

# **DIRECT DEFENCE SOLUTIONS LTD**

## **Disciplinary**

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| <b>POLICY STATEMENT</b> | INITIAL REVISION                            |
| <b>ISSUE DATE:</b>      | AUG 2018                                    |
| <b>POLICY-018</b>       | <b>Prepared &amp; Approved by: Director</b> |

### **Scope**

This procedure applies to all employees, whether full or part time, frontline and non-frontline.

### **Objectives**

The purpose of this document is to set down the procedures to be followed when standards of conduct or performance give rise to problems, which cannot be resolved, by positive advice and encouragement alone. Wherever possible the need for disciplinary procedures can be avoided by addressing problems as they arise. It is also intended to provide fairness and consistency in the treatment of staff that are subject to disciplinary action. The procedure follows good practice as laid down in DIRECT DEFENCE SOLUTIONS LTD.

### **Alternatives**

Except in cases of alleged gross misconduct it is expected that a Director will consider whether apparent misconduct or poor performance could best be resolved without recourse to disciplinary proceedings. Wherever possible, there will be an informal discussion between an employee and a Director at an early stage, in an effort to avoid the need for disciplinary action. All actions and conversations related to this process will be noted.

### **Illness**

Where performance or conduct suffers as a result of ill health including mental illness, alcoholism and other drug dependency, DIRECT DEFENCE SOLUTIONS LTD will assist employees to obtain medical guidance and treatment and where appropriate.

### **Verbal Warning**

Except where the matter is of a more serious nature, a Director shall first warn an employee whose work performance and/or conduct is considered to be unsatisfactory verbally. A work colleague may accompany the employee. The nature of any complaint shall be made clear and discussed with the employee together with any reasonable suggestions or requirements as to how and by what means conduct or performance might be improved. Any review periods shall be specified. The duration of the warning shall be stated (normally up

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to six months). The verbal warning will be confirmed in writing including instructions or standards expected and will be kept on the employee's personal file.

Where the employee believes the Director to have acted in an unfair manner, s/he may appeal to another Director.

### General principles for the formal disciplinary procedure

- 1) Matters will be dealt with quickly. However, undue haste will be avoided, where this could result in inadequate investigation of the facts.
- 2) There will be fairness and consistency in the application of the disciplinary procedure.
- 3) At every stage of the disciplinary procedure, the employee will be advised of the nature of the complaint, in writing and in sufficient detail, and be given the opportunity to state their case.
- 4) At every stage, the employee has the right to be accompanied by a work colleague or union representative of their choice. The representative will be entitled to address the hearing and confer with the employee but not to answer questions on the employee's behalf. If the chosen representative is not available at the time proposed for the meeting, the employee can request that the meeting be postponed, and suggest an alternative time. Where the suggested time is reasonable, DIRECT DEFENCE SOLUTIONS LTD will postpone the hearing.
- 5) Where a warning is given, the individual will be provided with appropriate support and be given a reasonable period of time to improve.
- 6) The individual has a right of appeal against any formal disciplinary action taken and appeals will be heard by a Director other than those involved in the disciplinary hearing, in accordance with the Appeals Procedure.
- 7) The Company shall treat the fact and substance of disciplinary investigation as confidential.

### Formal stages of the disciplinary procedure

Where an informal warning has not had the desired effect or if the case involves serious disciplinary matters the Director will follow the formal disciplinary procedure.

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**Suspension on full pay:** It may be necessary to suspend an employee from work, for example, to facilitate investigation into a potential disciplinary matter, or to allow a cooling off period. Suspension will be on full pay and normally limited to ten working days or such time as necessary to permit proper investigation or to arrange a hearing date. Suspension is not a disciplinary penalty. Normally a Director will suspend an employee. The fact and conditions of the suspension will be confirmed in a letter to the individual within 3 working days.

**Investigation and evidence:** A Director will oversee an investigation into the matter of concern. A decision will be taken on whether it is necessary to proceed to the formal stages or whether alternative avenues may be more appropriate.

Except in cases of alleged gross misconduct, disciplinary action will proceed in the following stages:

**First formal disciplinary interview:** A disciplinary interview will be held at which the employee will have the chance to explain matters to the Director.

The employee will be notified in writing:

- i. Giving at least 5 working days notice of meeting (unless a lesser period is agreed with the employee)
- ii. Giving details of the specific complaint in writing (including a copy of written evidence/statements plus a copy of this disciplinary procedure)
- iii. Giving names of people who will attend the meeting
- iv. Explaining that a work colleague or union representative may accompany the employee.
- v. The employee will have the opportunity to put their case. Notes will be taken during the meeting for record purposes.

