

Disciplinary Procedure - Learners

The Company wishes to be fair to all learners and to encourage improvement in individual conduct, attendance and performance. In support of this policy statement, outlined below is the action that will be taken for the prompt and effective investigation of reported breaches of discipline or work standards. The aim is to ensure consistent and fair treatment for all in the organisation.

INFORMAL RESOLUTION

A quiet word is often all that is required to improve a learner's conduct or performance.

The Company will, therefore, seek to resolve any conduct or performance issues through informal discussion with the learner. However, where informal discussion is considered inappropriate or it fails to bring about a resolution to the matter, the formal procedure will be implemented based upon the following key principles.

KEY PRINCIPLES

1. No disciplinary action will be taken against a learner until the case has been fully investigated. An investigation will be carried out to establish the facts of the case and where appropriate to obtain statements from any available witnesses. The learner will, where appropriate, be provided with written copies of evidence and relevant witness statements.
2. Following any investigation, and where there is a case to answer, the learner will be requested, in writing, to attend a disciplinary interview, during which he or she will be given the opportunity to reply to the allegation and to state his or her case. During the interview a member of PETA staff will be present to take notes of the interview. A copy of these notes will be made available to the learner.
3. Following the disciplinary interview, the learner will be notified of the outcome in writing and, where a disciplinary warning is imposed, he or she will be given an explanation of the reasons for the warning.
4. Where the nature of the offence is very serious and/or where any investigation is likely to take time, the learner may be suspended, with pay, whilst further enquiries take place. Such a suspension will only be imposed after careful consideration and every effort will be taken to ensure that it is not unnecessarily protracted.
5. No learner will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
6. Where a learner is persistently unable or unwilling to attend a disciplinary meeting without good cause, PETA management will make a decision based on the evidence available.
7. At all stages of the procedure the learner will have the right to be accompanied by a trade union representative, fellow learner or employee. If the learner is a member of a trade union and has requested that a trade union representative be present at all interviews and meetings, the representative must be certified to attend such interviews/meetings by the union if he or she is not employed by PETA Limited. Where a learner is not a member of a trade union and has requested to be accompanied by a fellow learner or employee, that person should be someone who is not party to the investigation.
8. A learner will have the right to appeal against any disciplinary action.

FORMAL RESOLUTION (The Procedure)

The following procedure may be implemented at any stage if the learner's alleged misconduct warrants this.

Stage 1 - Improvement Notice or First Written Warning

Improvement Notice – *for unsatisfactory performance where it does not meet acceptable standards*

An Improvement Notice will be issued in respect of unsatisfactory performance and will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right to appeal. Issuing an Improvement Notice constitutes part of the first stage of the formal procedure and a copy of the notice will be kept on the learner's personnel file for a period of six months, but will then be considered spent subject to achieving and sustaining satisfactory performance.

OR

First Written Warning: – *for unsatisfactory conduct where it does not meet acceptable standards*

A Written Warning will be issued in respect of unsatisfactory conduct. The warning will set out the nature of the misconduct, the change in behaviour required and the right to appeal. The warning will also inform the learner that a final written warning may be considered if there is no sustained satisfactory improvement or change. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. (Where the offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the company, it may be justifiable to move directly to a final written warning).

Stage 2 - Final Written Warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the learner by the Training Manager or his/her deputy. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on the learner's personnel file for 12 months subject to sustained satisfactory conduct and/or performance.

Stage 3 - Dismissal

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion, disciplinary suspension or transfer. Dismissal decisions can only be taken by the Training Manager or his/her deputy.

The learner will be provided in writing with reasons for dismissal, the date on which the training programme will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the learner will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right to appeal. A copy of the written warning will be kept on the learner's personnel file but will be disregarded for disciplinary purposes after 12 months, subject to achievement and sustainment of satisfactory conduct or performance.

GROSS MISCONDUCT

For a serious act of misconduct, or a series of other offences, a learner may be dismissed. Such a penalty may only be given by the Training Manager or his/her nominated deputy.

If, after investigation, it is deemed that the learner has committed an offence of the following nature (this list is not exhaustive) the normal consequence will be dismissal.

- ▲ Theft, fraud, deliberate falsification of company documents
- ▲ Any breach of confidentiality
- ▲ Violence, threats of violence, fighting

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- ▲ Deliberate damage to company property
- ▲ Any form of harassment or bullying
- ▲ Inebriation/intoxication from alcohol or drugs
- ▲ Gross negligence
- ▲ Gross insubordination
- ▲ Inciting others to commit any of these acts
- ▲ Failure to follow health and safety rules
- ▲ A serious breach of confidence
- ▲ Deliberately accessing internet sites containing pornographic, offensive or obscene material
- ▲ Unlawful discrimination

While the alleged gross misconduct is being investigated, the learner may be suspended during which time normal remuneration will be paid. The suspension in itself will not be regarded as a form of disciplinary action and will be for as short a period as possible. Following investigation, if the learner is found to have committed an act of gross misconduct, he or she will be dismissed without notice or payment in lieu.

Other acts of misconduct may call for disciplinary action short of dismissal, although in serious cases or where there is further misconduct following a written warning, the learner may face dismissal. The following are examples of this type of conduct:

- ▲ Abusive or offensive language
- ▲ Refusal to obey reasonable instructions
- ▲ Unauthorised absence
- ▲ Disloyalty
- ▲ Negligence
- ▲ Poor timekeeping
- ▲ Persistent offences

APPEALS

The learner may appeal against a disciplinary decision, including dismissal, to the WBL Scheme Manager within five working days of the decision. Appeals should be in writing stating the reasons for the appeal. At the appeal hearing, the learner will again be given the chance to state his/her case and will have the right to be accompanied by a fellow learner, employee or trade union official who may speak on their behalf.

Any appeal against dismissal should be made directly to the WBL Scheme Manager. Appeals against dismissal will be conducted in the manner described above.

In all cases of appeal the Company's decision will be final.

Where a disciplinary sanction is not upheld, all reference to the incident will be removed from the learner's disciplinary record and an appropriate apology will be made to the learner.

HANDLING DISCIPLINE – An Overview

