



## Angard Staffing

### Disciplinary Policy

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*Angard Staffing expects high standards of conduct and performance from its employees. However, this procedure sets out the processes that will be followed in the event that an employee is suspected of breaching those standards or not performing to the required standard.*

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#### Getting help

Please contact the Angard Helpline Number 0845 460 7318 or email [angard.employee@reedglobal.com](mailto:angard.employee@reedglobal.com).

For web access go to: [www.angardstaffing.co.uk](http://www.angardstaffing.co.uk).

## **Introduction**

This disciplinary procedure is designed to promote orderly employment relations as well as fairness and consistency in the treatment of employees. The procedures will apply to all employees of Angard Staffing **(Angard)**.

In reading this policy, it is important to remember that it will often apply to you in your capacity as a temporary worker placed on an assignment with Royal Mail by Angard. Therefore matters dealt with under this policy may include your conduct or performance at Royal Mail. . Whilst Angard is your employer it may, if deemed appropriate, ask Royal Mail to deal with matters on its behalf.

For the avoidance of doubt, this procedure does not form part of your contract of employment or otherwise have contractual effect.

This policy is effective from 1<sup>st</sup> June 2016.

## **General Points**

All documents and discussions (whether at any investigatory meeting, disciplinary hearing or otherwise) forming part of this procedure are confidential and must be treated as such by all participants involved in the procedure, including you and any witnesses or other staff involved.

The issues which are covered by Angard's disciplinary procedure fall into three categories namely:

- (a) Gross Misconduct;
- (b) Misconduct; and
- (c) Poor Performance (including unsatisfactory attendance)

## **Gross Misconduct**

The following are examples of gross misconduct:

- (a) theft of any property belonging to or in the possession of Angard or Royal Mail, any employee or customer;
- (b) deliberate damage to or unauthorised use of Angard or Royal Mail property or the property of any employee or customer of Angard or Royal Mail;
- (c) serious breach of confidentiality or unauthorised disclosure of Royal Mail confidential information;
- (d) deliberate falsification of records, reports, accounts, expenses claims or self-certification forms or any other fraudulent conduct;
- (e) refusal to carry out duties or reasonable instructions or serious insubordination;
- (f) having illegal drugs at your place of work, on your person or otherwise in your possession, custody or control on Angard's or Royal Mail's premises or at any time during the performance of your duties;
- (g) serious breach of Angard's or Royal Mail's rules or other conduct (whether or not committed at work) which in Angard's reasonable opinion is likely to bring serious discredit to Angard or its reputation;
- (h) violent, abusive, dangerous, bullying or intimidatory conduct towards a customer or employee of Angard or Royal Mail or any other third party when working for Angard or on assignment to Royal Mail (whether within or outside the workplace);

- (i) discrimination (including harassment) against a customer or employee of Angard or Royal Mail or any other third party when working for Angard or on assignment to Royal Mail (whether within or outside the workplace) whether on grounds of race, sex, age, disability, pregnancy or maternity, gender reassignment, marital or civil partner status, sexual orientation, caste or religion or belief (including political opinion in Northern Ireland) or otherwise;
- (j) inability to carry out your duties during working hours caused by consumption of alcohol, illegal drugs, or abuse of prescription drugs;
- (k) serious negligence, which causes or might cause unacceptable loss, damage or injury to Angard or Royal Mail or any of its employees or customers;
- (l) serious infringement of health and safety rules;
- (m) serious breach of confidence (other than a permitted disclosure under the Public Interest Disclosure Act 1998); and
- (n) any serious breach of or failure to comply with Angard's policies or Royal Mail's policies where those apply to you during any assignment.

These examples are not exhaustive or exclusive and other types of serious misconduct may also amount to gross misconduct.

### **Misconduct**

Misconduct is unsatisfactory behaviour, which is less serious than gross misconduct.