After the meeting, the Director will consider whether a formal warning is necessary. The employee will be informed of the outcome at the meeting or as soon as possible thereafter. A letter will be sent (within 5 working days of the interview) to the employee, confirming the decision and where disciplinary action was taken:

- i. Stating that this is a first formal warning under the disciplinary procedure

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- ii. Specifying the improvement in conduct required and the timescale if appropriate confirming the reason for the warning and the duration of the warning (normally this will be one year)
- iii. Informing the employee of the right of appeal to be exercised within 7 working days of the date of the letter confirming the warning.

A copy of the letter confirming the first warning will be held on the personal file and disregarded after the period for which it was issued.

**Subsequent (or final) formal disciplinary interviews:** If there is no improvement in conduct, or if a further offence occurs, then a subsequent disciplinary interview will be held, at any time after the first formal warning has been issued. Alternatively, for more serious offences, the procedure may be entered at this stage (in such circumstances the warning will be called a final warning).

The interview will follow the same procedure as for the first formal disciplinary interview.

After the meeting, a Director will consider whether a subsequent (or final) formal warning is necessary. The employee will be informed of the outcome at the meeting or as soon as possible thereafter.

A letter from the Company will be sent (within 5 working days of the interview) to the employee, confirming the decision and where disciplinary action was taken:

- 1) Stating that this is a subsequent (or final) formal warning under the disciplinary procedure
- 2) Confirming the reason for the warning and the duration of the warning (normally this will be one year)
- 3) Specifying the improvement in conduct required and the timescale if appropriate
- 4) Informing the employee of the right to appeal to be exercised within 10 working days of the date of the letter confirming the warning.
- 5) In addition, the letter will make clear that any recurrence of the offence or continuing misconduct or other unsatisfactory performance may result in dismissal.

A copy of the letter confirming the warning will be held on the personal file and disregarded after the period for which it was issued.

**Dismissal interview:** Where it is alleged that conduct or performance may constitute good cause for dismissal it may be necessary to invoke dismissal proceedings, at any time after the second or final formal

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warning has been issued. The procedure for convening and conducting the interview will be as specified above. When writing to request attendance at the interview, the employee must be informed that the interview could result in termination of employment.

A dismissal interview will be conducted by a Director.

After the hearing, a decision will be taken to:

- 1) dismiss the employee *or*
- 2) issue a further warning *or*
- 3) take no action against the employee

The employee will be informed of the decision at the meeting or as soon as possible thereafter. A letter from the Company will be sent confirming the decision (within 5 working days of the interview). Where the decision is that the employee should be dismissed, the letter will:

- 1) State that the employee has been dismissed, the effective date and details of notice due under the contract
- 2) Confirm the reason for the dismissal
- 3) Inform the employee of the right to appeal within 15 working days of the date of the letter confirming the dismissal

A copy of the letter confirming the dismissal will be placed on the personal file.

Where the decision is to issue a warning, the letter will contain details as specified above.

### Gross misconduct

For gross misconduct it may be appropriate to move immediately to dismissal proceedings. A Director takes this decision. If there is a suspected case of gross misconduct, suspension with pay may be appropriate during investigation of the case. An investigation shall be carried out before any summary dismissal. Examples of offences that may constitute gross misconduct are given later in this document.

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### **Appeals**

An employee who wishes to appeal against any disciplinary warning or dismissal, which has been imposed on her/him, must do so in writing to a Director within 7 working days of the date of the letter confirming the decision.

Outcome of appeal: where an appeal is upheld, reference to the disciplinary warning or dismissal will be disregarded. Alternatively, the outcome of the appeal hearing may be to impose a lesser penalty e.g. a second (or final) formal warning instead of dismissal, or to shorten the period for which the warning was originally issued. The outcome of the appeal will be set out in a letter to the employee. If an employee is successful in appealing against summary dismissal, s/he will be paid under their contract in respect of the period from dismissal to reinstatement, as if the dismissal had never taken place.

### **Disciplinary Rules**

The list of rules set out below is by no means exclusive or exhaustive, and may be supplemented from time to time by additional rules as determined by the Company. Any breach of the following rules or others laid down by DIRECT DEFENCE SOLUTIONS LTD. may render the employee liable to disciplinary action under this procedure. Relevant circumstances will be taken into account in deciding on appropriate sanctions.

Where conduct or performance is considered by management to be unacceptable, the Company reserves the right to invoke the disciplinary procedure, whether or not the conduct or performance is specifically precluded by the rules provided there is fairness and consistency of application between cases.

