



Severn Group

# Disciplinary Policy

DECEMBER 2022

# The Expectation

The purpose of this Disciplinary Policy is to help us deal fairly and consistently with disciplinary issues and to ensure that you are aware of the process for handling such matters. This procedure is used to deal with misconduct.

We reserve the right not to apply this Policy during probationary periods. This Policy does not apply to genuine sickness absence, which is dealt with in our Attendance Management Policy, redundancy situations or poor performance, which is dealt with under our Performance Management Policy.

This Policy follows UK Employment Law, for locations outside of the UK, any local employment law requirements over and above this policy and procedure, should also be applied. If in doubt, please seek advice from the People Team.

## General principles

At our discretion, we may choose to deal with minor instances of misconduct informally by way of counselling, guidance or instruction or informal cautioning. If a problem continues or we judge it to be sufficiently serious, the following procedure will apply.

Before making any formal disciplinary decision under this procedure, we will carry out the following steps:

- We will carry out a prompt investigation. We will inform you whether any meeting you are asked to attend is investigatory or disciplinary. Usually, different people will carry out the investigation and the disciplinary hearing.
- We will give you a letter setting out the complaint made against you and inform you of the possible outcomes of the disciplinary hearing. Also included will be relevant evidence which may, where appropriate, include witness statements. The letter will inform you that you must attend a disciplinary hearing to discuss the matter and will confirm the time, date and location of that meeting. The letter will also tell you that you have the right to be accompanied at the disciplinary hearing. If you do not understand the letter, you should ask the People Team for an explanation.
- We will give you, together with any permitted person that you may choose as a companion, reasonable time to prepare for the disciplinary hearing.

# The Approach

- At the hearing, we will explain the Company's case and give you the opportunity to put your case in respect of the allegations made against you.
- You have the right to appeal against any formal action taken against you under the procedure. See 'Appeals' below.
- We may miss out stages of the procedure if we think this would be reasonable in the circumstances.
- Depending on the circumstances, it may be appropriate to suspend you from work on full pay in order that an investigation can take place. Suspension on full pay does not amount to a disciplinary sanction and does not imply that any decision has already been made about the allegations.
- Each stage of this procedure will be carried out without unreasonable delay.
- If you have difficulty at any stage of the disciplinary procedure because of a disability, you should discuss the situation with either your line manager or the People Team as soon as possible.

## **Gross misconduct**

The following are examples of behaviour which fall within the definition of 'gross misconduct':

- serious negligence that could, or does, result in unacceptable loss, damage or injury
- fighting, assault, or threatening behaviour
- harassment or discrimination
- theft, fraud, accepting or offering a bribe, falsification of company records or any dishonesty involving the company, its employees, customers or authorised visitors, or attempts to commit such offences
- deliberate and/or serious breach of any of our company policies
- deliberate or reckless damage to property belonging to the company, its employees, customers, or authorised visitors
- being unfit to work due to misuse of alcohol or illegal drugs
- unauthorised disclosure of confidential information
- any action likely to endanger seriously the health and safety of the employee or any other person, eg not interfere with or misuse equipment provided for health and safety reasons
- any action or behaviour which could seriously damage the company's reputation
- deliberately accessing Internet sites containing pornographic, offensive or obscene material
- absence without permission
- leaving site without permission

The above list is not exhaustive. It illustrates the type of conduct that will normally merit dismissal for a first offence. Other types of offence may also be treated as gross misconduct, depending on the seriousness of the particular facts.

Following investigation and a disciplinary hearing, if we are satisfied that you have committed gross misconduct, we will be entitled to dismiss you without notice or payment in lieu of notice.

# The Approach

## 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 proceed with a disciplinary hearing. 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. The People Team will usually appoint an Investigating Officer to carry out the investigation.

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 do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability.

You must co-operate with any investigation. This includes informing us of the details of any relevant witnesses, disclosing relevant documents and attending meetings.

## Criminal Allegations

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.

# The Approach

## **Conduct of meetings under the policy, including appeals**

All disciplinary meetings, including appeals, will be held at a reasonable time and place. If you are invited to attend a disciplinary meeting you must take all reasonable steps to attend. If, without good cause, you are persistently unable or unwilling to attend, we will hear the matter in your absence and make a decision based on the evidence available to us.