This includes, but is not limited to:

- (a) poor time-keeping and lateness;
- (b) unauthorised absence;
- (c) damage to Angard or Royal Mail property or the property of any employee or customer;
- (d) breach of or failure to comply with Angard's policies or Royal Mail's policies or rules where those apply to you during any assignment;
- (e) breach of confidentiality or unauthorised disclosure of Royal Mail confidential information; and
- (f) misuse of Royal Mail or Angard property, facilities or Angard's or Royal Mail's name.

These examples are not exhaustive or exclusive and other behaviour may amount to misconduct.

### **Poor performance**

Poor performance is a failure to perform to the standards required by Angard (including a failure to perform to the standards expected of you during an assignment to Royal Mail) and including unsatisfactory attendance.

### **Informal Resolution**

If there is a concern about your conduct or performance, attempts will be made, where possible, to discuss the matter with you to see if it can be resolved informally.

In cases of minor misconduct, such informal resolution will usually take the form of an informal warning. If an informal warning is given, you will be advised of the consequences of any future incidents of misconduct.

## **Disciplinary Procedure**

The following steps will be taken, as appropriate, in all cases covered by this procedure.

### ***Investigation***

No disciplinary hearing will take place until a thorough investigation of the issues has been undertaken. However, we may be asked by Royal Mail to remove you from an assignment during any investigation.

You will not be entitled to access Angard's premises (or Royal Mail's in relation to any assignment) or to contact Angard's or Royal Mail's customers or suppliers except at the prior request or with the prior consent of Angard at such times and subject to such conditions as Angard may impose.

If you have any documents which you want to be considered as part of the investigation, you should provide copies as soon as practicable during the investigation process. You should also let the investigating manager know if you are aware of any witnesses who may be able to provide evidence on the issues being investigated, again as soon as practicable.

In some cases it may be appropriate to hold an investigatory meeting where witness evidence and relevant documentation can be considered in more detail. Such an investigatory meeting will not constitute disciplinary action.

### ***Disciplinary Hearing***

If, after investigation, it is considered that formal disciplinary action may be appropriate, a formal hearing will be held. You will be given full written details of the allegations made against you and you will be invited to attend the hearing to discuss the matter. Normally you will be given at least three days' notice. The hearing will be held during working hours at Royal Mail's premises, unless otherwise agreed.

The hearing is your opportunity to respond to the allegations against you and so you should prepare carefully. You should inform Angard of any special arrangements needed at the hearing (for example, to cater for any language difficulty or disability).

You must take all reasonable steps to attend the hearing.

At the hearing, the disciplinary manager will explain the complaint against you and go through the evidence that has been gathered. You will be allowed to set out your case and answer any allegations, ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses. If you intend to call a witness you should give at least 2 days' advance notice to the disciplinary manager.

You are legally entitled, on your reasonable request, to be accompanied at the hearing by a companion. That is either:

- (i) a fellow worker of your choice (provided they are willing to accept the role of companion); or
- (ii) a full time trade union official or a lay trade union official who has been certified by the relevant trade union as having experience or having received training in acting as a companion in disciplinary matters.

If you wish to be accompanied by a fellow worker, and that request is reasonable, that fellow worker will be entitled to take a reasonable amount of time away from his or her normal duties to discuss the matter with you and accompany you at the hearing without loss of pay or benefits. You must notify

Angard Staffing of the name and status of the person whom you wish to accompany you before the hearing as soon as practicable.

If your companion cannot attend the hearing at the time proposed, you may suggest an alternative time, which should be within five days after the time originally proposed, provided the alternative time is reasonable (bearing in mind the availability of the disciplinary manager).

The companion who accompanies you may address the hearing on your behalf to put your case, sum up that case and to respond on your behalf to any view expressed at the hearing. The companion may also confer with you during the hearing.

After the hearing, the relevant manager will consider the evidence and reach a disciplinary decision. The decision reached will be confirmed in writing and you will be informed of your right to appeal any such decision.

### **Appeals**

You have a right of appeal against the awarding of a disciplinary penalty. You should inform in writing to the manager who conducted the disciplinary hearing of your wish to appeal and the grounds of your appeal within seven days of the date on which you are informed in writing of the decision which forms the subject of your appeal.

