



DISCIPLINARY POLICY
OCTOBER 2023

PURPOSE

This document describes the disciplinary and grievance procedure for staff employed by and through NDR.

SCOPE

This procedure applies to all breaches of discipline and grievances by all staff employed by and through NDR.

DEFINITIONS

None

PROCEDURE

The following general principles will apply to the disciplinary and grievance procedure:

- Each step and action will be taken without unreasonable delay.
- 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, the employee will have the right to be accompanied by a trade union representative or a work colleague of your choice. 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.
- 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.

DISCIPLINARY PROCEDURE

The Disciplinary procedure is designed to help and encourage all employees to achieve and maintain 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.

PRINCIPLES

- No disciplinary action will be taken against an employee until the case has been fully investigated
- The Company may suspend you with or without pay while an investigation takes place. Such a suspension will be reviewed as soon as possible and will not normally exceed 20 working days.
- 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.

Examples of "gross" misconduct:

Summary dismissal (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.
- 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; conduct of any kind which endangers the health and safety of others.
- 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 employment.
- Falsification of information or references on appointment.
- Theft or fraudulent activity.
- Unauthorised absence or gross negligence in the performance of duties.
- Acceptance of any bribe, secret profit or unauthorised commission.
- 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.

- Refusal to obey a lawful instruction in connection with the employment.
- Disclosing details of his/her salary and remuneration to other employees of the company.

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 verbal or written warning as appropriate. Repetition of offences following a warning could lead to a written warning or 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.

DISCIPLINARY ACTION PROCEDURE

The following is the disciplinary action that may be taken against an employee in cases of misconduct or unsatisfactory performance. The disciplinary and dismissal procedure may be implemented at anyone of the following stages if the seriousness or repetitive nature of the employee’s misconduct or unsatisfactory performance warrants such action:

Stage 1 – informal action: oral warning

If an employee’s conduct or performance is unsatisfactory, they will be given an informal oral warning. However this will be recorded in writing on their personnel file. The warning will be disregarded after 6 months’ satisfactory service.

Stage 2 – formal written warning

If the offence is serious, or if there is no improvement in standards after informal action has been taken in cases of minor misconduct or unsatisfactory performance or there has been further misconduct within 6 months of any informal action, a written warning will be given. 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 3 – 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 4 – dismissal or other sanction

If there is no satisfactory improvement 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. If the employee faces dismissal or certain actions short of dismissal, such as loss of pay, the minimum statutory procedure will be followed as detailed below.

STANDARD PROCEDURE

The standard procedure will be used when the company contemplates dismissing or taking formal disciplinary action against an employee such as that set out in stage 4 above.

Step 1 -Written Statement

The company will set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead the company to contemplate dismissing or taking disciplinary action against the employee. The company will send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

Step 2 – Meeting

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, to consider and discuss the allegation.

The meeting will not take place unless:

- The company has informed the employee of the ground or grounds for contemplating disciplinary action or dismissal in the form of a written statement
- The employee has had a reasonable opportunity to consider his response to that information
- The employee has the right to be accompanied at the meeting by a work colleague or a Trade Union representative.
- After the meeting, the company will inform the employee in writing of its decision and notify him of the right to appeal against the decision if he is not satisfied with it.

Step 3 – Appeal

- If the employee does wish to appeal, he must inform the company within 5 working days of receiving the decision, and on doing so the company will invite him to attend a further meeting.
- 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.
- 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.
- After the appeal meeting, the company will inform the employee of its final decision.

MODIFIED PROCEDURE

The modified procedure will be used in the event that there has been a dismissal without notice for gross misconduct, in which case it will apply after such a dismissal.

Step 1 - Written Statement

The company will set out in writing:

- The employee's alleged misconduct which has led to the dismissal,
- What the basis was for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct,
- The employee's right to appeal against dismissal, and

Send the statement to the employee.

Step 2 - Appeal

If the employee does wish to appeal, he must inform the company within 5 working days of receiving the statement, and if he does so the company will invite him to attend a meeting.

After the appeal meeting, the company will inform the employee of its final decision.

GRIEVANCE PROCEDURE

- If an employee has a problem or concern about their work, working conditions or relationships with 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 minimum statutory procedure below.
- The primary purpose of this grievance procedure is to enable staff to air any concerns that they may have about practices, policies or treatment from other individuals at work or from the Company, and to produce a speedy resolution where genuine problems exist. It is designed to help all employees to take the appropriate action, when they are experiencing difficulties, in an atmosphere of trust and collaboration.
- Although it may not be possible to solve all problems to everyone's complete satisfaction, this policy forms an undertaking by the Company that it will deal objectively and constructively with all employee grievances, and that anyone who decides to use the procedure may do so with the confidence that their problem will be dealt with fairly.
- This grievance procedure is not a substitute for good day-to-day communication in the Company where we encourage employees to discuss and resolve daily working issues in a supportive atmosphere. Many problems can be solved on an informal footing very satisfactorily if all employees are prepared to keep the channels of communication between themselves open and working well. This procedure is designed to deal with those issues that need to be approached on a more formal basis so that every route to a satisfactory solution can be explored and so that any decisions reached are binding and long lasting.
- This grievance procedure is entirely non-contractual and does not form part of an employee's contract of employment.

