



DISCIPLINARY PROCEDURE

Issue Date: 05.04.2019

PURPOSE

ELATT's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action that will be taken when disciplinary rules are breached. The major purpose of disciplinary action is to correct problems, prevent their recurrence and encourage employees to conform to acceptable standards in the future.

In most cases where a disciplinary or poor performance issue arises it can be resolved at an early stage through informal discussions between the employee and their manager. However, where the matter is not resolved or is of a serious nature the appropriate procedure must be implemented.

During the probationary period, should the employee fail to meet the required standard of performance or conduct they will be invited to a meeting to discuss the issues raised in accordance with the Termination of Employment Policy.

INVESTIGATIONS

It is important to ensure that a prompt and full investigation of the facts has been carried out before any disciplinary meeting is convened.

In some cases it may be advisable to carry out an investigatory meeting with the employee against whom the allegation is made or with whom there is a performance issue. At investigation meetings, the employee will not be permitted to be accompanied by a work colleague or Trade Union representative.

Wherever possible in cases of misconduct, investigatory meetings will not be carried out by the same person who might conduct any disciplinary meeting, should this be recommended.

In cases of misconduct, it may also be necessary to conduct investigatory meetings with other employees who may be witnesses to events surrounding the allegations or to gather other evidence such as documents, records etc.

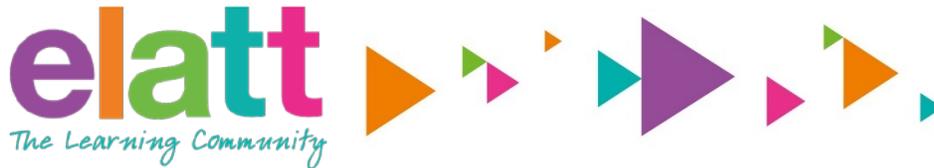
Should an investigation result in a disciplinary meeting, the employee will be supplied with copies of all relevant supporting evidence.

No disciplinary action will result from an investigatory meeting and not all investigations will result in a disciplinary meeting. No further action, informal action or mediation may be recommended as an outcome of an investigation.

In the case of unsatisfactory performance, it is essential to consider the following factors as part of the investigation and before taking action:

- Whether or not training or consolidation has taken place;
- The potential impact of personal issues on performance;
- The potential need to review job content or design.

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Gathering information may involve the following:

- Examples of unsatisfactory work with dates;
- Information from the employee gathered from investigation;
- Information from the employee's colleagues gathered from investigation;
- Statistics relating to work targets.

SUSPENSIONS

On occasions it may be necessary to suspend the employee with pay whilst the investigations are being carried out. Suspension is undertaken as a precautionary measure, for as short a time period as possible, and is not disciplinary action in itself.

RESIGNATION

In the event of a resignation prior to or during a disciplinary investigation, ELATT is under no obligation to withdraw from the process.

INFORMAL ACTION

It is recognised that in cases of minor misconduct or unsatisfactory performance, informal action may be all that is required to rectify the matter. However, where informal measures may not have brought about the desired changes or improvements or where the misconduct is more serious, formal action may be required.

Notes of informal action taken will be retained on the employee's file in the format of an Improvement Note for reference purposes. A copy of this note will also be issued to the employee.

DISCIPLINARY MEETINGS

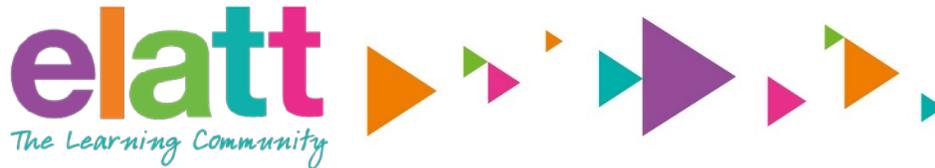
Employees will always be given the opportunity to be accompanied by a fellow employee or trade union representative.

