

Live Active Leisure

DISCIPLINARY PROCEDURE

INTRODUCTION

Live Active Leisure [the Company] recognises that maintaining discipline is essential for conducting its business affairs and for the safety and well-being of ***Our People*** and any other persons affected by the Company's activities.

The Company equally recognises that disciplinary action must be considered and applied fairly and equitably. To this end, ***Our People*** are expected to conduct themselves within the law and any rules specifically relating to the workplace, activities, or health & safety provisions.

The Company will assist ***Our People*** so far as practicable in achieving acceptable standards of conduct by bringing to their attention rules of the workplace and by providing the necessary training to assist them in undertaking their work effectively and safely.

In order to ensure the fair and equitable treatment of employees subject to disciplinary action, the Company has prepared and issued this Disciplinary Procedure in consultation and agreement with the Company's Board of Director's and Human Resources Joint Review Committee. Whilst the Company does not have a Collective Agreement with a Trade Union, a Unison Branch Secretary is invited to sit on the Human Resources Joint Review Committee.

This procedure applies to all ***Our People***.

GENERAL CODE OF CONDUCT

The purpose of the Code of Conduct is to set out a number of general rules that the Company expects all Employees to adhere to when carrying out their duties. Although local rules are in place at each facility/venue the following General Code of Conduct is applicable to all employees. If an Employee breaks the rules set out below then disciplinary action may be taken against them. The list of rules set out below is not exhaustive and other rules may be added to this policy from time to time.

Employees are required to comply with the following list of rules,

- To attend work at the appointed time and to maintain acceptable time-keeping
- To observe the Company's absence reporting procedure
- To maintain an appropriate standard of dress and personal appearance in line with Company requirements
- To observe the Company's health and safety policies and procedures, and to report any accidents or other instances that result in injury to themselves, fellow Employees or any other individual at work
- Not to smoke in areas that are not specifically designated for smoking
- Where Company vehicles are provided, to comply with the Company's policy on Company car use. In particular, Employees must immediately report any accidents involving Company vehicles or damages to those vehicles
- To take care of all Company equipment, including Company cars
- To obey all reasonable management instructions
- To be polite to all customers, clients, suppliers of the Company
- To observe the Company's Equality & Diversity and Bullying & Harassment policies
- To observe the Company's policies and procedures on data protection and use of e-mail, internet and telephone facilities
- To keep confidential both during and after their employment with the Company all information gained in the course of their employment relating to the Company and/or its clients, customers or suppliers

GROSS MISCONDUCT

In addition to the general rules set out above, the Company has set out below a list of behaviours that the Company would consider as gross misconduct. A breach of any of the following rules may result in the Employee's dismissal without notice. Note that this list is not exhaustive

- Theft
- Fraud
- Falsification of time-sheets or expenses claims or other documentation relating to employment.
- Violent conduct towards fellow employees, customers, clients or suppliers.
- Threatening conduct or swearing at fellow Employees, customer, clients or suppliers.
- Gross insubordination or a repeated refusal to obey a reasonable management instruction.
- Gross negligence.
- Instances of bullying or harassment.
- Serious breach of the Company's equal opportunities policy including direct and indirect discriminatory acts based on a person's sex, racial or ethnic origin, sexual orientation, religion, age or disability.
- Serious breach of the Company's e-mail or internet policy, including the downloading or sending of pornographic or sexually explicit material, and the sending of racially offensive jokes.
- The introduction of viruses into the Company's computer system.
- Attending work whilst unfit as a result of alcohol or illegal drugs, including any instances where alcohol is consumed or illegal drugs used during working hours.
- Serious breach of the Company Health and Safety policy.

RESPONSIBILITY FOR DISCIPLINE

Line Managers are responsible for any disciplinary action taken against employees in their place of works but must hold prior consultation with the HR & Administration Manager or other nominated officer, in the event of any investigation or disciplinary hearing which could result in financial penalty or dismissal.

The Chief Executive Officer will define those officers or categories of officers who are authorised to issue each level of disciplinary sanction. The HR & Administration Manager or other nominated officer will be present at disciplinary hearings which could potentially result in financial penalty or dismissal. In other disciplinary matters, the HR & Administration Manager or nominated officer will participate in investigations and/or disciplinary hearings when requested.

GENERAL PRINCIPLES OF DISCIPLINARY ACTION

In all cases where formal disciplinary action is being considered, the following general principles will be followed:

- a. A disciplinary hearing will not be convened until the case has been thoroughly investigated by management.
- b. Where there appears to be serious misconduct, or risk to property or other people, a period of suspension with pay will be considered while the case is being investigated. Any suspension will be with pay and will be as short as possible. (Suspension is not an indication of guilt.)
- c. An employee will be informed in writing of the complaint or allegation and be given at least five working days' notice of the disciplinary hearing to allow sufficient time to prepare a case.
- d. In cases where the action may be deemed to be gross misconduct the employee should be notified in the letter that the outcome of the hearing could result in disciplinary action being taken that could include dismissal for action which are considered to be gross misconduct.
- e. An employee who cannot attend the hearing must inform the Chairperson of the hearing in advance, providing an explanation. If the employee fails to attend the hearing as a consequence of genuine and valid reasons, the Chairperson will arrange another meeting. If the employee fails to attend without explanation, then the hearing can proceed in their absence. A decision can be taken in the employee's absence if they fail to attend the rearranged hearing without good reason. If the employee's representative/work colleague cannot attend on the proposed date, the employee should

attempt to identify another representative, if possible. The employee can also suggest another date, so long as it is reasonable to management, and is ideally not more than 5 working days after the date originally proposed. The 5 day time limit can be extended by mutual agreement.

