

---

## Insuletics Limited

### Dismissal & Disciplinary Policy For Misconduct

**HR Policy** 1  
**Appendix** 2  
**Issue** 3  
**Date** November 2014

**Approved by:** Ian Coates

---

## 1. OBJECTIVE

Whilst it is accepted that most employees will observe acceptable standards of conduct it is considered, nevertheless, necessary to establish a procedure for dealing with those employees who fail to comply with the rules and regulations laid down by Insuletics Limited (the Company) or who fail to reach or maintain acceptable standards. The objective of such a procedure is to give employees the opportunity to improve their conduct or performance. It identifies who has authority to take disciplinary action and aims to ensure that employees are protected against unjustifiable or inconsistent disciplinary action. It also identifies the type of offence which would result in disciplinary action being taken, what that action would be and what further action would result if there is no improvement or a recurrence takes place.

## 2. INFORMAL ACTION

Cases of minor misconduct or unsatisfactory performance may be dealt with informally. The employer may have a quiet word of caution or advice and encouragement with the employee in order to improve an employee's conduct or performance. This informal approach may be used in dealing with problems quickly and confidentially. There will, however be situations where matters are more serious or where this informal approach has been tried but is not working. In these circumstances, the employer will use the formal procedure.

## 3. GENERAL PRINCIPLES

1. The Company expects all its employees to abide by the terms and conditions of their employment and the rules, regulations and standards established by the Company.
2. No disciplinary action shall be taken until there has been a full investigation into any alleged incident.
3. The employee has the right to receive, prior to disciplinary hearings:-
  - A written statement of the alleged misconduct, and
  - Particulars on the basis for the allegation
4. The employee has the right to reasonable opportunity, prior to disciplinary hearings, to consider their responses relating to the information provided on the allegation.
5. The employee will be entitled (where reasonably requested) to be accompanied at any disciplinary or appeal hearing by a fellow worker or Trade Union Official of his or her choice.
6. The employee must take all reasonable steps to attend the disciplinary and appeal hearings.

---

## Insuletics Limited

### Dismissal & Disciplinary Policy For Misconduct

HR Policy 1  
*Appendix* 2  
Issue 3  
Date November 2014

Approved by: Ian Coates

---

7. The Company will ensure that the disciplinary rules and procedures are applied fairly and consistently.
8. The Company will endeavour to ensure that:-
  - All steps under the procedure are taken without unreasonable delay;
  - The timing and location of all hearings are reasonable;
  - Hearings are conducted in a manner which enables employees to explain their cases;
  - Disciplinary appeal hearings will be conducted, as far as is reasonably practicable, by a more senior manager than the manager who took the disciplinary action being appealed. This does not apply where the most senior manager attended the disciplinary hearing at which the decision was taken to take the disciplinary action being appealed.
9. Once warnings have expired they will be erased from the employee's personal record for disciplinary purposes.
10. The Company will keep written records during the disciplinary process. These will include the complaint against the employee, notes taken during the hearings and appeals, findings and actions taken, details of the appeal and any other information relevant to the process.
11. The Company will take all reasonable steps to ensure that confidentiality is maintained throughout the process.
12. All warnings will clearly state the misconduct concerned and clearly indicate what the eventual outcome will be if there is no improvement on the employee's part or a recurrence takes place. Warnings normally relate to the same or similar misconduct and are not generally transferable between different types of misconduct. However, where a number of warnings are called for in respect of different types of misconduct this will entitle management to review the employee's overall suitability for continued employment and if necessary to issue a final general warning irrespective of the offence.
13. Precautionary Suspension: In certain cases, for example in cases involving gross misconduct, where relationships have broken down or there are risks to Company property or responsibilities to other parties, consideration will be given to a brief period of suspension with full pay whilst unhindered investigation is conducted. The Company will also consider alternative actions which would be more acceptable to the employee yet serve the same purpose as a suspension e.g. agreeing to a temporary transfer to other duties or another work station without loss of pay or the taking of annual holidays to which the employee is entitled. Any action taken will be reviewed to ensure it is not unnecessarily protracted. It will be made clear that any action taken is not considered a disciplinary action.

---

**Insuletics Limited**

**Dismissal & Disciplinary Policy  
For Misconduct**

**HR Policy** 1  
**Appendix** 2  
**Issue** 3  
**Date** November 2014

**Approved by:** Ian Coates

---

#### **4. TYPES OF MISCONDUCT**

The following list shows examples of the type of rules/offences which the Company has categorised for each level of misconduct. This is not an exhaustive list and management reserves the right to decide how any other misconduct shall be categorised.