Disciplinary meetings must be held without unreasonable delay but before a formal disciplinary meeting is conducted, the employee will be informed of the date and time of the meeting, together with the allegations that have been made against him/her or details of the area of unsatisfactory performance, as well as copies of any supporting evidence. The employee will be given the opportunity to challenge the allegations and evidence at the meeting before any decision is made.

Once the Disciplinary Procedure has begun, all correspondence and discussions relating to the matter must be kept confidential by all parties.

Employees must make every effort to attend meetings and whilst ELATT will make every endeavour to reschedule meetings once, where it is genuinely not possible for the employee or their representative to attend, employees will be made aware where failure to attend may result in decisions being reached in their absence.

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Please note that as well as the potential to receive a verbal or written warning following a disciplinary hearing, it is also possible that the employee will be exonerated with no further action taken.

GRIEVANCE ISSUES

Should a Grievance issue arise during the course of a Disciplinary investigation or meeting ELATT will consider suspending the matter in order to deal with the Grievance issue, particularly if the two matters are connected.

DISCIPLINARY WARNINGS

A formal warning given under this procedure may be taken into account when issuing the next warning, while it is still valid.

The warnings are issued in the following stages:

Stage 1	Verbal Warning
Stage 2	First Written Warning
Stage 3	Final Written Warning
Stage 4	Further Disciplinary Action/Dismissal

One or more of the stages referred to in this section may be omitted depending on the severity of the offence, the employee's disciplinary record and reaction to previous warnings given. For the avoidance of doubt, this means that the disciplining manager may impose a heavier or lighter sanction than that provided in this section if he/she believes that the circumstances require it.

Verbal Warning

After establishing the facts ELATT may decide to issue a Verbal Warning. It will be made clear that any further misconduct or poor performance will result in further disciplinary action being taken.

Written confirmation of what was agreed in the discussion, to ensure that it is accurate and clear, will be issued.

This warning will be active for 6 months; however it may exceed this depending on the targets set. A Verbal Warning will remain on the employee's file for record purposes after this time, but will not be used to advance you to the next disciplinary stage once the warning has been 'spent' (i.e. the warning has expired).

First Written Warning

A written formal warning is given to the employee for more serious offences or poor performance or after repeated instances of minor offences or unsatisfactory performance.

Ordinarily, the employee's line manager usually administers the warning which states the exact nature of the offence, the change in behaviour or improvement required, or unsatisfactory performance and indicates any future disciplinary action which will be taken

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against the employee should the offence be repeated or no improvement forthcoming within a specified time limit.

Specific measures or targets for improvement of conduct or performance will also be included incorporating details of any additional training or other support agreed and plans for monitoring improvements where necessary. In the case of unsatisfactory performance reasonable time must be permitted to allow for improvements to be achieved.

A copy of the written warning is placed on the employee's personnel file and is disregarded for the purposes of further disciplinary action 12 months after the date on which it was given provided that the problem has been rectified.

The employee is required to read the formal warning and has the right to appeal to a higher level of management if he or she believes the warning to be unjustified.

Final Written Warning

A final written warning may be given to the employee in the first instance of a serious offence or may follow the formal warnings as referred to above. This is the last stage in the procedure before dismissal.

The warning is administered by the Chief Executive Officer as appropriate and states the exact nature of the offence, the change in behaviour or improvement required or unsatisfactory performance, and indicates any future disciplinary action which will be taken against the employee should the offence be repeated. The employee will be advised that any repetition of the offence or other breach of Company rules **may** result in dismissal.

Specific measures or targets for improvement of conduct or performance will also be included incorporating details of any additional training or other support agreed and plans for monitoring improvements where necessary. In the case of unsatisfactory performance reasonable time must be permitted to allow for improvements to be achieved.

A copy of the final written warning will be placed in the employee's personnel file and disregarded for the purposes of further disciplinary action 12 months after the date on which it was given. The employee is required to read the final written warning and has the right of appeal to the Board of Trustees, if he or she thinks the warning is unjustified.

