

Disciplinary Policy

January 2025



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Issue Control Sheet

Issue Record Sheet		
Issue	Amendment Date	Comment
04	22/01/2025	Included additional disciplinary allegations

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1. Purpose

We are committed to creating a positive working environment that brings out the best in everyone. Misconduct can have an adverse effect on colleagues as well as causing disruption to the service we provide for our clients and customers; therefore, we all play a key role in ensuring that the way we behave and conduct ourselves aligns with our values and culture.

This policy applies to everyone employed by Speedy Hire and sets out how we will manage behaviour and conduct that falls below the acceptable standards. This policy also provides a framework for investigating and managing allegations of misconduct and gross misconduct, to ensure that we are always fair and consistent with our approach. You can find additional information within our People Policies – Colleague Support Pack or you can speak to a member of the People Team.

2. Understanding Conduct

Conduct refers to the way you behave as well as compliance with rules, policies and procedures. Conduct should not be confused with performance which is more about someone's own capability.

Performance is about having the right skills, knowledge and individual capability to carry out your job role to the required standard. Any issues arising from poor performance which are not related to conduct will be managed in line with our Performance Improvement Policy.

3. Informal Discussions

We are committed to resolving minor conduct issues through informal conversations. If deemed appropriate, this is usually an effective way of preventing the situation from escalating any further.

Your management team reserve the right to speak to you at any time about behaviour or conduct that falls below the standards expected, without the need to invite you to attend an investigation meeting. This is likely to be the case where the issue is minor, and the purpose of an informal conversation is aimed to:

- Establish the underlying reasons for the misconduct issue and whether there are any other factors that your managers need to be aware of.
- Establish whether capability is a factor, and if so, whether it is necessary to refer to our Performance Improvement Policy. This may also include arranging additional support if required (for example, training to correct non-compliance issues within a policy, procedure, or way of working).

Your manager will make an accurate record of any conversation that takes place, which will include any information that you provide. This note will be stored on your employee file.

4. Managing Conduct

In situations where the misconduct issue is more serious and/or informal conversations have not led to the required improvement, your manager may conduct a more extensive investigation. This procedure covers all aspects of our investigation and disciplinary process and managers should log all cases at this stage with the People Team.

5. Investigations

Investigation meetings should be carried out by an appropriate person who is impartial to the situation. The purpose of the investigation is to establish a fair and balanced view of all the facts before deciding whether the matter should be referred to a formal disciplinary hearing.

Attending an investigation doesn't mean that it will automatically lead to a disciplinary hearing, nor does it imply any blame or guilt. The investigation findings may uncover procedural concerns or failings in other areas, resulting in other appropriate action being taken outside of this policy (such as additional training).

Once an investigation meeting has been completed, the investigating manager will inform you verbally of one of the following outcomes:

- **No further action** – however this may be accompanied by recommendations which may include feedback, an explanation of the standards expected, identifying any additional support required or establishing any training needs.
- **Further action required** – it is appropriate for the matter to be referred to a formal disciplinary hearing. If this is the case, you will receive a copy of the investigation report along with any supporting evidence to help you prepare for the meeting. The investigating manager will recommend the specific allegations to be considered, giving you the opportunity to prepare a response. The allegations may differ from the original allegations and if this is the case, the reasons why will be highlighted within the investigation report.

6. Suspensions

Managers must seek advice from their People Advisor or People Business Partner before taking any action to suspend a colleague.

You may be suspended from work where allegations against you raise questions about your suitability to remain in the business from the perspective of risk. Suspension will be on full pay and will be as brief as possible whilst allowing reasonable time to complete a full and thorough investigation surrounding the case. Suspension does not mean any formal action has been taken, nor does it imply that a decision has been reached.

Payment during suspension may be reviewed if you become uncontactable during normal working hours, in line with our AWOL procedure set out in our Leave Policy.

There may be occasions where it is more appropriate to temporarily relocate you as an alternative to suspension for the duration of the investigation. For example, you may be suspended from driving duties and asked to work in another department, given restricted duties or be required to work under supervision. In these circumstances, you will be paid the salary for the role you would usually undertake.

7. Formal Disciplinary Action

Where the investigating manager has found there is a requirement for further action, you will be required to attend a disciplinary hearing. This meeting will be carried out by an appropriate person whose job role is usually of a higher level than the investigating manager and is impartial to the situation. The only exception to this rule is where gross misconduct allegations are being considered in which case a Senior Manager may chair the meeting.

You will be invited to attend in writing and following the formal hearing, the disciplinary manager will decide whether the allegations against you are upheld or not and if they are upheld, what level of sanction applies, depending on the nature of the case.

- **No further action** – however this may be accompanied by recommendations which may include feedback, an explanation of the standards expected, identifying any additional support required or any establishing training needs.

- **Disciplinary sanction** – to be issued in writing and recorded on your personnel file. You will have the right to appeal.

If you cannot attend a disciplinary hearing for any reason, you should let the manager know as soon as possible, it is usually only appropriate to rearrange the hearing once to accommodate all colleagues. If you continue to be unavailable to attend the hearing or you fail to attend without prior notice, a decision may be made to hold the hearing in your absence. The disciplinary manager will make a decision on the outcome based on all the evidence available to them.

Where a colleague raises a grievance during the disciplinary process, it will not normally delay the formal disciplinary process unless the two are directly connected. However, it may be appropriate to deal with both issues at the same time.

