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DISCIPLINARY POLICY & PROCEDURE

Scope

This policy applies to all Robinson Services employees.

Purpose

Whilst it is accepted that the vast majority of Robinson Services employees will observe acceptable standards of performance and behaviour, it is considered nevertheless necessary to establish a procedure for dealing with those employees who fail to comply with the rules and regulations laid down by the Company or who fail to reach or maintain acceptable conduct standards.

Objective

The maintenance of quality standards of services and generally acceptable conduct is the primary responsibility of the employee in liaison with their immediate Manager. The objective of the Disciplinary Procedure is to assist individuals whose performance falls below the Company's standards or to deal with issues of conduct. The procedure is in place to ensure both the employee and the Company is treated fairly and the current legislative guidelines are followed.

Employees must remember that their behaviour at social occasions which are either associated with or sponsored by the company are an extension of the work place and the same standard of behaviour is expected.

1. General Principles

- (i) The Company has the right to expect all of its employees to abide by the terms and conditions of their employment and the rules, regulations and standards established by the Company. Where necessary, the Company will implement this Disciplinary Policy.
- (ii) In cases of alleged misconduct the Company recognises that employees should:
 - Be allowed the opportunity to state his / her case at a fair hearing.
 - Be given the right to be accompanied by a fellow employee of his / her own choice, if is desired, at any disciplinary hearing.
- (iii) The Company further acknowledges that employees should be given an opportunity to appeal against what might appear to him / her to be an unjust or unfair outcome. (Appeals must be made within the time span issued at the disciplinary hearing stating the reason why the appeal is being made).
- (v) The Company is responsible for ensuring that the disciplinary rules and procedures are applied fairly and consistently, with reasonable steps taken to establish the facts. Employees (including those in their probationary period) should not be dismissed or subjected to disciplinary action without being provided with the following:
 - a written statement of the allegations

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- a fair hearing before any decision is reached
- the right to an appeal hearing.

(vi) Any proposed outcomes or adjustments will be considered in light of current Disability Discrimination legislation where appropriate.

2. Informal Improvement (Counselling) Discussions

It is part of the normal supervisory process that managers bring to the attention of the employees the standards required and any failure to meet those standards. A verbal counselling session may take place in the first instance between the individual concerned and a Supervisor/Manager, with the exception of cases involving potential gross misconduct.

Cases of minor misconduct, (e.g. recurrent lateness) should be dealt with by the employee's line manager/immediate supervisor informally and without delay. The manager must speak to the employee, in private and should counsel or coach them to conduct themselves in accordance with the required standards.

The purpose of these discussions is to ensure that the employee understands the nature of the concerns; expectations of improvements in conduct; training or re-training needs and where appropriate timescales and the nature of any other support to be given. The line manager should retain any note of these informal discussions or meetings.

Management shall advise the employee that this is an improvement discussion according to the terms of this Disciplinary Procedure. It will be made clear at this point, that if the required specified improvements are not forthcoming, the formal stages of the Disciplinary Procedure will apply.

Following a satisfactory outcome to the use of an informal improvement discussion, the matter will be considered resolved. However, where an issue has been discussed with an employee informally and if:

- the issue has not been resolved and the problem persists;
- the required improvements in conduct are not achieved; or
- further information becomes available during discussions which make the matter sufficiently serious

the formal procedure should be invoked following discussion with the HR department.

3. Confidentiality

Our aim during an investigation or Disciplinary Procedure is to deal with matters sensitively and with due respect for the privacy of any individuals involved.

Information and discussions undertaken at all stages of this procedure, whether informal or formal, should be treated by all employees involved as confidential. Failure to do so may result in further disciplinary action.

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You are not permitted to make any electronic recordings of any workplace, or workplace related, meetings. Your representative, or any companions or witnesses who accompany you to any meetings or hearings are also forbidden from making electronic recordings. Any such action will be treated as a serious breach of confidentiality, which is a gross misconduct offence

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.

4. Investigation

The purpose of an investigation is for us to establish a fair and balanced view of the facts before deciding whether to proceed with a disciplinary hearing. This may involve reviewing any relevant documents, interviewing you and any witnesses, and taking witness statements. The HR Department will usually appoint an Investigating Officer, who may be an employee or an external consultant, to carry out the investigation.

Investigative interviews are solely for the purpose of fact-finding, to establish all of the facts surrounding the incident and/or allegation and to decide whether or not a disciplinary hearing is warranted - if so, the Investigating Officer will pass all documentary evidence and notes on to the chair of the disciplinary hearing. No decision on disciplinary action will be taken until after a disciplinary hearing has been held.

