



# **Compliance Group** **Disciplinary Policy**

**Electrical**

**Fire**

**Water**

Website: [compliancegroup.uk](http://compliancegroup.uk) | Email: [info@compliancegroup.uk](mailto:info@compliancegroup.uk) | Telephone: +44 (0) 204 5518729

Compliance Group Limited is registered in England and Wales with company number 12351374 and registered address at 85 Great Portland Street, London, England, W1W 7LT

## Approval

The signatures below verify that this policy has been reviewed and accepted and demonstrates that the signatories are aware of all the requirements contained herein and are committed to ensuring their provision.

	Name	Position	Date
Prepared by	Phillipa Clark	HR Advisor	28/06/2023
Approved by	Cally Hickman	Group HR Director	29/06/2023

## Amendment Record

This policy is reviewed to ensure its continuing relevance to the systems and process that it describes.

Revision	Document Reference	Changes made	Date
0	Whole document	New document. Document issued at Rev 0.	14/04/2023

The electronic version of this policy is the latest revision. It is the responsibility of the individual to ensure that any paper material is the current revision. The printed version(s) of this document is uncontrolled.

## 1. Introduction

This policy applies to all employees employed by Compliance Group Limited.

CGL expects all employees to maintain certain minimum standards of behaviour in their work role, behaviour and conduct. This policy exists to make clear to all employees what action will follow where an employee's behaviour or conduct falls below those standards expected of all CGL colleagues. Issues relating to poor performance will be managed in line with the Capability Policy and Procedure.

## 2. Scope

This policy applies to all Compliance Group colleagues across all sites, subsidiaries and field-based colleagues. This policy does not form part of your contract of employment and the Company may amend or depart from it without your consent at any time.

## 3. Policy

It is vital to our business success that you maintain standards of behaviour within your role and of behaviour and conduct in your day-to-day dealings with clients, colleagues, suppliers and the public. The Disciplinary Policy and Procedure is intended to make it clear where you have fallen short of the standards which the Company expect you to maintain and is designed to help you perform in a manner conducive to achieving business goals. The Disciplinary Policy and Procedure is to be corrective rather than punitive, with the aim of helping you to reach and/or maintain the required standard of behaviour and conduct.

Minor conduct issues can often be resolved informally between you and your Line Manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future capability hearings.

In some cases, an informal verbal warning may be given, which will not form part of your disciplinary records.

Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation). You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with a member of the HR Department as soon as possible.

## 4. Principles

- If appropriate, disciplinary matters can be handled informally. This should be a two-way discussion between you and your Manager aimed at discussing possible shortcomings in conduct or behaviour and encouraging improvement.
- No disciplinary action will be taken against you until the case has been fully investigated. The nature and extent of the investigation will depend on the seriousness of the matter.
- At every stage you have the right to be accompanied to disciplinary meetings or hearings by a fellow employee of Compliance Group Limited or a Trade Union representative. The companion may address the hearing but may not answer any questions on your behalf, address the hearing if you do not wish it, or prevent you from explaining your case. The exercising or waiving of this right to be accompanied will be recorded and any ensuing documentation. The choice of companion must be a reasonable one and should not prejudice nor unduly delay the hearing.