**a) MINOR MISCONDUCT**

- Unauthorised absence, or unacceptable attendance or lateness;
- Failure to comply with Absence Notification and Certification Procedure
- Careless work and poor effort at work
- Minor breach of safety/hygiene/security rules
- Extended tea and meal breaks
- Failure to maintain a tidy and safe working environment
- Misuse of telephone
- Excessive time away from the job or place of work
- Failure to wear any protective clothing/equipment provided
- Failure to complete records as instructed

**b) MAJOR MISCONDUCT**

- Dangerous physical horseplay
- Neglect causing damage to or loss of property, equipment, or tools belonging to the Company, customers or other employees
- Serious neglect of safety/hygiene/security rules
- Smoking in prohibited areas
- Consuming intoxicants, drugs or unauthorised substances during working hours or having these in your possession or control without permission during working hours
- Entry into any unauthorised areas
- Wilful or excessive wastage of material
- Unsatisfactory attitude to customers, fellow employees or other persons
- Use of foul language or any form of harassment
- Gambling on the premises
- Insubordination
- Performance of duties below an acceptable standard
- Improper/unacceptable use of time on the Internet, or inappropriate use of the Internet
- Displaying flags, emblems, posters or any material of a political, racial, sexual or sectarian nature, or the wearing of clothing/articulation of any song/slogans likely to give offence

---

**Insuletics Limited**

**Dismissal & Disciplinary Policy  
For Misconduct**

**HR Policy** 1  
**Appendix** 2  
**Issue** 3  
**Date** November 2014

**Approved by:** Ian Coates

---

**c) GROSS MISCONDUCT**

- Theft, or failing to properly account for missing property or other items
- Physically violent or obscene behaviour
- Leaving the premises or site without permission, just cause or reason
- Refusal to carry out a reasonable work instruction
- Gross insubordination
- Serious breach of confidence
- Deliberately ignoring safety/hygiene/security rules and thereby endangering one's own or another's physical well-being or safety
- Attending for or being at work in an apparently intoxicated state or other unacceptable condition, induced by alcohol, drugs or unauthorised substances
- Fraud, including clocking offences or other falsification of records
- Unauthorised disclosure of confidential business information to a third party
- Deliberate and serious damage to or gross negligence of the Company's, customer's or other employee's property, equipment, or tools
- Gross misuse of the Company's property or name
- Bringing the organisation into disrepute
- Serious cases of unlawful discrimination, harassment or bullying
- Undertaking work in competition with the Company or such other activities, without permission, as may affect the proper discharge of your duties
- Granting unauthorised credit or discount
- Unauthorised use of Company vehicles, property, materials, equipment or systems
- Having in your possession or control, property or other items without proof of purchase or other authority
- Gross misuse of Company's Internet /e mail system, including, deliberately accessing internet sites containing pornographic, offensive or obscene material

**d) NOTE:-**

Any allegation of bullying in the workplace or any allegation of discrimination, victimisation or harassment linked to anti-discrimination legislation including gender, gender reassignment, sexual orientation, marriage, civil partnership, disability, race, age, religious beliefs or political opinions will be thoroughly investigated and where appropriate will be dealt with under the disciplinary procedure. The disciplinary response will depend upon the nature and seriousness of the incident and in extreme cases will result in summary dismissal.

---

**Insuletics Limited**

**Dismissal & Disciplinary Policy  
For Misconduct**

**HR Policy** 1  
**Appendix** 2  
**Issue** 3  
**Date** November 2014

**Approved by:** Ian Coates

---

## 5. FORMAL PROCEDURE

When taking formal disciplinary action, the Company will comply with the statutory dismissal and disciplinary procedures by ensuring that the following steps are taken at all stages of the formal disciplinary process.

### Step 1 Statement of grounds for action and invitation to meeting

The Company will provide to the employee a written statement of the alleged misconduct which has led to the consideration of formal disciplinary action or dismissal. The Company will invite the employee to a hearing to discuss the issue.

### Step 2 Meeting

Prior to the hearing the Company will supply the basis of the allegation. After the meeting the Company will inform the employee of the decision and offer the right to appeal.

### Step 3 Appeal

If the employee wishes to appeal he or she will inform the Company within 5 working days. The Company will invite the employee to a further hearing to discuss the appeal. The final decision will be communicated to the employee.

#### a) Minor Misconduct

If the alleged breach falls within the minor misconduct category the Company will follow the formal procedure outlined above and the following action will be taken if the Company is satisfied that an offence has occurred:

**Stage 1:** The employee will be given a **recorded verbal warning**. It will be recorded and retained on file for a period of 6 months.