Managers should refer to the Company Investigation Protocol for detailed guidance on our investigation procedures.

Following preliminary fact find, the HR department will assess whether employees should be offered a right to be accompanied to investigation meetings. You may be offered the opportunity to bring a companion if it helps you to overcome a difficulty caused by a disability, or any difficulty in understanding English, for example. In any event, any employee may request to be accompanied to planned investigation meetings following preliminary fact find discussions and their request will be accommodated where possible.

All parties must cooperate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending any investigative interviews.

The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

5. Precautionary Suspension

In line with the Company's Disciplinary Procedure the Company reserves the right, in certain circumstances to suspend the employee, pending an enquiry, demote or terminate employment.

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In certain complex situations, where major or gross misconduct is suspected, management may need time to carry out a full investigation. In such circumstances the Company reserves the right to suspend an employee pending a decision. Such suspension will normally be with pay and does not imply guilt in any way. Any decision to suspend must be authorised by the HR Director and communicated in writing by the HR department. Suspension may not be verbally communicated by managers prior to authorisation.

While suspended employees should not visit our premises or contact any of our clients, customers, suppliers, contractors or employees, unless expressly authorised to do so by their direct Manager.

6. Disciplinary Misconduct

The Company recognises three types of misconduct:-

- (a) **Minor Misconduct**
- (b) **Major Misconduct**
- (c) **Gross Misconduct**

The following list indicates the type of rules/offences which the Company has categorised for each of these levels of misconduct. The list is not exhaustive.

MINOR MISCONDUCT

- Absenteeism in breach of Absence policy
- Poor timekeeping/frequent lateness
- Extended breaks
- Failure to follow appropriate Absence Notification procedures
- Engaging in unnecessary activity which prevents you from fulfilling your role e.g. excessive time away from your post
- Failure to comply with agreed cover or additional hours arrangements made with management
- Performance of duties below an acceptable standard or poor effort- e.g. carelessness, lack of attention, poor effort in relation to work, or non-completion/incomplete/incorrectly completed Company required documentation
- Minor breach of hygiene/security/site rules or procedures
- Failure to maintain a tidy and safe work environment
- Failure to wear uniform which has been provided or to meet an acceptable standard of appearance
- Failing to observe and comply with general Company procedures and rules

MAJOR MISCONDUCT

- Breaches of safety policy, e.g. dangerous physical horseplay
- Neglect or carelessness causing damage to or loss of company; customer or other employees property / equipment e.g. equipment/facilities/vehicles

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- Serious neglect or breach of hygiene/security rules set out by Robinson Services and our clients
- Careless or excessive misuse/wastage of materials or other resources
- Failure to complete contracted working hours
- Use of foul or abusive language
- Failure to carry out or poor response to carrying out a reasonable work instruction or to a reasonable management request e.g. not completing work, not attending a meeting

GROSS MISCONDUCT

- Presenting for work while intoxicated; consuming any form of intoxicant during work hours or bringing intoxicants into the workplace without permission
- Physically violent behaviour
- Aggressive or other inappropriate behaviour towards colleagues or customers, e.g. uncooperative and/or disrespectful attitude; swearing or using abusive language
- Serious unauthorised absence e.g. leaving post of work without management permission or ongoing unauthorized absence from work
- Gross insubordination - willfully refusing or deliberately neglecting to carry out or a reasonable work instruction, verbal insubordination towards management
- Deliberately ignoring hygiene/security rules and thereby endangering one's own or someone else's physical well-being or safety
- Any form of bullying or harassment including sexual, racial or religious harassment
- Obscene behavior
- Deliberate disregard of learning gained through Company provided training
- Unacceptable unauthorised absence from planned training/meetings
- Failure to complete management duty
- Gambling on Company or client premises
- Serious misuse of Company or customer-supplied electronic/IT equipment
- Non-compliance with Company social media rules (per Company Handbook)
- Fraud, theft or any other offence committed against the Company which would be in breach of the law of the land
- Working for self or someone other than the Company during hours of employment with the Company
- Wilful damage to or gross neglect of property/equipment belonging to the Company, its customers or other employees
- Deliberate or gross wastage of Company resources or materials
- Falsification of records/documentation or receiving money for hours not worked
- Unauthorised use of the Company's vehicles
- Sleeping whilst at work
- Disclosure of information pertaining to customers or employees, or of Company confidential information, to unauthorised persons
- Covert recording of colleagues; clients or any Company meetings
- Serious breach of confidentiality
- Smoking in prohibited areas

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This list gives examples of what the Company recognizes as misconduct under each category but it is not an exhaustive list. The Company reserves the right to decide how any other misconduct shall be categorised. Circumstances may therefore arise whereby it is necessary for certain stages of the Disciplinary Procedure to be omitted e.g.; any issues which when combined relate to general performance or attendance. The Company reserves the right to involve external law enforcement agencies for incidents that are of such grave nature that this is warranted.