8. Sanctions

If the disciplinary manager decides to uphold the allegations against you, they will decide on an appropriate outcome and apply a disciplinary sanction. These are held on your personnel file for a given period after which point will 'exhaust' and be disregarded.

Conduct will be either defined as 'misconduct' or 'gross misconduct'. Each situation will be treated on a case-by-case basis and managers should seek advice from the People Team when deciding on the appropriate course of action.

First occasions of misconduct will likely result in a 'written warning' however depending on the circumstances, any outcome up to and including dismissal may be decided upon, depending on the severity.

From time to time, we may consider the following as an alternative to dismissal:

- Change of job role which may include a role of a lower grade (demotion).
- A period of formal monitoring by way of a performance improvement plan in line with our Performance Improvement Policy.
- Loss of future pay increment or bonus
- Loss of overtime

Outcome	Period – Live on File	Rationale
First Written Warning	12 months	Misconduct has persisted despite earlier informal discussions.
Final Written Warning	12 months	Misconduct has persisted despite earlier written warnings OR the conduct is too serious for a written warning.
Dismissal – with payment in lieu of notice (PILON)	N/A	Misconduct has persisted despite earlier final written warnings OR the conduct is too serious for a final written warning.

Summary Dismissal – without PILON	N/A	<p>In cases where gross misconduct is deemed to have occurred.</p> <p>Disciplinary meeting may be chaired by a Senior Manager and a member of the People Team will attend.</p>
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9. Misconduct Allegations

If there is persistent misconduct despite earlier informal discussions, or the initial conduct is considered too serious for informal intervention, you will be invited to attend an investigation meeting. Depending on the outcome of that investigation, you may be invited to attend a disciplinary hearing. These allegations may include (note, these lists are not exhaustive):

- Poor timekeeping.
- Minor occasions of unauthorised absence (AWOL)
- Inappropriate behaviour or language directed towards any person in connection with Speedy business.
- Minor breaches of company policy and/or procedure.
- Failure to follow general health and safety rules.
- Failure to carry out a reasonable management request.
- Damage to company property caused by lack of diligence or duty of care.
- Smoking in designated no-smoking areas.
- Minor breaches to our Vehicle Handbook

10. Gross Misconduct Allegations

If there is reason to believe that you have committed an act of gross misconduct, you may be suspended from work. This is likely to be the case where serious misconduct or negligence has occurred that results in a fundamental breach of contractual terms that may permanently destroy the trust and confidence necessary to continue the employment relationship. These allegations may include:

- Dishonesty, theft or falsification of records.
- Threatening or committing physical violence towards any person in connection with Speedy business.
- Unauthorised absence (AWOL) where you have failed to return to work.
- Bullying and harassment, including sexual harassment.
- Serious breach of health and safety.
- Deliberate and/or serious negligence resulting in financial loss or damage to our property, our colleagues, clients or customers.
- Serious and/or persistent insubordination.
- Bringing the Company into serious disrepute.
- Any act of discrimination in accordance with The Equality Act 2010 or Disability Discrimination Act (Northern Ireland)
- Publishing derogatory or inappropriate comments about us, our colleagues, clients, or customers. This includes comments from which any of these groups can be identified even if not solely named. This includes but is not limited to the internet, social media and groups made in a professional or personal capacity.
- Serious breach of our Drug & Alcohol Policy.
- Unreasonably refusing to allow a personal search or that of personal belongings.
- Serious misuse of our systems or equipment.
- Serious breach of your terms and conditions.

- Major breaches to our Vehicle Handbook, including covering in-cab cameras, failure to wear a seatbelt, using a mobile phone whilst driving, unsecure loads and excessive and/or persistent speeding.
- Any serious act of misconduct which results in a breakdown of implied trust and confidence.
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- Giving false information as to qualifications or your entitlement to work (including immigration status).
- Failure to declare a personal relationship at work where a major conflict of interest is identified.

11. Appeals

You can appeal against any disciplinary sanction taken should you feel that there are sufficient grounds for doing so.

Any appeal should be made in writing to the relevant appeals manager, within 7 calendar days of receiving your outcome letter. Details will be included within the letter.

There are three reasons that allow you to appeal the outcome:

1. You have further evidence or would like to submit evidence that was missed in the previous meetings.
2. You believe the disciplinary process and/or procedure was not followed correctly.
3. You don't feel the final decision was appropriate to the situation.
The appeal manager will be completely impartial and may ask further questions to help them understand the situation in more detail to ensure they reach an appropriate conclusion. The possible appeal outcomes are:

- Confirm the original decision – the sanction given to you by the disciplinary manager has been deemed appropriate and will remain live on your file for the detailed period.
- Revoke the original decision – the appeal manager does not agree with the sanction issued to you and removes it from your record.
- Substitute a different penalty – for example, if you were dismissed from the business, they may believe this was too harsh and reinstate you with a final written warning.

Once an appeal outcome has been issued, there is no further right to appeal.

12. Confidentiality

We understand how important it is to deal with any matters sensitively, fairly and consistently. All matters will remain confidential or on a need-to-know basis depending on the nature of the situation.

If you are the subject of an investigation or disciplinary or you are asked to provide information as part of an investigation, you must treat any information shared with you in the strictest confidence.

Where witness evidence has been obtained in connection with any investigation or disciplinary, you will normally be told the names of any witnesses whose evidence is relevant to the allegations against you, unless we believe there is justification for this to be withheld.

If we need to continue to investigate something as a duty of care or as a legislative requirement, we may have to share the information with external authorities (for example, the Police). In such cases, we will make you aware of this as soon as possible.