



Disciplinary Procedure

Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The company guidelines (a copy of which can be found in the staff handbook) apply to all employees and freelancers working with the Pearl Exchange CIO on a regular basis. This Disciplinary Policy & Procedure applies to all employees working for the Pearl Exchange CIO. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- Informal action will be considered, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated.
- For formal action, the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages of the procedure the employee will have the right to be accompanied by a work colleague or other nominated person.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

Procedure

First stage of formal procedure

This will normally be either:

An improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out:

- the performance problem
- the improvement that is required
- the timescale
- any help that may be given and the right of appeal.

The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for six months but will then be considered spent – subject to achieving and sustaining satisfactory performance.

Alternatively, a first warning for misconduct will be issued, if conduct does not meet acceptable standards. This will be in writing and will set out:

- the nature of the misconduct
- the change in behaviour required
- the right of appeal.

The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (for example six months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of:

- the complaint
- the improvement required and the timescale
- the warning that failure to improve may lead to dismissal (or some other action short of dismissal)
- the right of appeal.

A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion, disciplinary suspension or transfer (as allowed in the contract of employment).

Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided in writing with:

- the reasons for dismissal
- the date on which the employment will terminate
- the right of appeal.

If some sanction short of dismissal is imposed, the employee will:

- receive details of the complaint
- be warned that dismissal could result if there is no satisfactory improvement
- be advised of the right of appeal.

A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct.

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of an organisation's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Unlawful discrimination or harassment
- Bringing the organisation into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of confidence

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal, any disciplinary penalty imposed will be reviewed.

Freelance

All Freelancers working with The Pearl Exchange will be treated fairly and we ask for a Freelance Agreement outlining terms to be agreed and signed.

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