

Throughout this document “the Company” refers to Yamazaki Mazak UK Ltd and/or Jonathan Lee Workforce Solutions Limited where appropriate.

Disciplinary Procedure

1. Objective

The purpose of the Disciplinary Procedure is to ensure that all employees achieve and maintain the desired standard of conduct, and performance. It also ensures fairness and consistency of treatment for all employees. The Company has other policies and procedures, which are relevant to disciplinary matters such as the Attendance Procedure, Electronic Communications & Social Networking Policy, and the Equality, Diversity and Inclusion Policy. This procedure applies to disciplinary issues in these and any other company policies and procedures.

2. Verbal Warnings

The Company will deal with minor instances of misconduct and initial unsatisfactory levels of performance by way of counselling, guidance, instruction or informal cautioning. A verbal warning may be issued if an employee’s conduct or performance does not meet the required standard. This will normally be issued by the Supervisor or Manager. The Supervisor / Manager will discuss the situation with the HR Department prior to issuing any verbal warning. This is to check for any previous warnings and maintain consistency across the Company.

There is no right of appeal against a verbal warning. Once a Supervisor / Manager has issued a verbal warning, they will send the HR Department a copy of the notes (Notes To Meeting Form), for a letter of confirmation to be sent to the employee.

This informal warning will remain on the employee’s file for 6 months.

The formal Disciplinary Procedure will apply if the matter is not resolved, or if a problem continues, or the Company judges it to be sufficiently serious.

3. Company Principles - Integrity

As a Company, one of our Principles is Integrity; treating everyone fairly and with respect. Therefore, before making any formal disciplinary decision under this procedure the Company will:

- Carry out a prompt and thorough investigation and establish if there is good reason to hold a disciplinary hearing (see Point 5);
- Give or send a letter to the employee confirming the time, date and location of the disciplinary hearing, (giving 48 hours’ notice of the hearing) and sets out the allegations, any relevant evidence and possible outcomes;
- Where possible ensure different members of the Supervisor / Manager Team carry out the investigation and disciplinary hearing;
- Give the employee a reasonable opportunity to prepare a response;
- Fully explain the case at the hearing, and give the employee the opportunity to put forward their case regarding the allegations made;
- Complete each stage of the procedure without unreasonable delay;
- The HR Department will support at all stages of the procedure, with regards to the procedure, wellbeing and the supplying of necessary documentation.

Employees are required to co-operate fully and promptly in any disciplinary investigation or hearing. Employees who are invited to attend a disciplinary hearing must take all reasonable steps to attend. If they are unable to attend, then they need to suggest an alternative date and time, which is within 5 working days

of the original date. If the employee still does not attend on the rearranged date (or fails to attend the original date, without declining in advance) then the Company will hear the matter in their absence and make a decision on the evidence available.

A disciplinary hearing may be adjourned to reach a decision or if there is a need to carry out any further investigations.

The Company will keep notes and records of any action taken under the disciplinary procedure. Employees are entitled to see copies of any notes taken.

4) Suspension

Depending on the employee circumstances, it may be appropriate to suspend an employee from work on full pay during a disciplinary investigation. This will always be on a 'without prejudice' basis. For example, this would be in cases of alleged theft, health and safety concerns or unacceptable behaviour. It may also be necessary to suspend an employee to protect other employees or property; and / or to avoid interference in the investigation.

Any suspension of an employee is a serious matter and should only be done with good reason.

At some times, such as on a night shift, it may be appropriate for the Supervisor / Team Leader to send an employee off site, if a potential disciplinary situation arises. The employee would be asked to leave the site, and be on full pay. A member of the HR Department would contact the employee the next working day to update them of the situation. This absence may or may not be deemed as suspension but the member of the HR Department will confirm this at the time of making the telephone call.

Suspension on full pay does not amount to a disciplinary sanction. If following investigation, no further action is taken by the Company, then the employee will be fully reinstated with no loss of continuity or pay. If the allegation is sufficiently serious and could be deemed to be gross misconduct and may result in a dismissal, then it is best practice to suspend the employee pending the investigation / any hearing. If need be, they would continue to remain on suspension whilst the disciplinary hearing takes place.

Whilst suspended, employees should not visit the Company's premises or contact customers, suppliers, contractors or other employees involved in the case unless authorised to do so by the Company.

5) Investigation As Part of The Disciplinary Procedure

Before any disciplinary hearing (within the Disciplinary Procedure) can be held, an investigation will take place to establish the facts behind any allegation of misconduct or poor performance. This will be completed within a reasonable timeframe. An Investigation Plan will be completed which will document the evidence to be collated. The employee's Departmental Manager and the HR Department will decide who is to complete the investigation (an Investigating Officer). Except in very exceptional circumstances, the Investigating Officer will differ to the Disciplining Officer.