7. Formal Disciplinary Procedure

7.1 Invitation to Disciplinary Hearing

Following any investigation, if we consider there are grounds for disciplinary action, we will inform you in writing of the allegations against you and the basis for those allegations. This may include:

- a summary of relevant information and/or minutes gathered during the investigation
- documents which will be used at the disciplinary hearing
- witness statements which will be used at the hearing, except where a witness's identity is to be kept confidential.

You will have a reasonable opportunity to consider this information before the hearing - we will give you written notice of the date, time and place of the disciplinary hearing, which will normally be held between two days and one week after you receive the written notice.

7.2 Right to be Accompanied

The employee has the right to be accompanied at any disciplinary or appeal hearing by a fellow employee of his / her own choice or by a representative of a recognised trade union where the employee is a member, if so desired.

You must advise the HR Department who your chosen companion is, in good time before the hearing.

Acting as a companion is voluntary and employees are under no obligation to do so. Employees will be allowed reasonable time off from duties without loss of pay to act as a companion.

If your choice of companion is unreasonable we may ask you to choose someone else. For example:

- if in our opinion your companion may have a conflict of interest or may prejudice the hearing; or
- if your companion works at another site and someone reasonably suitable is available at the site at which you work or

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- if your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days

7.3 The Disciplinary Hearing

You must take all reasonable steps to attend the hearing. Failure to attend a hearing without good reason may be treated as misconduct in itself. If you or your companion cannot attend at the time specified you should inform us immediately and we will seek to agree an alternative time.

Should an employee fail to attend disciplinary interview without good reason or notice, they will be invited to a rescheduled disciplinary hearing and will also be given the opportunity to put their case in writing if they so wish. Failure to attend on a second occasion may result in the hearing taking place in their absence. In this instance, the employee will be informed of the outcome of the hearing in writing.

The meeting will be chaired by the appropriate manager. They shall be entitled to be accompanied / deputized at such interviews by another member of management if so desired. If they choose to be deputized, the deputizing manager selected will not have chaired the corresponding investigation.

The purpose of the disciplinary hearing is to review the evidence and to enable you to respond to any allegations that have been made against you. If you have a companion, he or she may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

It will not normally be necessary for witnesses to be questioned or cross-examined at the disciplinary hearing but, in exceptional cases, the Manager responsible may decide in conjunction with the HR Department that a fair hearing could not be held otherwise.

The Disciplinary Hearing may be adjourned if we need to carry out any further investigations. For example, we may decide to re-interview witnesses in the light of any points that have been raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Within one week of the Disciplinary Hearing we will inform you in writing of our decision including details of any misconduct that we consider you have committed, and the disciplinary sanction to be applied together with the reasons for our decision. We will also inform you of your right of appeal. We may also explain this information to you in person.

Deadlines listed above will normally apply, but there may be occasions the deadline for scheduling disciplinary hearings, appeal hearings or advising of decisions, etc, may at the discretion of the employer, be extended by the employer.

8. Formal Disciplinary Sanctions

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We aim to treat all employees fairly and consistently. Disciplinary action previously taken against other employees for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits. Depending on the seriousness of the matter any of the following stages may be omitted.

Disciplinary Warnings normally relate to the same or similar misconduct and are not generally transferable between types of misconduct. Thus warnings for lateness or warnings for careless work are considered to be separate and distinct warnings.

However, where a number of warnings are called for in respect of different types of misconduct this will entitle Management to review the employee's overall suitability for continued employment and if necessary to issue a final general warning irrespective of the offence.

All warnings will clearly state the misconduct concerned with details of any relevant facts, times, dates, events and names and clearly indicate what the eventual outcome will be if there is no improvement on the employee's part or a reoccurrence takes place.

Warnings will be placed on file.

Warnings will be deemed spent and disregarded for disciplinary purposes after the time scales detailed below.

STAGE 1: VERBAL WARNING

You may be given a verbal warning for a minor act of misconduct where you have no other active warnings on your disciplinary record.

The warning will be confirmed in a letter to you which will set out the nature of the misconduct, the change in behaviour required and the likely consequences of further misconduct.