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Further Disciplinary Action/Dismissal

If, in spite of previous warnings, an employee still fails to reach the required standards in a reasonable period of time, it may become necessary to consider further disciplinary action.

Further disciplinary action (such as a demotion) or dismissal is administered by the Chief Executive Officer in conjunction with a member of the Board of Trustees.

All disciplinary actions as a result of a hearing will be confirmed in writing and will state:

- The nature of the misconduct, omission, or unsatisfactory performance.
- The stage reached in the procedure;
- The expectation for the future, concerning both management and the employee and the period over which improvements must take place;
- What might happen if the matter proceeds to the next stage;
- The appeal rights, the suggested time limit, and how the appeal should be made;

SUMMARY DISMISSAL

An employee may be summarily dismissed (i.e. given instant dismissal without notice) only in the event of gross misconduct, as defined below.

Summary dismissal will not apply to issues regarding capability or poor performance.

The authority to dismiss summarily rests exclusively with a member of the Board of Trustees in conjunction with the Chief Executive Officer.

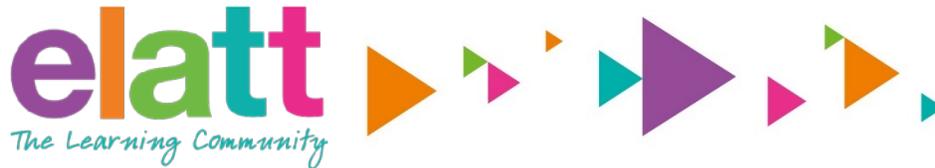
RESPONSIBILITY FOR DISCIPLINE

Verbal Warning	Line Manager
First written warning	Line Manager
Final written warning	CEO
Further disciplinary action	CEO & Member of Board of Trustees
Summary dismissal	Member of Board of Trustees & CEO

At every stage of this procedure the manager will consult with the CEO or a member of the Board of Trustees as appropriate before taking action or moving onto the next stage.

A member of People Business HR Consultancy may be actively involved at any stage of this procedure.

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CIRCUMSTANCES THAT MAY LEAD TO DISCIPLINARY ACTION

An employee is liable to disciplinary action if he/she:

- Wilfully or otherwise disregards their conditions of employment
- Fails to perform their duties in a manner and/or to the standards as defined by management
- Commits any act of misconduct which is reasonably deemed by management to be prejudicial to the interests of ELATT or its employees

MISCONDUCT THAT MAY RESULT IN DISCIPLINARY ACTION

The following lists represent examples of actions or misconduct that may result in disciplinary action being taken against an employee ranging from a Notice of Improvement Needed to dismissal. It should be understood that repeated or continuing acts of misconduct may result in increasing levels of disciplinary action being taken against an employee including dismissal.

These lists are not exclusive or exhaustive and are by way of example only. ELATT reserves the right to consider other acts as falling within these categories.

The following are examples of misconduct that may on the first occasion or instance result in either a Notice of Improvement Needed or a First Written Warning being issued to an employee. This will depend on the seriousness of the issue:

- Unauthorised lateness
- Unauthorised absence
- Unsatisfactory work standards
- Poor performance
- Verbal or written complaints about an employee (please note that the level of the warning will be dependent on the seriousness and nature of the complaint)
- Misuse of ELATT's facilities e.g. equipment, telephones, Internet, e-mail and computer facilities
- Failure to comply with written policies, procedures and instructions relating to an employee's job, including, but not limited to, Safeguarding and Prevent.

The following are examples of misconduct that may result in a Final Written Warning being issued to an employee:

- Violation of safety rules
- Persistent or long periods of unauthorised absence
- Rude, abusive or threatening behaviour
- Actions which threaten the security of ELATT

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GROSS MISCONDUCT

The following acts are examples of gross misconduct offences and as such will render employees liable to summary dismissal (i.e. dismissal without notice). This list is not exhaustive.