- A companion is allowed reasonable time off from duties without loss of pay but no one is obliged to act as a companion if they do not wish to do so.
- We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) where this will help overcome a disability.
- If you or your companion cannot attend the hearing, you should inform us immediately and we will arrange an alternative time.
- You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.
- At every stage of the procedure you will be advised in writing of the nature of the complaint against you and of any relevant written evidence in advance of the hearing and will be given the opportunity to state your case at the hearing prior to any decision being made.
- In the event of an allegation of fraud, your Manager will decide whether to immediately implement the Disciplinary Policy and Procedure or first follow the CGL Fraud Policy. If there is an allegation of fraud made against you, you will be kept informed at all meetings and in writing as to which point in which policy/procedure has been reached.
- At every stage of the procedure, minutes taken at the meeting will be issued on request to all parties by the Manager conducting the disciplinary hearing.
- Wherever possible, a separate investigating Manager will be appointed to carry out the investigation.
- The disciplinary hearing Manager will review the evidence and investigation, hear your evidence and make a decision as to whether disciplinary action is appropriate and the level of action to be taken.
- Where witnesses are unable to attend hearings, they will be requested to submit a written statement.
- If you are persistently unable or unwilling to attend a disciplinary meeting without good cause, a decision may be made on the evidence available.
- You will have the right to appeal against any disciplinary action taken and will be advised in writing of the outcome.
- The procedure may be implemented at any stage if your alleged misconduct warrants such action, At all stages you will be made aware that the Disciplinary Procedure has been invoked.
- You will be made aware of the possible sanctions you face.
- Disciplinary sanctions will normally have a specific timeframe after which they will expire. This will be clearly communicated to you and will not be discriminatory.
- Expired sanctions will not be used as a basis for any future sanctions, but they may be considered and could explain why a higher level has been used.
- All matters will be dealt with without undue delays.
- The procedure will be non-discriminatory.
- If you are subject to an investigation or disciplinary procedures, you may be suspended on pay. Suspension in itself is not considered a disciplinary action.
- Failure to follow this procedure by either party could have serious legal implications.

## 4.1 Definitions

### Misconduct

Below is an indication of offences which will constitute misconduct. The list is not exhaustive.

- Unreasonable refusal to follow an instruction issued by a manager/supervisor.
- Minor acts of negligence, neglect of duty or disobedience, minor damage to Company property.
- Unsatisfactory work performance. (see Capability Policy and Procedure)
- Failure to observe Company procedures.
- Persistent bad time keeping.
- Failure to report to work without satisfactory reason.
- Unauthorised absence from work.
- Offensive, abusive or disorderly behaviour

### Gross Misconduct

Gross misconduct is misconduct of such a serious, fundamental nature that it breaches the contractual relationship between you and the Company.

The Company reserves the right to terminate your contract without any notice if it has reasonable grounds to believe that: -

you are guilty of dishonesty, gross negligence, willful neglect of duty, or have committed any other serious breach of your contract.

or

you act in any matter (whether in the course of your duties, or otherwise), which is likely to bring you, the Company, or any Associated Company into disrepute or prejudice the interests of the Company or any Associated Company.

The Company shall have the right to suspend you on full pay and benefits pending any investigation into potential dishonesty, gross misconduct, or other circumstances which (if proved) would entitle the Company to dismiss you without notice.

Below is an indication of offences which will constitute gross misconduct. This list is not exhaustive.

- Fighting with, assaulting, or threatening any person.
- Possession of offensive weapons.
- Theft or attempted theft, misappropriation of, destruction of, or wilful damage to property belonging to the Company, employees or customers.
- Unauthorised possession of property belonging to the Company, employees or customers.
- Falsification of a qualification which is a stated requirement of the employee's employment or which results in financial gain.
- Falsification of records, reports, accounts, expense claims or self-certification forms whether or not for personal gain.
- Indecency.
- Being in possession of and/or being under the influence of drugs, alcohol, solvents or any other illegal substances.
- Contravening security or safety regulations.
- Acts and omissions such as may seriously offend a customer and/or detract from the company's good name and reputation. This includes defamation on social networking websites such as Facebook, Instagram, Twitter, TikTok and LinkedIn
- Disclosure of any Company or customer information to anyone at anytime, except in the proper course of your duties.
- Serious breach of rules relating to the premises at which work is being carried out, as laid down by the customer or occupier of the premises.
- Wilful misconduct and/or disobedience of lawful and reasonable requests/instructions.
- Negligence that endangers life or causes damage to property.
- Any criminal action or attempt to commit a crime.
- Abuse of the Company's Policies and Procedures.
- Behaviour which seriously detracts from the social well-being of any other person.
- Any act which could constitute harassment or bullying.
- Acts of incitement or actual acts of discrimination against customers or their staff or fellow employees or others on the grounds of age, sex, race, disability, religion, sexual orientation, colour or ethnic origin.
- Negligence in relation to and/or a failure to properly record or account for time or for money, keys, stock, equipment or any other article for which you are responsible, or which has been entrusted to you.
- Further misconduct of whatever nature whilst subject to a final warning.
- Serious or persistent breaching of the 'Acceptable Use Of Technology Policy'.
- Any breach of any policy for the time being in force which states that a breach may be treated as gross misconduct.

