

Procedure

Disciplinary Procedure

The Disciplinary Procedure does not form part of your contract of employment.

We retain discretion in respect of the Disciplinary Procedure to take account of your length of Company and to vary the procedures accordingly. If you have a short amount of Company, you may not be in receipt of any warnings before dismissal.

The purpose of the Disciplinary Procedure is to outline a recognised and consistent system to deal with any issues of conduct, capability, or other circumstances which may result in a disciplinary warning or dismissal.

Before considering a warning or dismissal, steps will be taken by the Company to establish the facts.

Investigation

Disciplinary measures will not be taken until any relevant investigation has been carried out.

The purpose of an investigation is for TH CIC to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend upon the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any relevant witnesses, and/or reviewing relevant documents. Such interviews are solely for the purpose of fact finding.

Employees do not normally have the right to bring a companion to an investigative interview, However, the Company may allow a companion if it helps the employee to overcome a disability, or any difficulty in understanding English.

Employees must cooperate fully and promptly in any investigation. This will include informing the Company of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews when required.

Where the employee's conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to the employee's employment.

Suspension

At any stage of the Disciplinary Procedure you may be suspended, on full pay, whilst investigations are carried out. Suspension is a holding measure and is not to be taken as an indication that any allegations against you will be substantiated. In the event that you become unfit for work or unable to attend any necessary meetings due to sickness during the period of suspension, the Company will review the decision to keep you on suspension and, following this review, your suspension may be lifted. If your suspension is lifted, you may no longer be entitled to full pay but will be entitled to Statutory Sick Pay in accordance with the Company's rules and procedures.

If you are prevented from attending your place of work and/or performing your job duties as a result of Police bail conditions, or because of an order or direction given by a court or relevant regulatory body, then the duration of any such period will be without pay.

Disciplinary hearing procedure

If it is necessary for the Company to take action under the Disciplinary Procedure you will be issued with a written statement setting out the nature of the conduct or other circumstances that may result in a disciplinary warning or dismissal. You will only be issued with a disciplinary warning or dismissed following a formal disciplinary meeting, at which you will have been given the right to be accompanied by a fellow employee or an accredited trade union official. You should make every effort to attend the meeting. Throughout the Disciplinary Procedure you will be given the opportunity to respond to any complaint before any decision on a disciplinary warning or dismissal is taken.

The Company may adjourn the disciplinary hearing if they need to carry out any further investigations such as re-interviewing a witness in the light of any new points raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

The Company will inform you in writing of their decision and reasons for it, usually within two weeks of the disciplinary hearing.

It is not permissible to record, whether audio and/or visual, any meetings which take place as part of this procedure, without our express written authorisation. You should note that unauthorised recording may result in action under the Disciplinary Procedure, which may include dismissal for gross misconduct.

The Company may commence the Disciplinary Procedure, depending on the circumstances, at any of the following levels:

Verbal warning

A record of the verbal warning will be placed on your personnel file for 6 months after which it will be disregarded.

Written warning

A written warning will be issued and a copy placed on your personnel file for 6 months after which it will be disregarded.

Final written warning

A final written warning will be issued and a copy placed on your personnel file for 12 months after which it will be disregarded.

Dismissal

Dismissal may be with or without notice, depending on the circumstances, and may occur whether or not warnings have been issued.

You will be entitled to appeal against any disciplinary or dismissal decision taken, such appeal being held in accordance with the Appeal Procedure, which is outlined below.