The Disciplining Officer will usually be the Department Manager. This will be decided in advance by the Department Manager and the HR Department.

As part of the Investigation Plan, the evidence to be collected may include (not an exhaustive list):

- Statements from employees about the allegation, including the employee under investigation;
- Any Company policies relating to the allegation, including this procedure;
- Photographs, CCTV (with permission obtained and data provided by the Facilities Manager) diagrams, schematics, technical drawings etc;
- SOPs, 'ways of working', risk assessments.

Employees may be given the opportunity to be accompanied at the investigation meetings, particularly if the Company has concerns regarding their wellbeing. This would be at the discretion of the Investigating Officer.

Witnesses would normally provide their evidence via a written statement or as part of the investigation notes. In sensitive situations, witnesses may remain anonymous should they choose to do so.

Once the investigation has been completed, the Investigating Officer will complete the Investigation Report (Word document in the most appropriate format) and make recommendations accordingly in coordination with the HR Department. The report is then forwarded to the Department Manager to review and decide whether to take the matter further. This is done in conjunction with the HR Department.

Should no further action be required, the subject of the investigation (employee) will be notified by the HR Department in writing. Any other employees affected by the investigation may also be advised; this will depend on their part in the investigation and the impact of the allegation on them.

6) The Disciplinary Hearing

Where the recommendation is to take the matter further through a disciplinary hearing, the HR Department and Department Manager will decide who will chair the hearing. The HR Department will support at all stages of the procedure, with regards to the procedure, wellbeing and supplying the necessary documentation.

As outlined in Section 3, the employee will receive a letter confirming the time, date and location of the disciplinary hearing, (giving 48 hours' notice of the hearing) and sets out the allegations, any relevant evidence and possible outcomes. All the evidence to be referred to in the hearing will be sent to the employee in advance of the hearing. The only exception to this would be where specific documentation / evidence is of an extremely sensitive nature and to protect all parties, cannot be removed from the premises. In such cases, the employee would be given sufficient time to review the documentation / evidence prior to the hearing.

At the hearing, the Disciplining Officer will:

- Introduce the hearing, outlining the allegation(s);
- Check to see if the employee is being accompanied, or is declining this right;
- Explain that there will be an adjournment for the Disciplining Officer to reflect on what had been discussed before making any decision on any outcome. The employee may also ask for an adjournment, particularly if they feel emotional or unwell.

In any formal disciplinary hearing including appeals, employees have the right to be accompanied by a fellow work colleague or trade union representative. If the employee is an Apprentice aged under 18 years of age, then a parent, guardian or carer would be informed and invited to the hearing. The companion may address the hearing to put or sum up the case for the employee. The companion may also confer with the employee during the hearing, but does not have the right to answer questions on their behalf; address the hearing if the employee does not want them to do so; or prevent the employee from making their contribution to the hearing.

The Disciplining Officer will inform the employee at the end of the hearing of any decision(s) made. This will be confirmed in writing along with rationale for the decision(s), usually within 5 working days of disciplinary hearing.

7. Formal Penalties

The usual penalties for disciplinary matters are set out below. The Company will treat all employees fairly and consistently and each case will be assessed on its own merits.

Depending on the seriousness of the disciplinary issue, Stage 1 or 2 outcomes of the procedure may be omitted.

Stage 1 – First Written Warning

A first written warning may be authorised by a Supervisor/Manager/Director. It will usually be appropriate when:

- If there hasn't been any improvement as a result of issuing the informal (verbal) warning;
- further causes for concern with regards to misconduct or poor performance where there is already an active informal verbal warning on record involving a repetition of the misconduct or poor performance;
- misconduct or poor performance that the Company considers sufficiently serious to warrant a first written warning even though there is no active verbal warning on record.

This warning will remain on the employee's file for 9 months. After that time period it will cease to have effect for disciplinary purpose.

Stage 2 – Final Written Warning

A final written warning may be authorised by a Manager or Director. It will usually be appropriate when:

- the required improvement is not achieved stated in a Stage 1 – First Written Warning;
- further misconduct or poor performance takes place where there is already an active Stage 1 – First Written Warning on record, involving a repetition of the misconduct or poor performance which was the subject of a previous warning; or
- misconduct or poor performance that the Company considers sufficiently serious to warrant a Final Written Warning even though there are no other active warnings on record.

