

Reference	NDST POL 06
Version	1.0
Issue Date	24/01/2020
Approved	MD

Whilst NDST LTD does not wish to impose unreasonable rules of conduct on its employees, certain standards of behaviour are necessary to maintain good employment relations and discipline in the interest of all employees. NDST LTD prefers that discipline be voluntary and self-imposed and in the great majority of cases this is how it works. However, from time to time, it may be necessary for NDST LTD to take action towards individuals whose level of behaviour or performance is unacceptable.

This disciplinary procedure is entirely non-contractual and does not form part of an employee's contract of employment.

Minor faults will be dealt with informally through counselling and training. However, in cases where informal discussion with the employee does not lead to an improvement in conduct or performance or where the matter is considered to be too serious to be classed as minor, for example, unauthorised absences, persistent poor timekeeping, sub-standard work performance, etc the following disciplinary procedure will be used. At all stages of the procedure, an investigation will be carried out.

NDST LTD will notify the employee in writing of the allegations against him or her and will invite the employee to a disciplinary hearing to discuss the matter. NDST LTD will provide sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case. This will include the provision of copies of written evidence, including witness statements, where appropriate.

Having given the employee reasonable time to prepare their case, a formal disciplinary hearing will then take place, conducted by a manager, at which the employee will be given the chance to state his or her case, accompanied if requested by a trade union official, a trade union representative or a fellow employee of his or her choice. The employee must make every effort to attend the hearing. At the hearing, the employee will be allowed to set out their case and answer any allegations and will also be given a reasonable opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses.

Following the hearing, NDST LTD will decide whether or not disciplinary action is justified and, if so, the employee will be informed in writing of NDST LTD's decision in accordance with the stages set out below and notified of his or her right to appeal against that decision. It should be noted that an employee's behaviour is not looked at in isolation but each incident of misconduct is regarded cumulatively with any previous occurrences.

### **Stage 1: Written warning**

The employee will be given a formal WRITTEN WARNING. He or she will be advised of the reason for the warning, how they need to improve their conduct or performance, the timescale over which the improvement is to be achieved, that the warning is the first stage of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The written warning will be recorded but nullified after six months, subject to satisfactory conduct and performance.



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## Stage 2: Final written warning

Failure to improve performance in response to the procedure so far, a repeat of misconduct for which a warning has previously been issued, or a first instance of serious misconduct or serious poor performance, will result in a FINAL WRITTEN WARNING being issued. This will set out the nature of the misconduct or poor performance, how he or she needs to improve their conduct or performance, the timescale over which the improvement is to be achieved and warn that dismissal will probably result if the terms of the warning are not complied with. This final written warning will be recorded but nullified after twelve months, subject to satisfactory conduct and performance.

## Stage 3: Dismissal

Failure to meet the requirements set out in the final written warning will normally lead to DISMISSAL with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. Dismissal can be authorised only by a senior manager or a Director. The employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which his or her employment will terminate and how the employee can appeal against the dismissal decision.

## Gross misconduct

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases, NDST LTD reserves the right to dismiss without notice of termination or payment in lieu of notice. Examples of gross misconduct include:

- Theft, fraud, unauthorised possession of Company property, deliberate falsification of records or any other form of dishonesty.
- Offering, promising or giving a bribe or requesting, agreeing to receive or accepting a bribe or bribing a foreign public official in connection with employment.
- Wilfully causing harm or injury to another employee, physical violence, bullying or grossly offensive behaviour.
- Deliberately causing damage to NDST LTD's property.
- Causing loss, damage or injury through serious carelessness or gross negligence.
- Extremely serious insubordination.
- Serious incapacity at work through an excess of alcohol or drugs.
- A serious breach of health and safety rules.
- Harassing or victimising another employee because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation.
- Bringing NDST LTD into serious disrepute.

The above is intended as a guide and is not an exhaustive list.

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## **Suspension**

In the event of serious or gross misconduct, an employee may be suspended while a full investigation is carried out. Such suspension will be on full basic pay. Suspension is a neutral act, which does not imply guilt or blame, and will be for as short a period as possible. Suspension is not considered a disciplinary action.

## **Appeals**

An employee may appeal against any disciplinary decision, including dismissal, to a Director of NDST LTD within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal hearing chaired by a senior manager or a Director.

At the appeal hearing, the employee will again be given the chance to state his or her case and will have the right to be accompanied by a trade union official, a trade union representative or a fellow employee of his or her choice.

Following the appeal hearing, the employee will be informed in writing of the results of the hearing. NDST LTD's decision on an appeal will be final.

## **Employees with short service**

This disciplinary procedure does not apply to any employee who has been employed by NDST LTD for less than one year where that employee commenced employment with NDST LTD on or before 5 April 2012.

This disciplinary procedure does not apply to any employee who has been employed by NDST LTD for less than two years where that employee commenced employment with NDST LTD on or after 6 April 2012.

