



INTEGER WEALTH GLOBAL

POLICY DOCUMENT - 20221013/01

Disciplinary and Unsatisfactory Behaviour - Human Resources

13 October 2022

Purpose

To ensure that fair, effective and consistent arrangements exist for dealing with poor conduct and poor behavior and unsatisfactory performance.

1. Responsibilities

- a. **Manager:**
Responsible for managing staff in a fair and consistent manner identifying and addressing unacceptable and inappropriate conduct and/or behaviour and unsatisfactory performance in accordance with this disciplinary and unsatisfactory performance policy.
- b. **H.R Advisor/Manager:**
Responsible for supporting Manager in application of disciplinary and unsatisfactory performance policy, review of any relevant correspondence and documentation, and attendance at disciplinary meetings arranged under this policy when it is considered appropriate.

The HR Advisor/Manager will be kept informed by the Manager of the current position at each stage of the procedure. The HR Advisor/Manager is available to advise and assist that Manager as necessary. Consultation with the HR Advisor/Manager is to assist the person who has to make the decision as to whether a disciplinary sanction is reasonable in all the circumstances of the case. Such advice and assistance will never replace the requirement within this procedure, for the Manager to reach their own decision as to whether or not any misconduct has occurred, or performance is unsatisfactory and the appropriate sanction (if any) for it.

- c. **Investigating Officer:**
Person assigned to conduct an investigation into facts of a potential disciplinary matter relating to conduct and/or behaviour. The relevant information disclosed by that investigation and the recommendation(s) arising from it will be summarised in writing and presented to the Manager and HR Advisor/Manager.

2. Aim of the Policy

The Company aims to ensure that there will be a fair and systematic approach to the enforcement of standards of conduct, and behaviour and performance affecting all employees.



The success of the Company and its employees depends, to a large extent, on the ability to achieve and preserve high standards of co-operation, discipline and performance.

The Company is confident that employees understand and accept that in any organisation there must be rules of conduct, behaviour and performance, if business activities and structures are to operate efficiently and in an orderly manner.

It is the Company's belief that disciplined conduct should be voluntary and in a natural character trait, and so be self-imposed and, usually, this would be the standard in alignment with the Company.

There are, however, occasions when it becomes necessary to take action towards individuals whose behaviour, conduct or performance is unacceptable or detrimental to the Company, its executives, the Company's other employees, clients, prospective clients, suppliers or members of the public with whom they come into contact on Company business.

3. Disciplinary Standards

To achieve high standards, it is necessary for the Company to make known to its employees what constitutes unacceptable behaviour, conduct or performance. The Company has set out below two lists of potential areas of unsatisfactory behaviour or conduct which are divided into those which constitute potential gross misconduct for which an employee may be dismissed immediately without notice and conduct which may, although employment may continue, incur whatever sanctions are considered to be appropriate or reasonable after completing the procedures explained in this Policy.

These lists are not exclusive or exhaustive. They are designed to be helpful and informative. It may be necessary for disciplinary action to be taken in circumstances which are not specified in each of those lists. It will be for the relevant Manager to consider all relevant circumstances at the relevant time.

a. Gross Misconduct

- Failure to follow Company policies and procedures.
- Serious negligence in performing job responsibilities or in conduct.
- Theft from other employees, the Company, clients or suppliers.
- Gross or offensive sexual misconduct at work.
- Fighting or any violent behaviour in the course of employment towards other employees, visitors, customers or others.
- Falsifying Company documents, defrauding, giving or taking a bribe or offering to do so.
- Willful damage to property belonging to the Company, fellow employees, clients or visitors to the Company's premises.
- Breach of confidentiality or disclosure of information which would be detrimental to the Company.
- Actions by an employee in the course of their employment which directly endangers others.
- Prolonged unexplained absence (normally of more than 5 working days).
- Taking of or buying and selling controlled drugs or solvents whilst on Company business or premises.



- Unjustified, unreasonable comments directed to any client about the Company's operation or services which are not made in good faith and are intended to be detrimental to the Company's business.
- Misuse of the Email, Internet and Messaging Facilities which shall include unauthorised access in respect of matters unconnected with work or otherwise and particularly through viewing and transmission of material which is defamatory, obscene, pornographic or otherwise offensive, untrue or malicious, political or is a breach of copyright.
- Failure to comply with instruction on taking out or renewing leases.
- Serious transgressions in relation to acts of discrimination, victimisation, bullying or harassment against others.

b. Unacceptable Behaviour or Conduct

- Refusal to carry out reasonable instructions
- Insubordination towards a senior, manager or executive.
- Insulting behaviour in either gesture, written or spoken manner.
- Reduced capacity to carry out duties due to influence of alcohol, drugs or solvents
- Irregular attendance and persistent bad time keeping.
- Unauthorized absence.
- Frequent absence from place of work without permission or explanation.
- Failure to observe Safety Precautions and Company Fire Regulations.
- Unauthorized use of Company time, material or equipment.
- Use of foul language, which is offensive to the employee's colleagues or others.
- Failure to comply with Absence and Self-Certification Rules and Procedures.
- Breach of Confidence relating to clients.
- Client dissatisfaction.
- Repeated misconduct of a minor nature following informal or formal warnings in respect of that misconduct.
- Unsatisfactory performance.

