

DISCIPLINARY POLICY & PROCEDURE

Executive Summary

- The disciplinary procedure will be applied in a fair and consistent manner.
- No disciplinary action will be taken until the circumstances have been investigated.
- The employee has a right to be accompanied by either a Countryside colleague or a Trade Union official.
- In conduct (behaviour) cases, the level of disciplinary action will be determined by the severity of the incident(s).
- The employee has the right of appeal at each stage of the disciplinary process.

Policy Statement

The Company expects certain standards of behaviour from its employees. The disciplinary policy will be invoked to address failure to comply with the Company's required standards of behaviour or failure to achieve the required standard of work due to an employee's negligence, wilful misbehaviour or wilful disregard for Company rules or other procedures.

This policy does not form part of the contract of employment.

Confidentiality

The Company aims to deal with any disciplinary matter sensitively and with due respect for the privacy of the individuals involved.

The employee and any other witnesses or other individuals involved must treat any information communicated to them in connection with an investigation or disciplinary matter as confidential. Failure to do so may result in disciplinary sanction.

Procedure

Informal Action

If an employee shows signs of failing to meet the Company's required standards of conduct or work performance due to their negligence, wilful misbehaviour or wilful disregard for Company rules or other procedures, they will be given help, encouragement and guidance to bring about the necessary improvement without invoking the formal disciplinary procedure.

Often a reminder of what is required is sufficient to make individuals aware of where they are not meeting expectations. This may be regarded as an informal discussion, but, as such, it is outside this policy. The Company is not obliged to give you any advance notice of an intention to have an informal discussion nor do employees have a statutory right to be accompanied. Any required improvements at this stage will be confirmed in writing.

The Company is not obliged to hold an informal discussion prior to commencing the formal Disciplinary procedure in cases of more serious alleged conduct.

Formal Approach:

Suspension

When considering suspension, the manager must discuss the details with HR. An employee may be suspended pending an investigation into an alleged conduct issue; suspension will be on full basic pay. Suspension is not disciplinary action and does not imply the employee is guilty, or that a decision on the outcome has already been made.

The employee concerned will be notified in writing. The letter should:

- Confirm the intention to suspend the employee from work;
- Provide the reason/s for the suspension;
- Confirm that the employee will continue to receive salary, allowances and benefits;
- Confirm that there is no assumption of the outcome of the investigation; and
- Confirm that it is not a disciplinary sanction.

If and when appropriate, the employee will be informed in writing that they are able to return to work.

Investigation

This is not disciplinary action. The investigation will be conducted thoroughly, fairly and speedily before recollections fade. This may require speaking with people at short notice. A decision will be taken on whether disciplinary action should follow once:

- The employee has been informed of the allegation made against them; and
- The circumstances have been fully investigated.

The investigation will be undertaken by a manager at a level appropriate to the alleged offence and the investigating manager should complete an investigation plan prior to the commencement of an investigation (where possible). A representative from HR may be involved and, where the nature of the allegations warrant it, the assistance of other specialists, such as those in IT or Health and Safety (H&S), may be sought.

Statements of any witnesses will be recorded and taken into full consideration.

An investigatory interview with the employee may not be required in every instance. Where an investigatory interview does take place, there is no statutory right to be accompanied.

Following the investigation, the investigating manager will complete an investigation report to recommend that:

- No further action should be taken; or
- A disciplinary hearing should not take place, but a letter of concern should be sent to the employee; or
- A disciplinary hearing should take place to determine the outcome.

Disciplinary Hearing

If the decision is taken to hold a disciplinary hearing, it will be held as soon as possible and without reasonable delay.

Disciplinary hearings will be conducted by a manager at a level appropriate to the allegations raised. The meeting will also be attended by either a notetaker or a representative from HR who will act as the notetaker.

The employee will be provided with any evidence gathered in the course of the investigation long enough in advance of the disciplinary hearing for them to consider their response and a minimum of three working days before the hearing.

The manager conducting the disciplinary hearing may believe that evidence given by individuals should remain confidential. Where confidentiality is deemed necessary, this will be explained to the employee and an appropriate summary of the evidence gathered will be given to them.

Request to attend a Disciplinary Hearing

The employee concerned will be notified in writing and provided with a copy of the disciplinary policy and procedure. The letter should:

- Inform the employee of the intention to hold a hearing;
- Outline the purpose of the meeting;
- Provide enough information about the alleged offence so that the employee is able to fully understand how they have committed an act of misconduct / gross misconduct;
- Provide the date, time and place of the hearing;
- Confirm the participants of the disciplinary panel;
- Confirm the right for the employee to be accompanied; and
- Detail the possible outcomes of the hearing, if appropriate.