- f. The hearing will consist of two Panel members a Chairperson and nominated Officer in attendance.
- g. Witnesses may be called to give evidence, the Chairperson must be notified in advance of any witnesses.
- h. An employee will be advised in writing of the right to be accompanied or represented at the disciplinary hearing by a fellow work colleague, a trade union representative, or an official employed by a trade union.

An employee may alter their choice of companion if they wish.

A request to be accompanied does not have to be in writing or within a certain time frame.

However, an employee should provide enough time for the employer to deal with the companion's attendance at the meeting.

If an employee's chosen companion cannot be available at the time proposed for the hearing by the employer, the employer will postpone the hearing to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

- i. The nature of the allegation will be fully explained at the disciplinary hearing.
- j. The nominated Investigating Officer will present their findings to the Panel.
- k. The employee or the representative will be given the opportunity to present their case.
- l. In normal circumstances, the employee will be informed of the decision of the disciplinary hearing, including the grounds for any disciplinary action taken, at the conclusion of the hearing but, in any event, within two working days. Written confirmation of the outcome will be issued within ten working days. Employees will be informed in writing of the right of appeal against disciplinary action.
- m. Dates and accurate written records of any disciplinary hearings and action taken, including oral warnings, will be maintained, and copies of any written warnings, final written warnings and other letters resulting in financial penalty or dismissal sent to the HR & Administration Manager.

INFORMAL ACTION

Line Managers or their nominated officers may caution employees when a minor infringement of the established standards of conduct has occurred. This will not constitute formal disciplinary action. However a file note of the infringement may be taken that may be referred to in cases of subsequent / additional infringements.

FORMAL DISCIPLINARY ACTION

Where an employee's work, conduct or omission is considered such as to warrant formal disciplinary action, the Disciplinary Panel, will notify the employee of the outcome which will fall into one of the following categories.

Warnings

Verbal Warning

A verbal warning will be given in cases of minor misconduct.

Written Warning

A written warning will be given in cases of a first serious breach of discipline or where the

employee has not improved to the required standard or has repeated an act or omission within the time limit of a formal verbal warning.

Final Written Warning

A final written warning will be given where previous warnings have failed to achieve their purpose or for a more serious first offence. The final written warning will specify that any breaches of discipline may result in the employees dismissal.

Warnings can be issued verbally at the Disciplinary interview and confirmed in writing within ten working days. Employees will be required to sign a duplicate copy of the warning letter and return it to their Line Manager to acknowledge receipt. Copies of warning letters should be sent to the HR & Administration Manager.

In each case, the employee must be made fully aware of the reasons for the warning and that further repetition, further offence or failure to improve to the required standard may lead to further action under the Disciplinary Procedure. If appropriate, a review date will be fixed to consider the employee's monitored progress.

Written records will be kept within an employee's personal file detailing the nature of any breach of disciplinary rules, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments.

Timescale for Warning

A warning will normally be disregarded after the following periods:

Verbal Warning	-	6 months
Written Warning	-	12months
Final Written Warning	-	18 months

Disciplinary Action, Resulting in Financial Penalty or Dismissal

Disciplinary action which imposes a financial penalty and/or demotion or transfer of the employee, or termination of employment will be appropriate where warnings have failed to resolve the problem or in the case of misconduct where action beyond a warning is appropriate. The form of action taken will depend upon the circumstances of the case. Disciplinary action resulting in financial penalty or dismissal will only be taken by the Chief Executive Officer or a nominated senior officer, following an investigatory interview and disciplinary hearing which will also be attended by the HR & Administration Manager or other nominated officer.

This level of disciplinary action includes the following sanctions:

- a. dismissal, without notice in cases of serious misconduct and without notice in cases of gross misconduct
- b. demotion
- c. withholding incremental progression
- d. suspension without pay for a specified period

Action short of dismissal may also be linked with a final written warning.

The outcome of the disciplinary hearing resulting in financial penalty or dismissal, will be confirmed in writing within ten working days and delivered by hand or recorded delivery.

Disciplinary Action against Employees who are Trade Union Officials

Normal disciplinary standards are expected of an employee who is a trade union official. However, no formal disciplinary action will be taken against such an employee until the circumstances of the case have been discussed with a full-time official of the employee's trade union.

Rights of Appeal

There is a right of appeal for employees against all forms of formal disciplinary action. All appeals must be submitted in writing to the Chief Executive Officer within 5 days of receiving written confirmation of the disciplinary action.

Employees have the right to be accompanied or represented by a trade union representative or fellow work colleague of their choice at Appeals Hearings. The trade union must be formally recognised by the Company.

An appeal against disciplinary action resulting in final written warning, financial penalty or dismissal will be heard by an Appeals Committee. Appeals against all other forms of formal disciplinary action will be heard by the Chief Executive Officer or nominated senior officer.

The Company's HR & Administration Manager or nominated representative will be in attendance at all Appeals Hearings and will present the Company's case.

Should any disciplinary action be reconsidered and withdrawn as a result of an appeal, any written reference will be removed from the employee's record and destroyed, and the employee notified accordingly.

Employees with Less Than Two Years' Service

The Company reserves the right at its sole discretion not to follow all or part of this disciplinary procedure in the case of an Employee with less than two years' continuous service with the Company.