## 5. Procedure

This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure.

Minor conduct issues can often be resolved informally between you and your Line Manager. These discussions should be held in private and without undue delay whenever there is cause for concern.

Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future capability hearings. In some cases, an informal verbal warning may be given, which will not form part of your disciplinary records.

Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with a member of the HR Department as soon as possible.

Guidance on conducting disciplinary hearings and investigations is available from your Manager. Department Managers and Supervisors should seek advice before starting any disciplinary proceedings. As stated above, the nature and extent of the investigation will depend on the seriousness of the matter and the procedure will differ from case to case.

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At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

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

Department Managers/ Supervisors are expected to make you aware of any shortcomings in your conduct and behaviour and provide support for the corrective action to be taken. At every stage you must understand what stage of the procedure you are in.

In cases of persistent poor behaviour and certain types of misconduct, the following disciplinary procedure will be invoked in line with the principles described above



### 5.1 Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you unless we believe that a witness's identity should remain confidential.

### 5.2 Investigations

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to invoke the disciplinary procedure. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

You must cooperate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

If it is decided that there is no case to answer then you will be informed of this fact either verbally or in writing. You will be expected to return to work at the agreed date and time. This will end the process.

### 5.3 Criminal Charges

Where your 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 you are unable or have 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 your employment.

If you are incarcerated the business will deem this to be frustration of contract and your employment may be terminated with notice.

### 5.4 Suspension

In some circumstances, we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless you have been authorised to do so by your Manager.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

Should you fail to co-operate at any time with the investigatory process, for example by failing to attend any meeting, without good reason then the Company reserves the right to treat this as unauthorised absence, and this may result in pay being withheld until such time as you attend any rearranged meeting.

### 5.5 Disciplinary Penalties

The usual penalties for misconduct are set out below. No penalty should be imposed without a thorough investigation and hearing. We reserve the right to vary the disciplinary process in line with your length of service. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be considered but should not be treated as a precedent. Each case will be assessed on its own merits.

#### Short term Dismissal

The company reserves the right to modify the disciplinary process including sanctions, inline with a colleagues length of service.

#### Written Warning.

If, following an investigation, the required improvement does not take place or a further offence of the same or a different nature takes place, or if any offence is considered to be of a serious nature a written warning will be given to you by the Manager and will specify.

- Those aspects of behaviour or conduct which must be improved.
- The type of improvement required and how it will be measured.
- The time by which the improvement is to be made.
- That if no satisfactory improvement is made that you may be liable to further disciplinary action
- When the disciplinary action will be considered spent.
- Your right of appeal.

The warning will record the facts and state the elements outlined in section Stage 1 above. A copy will be sent to you, and, where involved, your representative.

#### Final Written Warning

If following an investigation, there is still no improvement or if the offence is serious enough to warrant it, you will be given a final written warning. This will be issued by the Manager.

The warning will record the facts and state the elements outlined in the section above. A copy will be put on your personal file, and where involved, your representative.

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct, a final written warning may state that it will remain active indefinitely. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently, we may decide to extend the active period.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

#### Dismissal

If, following an investigation, conduct or behaviour is still unsatisfactory and you fail to reach the prescribed standards, dismissal will normally result. Dismissal may also result where an offence is serious enough to warrant it. Only the appropriate Manager can make the decision to dismiss.

The decision will be communicated to you by the Manager. You will be provided with a written statement of the reasons for the dismissal and the date from which the dismissal is effective.



### Alternatives to dismissal

In some cases, we may at our discretion consider alternatives to dismissal. These may be authorised and will usually be accompanied by a final written warning.

Examples include:-

- Demotion.
- Transfer to another department or job.
- A period of suspension without pay.
- Loss of seniority.
- Reduction in pay.
- Loss of future pay increment or bonus.
- Loss of overtime.

## 6. Appeals

If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, within five days of the date on which you were informed of the decision.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

We will give you written notice of the date, time, and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.

The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

Where possible, the appeal hearing will be conducted impartially by a more senior manager who has not been previously involved in the case.

You may bring a companion with you to the appeal hearing. We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.



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