The employee may be accompanied by either a trade union official or a current employee of Countryside. Details of this person must be provided where this right is to be exercised. The Company will require written notification of the trade union official's position on official union headed paper prior to the hearing date. It is the responsibility of the employee to make the necessary arrangements for their companion to attend. The Company is happy to consider any special requirements needed for a companion to attend, as long as the Company is notified at the earliest possible opportunity prior to the meeting date.

If the employee's chosen companion is unable to attend at the specified date and time, the hearing may be postponed to another reasonable date or time within five working days of the original hearing.

If the employee is unable to attend due to circumstances beyond their control, they should inform the manager conducting the disciplinary hearing as soon as possible.

If the employee fails to attend without explanation they may be given the opportunity to attend a rescheduled hearing. They will be notified in writing of the new date and time. If they fail to attend the rescheduled hearing without explanation, it may take place in their absence.

The Disciplinary Hearing

This hearing will normally involve the employee and an appropriate manager from within the same business discipline. Another Company representative will also be present – wherever possible this will be a member of the HR team.

At the disciplinary hearing the employee will be informed of the allegations being made against them and will be given the opportunity to state their case, present any mitigating circumstances, ask questions and call witnesses, if appropriate.

If the employee makes a request for a witness(es) to attend, this request must be put in writing immediately upon receipt of the request to attend the hearing. The request must detail the name and location of the witness(es) together with an explanation as to why their attendance is deemed relevant. The Company reserves the right to decide whether the request is reasonable and to refuse any requests deemed unreasonable. A witness has no obligation to attend a disciplinary hearing.

Where a trade union official / Countryside colleague accompanies the employee, they may act as a note taker; a witness to the process, or as a representative presenting the case on behalf of the employee. However, they may not answer questions on behalf of the employee. The Company will not permit the attendance of any third party (e.g.: legal representation; family; friends), with the exception of a trade union official.

The employee and witness(es) will be asked relevant questions. The responses, the facts established, and mitigating circumstances will be considered.

After the facts have been established, the manager will consider whether any disciplinary sanction is appropriate.

It will usually be appropriate to adjourn the hearing to consider the evidence and appropriate sanction.

If there is sufficient evidence to establish a reasonable belief that the allegations are founded, then a disciplinary sanction will be applied in accordance with the gravity of the offence and with regard to sanctions imposed in similar cases.

Following the meeting, the employee will be notified in writing of:

- The outcome of the hearing;
- Any disciplinary sanction imposed;
- Any actions which were agreed; and
- The right of appeal, the timescales and to whom the appeal letter should be sent.

Disciplinary Sanction

If it is established that disciplinary sanction is warranted, the type decided upon will reflect proper consideration of what is reasonable in the circumstances together with any mitigating factors. The employee's previous employment record and any other relevant or mitigating circumstances will be taken into consideration.

Disciplinary sanction usually takes the form of:

- A first warning for misconduct;
- A final written warning;
- Dismissal with notice;
- Summary dismissal.

As an alternative to dismissal and subject to the terms and conditions of the employee's contract of employment or with their agreement, other options may include disciplinary transfer or demotion. These options are the equivalent to a final written warning.

Disciplinary sanction at an escalated level may be warranted at any stage, for example, in cases where:

- There is a recurrence of minor misconduct despite an earlier warning and the opportunity to improve; or
- The misconduct is of a serious nature.

It is for the Company, at its absolute discretion, to decide which disciplinary sanction to apply.

First Written Warning

If an employee has continued to fail to meet the required standard of performance or behaviour despite an informal discussion, it will be appropriate to move to this higher and more serious level of warning.

If the nature of the misconduct is sufficiently serious, it may be appropriate to apply this sanction for a first offence.

The first written warning will inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.

A record of the warning will be kept but it will be disregarded for disciplinary purposes after 12 months. Any further occurrences may give rise to further disciplinary action.

Final Written Warning

If an employee has continued to fail to meet the required standard of performance or behaviour despite an earlier warning, it will be appropriate to move to a final written warning.

For very serious misconduct, it may be appropriate to move directly to this level of warning.

The final written warning will warn the employee that failure to improve may lead to dismissal (or some other sanction short of dismissal).

A record of the warning will be kept but it will be disregarded for disciplinary purposes after 12 months. Any further occurrences may give rise to further disciplinary action.

The Content of a Written Warning

The substance of a written warning may be delivered orally but the letter will constitute the written warning.

