



HUMAN RESOURCES DEPARTMENT

DISCIPLINARY POLICY and PROCEDURES

Class/Title	Mandatory Requirements
Document	Policy
Version	2
Revised by	<i>Toni Chapman</i>
Authorised	<i>Robin Boydon</i>
Issue date	TBC
Review date	TBC

STATEMENT OF INTENT

Tardis Environmental UK recognises that the success of the business is directly linked to the performance, high attendance and behavior of its employees. This policy is designed to ensure that these standards are maintained and that it provides a comprehensive framework to both Directors of the Company, Managers and employees in dealing with any issue in an appropriate and expedient way.

Tardis Environmental recognises the need to have a disciplinary framework in which the rules are clearly communicated to the workforce to ensure safe systems of work and to promote effective employee relations between Directors, Managers and employees.

This Disciplinary policy and its accompanying procedures have been written in conjunction with the ACAS code of practice and the principles of natural justice. The company endorses all seven principles of natural justice as follows:

- Employees will have the right to be accompanied at each stage of the process
- Employees will have the right to know what they are accused of
- Employees will have the right to respond to the allegation
- Employees will be given prior notification of any meeting
- Employees will be given copies of any evidence that may be referenced in the process
- Employees will be given the right to call on relevant witnesses
- Employees will have the right to appeal against any outcome decision

In all cases it is the intention of the Company Directors to ensure that there is a robust set of procedures in place to accompany this policy which promotes fairness and consistency. Thus, the accompanying procedures will ensure that evidence is gathered and heard and that matters are dealt with in a timely manner to ensure minimum disruption to the business and all concerned.

Additionally, Managers who are tasked with facilitating Disciplinary policy are supported and mentored through the process to conclusion.

1. The Disciplinary Procedure

1.1 Purpose and Scope

This procedure is designed to help and encourage employees to achieve and maintain recognised standards of conduct and behavior. This procedure applies to all employees of the company irrespective of the nature of the contract. This procedure does not apply to workers who are engaged via Agencies however the rules in this document are applicable and any issues arising will be reported directly to that Agency for resolution.

1.2 Principles

Employees who become subject to disciplinary action will have the right to be accompanied at all stages by a fellow work colleague.

Managers will be expected to liaise with the HR Department at the earliest opportunity for advice and support in any situation where disciplinary action is considered appropriate.



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Managers are responsible for advising the employee in person of the need to commence disciplinary proceedings, the background reasoning for the nature of the allegations and conducting the investigation itself. Thereafter Managers are responsible for presenting their findings at a hearing (when required) and any subsequent appeal hearing and when required to do so chairing any hearing itself.

The HR Department will be responsible for:

- Ensuring that standard template letters and associated documents are available for managers to use in the disciplinary process.
- Ensuring that Managers are appropriately supported and mentored through the Disciplinary process.
- Ensuring that any disciplinary matter that requires progression to a hearing is facilitated accordingly and that advice is provided at the hearing itself and in the outcome correspondence and any appeal process.
- Ensuring that any changes to employment legislation is incorporated to the policy as required.

Employees who are notified of the need to attend meetings or hearings and who are unable to attend the first invite will be offered a further meeting or hearing within five working days. Thereafter, if the employee is unable to attend the second meeting they should be advised that the process will continue in their absence.

In the case of alleged Gross Misconduct, a risk assessment will be conducted by the relevant Manager and in conjunction with the HR Manager to determine the appropriateness of relocation as an alternative to suspension. Suspension from duty can only be authorised by a Director of the Company or in their absence their designated representative.

All records pertaining to a disciplinary issue will be retained confidentially by the Human Resources Department and in accordance with the Data Protection Act of 1998.

1.3 Allegations of Misconduct and Gross Misconduct

Any employee who is deemed to have committed a disciplinary offence will be advised in writing of the allegation and the nature of the allegation and what in turn that may constitute in accordance with the examples cited within this document. Listed below are examples of issues that the company may consider as Misconduct and Gross Misconduct.

