

## **Disciplinary Procedure**

### **1. Purpose and Scope**

This procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and performance whilst ensuring the fair and consistent treatment of all employees.

The procedure applies to all employees unless they are within their probationary period (including any extension to the probationary period) except in the case of Gross Misconduct when the disciplinary procedure will apply.

### **2. Key Principles**

- a) Where possible, minor issues relating to conduct and / or performance will be dealt with informally.
- b) No disciplinary action will be taken against an employee until the case has been investigated fully.
- c) At every stage in the procedure 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.
- d) Employees will be advised in writing to attend a disciplinary hearing and given **at least 24 hours' notice**. Copies of all relevant documents will be provided prior to any disciplinary hearing, wherever possible.
- e) At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or work colleague.
- f) 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, without payment in lieu of notice, and with the loss of any accrued holiday pay in excess of the statutory entitlement.
- g) Following a disciplinary hearing the employee will be informed of the outcome in writing.
- h) Employees will have the right of appeal against any disciplinary penalty imposed on them.
- i) The procedure may be implemented at any stage if the employee's conduct or performance warrants such action.
- j) Where a current warning exists on file any further incident of a similar nature (i.e. conduct or performance), whether related to the current warning or not, may lead to an escalation in the level of discipline applied.
- k) Whilst lapsed warnings will be disregarded for disciplinary purposes they will be kept on employee files. Where a pattern emerges that indicates that an employee is abusing the principles of the disciplinary procedure the employee's disciplinary record may be borne in mind when determining the appropriate level of penalty to be imposed in relation to a subsequent performance and/or conduct issue.
- l) For the purposes of this procedure and whilst not exhaustive, performance issues will include:
  - Poor levels of productivity
  - Poor quality of work
  - Unacceptable levels of absenteeism (not related to sickness absence)
  - Poor time keeping

- m) For the purposes of this procedure and whilst not exhaustive, misconduct issues will include:
- Breaches of health and safety policies, rules and procedures
  - Breaches of general company policies, rules and procedures
  - Minor damage to equipment, vehicles or property
  - Deliberate failure to comply with any aspect of the employee's job description
  - Rudeness to colleagues, clients or other business associates
  - Leaving site without authorisation (within Logistics and Wholesale this will be dealt with under the Special Disciplinary Procedure)
- n) Sickness absence will be managed in accordance with the sickness absence procedure.
- o) An employee suspected of Gross Misconduct may be suspended whilst the Company investigates the alleged offence. If, on completion of the investigation and a full disciplinary hearing, the Company is satisfied that Gross Misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice. Suspension will be on full pay and is not an assumption of guilt.
- p) As far as is practicable, all disciplinary actions will be treated as confidential between the employee and the persons directly involved in the process. Records, witness statements and decisions will, where possible, be kept confidential.

### **3. The Procedure**

#### **Stage 1 - Verbal Warning**

If an employee's conduct, performance or attendance does not meet acceptable standards, they will normally be given a formal VERBAL WARNING by a designated person. The warning will remain on the employee's personal file, but will be disregarded for disciplinary purposes after a period of 3 MONTHS. The employee will be advised in writing of the reason for the warning, the improvement required, the timescale for improvement and the consequence of failing to make the required improvements, namely that further disciplinary action may be taken, which could result in a written warning under Stage 2 of the procedure. The employee will also be advised of their right of appeal.

#### **Stage 2 - Written Warning**

If there is a failure to improve following a verbal warning, or if a further or more serious offence occurs, the employee will normally be given a formal WRITTEN WARNING by a designated person. The warning will remain on the employee's personal file, but will be disregarded for disciplinary purposes after a period of 6 MONTHS. The employee will be advised in writing of the reason for the warning, the improvement required, the timescale for improvement and the consequence of failing to make the required improvements, namely that further disciplinary action may be taken, which could result in a final written warning under Stage 3 of the procedure. The employee will also be advised of their right of appeal.

#### **Stage 3 - Final Written Warning**

If there is a failure to improve following a Written Warning, or if a serious / further offence occurs, the employee will normally be given a formal FINAL WRITTEN WARNING by a designated person. In some circumstances demotion and/or transfer of the employee may be considered to be a more appropriate sanction. The warning will remain on the employee's personal file, but will be disregarded for disciplinary purposes, after a period of 12 MONTHS. The employee will be advised in writing of the reason for the warning, the improvement required, the timescale for improvement and the consequence of failing to make the required improvements, namely that further disciplinary action may be taken, which could result in dismissal under Stage 4 of the procedure. The employee will also be advised of their right of appeal.

## Stage 4 - Dismissal

If conduct, performance or attendance is still unsatisfactory, and the employee fails to meet the required standards, DISMISSAL or 'some other action short of dismissal' such as demotion and/or transfer will normally result. Only the designated Manager or a Manager at the same or more senior level can take the decision to dismiss. The employee will be provided, as soon as is reasonably practicable, with a written reason for dismissal, the date on which employment will terminate and details of their right of appeal.

### 4. Gross Misconduct

The following list provides examples of offences which are normally regarded as Gross Misconduct. This list is not intended to be exclusive or exhaustive.