4. Investigation

When a potential disciplinary matter arises relating to conduct or behaviour an investigating officer is appointed to conduct an investigation into the facts and circumstances of this potential disciplinary matter. The purpose of this investigation is to establish facts promptly before recollections fade and, where appropriate, to obtain statements from any available witnesses.

The investigating officer must not be the same person who will decide whether the findings of fact and recommendations of the investigations should lead to disciplinary procedures.

Suspension and the reason(s) for it must be explained to the employee when it should be made clear that suspension is not a disciplinary action. Suspension and the reason(s) for it should be documented to the employee.

The Company has prepared an investigator's guide to assist investigations in identifying the purpose of the investigation, their role and what an investigation process may involve.



Once all relevant facts have been ascertained the investigating officer should make a recommendation to the responsible Manager and HR Advisor/Manager. The investigation officer should limit themselves to recommending:

- no case to answer
- informal action
- disciplinary action

The Manager and HR Advisor/Manager may question the investigating officer and may request further information from them. The Manager and HR Advisor/Manager will make the final decision regarding the appropriateness or otherwise of implementing disciplinary procedures based on the information which the investigating officer has made available to them and taking full account of the recommendation which they have received.

The Manager may at this stage decide to drop the matter, arrange an informal approach by way of informal coaching/counselling or arrange for the matter to be dealt with under the disciplinary procedure. Minor cases of misconduct may best be dealt with by informal advice, coaching and counselling rather than through the disciplinary procedure.

A Manager may issue an informal oral warning for this purpose but before doing so a manager must ensure that the problems are discussed with the employee with the objective of encouraging and helping the employee avoid such misconduct in the future. Such informal warnings and/or counselling are not part of the formal disciplinary procedure. The employee must be informed that this is the case.

It is usually the case that minor lapses of conduct or behaviour should be dealt with informally by counselling and informal discussion, help and advice. However, where the matter is considered to be potentially more serious or repetitive, if facts as alleged are proved to be correct, then the formal procedure should be used in all cases.

5. Unsatisfactory Performance

When a manager first establishes that there is a potential disciplinary matter relating to performance, the Manager will hold an informal discussion with the employee to try to establish the reasons why the employee is failing to meet the requirements of their position.

The Company encourages its Managers to resolve matters of unsatisfactory performance by informal procedures. It is usually the case that minor lapses in performance can be dealt with informally by informal discussion, help and advice. If, however, the unsatisfactory performance is considered to be potentially more serious or the matter cannot be resolved by this informal approach, then the formal procedure under this Policy should be used in all cases.

The Company has prepared a Manager's guide to assist Managers in dealing with disciplinary action relating to unsatisfactory performance.



6. Criminal Acts

Any alleged criminal act committed outside employment will not be treated as an automatic reason for dismissal without appropriate consideration of its circumstances and whether disciplinary proceedings should be taken in respect of it.

Employees will not be subject to disciplinary action solely because a charge against them is pending or because they are absent through being remanded in custody. Each case has to be reviewed on its own merits and should be referred to the HR Manager for that purpose to obtain advice on the appropriate course of action.

7. Disciplinary Procedure

a. Employee Rights

Any employee who is subject to disciplinary action within the procedure must be informed in writing by HR that they are to attend a disciplinary meeting at a given time and place. At this time the nature of the alleged offence or offences must also be fully outlined to the employee with such information and documentation as is relied upon. The employee must be informed if dismissal is a potential outcome of the disciplinary action.

The employee will then be given reasonable time to consider their position before attendance at the disciplinary meeting. The employee will be given at least two working days notice of this meeting. The employee will be given the opportunity to state their case at every stage of the disciplinary procedure and, if it is considered appropriate, to call witnesses during the meeting/s.

The employee has the statutory right to be accompanied by a fellow employee of their choice, or a trade union representative (as defined in the Employment Relations Act 1999) at any meeting held with them during the formal disciplinary procedure. The employee will, therefore, be asked whether they wish to be accompanied and to nominate their fellow employee/trade union representative when arrangements are being made for any disciplinary meeting to ensure that the fellow employee/trade union representative is available to attend any such meeting.

The Company accepts that there will be occasions where the employee and/or the employee's representative cannot attend on the first date fixed. Where the reason is the unavailability of the employee's representative and the employee gives the Company an alternative date which is both reasonable and falls within five working days of the original date, the meeting must be re-arranged for that date.

The Company's policy in relation to re-arranging of meetings is to be flexible to take account of unavoidable commitments and unforeseen circumstances, provided that the employee is not acting unreasonably or being obstructive. However, bearing in mind the statutory requirement that these matters are given priority and dealt with without unreasonable delay, the Company expects to have co-operation from the employee and/or the employee's representative in re-arranging an alternative date as soon as reasonably possible.



A further investigation to ascertain facts and examine areas of dispute can be carried out at any stage in the formal procedure if it is necessary to do so. The meetings can be adjourned to enable such further investigation to be undertaken by the Manager or HR Advisor/Manager.