An appropriate level of management together with a representative of the People Team will conduct hearings. At the meeting, the manager will explain the role of all those in attendance. The manager will then explain the case against you and go through the evidence that has been gathered. You will be given the opportunity to respond in full. This will include time to ask questions and present evidence.

If any matters come to light during a disciplinary meeting which require further investigation, we may, at our discretion, adjourn a disciplinary meeting to enable us to investigate them.

## **Right to be accompanied in formal hearings**

In any formal disciplinary hearings under this policy, including appeals, you have a statutory right to be accompanied by a fellow worker or trade union official of your choice.

A companion is allowed reasonable time off from their duties without loss of pay, but nobody is obliged to act as a companion if they do not wish to do so. If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than 5 working days afterward, we may request that you choose an alternative companion.

Your companion may address the hearing to put your case, sum up your case or respond on your behalf to any view expressed at the hearing. They may confer with you during the hearing but does not have the right to answer questions on your behalf, address the hearing if you do not want them to do so, or prevent anyone from making their contribution to the hearing.

Neither you nor your companion will be allowed to electronically record any meeting held under this disciplinary policy, except in exceptional circumstances and with the company's prior express agreement. Any breach of this provision will result in disciplinary action.

# The Approach

## Warnings and dismissal

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing.

### Level 1: Recorded Verbal Warning

We may issue a recorded verbal warning if your conduct does not meet the company's standards.

Where, at the conclusion of the disciplinary hearing, we decide to issue such a warning, you will be informed of the following:

- the nature of the misconduct that has led to the warning
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for taking any such action
- the consequences if you do not take the required action or if there is further misconduct
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after 6 (six) months, but a longer period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing.

### Level 2: Written Warning

We may issue a written warning if:

- the required improvement is not achieved within the timescale stated in the recorded verbal warning
- further misconduct occurs while a recorded verbal warning is still in effect, whether or not involving a repetition of the conduct which was the subject of the recorded verbal warning
- the seriousness of the misconduct merits it, regardless of whether or not a recorded verbal warning has already been issued

Where, at the conclusion of the disciplinary meeting, we decide to issue a written warning, you will be informed of the following:

- the nature of the misconduct that has led to the warning, including any prior warning(s) which have been taken into account
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for taking any such action
- the consequences of not taking the required action or of further misconduct, which could be a final written warning
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after 9 (nine) months but a longer period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing.

# The Approach

## Level 3 Final Written Warning

We may issue a final written warning if:

- the required improvement is not achieved within the timescale stated in the recorded verbal warning/written warning
- further misconduct occurs while a recorded verbal warning/written warning is still in effect, whether or not involving a repetition of the conduct which was the subject of a previous warning
- the seriousness of the misconduct merits it, regardless of whether we have issued any previous warnings

Where, at the conclusion of the disciplinary meeting, we decide to issue a final written warning, you will be informed of the following:

- the nature of the misconduct that has led to the final warning, including any prior warning(s) which have been taken into account
- the action or improvement (if any) which is required of you
- if appropriate, the timescale for implementing any such action
- the fact that this is a final warning and that the next stage of the procedure will be dismissal
- when the warning will cease to have effect, subject to satisfactory conduct. This will normally be after 12 (twelve) months but a longer period may be stated in exceptional cases
- the right of appeal

All these matters will be confirmed to you in writing.

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



# The Approach

## Dismissal

We may dismiss you if:

- the required improvement is not achieved within the timescale stated in the final written warning
- further misconduct occurs while a final written warning is still in effect, whether or not involving a repetition of the conduct which was the subject of a previous warning
- it is reasonably believed that you have committed an act of gross misconduct

Unless dismissal is for gross misconduct, you will be dismissed with notice.

You will be dismissed only after you have received a written invitation to a disciplinary hearing and the hearing has been held. If the manager decides to dismiss you, as soon as is reasonably practicable after the end of the disciplinary meeting, they will:

- state the reason for your dismissal
- state, where applicable, the length of notice you are being given
- state the date on which your employment will terminate
- inform you of your right to appeal

These matters will be confirmed in writing.