- ***Theft, fraud, deliberate falsification of records, including false 'clocking' or other acts of dishonesty.***
- ***Offering/accepting bribes in an attempt to influence third party behaviour.***
- ***Committing an illegal offence whilst carrying out your duties on behalf of the Company, with the exception of minor driving offences (e.g. speeding).***
- ***Fighting or assault, including aggressive and/or intimidating conduct.***
- ***Inappropriate use of IT equipment including the downloading of offensive, illegal and/or obscene material (e.g. pornographic images).***
- ***Refusal to carry out work, or failure to carry out lawful or reasonable instructions.***
- ***Refusal of a personal/bag/vehicle security search.***
- ***Serious, deliberate or negligent/reckless damage to Company property, equipment or vehicles.***
- ***Harassment or bullying of a fellow employee, customer or member of the public, including through social media networks.***
- ***Conviction of a 'relevant' criminal charge including a serious driving offence, which could be considered as a risk to the business.***
- ***Being under the influence (or possession) of alcohol or other substances, or the abuse of solvents or similar substances whilst on company premises or whilst carrying out working duties.***
- ***Being under the influence (or possession) of illegal drugs whilst on company premises or whilst carrying out working duties.***
- ***Failure to provide a sample for the purpose of drug or alcohol testing in accordance with the company's Drug and Alcohol Policy or providing a sample for drug testing which proves to be non-negative.***
- ***Serious negligence or a serious breach of rules which could cause unacceptable loss.***
- ***Injury to employees, persons on Company premises or members of the public whilst carrying out work duties.***
- ***Serious acts of insubordination, to include behaviour that causes serious conflict, or bad language used in a deliberate offensive manner to colleagues, management, customers, members of the public or business associates.***
- ***Any acts, which could seriously damage the reputation of the Company including inappropriate comments on social media sites or serious misbehaviour at any business or social function.***
- ***Unauthorised possession, use or consumption of Company Property, including damaged /out of date stock, or any property for which the Company has responsibility, or which is the property of other employees.***
- ***The unauthorised consumption or removal from business premises of items of stock, including products that are samples, gifts, damaged or out of date.***
- ***Unauthorised use of Company equipment including vehicles, telephones, hand held devices and computers.***

### 5. Appeals

An employee who wishes to appeal against a disciplinary decision should do so in writing within 7 days of receipt of written confirmation of the disciplinary decision, setting out the grounds on which the appeal is being made. The superior of the Manager or another senior manager will hear the appeal, and his/her decision is final. At the appeal, any disciplinary penalty imposed will be reviewed but it cannot be increased.

## **6. Designated Persons**

### **A F Blakemore (excluding Blakemore Retail)**

- The power to take disciplinary action up to and including a 1<sup>st</sup> written warning, lies with 1<sup>st</sup> line managers.
- The power to take disciplinary action to include warnings, demotion and dismissal, lies with senior managers and/or directors.

*N.B. Where there is only one Senior Manager available on site, the power to take disciplinary action up to and including a final written warning will extend to 1<sup>st</sup> line managers. In all cases this must be authorised by a member of Human Resources.*

### **Blakemore Retail Division only**

- The power to take disciplinary action to include warnings, demotion and dismissal, up to and including Assistant Manager level lies with Store Management, which can include the Store Manager, Support or Relief Manager.
- The power to take disciplinary action to include warnings, demotion and dismissal, up to and including Support Manager, Store Manager, or Relief Manager, lies with the Area Manager.
- The power to take disciplinary action to include warnings, demotion and dismissal, against field based employee's lies with the next level of management.
- The power to take disciplinary action to include warnings, demotion and dismissal, against Area Managers lies with the Regional Manager.

## **7. Additional Procedure Notes**

**Initiating an Investigation.** Colleagues can be asked to attend an investigation meeting at any time with no notice, as long as it is within their scheduled shift. There may be times when a letter is appropriate for example if that person is currently suspended or is absent due to sick, or if you believe that the person should attend work outside of their shift to attend the investigation.

**Adjourning a hearing.** If it is felt that further investigation is necessary before a decision can be made, then it may be necessary for an adjournment to be called. In such cases, all reasonable efforts will be made to meet the time-frames as set out within each stage of the procedure.

**Making adjustments for an employee who is disabled or who has special needs.** In these circumstances, reasonable adjustments as appropriate may be made to ensure the employee is not disadvantaged during the disciplinary process as a result of their disability or special needs.

**Postponing a meeting at any stage of the procedure.** If the work colleague or employee representative (trade union official) cannot attend on the proposed date, an alternative date will be arranged, as long as it is not more than 7 days after the proposed date. This may be extended by mutual agreement.

**Right to be accompanied at meetings if under 18 years old.** Employees under 18 years of age may be accompanied at disciplinary hearings by a work colleague, employee representative (trade union official), parent or guardian.

**Procedures delayed due to employee absence.** Where the employee is on a current live warning and there is a failure to improve or if a further or more serious offence occurs during that live warning and the employee subsequently becomes absent from work delaying the disciplinary procedure, and the live warning expires prior to the employee returning to work, the company will take into consideration the level of that live warning when determining the appropriate level of penalty to be imposed.