The employee must be aware, at any stage of the procedure, where a decision has been reached, of their right of appeal and the procedure to be followed in respect of that appeal.

A written summary of all disciplinary meetings will be prepared by the appropriate Manager attending the proceedings and will be held on the employee's Personnel file and a copy of such report/reports must be made available to the employee concerned and the employee's representative.

8. Potential Sanctions

The Manager may wish to impose some form of disciplinary action at the conclusion of the procedure. The following disciplinary sanctions can be applied for misconduct, inappropriate behaviour and/or unsatisfactory performance. They are set out in this Policy as sequential steps. However, these sanctions do not have to be imposed sequentially in disciplinary procedures.

The Company is not bound to impose disciplinary sanctions in any sequential order. The Manager will always direct their attention to the facts which have been found, the mitigation (if any) offered and the appropriate disciplinary sanction for the matters under consideration.

It is therefore, the seriousness of the unsatisfactory performance and/or misconduct, if it is admitted, or the Company is satisfied that it has occurred, considered with all the surrounding circumstances, and what the employee has said about their actions or performance, that will determine the disciplinary sanction imposed by the Company.

9. Formal Procedure

- a. **Stage 1: 'Verbal Warning'** – Where, in the case of first breaches of discipline or unsatisfactory performance, it is considered necessary to take formal disciplinary action following a meeting with the employee's Manager (or nominated Deputy), then a verbal warning will be issued. The person giving the warning will inform the defaulting employee of the reason for the warning and the action necessary to rectify the situation. A detailed note of the case, with the exact text of the verbal warning will be given to the employee within five working days and a copy retained on the employee's Personnel file.
- b. **Stage 2: 'Written Warning'** - If there is a more serious occurrence or the employee continues to default, having been given a previous verbal warning, then the employee's Manager (or nominated Deputy) will meet with the employee. If necessary a formal written warning will be issued, outlining the nature of the default, the action required to remedy it and the consequences of the failure to do so. The



written warning will be given to the employee within five working days of the interview and a copy will be retained on the employee's Personnel file.

- c. **Stage 3: 'Final Warning'** - Where an employee continues to default with regard to breaches of discipline or employment terms or unacceptable standards of behaviour or performance, or where conduct or unsatisfactory performance previously complained of recurs, the employee's Manager (or nominated deputy) will meet with the employee and, if necessary, a final written warning will be issued. This will outline the nature of the default, the action required to remedy it and the consequences of failing to do so. The final written warning will be given to the employee within five working days of the interview and a copy will be retained on the employee's Personnel file.
- d. **Stage 4: 'Dismissal or other Sanction'** - If an employee's conduct, behaviour or performance still fails to improve after the Company has followed the steps set out in Stages 1-3 above, or the employee has been found to have been responsible for gross misconduct, serious fault, negligence or misconduct then the final stage may result in dismissal. Any decision arising from this stage will be confirmed in writing within five working days of the decision being made and a copy will be retained on the employee's Personnel File. In the event that no further disciplinary action has been taken against an employee, for the same or similar reasons, warnings in accordance with Stage 1 will expire after a period of six (6) months and will be removed from the employee's Personnel file.

In the event that no further disciplinary action has been taken against an employee, for the same or similar reasons, warnings in accordance with Stage 2, 3, and 4 will expire after a period of twelve (12) months and will be removed from the employee's Personnel file.

Disciplinary action can be initiated at an appropriate stage within the procedure according to the seriousness of the matter. It will be rare for dismissal to occur for a first breach of discipline or failure to perform satisfactorily except in cases which constitute Gross Misconduct. Such a dismissal could only be reasonable in exceptional circumstances.

However, where an employee commits a single error due to negligence and the actual or potential consequences of that error are, or could be, extremely serious, warnings may not be appropriate. The same may apply where the employee's conduct has led to a serious, and potentially irretrievable, breakdown in trust and confidence between the employee and their work colleagues.

At the end of any disciplinary meeting the Manager may or may not be able to inform the employee of their decision. However, any decision will always be confirmed to the employee in writing whether or not a verbal decision is given at the meeting. This will be done within five working days of the meeting.

Note: At all disciplinary meetings, the Company's official specified in the above procedure will always be accompanied by another Company employee to assist in the proceedings. The employee will prepare a written summary of any meeting held which will be the Company's record and copies will be provided to the employee concerned and their representative.



10. Right of Appeal

The employee has a right of appeal against any decision made by their Manager under this procedure in accordance with the Company.

11. Records

All records of warnings and supporting documentation will be kept in accordance with the requirements of this Policy, Data Protection Legislation, and the Company's policy and guidance in relation to Data Protection.

12. Timescales

The Company uses all reasonable efforts to deal with disciplinary procedures promptly and sets timescales for this purpose. However, it must be considered that other commitments may intervene from time to time which prevent some timescales being met.

The person responsible for the relevant stage of the disciplinary procedure will, in those circumstances, complete matters as soon as reasonably practicable.



Disciplinary Procedure – Unsatisfactory Performance