Misconduct may include:

- Absence from duty – when an employee is, without sufficient cause, absent from duty or other attendance **or** without permission or sufficient cause leaves the workplace including taking excessive breaks.
- Unauthorised secondary employment – when an employee engages in secondary employment during off – duty hours that could be detrimental to the business because the additional employment flouts the working time directive or health and safety legislation. Employees who wish to engage in secondary employment are encouraged to seek advice from the Health and Safety Manager or Human Resources Manager in the first instance.



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- Disobedience of orders – when an employee without sufficient cause disobeys or omits or neglects to carry out a reasonable instruction by Directors of the Company or their immediate Supervisor or Manager.
- Neglect of Health – when an employee, without sufficient cause, neglects to carry out any instruction of a Health professional or a Director or Manager of the Company for the furtherance of their recuperation.
- Misconduct in relation to official documents – when an employee without sufficient cause or authorisation destroys or mutilates any record or alters, erases or adds to any entry in such record.
- Malicious complaints – when an employee knowingly makes a false and unfounded complaint against a colleague.
- Being an accessory to a disciplinary offence – when an employee colludes with a fellow work colleague or is knowingly an accessory to an issue or series of incidents that would be deemed as Misconduct or Gross Misconduct.

Gross Misconduct may include:

- Theft, fraud and deliberate falsification of records involving the Company – other offences of dishonesty, including the falsification of expense claims, timesheets and other documents that are required to be completed in the course of employment.
- Sleeping on duty
- Criminal conduct – employees that are found guilty of a criminal offence must report any such offence immediately to the HR Department. Upon notification of the offence a risk assessment will be undertaken to consider the offence in relation to future employment viability. Non-reporting of an offence that later becomes knowledgeable to the company will automatically be considered as gross misconduct.
- Fighting – employees who become engaged in physical contact will be automatically suspended from duty pending an investigation to establish the facts.
- Discriminatory practice – when an employee fails to observe the company’s policies and procedures and engages in practices which directly or indirectly disadvantage a fellow member of staff or cause offence to clients of the company.
- Harassment – when an employee’s conduct towards a fellow employee or member of the public or client to the company is such that it has the purpose or effect of violating the persons dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- Bullying – when there is persistent behavior of an individual employee or group of employees towards another employee which falls within the definition of bullying and thus undermines the confidence and self-esteem of the recipient.
- Deliberate or malicious damage to the Companies plant, machinery or other assets – by an employee of the company
- Willful disobedience or serious insubordination- when an employee deliberately disregards a reasonable request that is commensurate with their contract of employment from a line supervisor, manager or Director of the company.
- Unauthorised removal or the use of the Companies property by an employee without express permission of the Directors of the company.



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- Bringing the Company into serious disrepute - by an employee who damages the companies reputation through negligence or other actions in the course of their employment. Alternatively through actions outside their employment but has an impact on the reputation of the company by association.
- Being under the influence of alcohol or drugs that consequently renders the employee unfit for work.
- Gross Negligence – when the employee without sufficient cause fails to discharge the obligations which statute or contract of employment places upon them. Or by carelessness or neglect suffers any loss, damage or injury to occur to any person or property. Or fails to report any matter of concern that should be reported to ensure public safety and the interests of the company. Or fails to make an entry, contrary to requirements in any book or document.
- Failure to observe any requirements of the Health and Safety at work Act or serious breaches of safe working practices, regulations or procedures and thus endangering other people including deliberate damage to , neglect of, or misappropriation of safety equipment.
- A serious breach of confidence – when an employee of the company discloses information about the company that they may become privy to during the course of their employment that then causes damage to the company of either a reputational or financial basis.
- Abuse of the Companies time and /or resources including the inappropriate use of the telephone facilities, email and computer facilities for personal use when not authorised to do so.