Procedure

- If you cannot settle your grievance informally, you should raise it formally. This procedure has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a formal grievance.

Stage 1

- In the event of your having a formal grievance relating to your employment you should, in the first instance, put your grievance in writing and address it to Beth McKay, NDR, 32 Elizabeth Street, Corby, Northants, NN17 1PN, making clear that you wish to raise a formal grievance under the terms of this procedure. Where your grievance is against your line manager, your complaint should be addressed to an alternative manager or to a director. This grievance procedure will not be invoked unless you raise your grievance in accordance with these requirements.
- A manager or director (who may not be the manager to whom your grievance was addressed) will then invite you to attend a grievance meeting to discuss your grievance and you have the right to be accompanied at this meeting by a trade union official or a fellow employee of your choice. Every effort will be made to convene the grievance meeting at a time which is convenient for you and your companion to attend. If this means that the meeting cannot be held within a reasonable period (usually within five working days of the original date set), we ask that you make arrangements with another companion who is

available to attend. Any employee who is chosen to accompany another in a grievance hearing is entitled to take paid time off for this purpose.

- You must make every effort to attend the grievance meeting.
- At the meeting, you will be permitted to explain your grievance and how you think it should be resolved. Please note that it is prohibited for you to record (whether covertly or otherwise) the proceedings at the grievance meeting, and at any appeal meeting, without the express permission of the Company.
- Following the meeting, the Company will endeavour to respond to your grievance as soon as possible and, in any case, within five working days of the grievance meeting. If it is not possible to respond within this time period, you will be given an explanation for the delay and be told when a response can be expected. You will be informed in writing of the Company's decision on the grievance and notified of your right to appeal against that decision if you are not satisfied with it.

Stage 2

- In the event that you feel your grievance has not been satisfactorily resolved, you may then appeal in writing to a Director of the Company within five working days of the grievance decision. You should also set out the grounds for your appeal.
- On receipt of your appeal letter, a more senior manager or a Director (who again may not be the person to whom your appeal was addressed), or an independent chairperson appointed by the Company, shall make arrangements to hear your grievance at an appeal meeting and at this meeting you may again, if you wish, be accompanied by a trade union official or a fellow employee of your choice.
- You must make every effort to attend the grievance appeal meeting.
- Following the meeting, the senior manager or Director or independent chairperson will endeavour to respond to your grievance as soon as possible and, in any case, within five working days of the appeal hearing. If it is not possible to respond within this time period, you will be given an explanation for the delay and be told when a response can be expected. You will be informed in writing of the Company's decision on your grievance appeal.
- This is the final stage of the grievance procedure and the Company's decision shall be final.

The company will set out its response in writing and send it to the employee.

REVIEW PROCEDURE

Any suggested improvements or modifications to this procedure are to be passed on to the Branch Manager for discussion at the next Management Review Meeting.

Appendix 1 – NDR Clients

Our client's have their own Rules and Regulations which NDR temporary employees must abide by. The majority of breaches of those Rules will be covered by the procedures described earlier

in this document. However, there are certain unique circumstances associated with some clients which require additional and complementary procedures:

For unacceptable productivity, an employee will be spoken to by the NDR representative on site and an explanation given of what is being done wrong. Additional training will be provided if required. If the employee does not respond to the warning or training then he/she will no longer be used on the contract.

Breaches of regulations that will invoke the 34 stage disciplinary procedure described in paragraphs 6.2.4. include, but will not be limited to:

- Breaking hygiene regulations e.g. wearing jewellery on site;
- Being late from breaks;
- Failing to wash hands before entering the shop floor;
- Failure to remove uniform when leaving the building or entering the toilets;
- Throwing rubbish on the floor.

Gross misconduct includes, but is not limited to:

- Fighting or acting in an aggressive manner to our client's staff, NDR staff or NDR temporary staff in any factory, NDR transport or NDR office;
- Sexual harassment, racial abuse or any other form of abuse or bullying behaviour to our client's staff, NDR staff or NDR temporary staff in any factory, NDR transport or NDR office;
- Spitting;
- Use of mobile phones on the shop floor;
- Eating or drinking on the shop floor;
- Fraudulent use of another person's identity or Home Office documentation to gain employment with NDR.

If an employee has been booked to work and is sick or unable to attend for whatever reason, the branch office must be informed as soon as possible and, in any event, no later than the time that any transport leaves. Failure to do so will result in a warning being given to the employee. If three warning letters are sent, the employee may be subject to disciplinary action as gross misconduct.

Resolution of issues constituting gross misconduct will often need agreement between the Branch Management, Directors and the client.