You will be invited to an appeal hearing. You should take all reasonable steps to attend the hearing. If possible, a manager who has not had any prior involvement in the procedure will conduct the appeal hearing as soon as possible thereafter. At the appeal hearing you will be given an opportunity to state your case. The provisions relating to being accompanied at a hearing set out above apply equally at the appeal stage.

The outcome of the appeal hearing will be confirmed to you in writing and will be final and binding.

If you appeal against a decision to dismiss, your dismissal will be effective as at the date specified in your dismissal letter, unless your appeal is upheld, in which case you will be reinstated and your employment will be deemed to have continued during the period until the appeal was heard.

### **Requirements relating to disciplinary hearings and any proposed witnesses**

It is in all parties' best interests to deal with disciplinary issues promptly. All best endeavours will be made to deal with disciplinary issues without unreasonable delay. To enable this to happen you should be aware that if you are persistently unable or unwilling to attend disciplinary hearings without good cause, a decision may be based on the information available without you present.

To deal with disciplinary issues fairly and efficiently emphasis is placed on the investigation stage of the process. Should you wish to present documents or witness evidence, this should be done during the course of the investigation so that all relevant facts are available before a decision is made whether or not to proceed to disciplinary action.

If you ask an individual to be a witness you should ensure that they are aware that they may be required to give further evidence if any issues remain unclear.

### **Sanctions for Gross Misconduct and Misconduct**

The following sanctions will apply in cases of alleged misconduct or gross misconduct. These sanctions may be applied at whatever level is deemed appropriate given the nature and severity of the alleged misconduct or gross misconduct.

- (a) **First Written Warning:** In cases of misconduct, or further minor misconduct (of the same or other type) when you have already been given an informal oral warning as outlined above, you will normally be given a first written warning. You will be advised of the consequences of any future incidents of misconduct. The first written warning

will be placed on your personnel file. The warning will automatically lapse after 12 months or such other period as specified in the warning.

- (b) Final Written Warning: In cases of serious misconduct, or further misconduct during the currency of a prior warning, you will normally be given a final written warning. This warning will state that if you commit a further offence of misconduct during the currency of the warning, your employment may be terminated. The final written warning will be placed on your personnel file. The warning will automatically lapse after 12 months or such other period as specified in the warning.
- (c) Dismissal: In the case of misconduct of a sufficiently serious nature, or gross misconduct, or further misconduct during the currency of a prior written warning, you will normally be dismissed. The decision will be confirmed to you in writing. In certain circumstances, you may be dismissed with immediate effect, with no right to notice or pay in lieu of notice.

### **Sanctions for Poor Performance and Attendance**

The following sanctions will apply in cases of poor performance.

- (a) First Written Warning: In the first case of poor performance, you will normally be given a first written warning. This warning will be given to you in writing and will specify the nature of the poor performance and the nature of the improvement required. The warning will also state that your performance will be reviewed at a set date after the date of the warning. If appropriate, you may be offered training and/or other assistance to help you achieve the required standard of performance.
- (b) Final Written Warning: In the second case of poor performance or where you fail to achieve the improvement required by the first written warning by the set date, you will normally be given a final written warning. This warning will be given to you in writing and will state the nature of the poor performance and the nature of the improvement required. The final written warning will also confirm that, unless your performance improves to a specified standard within a specified period after the date of the warning, your employment may be terminated. If appropriate, you may be offered training and/or other assistance to help you achieve the required standard of performance.
- (c) Dismissal: If you fail to achieve the improvement required by a final written warning within the specified period, you will normally be dismissed. The decision to dismiss you will be notified to you in writing. You will still be entitled to notice or payment in lieu of notice in accordance with your contract.
- (d) Subject to satisfactory performance and conduct, any warning for poor performance will lapse after 12 months or such other period as Angard specifies in the warning.

### **Review**

This procedure will be reviewed by Angard and may be amended from time to time.