2. Representation

All employees of the company will have the statutory right to be accompanied at each stage of the Disciplinary Procedure by a fellow work colleague. If an employee is accompanied by a work colleague their purpose will be to act as moral support in the investigatory meeting or hearing. Employees who accompany colleagues are not representatives and will not be entitled to contribute to the proceedings during meetings or the hearing itself.

Employees who are required to participate in a formal meeting will be given at least five working days notification of that meeting and in the event that they cannot attend the meeting will be given an alternative date. Any alternative date for a meeting will be within five working days of the original date and in the event the employee cannot attend that meeting the proceedings will continue in their absence. Any proceedings that continue in an employee`s absence that result in any form of action will be communicated to the employee in terms of the outcome or decision.

3. Notification of a disciplinary investigation

An employee who becomes subject to a disciplinary investigation must be advised formally in person and then in writing of the nature of the allegation and its seriousness in terms of Misconduct or Gross Misconduct. Further, the employee must be given details of the alleged incident, complaint or misdemeanor with times and dates and who will be the Investigating Officer on that occasion. In cases where the allegations constitute Gross Misconduct a risk assessment will be undertaken by the relevant Manager and HR Manager to determine if the



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employee can be retained in the workplace as an alternative to suspension from duty. The result of the risk assessment must be relayed to the Operations Director who will direct suspension or otherwise. A standard template letter for notification of a Disciplinary Investigation is available as part of this disciplinary policy illustrated as appendix (XXX).

4. Suspension from duty

Employees who are suspended from duty will be classified as authorised paid absence and will receive their basic pay during this time. In all circumstances a period of suspension should not exceed five working days during which the employee will be interviewed along with any relevant witnesses and the Investigation concluded with a decision made if there is a case to answer or not.

5. The Investigation

In all circumstances the Investigation should be undertaken by the immediate line Manager or Supervisor to the employee concerned. The only exception is where the incident relates to a matter of Health and Safety or specific Transport Technical issue in which case a third party Manager may become engaged. The role of the Investigating officer will be to:

- Facilitate interviews with the employee concerned and any relevant witnesses.
- Compile witness statements and ensuring signature of all those interviewed.
- Compile Investigation report in conjunction with the standard investigation template.
- Liaise with HR Section for guidance on the completion of the Investigation.
- Presentation of Investigation report at any required Disciplinary Hearings.

Unless there are exceptional circumstances the Investigation should be concluded in 5 working days and the report presented to the Commissioning Manager and HR Manager by the fifth working day.

6. The Disciplinary Hearing

In cases where the Investigating Officer has concluded that there is a case to answer the Investigating officer will work with the HR Section to notify the employee concerned of the need to attend a disciplinary hearing. A standard letter template will be used for this purpose and will be sent out via the HR Section together with the Investigation report and any supporting appendices.

The Hearing will be chaired by A Manager of the Company who has not previously been part of the Investigation in conjunction with the HR Manager. The Investigating Officer will present their report and the hearing may be minuted or taped if facilitated by Web Cam. The procedure for the hearing itself is illustrated as a supporting appendix.

7. Outcome of the Disciplinary Hearing

The objective of the Disciplinary Hearing is for the panel to hear all the evidence presented and thereafter to award a sanction or recommend Dismissal where deemed appropriate.

Recommendation for Dismissal will go for further consideration to the Directors of Tardis Environmental Ltd. In all cases Dismissal will be on summary dismissal grounds and employees



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will be dismissed without Statutory notice. In cases where dismissal is not appropriate the following course of action may apply:

7.1 The award of a disciplinary sanction. Any sanction applied must be proportionate to the allegation under consideration and in reference to any live sanctions that the employee in question may hold at the time of the hearing.

8. Appeal Mechanisms

This policy is communicated to all employees via email and is available on notice boards in all buildings of the business.

Robin Boydon

Operations Director

Tardis Environmental Uk Ltd

Reviewed
** December 2017

Employee Signature: _____

Employee Name: (PRINT) _____

Date: _____