Every formal warning should make clear reference to the following items:

- A summary description of the misconduct involved;
- How the investigation was undertaken;
- The findings on each point;
- The action required of the employee to improve their conduct;
- The type of disciplinary sanction imposed;
- A statement of the disciplinary sanction that will be taken in the case of a continued failure to meet standards of conduct within a specified period of time;
- The right of appeal, the timescales and details of the person to whom the appeal is to be addressed and the time limit for doing;
- The period of time after which, subject to satisfactory performance or conduct, the record of disciplinary sanction will be disregarded for disciplinary purposes; and
- Any help that may be provided to the employee.

Dismissal – With Notice or Summary

An employee will be dismissed if their misconduct:

- Continues; or
- Recurs despite warnings; or
- Is sufficiently serious (gross misconduct).

This dismissal may be with or without notice or pay in lieu (summary dismissal) depending on the circumstances.

An employee will only be dismissed for a first offence in the case of gross misconduct. In these cases, the rights to notice will be forfeited as will any other payments due which are made at the Company's discretion. The employee will also be required to leave the Company premises and return any Company property in their possession, immediately. The manager can exercise discretion in relation to allowing the employee back to the work station. In cases where it is deemed inappropriate to allow an employee back to their work station, arrangements will be made for them to collect their personal belongings at a later date.

Disciplinary Transfer / Demotion

On rare occasions, in appropriate circumstances and subject to the employee's contract of employment or with their consent, a transfer, demotion, reduction in pay, loss of future pay increment or bonus may be used as an appropriate alternative to dismissal.

Relevant circumstances might be where the offence committed by the individual concerned makes it inappropriate to remain in their current role or location but could be usefully employed in a different location or at a lower grade.

Any disciplinary transfer or demotion will automatically and immediately result in the terms and conditions of the new role applying.

Behaviour Outside the Workplace (including Criminal Offences)

Factors to be taken into account when deciding on whether disciplinary action will be taken will include:

- The nature of the offence;
- The ability of the employee to fulfil their contract of employment;
- Whether the employee is remanded into custody;
- The erosion of the confidence and trust between the employee and the Company; and
- Any detrimental effect on the reputation of the Company or its clients.

Misconduct

The following are examples of what the Company considers misconduct. In certain circumstances, they may be considered gross misconduct. This is not an exhaustive list.

Misconduct: Behaviour

- Refusal to follow a reasonable request or lawful instruction (in certain cases this may be gross misconduct);
- Offensive or abusive behaviour;
- Discriminatory conduct, breach of the Code of Conduct on Business Ethics;
- Pressurising another employee or agent of the Company to discriminate against an applicant for a post, on the grounds of a protected characteristic such as sex, race, ethnic origin, disability or sexual orientation;
- Inappropriate use of Company IT systems, including the intranet or internet or email, e.g. the loss of working time through excessive personal use of e-mail or the internet;
- Sleeping at work; and / or
- Bringing the Company into disrepute.

Misconduct: Working Practices

- Unauthorised absence without good reason;
- Failure to comply with attendance, absence and leave procedures;
- Deliberate failure to reach the required standards of performance or carelessness as to whether or not to meet them;
- Failure to properly account for any money or other property of the Company;
- Knowingly making any false, misleading or inaccurate oral or written statement in respect of the business of the Company, clients or subcontractors;
- Failure to maintain records as required or unauthorised removal or alteration of documents or records; and / or
- Failure to comply with Company rules, regulations and policies.

Misconduct: Property

- Damage to or interference with property of the Company, clients or subcontractors; and / or unauthorised use of Company, clients' or subcontractors' property for private purposes.

Misconduct: Health, Safety and Environment

- Failure to comply with H&S legislation, the Company's H&S or Environment Policies and applicable safety regulations and requirements.

Gross Misconduct and Summary Dismissal

Gross misconduct is a single act of misconduct that is serious enough on its own to justify the employee's immediate dismissal.

The following are examples of gross misconduct likely to lead to summary dismissal. In certain circumstances, they may be considered misconduct. This is not an exhaustive list.

Gross Misconduct: Behaviour

- A criminal offence which makes the employee unsuitable for their work with other employees, clients, suppliers or subcontractors;
- Physical violence inflicted on another person at work, including threatening behaviour;
- Serious discriminatory conduct or breach of the Code of Conduct on Business Ethics;
- Loss of driving license where driving is all or an essential part of the job requirements;
- Serious incapacity whilst on duty brought on by alcohol or illegal drugs;
- Serious abuse of Company IT systems, including intranet or internet or email, e.g. sending very offensive material in an e-mail, accessing or distributing illegal pornographic material; and / or
- Bringing the Company into serious disrepute or making derogatory statements about the Company which includes references made via social networking sites.