### **Health and Safety**

Examples including: deliberate disregard or neglect of safety regulations, including Company and site safety rules.

### **Conduct toward Others**

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Discriminatory or otherwise intimidating behaviour towards a colleague, customer or member of the public.  
For example: bullying, intimidator, malicious, sarcastic or aggressive behaviour.

### Criminal Convictions or Offences

Conviction for a criminal offence outside the work place and normal working hours may lead to dismissal depending on the nature of the offence, its relevance to the individual employment and the sentence incurred, including any impact upon licensable status.

### Performance

Failure to exercise duties and responsibilities under the contract or job description

### Loss, Damage of/to Company Property/Dishonesty

For example:

- 1) Failure to account or return Company property
- 2) Destruction or waste of Company property

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- 3) Willful, improper use of official position in the Company's employment

### Alcohol/Substance Abuse

Being unfit through alcohol or non-prescribed drugs to carry out duties. (Where it is inappropriate to apply the Policy and Procedure on Alcohol/Drug and Substance Abuse or the employee fails to respond to attempts to deal with the problem under that procedure).

### Gross Misconduct

Dismissal for gross misconduct without warnings or notice will only be for misconduct serious enough to destroy the employment contract between DIRECT DEFENCE SOLUTIONS LTD. and the employee and which makes any further working relationship and/or trust impossible. Such dismissals will only occur after a disciplinary investigation and interview.

Examples of offences that could constitute grounds for summary dismissal if in all the circumstances they are considered sufficiently serious are:

- Sleeping on duty
- Leaving site without authorization
- Persistent or continued unauthorized absence
- Being unfit for duty through alcohol or drugs
- Dangerous behavior, fighting or physical assault
- Willful destruction of Company property
- Serious breach of health and safety regulations
- Possession, supply or use of controlled drugs
- Grossly indecent behavior, deliberate acts of unlawful discrimination or serious acts of harassment.
- Falsification of any records (including timesheets, absence records etc)

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- Gross insubordination; use of profanities or foul language.
- Theft or unauthorized possession of money or property, whether belonging to The Protectors Security Consultants Ltd, another employee or a third party. This includes excessive use of Company phones.
- Undertaking private work (e.g. studying) on the premises and/or in working hours without express written permission.
- Working in competition with DIRECT DEFENCE SOLUTIONS LTD
- Taking part in activities which result in adverse publicity to DIRECT DEFENCE SOLUTIONS LTD or defaming the Company name and/or reputation.
- Refusal to carry out legitimate work related instructions.

### Appeal Procedure for Appeals against Dismissal or Formal Disciplinary Action

#### Panel Composition

Where an employee has exercised their right of appeal under the Disciplinary Procedure, the composition of the Panel will be as follows: a Director who had not previously been involved in the case will hear the appeal. A Company representative will take notes for record purposes.

#### Notice of Appeal Hearing

The employee appealing shall be given notice in writing at least 7 days in advance of the time and place of the hearing. The notice shall state that the employee appealing has the right to be accompanied by a work colleague who has the right to speak and confer with the employee during the hearing. The notice shall also state that if the chosen companion is not available at the time proposed for the hearing, the employee can request that the hearing be postponed, and suggest an alternative. Where the suggested time is reasonable, the Company shall postpone the hearing.

#### Documentation and witnesses

The employee can produce documents in advance of the meeting in support of her/his case. In such case these should be forwarded to the Director hearing the appeal.

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### Order of Proceedings

1. The Director will state the case outlining the reasons for disciplinary action.
2. The employee (and/or work colleague or union representative) shall have the opportunity to ask questions.
3. The employee (and/or work colleague) shall put his/her case in the presence of the Director, and may involve witnesses if appropriate.
4. The Director shall have the opportunity to ask questions of the employee.
5. After careful consideration, the Company shall announce the decision to the employee and his/her work colleague or union representative.

They may decide to give this announcement in person but it should always also be given in writing as soon as a decision has been reached. A decision shall be reached no later than 5 days after the conclusion of the hearing.

### **Communication and Review:**

This policy is communicated to all stakeholders including authorities and any member of the public via published website, handbook and notice boards and on request.

We undertake to continually review of this policy within the framework of our Integrated Management Systems in our Management Review meetings and on as and when required basis with the overarching aim of conducting our activities in a manner, which does not affect the quality environment and health and safety of DIRECT DEFENCE SOLUTIONS LTD.

Prepared and Signed by Director :

Date:

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