- Fighting or physical assault
- Gross insubordination or the use of aggressive behaviour or excessive bad language.
- Theft, wilful damage or negligence which leads to damage to property belonging to ELATT or other employees.
- Fraud or any other offence committed against ELATT which would be a breach of the law.
- Serious incapability at work brought about by alcohol or illegal drug abuse.
- Serious misuse of ELATT's property or name.
- Indecent behaviour on ELATT's premises.
- Contravening the smoking legislation and the Smoke Free Policy.
- A serious breach of ELATT's Health and Safety rules.
- Unlawful breach of the Equality Act 2010.
- Any form of behaviour that is considered to constitute harassment, bullying or victimisation.
- Receipt of bribes to effect the placing of business with a supplier of goods and services.
- Inaccurate or fraudulent recording of financial transactions.
- Using Company databases for personal use and gain.
- Falsifying entries onto Company mileage record forms.
- Deliberately accessing and/or downloading of pornographic or other obscene material from the Internet, which may cause offence to others.
- Unauthorised use of e-mail or the Internet e.g. offensive or obscene emails, discriminatory, vindictive, defamatory, harassing, sexist or racist comment or criticism of any individual (e.g. the employer, another employee or third party) either within ELATT or when communicating with another Company, customer, client or supplier.
- Actions that have resulted in bringing ELATT into disrepute

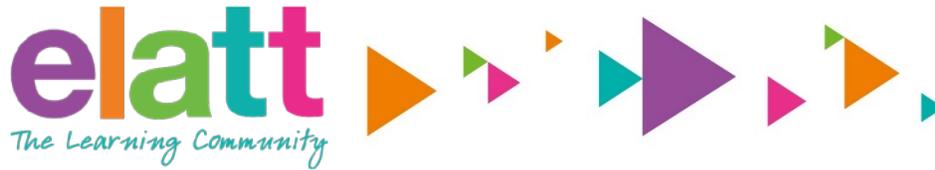
RIGHT OF ACCOMPANIMENT

Employees have the right to be accompanied at all formal disciplinary meetings.

The chosen companion, who must either be an employee of ELATT or a trade union representative, has no legal right to answer questions on the employee's behalf but, with the agreement of ELATT, will be allowed to participate as fully as possible and respond to any views expressed at the hearing. The companion may put and summarise the employee's case and reasonable time will be given for the employee and companion to confer privately will be given either in the meeting room or outside.

Where the chosen companion is not available to attend on the date proposed for the meeting with good reason, the employee will be permitted to offer an alternative date and time so long as it is reasonable and usually within five days.

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APPEALS

Employees have a right of appeal against any disciplinary decision. The main grounds for appeal are likely to be:

- Undue severity or inconsistency of the penalty
- If new evidence, that was not available at the hearing, becomes available
- If an alleged lack of fairness or a defect in the original hearing is claimed

The appeal must be conducted without unreasonable delay by the Chief Executive Officer or a member of the Board of Trustees not previously involved in the case. The employee may be accompanied at the appeal by a work colleague or trade union representative of his/her choice.

If any employee wishes to exercise this right the appeal should be lodged as follows:

- In writing, and ideally within five working days of receipt of formal notification of the disciplinary action specifying the reasons for appeal;
- The employee should inform the Manager who was responsible for taking the disciplinary action of their wish to appeal ideally in writing;

The outcome of this appeal will be binding on all involved and will be confirmed following the meeting.

No disciplinary action, which is subject to appeal, will be confirmed until the outcome of the appeal is known.

MEDIATION

In some circumstances where disciplinary issues concern workplace disputes between two or more colleagues, mediation can provide a means of resolving differences outside the formal process. It is impartial, voluntary and confidential and usually involves the assistance of an external qualified mediator. Although ELATT is not obliged to offer this service, the option may be considered by ELATT in some circumstances. Mediation can be used at any point before, during or following the formal Disciplinary procedures.

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ELATT: Registered company no: 1812908; Registered Charity 299186
260-264 Kingsland Road, London E8 4DG, www.elatt.org.uk