In exceptional circumstances, we may at our discretion consider alternatives to dismissal, such as a transfer, loss of seniority, demotion, reduction in pay, loss of future pay increment and/or bonus, removal of duties, prohibition of applying for promotion within 12 months from the disciplinary hearing or suspension without pay. If you are transferred, demoted or suspended without pay, or if you lose seniority, we may also give you a final warning. These alternatives to dismissal will require the employee's agreement and in the event there is no such agreement further consideration of the appropriate sanction may be considered.



# The Approach

## Appeals

If you are dissatisfied with a disciplinary decision that has been taken about you, you can appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal, and should be delivered to the People Team within 5 working days of the disciplinary decision. We will then invite you to an appeal meeting which will normally take place within 10 working days of receipt of your appeal. The appeal meeting may take place after the disciplinary decision has taken effect. Any new written and/or documentary evidence must be submitted at least three working days in advance of the meeting to the Appeal Manager. If you are appealing against dismissal and your appeal is subsequently upheld, you will normally be treated as having continued in employment pending the hearing of the appeal and will be reinstated with back pay. However, if your appeal is not successful, the original date of your dismissal will stand.

You have the right to be accompanied to an appeal hearing by a fellow worker or a trade union official.

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.

Wherever possible, your appeal will be heard by someone more senior than the person who took the decision to take disciplinary action against you. If this is not practicable, the appeal will be heard by another manager who has not previously been involved in the matter. We will tell you promptly of the outcome of the appeal, wherever possible within 5 working days of the hearing and confirm it in writing. Following the appeal hearing, we may either confirm the original decision; revoke the original decision; or substitute a different penalty. The decision of the Appeal Manager is final and there is no further right of appeal.

# The Approach

## **Confidentiality, data protection and record keeping**

We aim to deal with disciplinary matters sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a disciplinary matter, including investigations.

Conducting disciplinary investigations and hearings under this policy involves us processing the personal data of the employees concerned. We use this personal data in order to investigate and deal with conduct issues. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations (e.g. to conduct disciplinary proceedings fairly, ensure a safe working environment, etc.)
- for performance of the employment contract (i.e. to enforce employees' obligations not to commit misconduct)
- in our legitimate interests to deal effectively with disciplinary matters, whether you are the subject of them or are otherwise connected to the issues raised
- in the public interest, for the prevention or detection of crime (e.g. where suspected workplace misconduct may also amount to criminal conduct)

Special category data and data about criminal convictions or offences may occasionally need to be processed under this disciplinary procedure – for example, where alleged misconduct involves harassment based on race or sexual orientation, or where a person involved in the procedure requires reasonable adjustments to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; to establish, exercise or defend legal claims; or in the public interest for the prevention or detection of crime.

Where we take witness statements from employees with information about the conduct in issue as part of the investigations under this procedure, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the disciplinary process. This will ordinarily be: the People Team; the person/people conducting investigations; and the managers conducting any formal disciplinary hearing or appeal. In addition, witness statements may be shared with the employee whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

More general information regarding data protection, including details of whom your personal data is shared with, your individual rights under data protection law and whom you should contact if you have any concerns, is contained in our employee privacy notice, which can be accessed via the Group Policy Hub.

# The Approach

## Agreement to follow this Policy

This Policy is fully supported by The Board and Executive Team.

This Policy is non-contractual, and the Company reserves the right to update it at any time.

This Policy should be read in conjunction with the Anti-Harassment Policy, Code of Conduct, Grievance Policy and Equality, Diversity and Inclusion Policy. All Severn Group Policies can be accessed on the Group Policy Hub.





At Severn Group, our business success flows from expertise – from technical knowledge and experience that position us as a leader in our field. Not everything, however, can be engineered. The Values which underpin that success stem instinctively from the culture we seek to sustain. Everything we do is tested against our Values, and our people are encouraged to apply them every day: they are the stewards of our brand, our reputation, our heritage, our ambitions.



**Customer**



**Integrity**



**Excellence**



**Accountability**



**SEVERN**  
Superior Valve Engineering