This warning will remain on the employee's file for 12 months. After that time period it will cease to have effect for disciplinary purpose.

Where the Company decides to issue a warning, employees will be informed of the following in writing:

- the nature of the misconduct or poor performance that has led to the warning;
- which stage of the Company's Disciplinary Procedure is being applied;
- the action or improvement (if any) which is required, and where appropriate the timescale for taking any such action;
- the consequences if they do not take the required action / fail to improve or there is further misconduct / performance;
- when the warning will cease to have effect, subject to satisfactory conduct or performance. This will normally be after 6 or 9 months (or 12 months in the case of a final written warning);
- the right of appeal.

Stage 3 – Dismissal

Any dismissal will be authorised by a Senior Manager or a Director. This will usually be appropriate when:

- the required improvement is not achieved within any timescale stated in a final written warning;
- there is further misconduct or poor performance when the employee already had a final written warning for misconduct or poor performance on their file.
- there is an act of gross misconduct regardless of whether there are active warnings on record. Gross misconduct may result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in Point 8.

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

If the decision is taken to dismiss, the employee will be advised (at the end of the hearing) of:

- the reason for their dismissal;
- the date on which their employment will terminate;
- where appropriate whether they will receive notice or pay in lieu of notice (if applicable);
- (where applicable) the length of notice they are being given;
- the right to appeal.

These matters will be confirmed in writing usually within 5 working days of the hearing.

Other Sanctions

At any stage, the Company may transfer or demote instead of dismissing an employee. If the employee is transferred or demoted, then the Company may also give the employee a final written warning. The Disciplining Officer may also choose to extend a current warning by 3 or 6 months, 12 months.

8. Gross Misconduct

Following investigation and a disciplinary hearing, if the Company is satisfied that an act of gross misconduct has been committed, the decision to dismiss the employee without notice or pay in lieu of notice may be taken. The following is a non-exhaustive list of offences which, if committed, will lead to formal disciplinary action being taken, and may lead to summary dismissal:

- 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;
- misuse of clocking system;
- fighting, assault / physical violence;
- threatening behaviour, bullying or harassment;
- unwelcome or inappropriate touching of another employee or customer or visitor;
- refusal to accept and act on reasonable instructions from an employee's Team Leader, Supervisor, Manager or other member of management;
- misuse of the Company's information, property or name;
- bringing the Company into disrepute;
- unauthorised disclosure of confidential information;
- unauthorised absence;
- being unfit to work through alcohol or illegal drugs;
- negligence which causes or might cause unacceptable loss, damage or injury;
- deliberate or reckless damage to the property of the company, its employees, customers or authorised visitors;
- serious infringement of health and safety rules;
- serious breach of confidence (subject to the Public Interest Disclosure Act 1998);
- criminal acts which are not associated with the Company but which are demonstrably of such a nature as to make the employee unsuitable for their type of work or unacceptable to the Company;
- misuse of computer equipment, including laptops, ipads, tablets and mobile phones (also see Electronic Communications & Social Networking Policy).

9. Right to Appeal

If an employee feels that disciplinary action taken against them at any stage in the formal process is wrong or unjust, an appeal should be submitted in writing to the HR Department stating the grounds of appeal. This should be submitted within 5 working days of receiving confirmation of the disciplinary decision in writing.

Appeal Hearing

The Company will give written notice of the date, time and place of the appeal hearing which will review the grounds as stated in the appeal letter.

The appeal must be based on one or more of the following grounds:

- The Disciplinary Procedure has not been followed correctly;
- The disciplinary sanction is unduly harsh;
- Additional evidence has come to light that may affect the disciplinary decision.

The appeal hearing will be conducted impartially by someone who has not been previously involved in the case, and will normally be more senior than the person who took the disciplinary decision.

The Company may adjourn the appeal hearing if they need to carry out any further investigations in the light of any new points raised.

Following an appeal hearing the Appeal Hearer may:

- uphold the original decision;
- revoke the original decision; or
- substitute a different penalty.

The Company will inform the employee of the appeal decision at the end of the hearing and then in writing normally within 5 working days of the appeal hearing.

The appeal decision is final. There will be no further right of appeal.

Appeal against Dismissal

The date on which dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity of pay or service.

Appendix

HRINVPLAN01	Investigation Plan
HRNOTESTM01	Notes To Meeting Form
HRNOTESTC01	Notes To Meeting Form Continuation Sheet

Policy:	Disciplinary Procedure
Written By:	Sara Atter, Senior HR Advisor
Approved By:	Yamazaki Mazak UK Limited
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