Gross Misconduct: Working Practices

- Accepting bribes or inducements;
- Serious unauthorised disclosure of confidential information relating to the commercial, technical or financial affairs of the Company, where this is damaging to the Company's interests, (subject to the Public Interest (Disclosure) Act 1998);
- Falsification of information or references in the context of the work environment, including defrauding of expenses and providing inaccurate information in an application document;
- Wilful disregard of Company regulations and policies; and / or
- Fraud against the Company, clients or subcontractors.

Gross Misconduct: Property

- Theft or unauthorised possession of Company, clients or subcontractors property;
- Serious damage to Company, clients or subcontractors property; and / or
- Misuse of the Company's or clients name.

The Right of Appeal

The employee has the right of appeal against the disciplinary sanction taken at all stages of the formal disciplinary process.

An appeal must be made in writing to the Group HR Director within five working days of receiving written confirmation, stating:

- The grounds upon which the appeal is based, e.g. whether they are appealing against the finding that they have committed the alleged act of acts of misconduct or against the level of disciplinary sanction imposed;
- Information to support their assertion that some aspect of the outcome of the disciplinary process was incorrect or there were procedural flaws; and
- The names of any witnesses who are to be called.

The employee will be invited to attend an appeal meeting with a manager who has not been involved in first stage of the formal procedure. The appeal manager will usually be senior to the person who conducted the first disciplinary hearing.

The manager hearing the appeal should make arrangements to hold the appeal meeting as soon as possible and without unreasonable delay.

A representative from HR should be present at the appeal hearing and, where practicable, this should be different from the one who may have been involved in the first stage of the formal procedure.

The right to be accompanied by a trade union official or Countryside colleague applies to an appeal hearing in the same way that it does for a disciplinary hearing. It may be necessary to gather evidence from other people to further investigate the appeal.

The employee must take all reasonable steps to attend the appeal meeting at the specified date and

time.

If the employee is unable to attend due to circumstances beyond their control, they should inform the manager conducting the appeal meeting as soon as possible.

If the employee fails to attend without explanation they may be given the opportunity to attend a rescheduled hearing. They will be notified in writing of the new date and time and that if they fail to attend the rescheduled hearing without explanation it may take place in their absence.

If the employee's chosen trade union official / Countryside colleague is not available at the specified time and date, the employee may postpone the appeal meeting to another reasonable date or time within five working days of the original meeting.

An appeal hearing is not a re-hearing of the case. The manager conducting the appeal will:

- Consider the grounds that the employee has put forward as the basis for the appeal;
- Define the scope of the appeal;
- Assess whether or not the conclusion reached in the disciplinary hearing was appropriate; and Investigate any aspect of the original disciplinary as appropriate.

Particular attention will be paid to any new evidence and to any representations made by the employee. If new or further evidence has come to light since the first stage of the formal procedure, the manager will make the employee aware of this and will consider it as part of the appeal. It may be appropriate to adjourn the hearing to consider the evidence and appropriate sanction.

The manager hearing the appeal may:

- Uphold the original decision;
- Cancel a disciplinary sanction; or
- Substitute a sanction, e.g. the level of sanction imposed may be increased or decreased.

The employee will be informed of the outcome of the appeal in writing as soon as possible after the appeal meeting.

The disciplinary sanction remains in force pending the appeal decision. Where there is a successful appeal against dismissal, the employee will be reinstated with no loss of service, contractual entitlements or employment rights. The employee will be re-instated with appropriate back pay based upon basic pay only.

Records

Documentation relating to the disciplinary processes will be treated as confidential. At each stage of the procedure a record will be kept, and the employee will receive a letter.

At the end of every disciplinary hearing, a note recording of the hearing will be prepared. An appropriate person of the Company's choice may attend the hearing in order to take notes and produce the record. The person conducting the hearing will provide a copy of the hearing notes to the employee concerned.

If appropriate, any written evidence will be attached to or referred to in this note.

HR will remove any paperwork relating to a disciplinary sanction within three months of the disciplinary sanction expiring.

Scope

The Disciplinary procedure applies to all employees at Countryside.

Procedure Review

The Company reserves the right to review, revise, amend or replace the content of this procedure and

/ or introduce new procedures from time to time to reflect the changing needs of the business and to comply with legislation.