warning, conduct or performance remains unsatisfactory, or if a serious incident occurs, a final written warning will be given making it clear that any recurrence of the offence or other serious misconduct within a specified period will result in dismissal. A copy of the written warning will be given to the employee and a copy will be placed on their personnel file. The warning will then be disregarded after 12 months satisfactory service.

STAGE 3 – DISMISSAL OR OTHER SANCTION

If there is no satisfactory improvement in conduct or performance, or if further serious misconduct occurs within 12 months, the final step in the procedure may be dismissal, either with or without notice or payment in lieu of notice, or some other action short of dismissal such as disciplinary suspension or transfer to another department or job. Stage 3 may also apply to any gross misconduct (even if there are no active warnings on file) or any misconduct during your probationary period.

2.4 DISCIPLINARY PROCEDURE

2.4.1 Informal Discussion

1. Minor breaches of discipline, misconduct, poor timekeeping etc may result in an informal discussion with the employee's immediate superior.

2. Although an informal warning will not be formally recorded for the purposes of any future disciplinary hearing, a note of the conversation may be kept on your personnel file.

3. It is expected that in most cases an informal discussion will resolve most difficulties. Where an employee commits a more serious act of misconduct or fails to improve and maintain that improvement with regard to conduct, behaviour or job performance, the formal steps detailed below may be taken.

2.4.2 Formal Discussion

Step 1 – Written Statement

The Company will inform the employee in writing of the alleged conduct or characteristics, or other circumstances, which lead the Company to contemplate dismissing or taking disciplinary action against the employee. This shall be done promptly after becoming aware of the circumstances, and the employee shall be invited to attend a meeting to discuss the matter, once any necessary investigations have been conducted to establish the facts of the matter. The Company will provide a copy of any relevant documents which will be used at the disciplinary meeting to the employee in advance of the meeting.

Step 2 – Meeting

1. The meeting will take place before any action is taken, except in the case where the disciplinary action consists of a suspension on full pay, in order to investigate the allegation.

2. The meeting will not take place unless:

    - the Company has informed the employee of the ground or grounds for contemplating disciplinary action or dismissal; and
    - the employee has had a reasonable opportunity to consider his response to that information.

3. The employee has the right to be accompanied at the meeting by a work colleague or a Trade Union representative.

4. After the meeting, the Company will inform the employee in writing of its decision as soon as reasonably possible (but normally within one week of the meeting) and notify him of the right to appeal against the decision if he is not satisfied with it.

Step 3 – Appeal

1. If the employee does wish to appeal, s/he must inform the Company within 5 working days of receiving the decision, and on doing so the Company will invite him/her to attend a further meeting.

2. The appeal meeting may not necessarily take place before the dismissal or disciplinary action takes effect, but it will be arranged within a reasonable period of time.

3. The appeal will be dealt with by a more senior manager than at the Step 2 meeting. Where this is not practicable, the company will hear the appeal and decide the case as impartially as possible.

4. After the appeal meeting, the Company will inform the employee of its final decision in writing, as soon as reasonably possible (but normally within one week of the meeting). The Company may uphold or revoke the original decision or substitute a different penalty.

2.5 GRIEVANCE PROCEDURE

If an employee has a problem or concern about their work, working conditions or a relationship with a colleague, they should aim to settle their grievance informally with their line manager.

If an employee's grievance cannot be settled informally, or a formal approach is preferable, the employee should raise it formally with management by following the procedure below.

Step 1 – Written statement

The employee must set out their grievance in writing and send this statement to Desi Gray or Sohini Biswas unless your grievance concerns any of the above in which case the grievance should be submitted to the other director (Desi Gray or Sohini Biswas) Include facts, dates, a chronology and names of individuals, as appropriate. The subject heading should be marked as "Formal Grievance".

Step 2 – Meeting

1. The company will invite the employee to attend a meeting to discuss the grievance, normally within 5 days, but longer where it is necessary to undertake an investigation to establish the facts or it is otherwise impracticable.

2. The meeting will not take place unless:

    - the employee has informed the Company of the basis for the grievance in writing; and
    - the Company has had a reasonable opportunity to consider its response to that information

3. After the meeting the Company will inform the employee of its decision, as soon as reasonably practicable (but normally within one week of the meeting), and the Company will notify the employee of his right to appeal if he is not satisfied with it.

Step 3 - Appeal

If the employee does wish to appeal, he must inform any of the company Directors within 5 working days of receiving the decision, and on doing so the company will invite him to attend a further meeting. After the appeal meeting, the Company will inform the employee of its final decision as soon as is reasonably practicable (but normally within one week of the meeting). The Company's decision is final.