A record of the warning will be placed permanently on your personnel file and will remain active for six months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings. [Your conduct may be reviewed at the end of this period and if it has not improved sufficiently we may decide to extend the active period].

Verbal warnings may be given by your Manager, a Senior Manager, the HR Department or a Director.

STAGE 2: FIRST WRITTEN WARNING

A first written warning will usually be given for

- First acts of misconduct where there are no other active warnings on your disciplinary record
- Minor misconduct where there is an active verbal warning on your record

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The warning will set out the nature of the misconduct, the change in behaviour required and the likely consequences of further misconduct.

The warning will be placed permanently on your personnel file and will remain active for twelve months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings. Your conduct may be reviewed at the end of this period and if it has not improved sufficiently we may decide to extend the active period.

First written warnings may be given by your Senior Manager, the HR Department or a Director.

STAGE 3: FINAL WRITTEN WARNING

A final written warning will usually be given for

- misconduct where there is already an active written warning on your record
- Cases where there is no active written warning on file but we consider that the misconduct is sufficiently serious to warrant a final written warning (for example cases of Major Misconduct detailed above)

The warning will set out the nature of the misconduct, the change in behaviour required and the likely consequences of further misconduct.

The warning will be placed permanently on your personnel file and will normally remain active for 12 months or, if we decide that the matter is more serious, for a longer period. Your conduct may be reviewed at the end of this period and if it has not improved sufficiently we may decide to extend the active period. After the active period it will be disregarded in deciding the result of future disciplinary proceedings. In exceptional cases

verging on gross misconduct, e.g. breach of Health and Safety Regulations or acts of violence, a final written warning may state that it will remain active indefinitely.

Final written warnings may be given by a Senior Manager, the HR Department or a Director.

STAGE 4: DISMISSAL

We may decide to dismiss you in the following circumstances for:

- misconduct during your probationary period
- misconduct where there is an active final written warning on your record
- gross misconduct regardless of whether you have received any previous warnings.

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Gross Misconduct will usually result in summary dismissal, that is, dismissal without notice or payment in lieu of notice. In cases not involving gross misconduct you will be given your full contractual notice period, or payment in lieu of notice.

Dismissal may be authorised by a Senior Manager, the HR Department or a Director.

ALTERNATIVE SANCTIONS SHORT OF DISMISSAL

In appropriate cases we may consider some other sanction short of dismissal, such as:

- demotion
- transfer to another site, department or job
- period of suspension without pay
- loss of seniority
- reduction in pay
- loss of future pay increment or bonus
- loss of overtime.

These sanctions may be used in conjunction with a Written or Final Written Warning, or in place of dismissal. These sanctions may be authorised by a Senior Manager, the HR Department or a Director.

In certain situations, the Company reserves the right to use demotion or transfer of site, department or job as a form of discipline in the place of or in addition to a warning.

9. Appeals Procedure

Where an employee feels that action taken against him/her under this procedure is unjustified or unfair he/she will have the right to appeal. All appeals must be made in writing, clearly stating the basis/grounds of the appeal and must be received by the HR Director within five working days of the date on which you were informed of the decision.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be between two days and one week after you receive the written notice. In cases of dismissal the appeal will be held as soon as possible. The employee concerned shall have the right to be accompanied by a fellow employee of his/her own choice or by a representative of a recognized trade union where the employee is a member, if so desired.

Where practicable, the appeal hearing will be conducted by a Manager who is senior to the person who conducted the disciplinary hearing. If the next level of senior management requires a Director to chair the appeal, they may choose to designate a previously uninvolved member of the senior management team to chair the appeal on their behalf. On occasion, it may be appropriate for the Company to appoint an independent, suitably experienced individual to chair an appeal and this will be decided at our discretion depending on your grounds of appeal and the circumstances of your case.

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If you raise any new matters in your appeal we may need to carry out further investigation prior to the appeal hearing. If any new information comes to light we will provide you with the details. You will have a reasonable opportunity to consider this information before the hearing.

The appeal hearing may be a complete rehearing of the matter or it may be a review of the original decision taking account of any new information. This will be at our discretion depending on your grounds of appeal and the circumstances of your case.

Following the appeal hearing we may:

- confirm the original decision
- revoke the original decision the disciplinary sanction (N.B. The variation could be up or down).

The result of the appeal hearing shall be notified to the employee within fourteen working days in writing. Where possible we may also explain this to you in person. There will be no further internal right of appeal.

The date on which any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, you will be reinstated with no loss of continuity or pay.