**Stage 2:** If the same or similar offence is repeated within 6 months the employee will be given a **first written warning**. It will be recorded and retained on file for a period of 12 months.

**Stage 3:** If the same or similar offence is repeated within 12 months the employee will be given a **final written warning**. It will be recorded and retained on file, normally for a period of 12 months; however a longer period may be stated in exceptional cases. The warning will contain a clear notice that a repeat of the offence within the validity period will result in dismissal.

---

**Insuletics Limited**

**Dismissal & Disciplinary Policy  
For Misconduct**

**HR Policy** 1  
**Appendix** 2  
**Issue** 3  
**Date** November 2014

**Approved by:** Ian Coates

---

**Stage 4** If the same or similar offence is repeated within the validity period of the final written warning, the employee will be **dismissed**.

**b) Major Misconduct**

If the alleged breach falls within the major misconduct category the Company will follow the formal procedure as outlined on the previous page. If the Company is satisfied that an offence has occurred the employee will receive a **final written warning** which will contain clear notice that a repeat of the offence within the validity period of the warning will result in dismissal.

**c) Other Disciplinary Sanctions**

In some circumstances, other disciplinary sanctions may be imposed, including suspension without pay, demotion, a reduction in pay or loss of a salary increment.

**d) Gross Misconduct**

If the alleged breach falls within the gross misconduct category the Company will follow the formal procedure as outlined on the previous page. If the Company is satisfied that an offence has occurred the employee will be **dismissed** summarily: i.e. without notice and without wages in lieu of notice.

**e) Appeals**

Where an employee feels that action taken at any stage under this procedure is unjustified or unfair, there shall be the right of appeal. All appeals must be made in writing to the HR Manager within 5 working days of being informed of the disciplinary sanction. Appeal hearings will be held within 5 working days of receiving the notification of appeal. The employee has the right to be accompanied at the appeal hearing. The result of the appeal hearing will be notified to the employee within 5 working days in writing.

**Insuletics Limited**

**Dismissal & Disciplinary Policy  
For Misconduct**

**HR Policy** 1  
**Appendix** 2  
**Issue** 3  
**Date** November 2014

**Approved by:** Ian Coates

**f) Disciplinary Authority**

Informal action will be conducted by the immediate supervisor. In the event of a breach of Company rules disciplinary hearings and appeals will be conducted by the appropriate disciplinary authority as follows:

Stage	Disciplinary Hearing	Appeal
1. Recorded Verbal Warning	Manager	Director
2. First Written Warning	Manager	Director
3. Final Written Warning	Manager	Director
4. Dismissal	Director	Managing Director

**6. STATUTORY MODIFIED DISMISSAL AND DISCIPLINARY PROCEDURE**

There may be **some limited and very exceptional situations** involving alleged acts of gross misconduct where some of the general principles of the Dismissal and Disciplinary Rules and Procedures for Misconduct (see Part 1) will not apply. These situations will be where:-

- Dismissal is without notice and occurs at the time when the Company became aware of the misconduct or immediately thereafter,
- The Company is entitled, in the circumstances, to dismiss by reason of the misconduct without notice and without pay in lieu of notice, and
- The Company believed that it was reasonable, in the circumstances, to dismiss before enquiring into the circumstances in which the misconduct took place.

In these **very exceptional situations** the following modified procedure will apply:

**Step 1 Statement of grounds for action**

The Company will provide the dismissed employee with:

- a written statement of the alleged misconduct which led to the dismissal; and
- written particulars on the Company's basis for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct; and
- a written confirmation of his/her right of appeal against the dismissal.

---

**Insuletics Limited**

**Dismissal & Disciplinary Policy  
For Misconduct**

**HR Policy** 1  
**Appendix** 2  
**Issue** 3  
**Date** November 2014

**Approved by:** Ian Coates

---

**Step 2 Appeal**

- If the employee wishes to appeal he/she must inform the Company within 5 working days.
- All appeal requests must be made to the HR Manager.
- Appeal hearing shall be heard within 5 working days of receipt of the request.
- The employee must take all reasonable steps to attend the hearing.
- The employee has the right, where reasonably requested, to be accompanied at the appeal hearing by a fellow worker or Trade Union Official of his or her choice.
- The result of the appeal hearing shall be notified to the employee within 5 working days of the appeal hearing.

Date: 3<sup>rd</sup> November 2014

Ian Coates



**Managing Director**