



Disciplinary and Capability Policy

1. Scope

1.1. This policy applies to all employees of Impress. The policy includes disciplinary procedures, gross misconduct procedures, our capability policy and appeal procedures.

2. Purpose

2.1. The purpose of the Policy is to encourage employees to improve and maintain satisfactory standards of conduct, attendance and job performance. The primary objective is to take corrective rather than punitive action.

2.2. The purpose of the Procedures set out in the policy is to outline a recognised, fair and consistent system to address any issues of conduct, capability or other circumstances, which may result in a disciplinary warning or dismissal.

3. Principles

3.1. The Policy does not form part of your contract of employment.

3.2. Impress retains discretion in respect of the Policy to take account of your length of service and to vary the procedures therein, accordingly. If you have less than 2 years' service, you may not be in receipt of any warnings before dismissal.

3.3. Employees have a responsibility to familiarise themselves with the following rules and procedures and to know the standard of conduct or work expected of them as detailed in the Code of Conduct and Impress policies.

3.4. Any breaches of the company policy may result in action being taken in accordance with the Disciplinary Procedure. If you have any concerns or require clarification on any issue, please raise them with Senior Management.

3.5. The organisation may need to change the rules from time to time and any such changes will be notified to you as appropriate.

3.6. Employees have a statutory right to be accompanied to any initial or appeal meeting by a fellow worker, a friend or an accredited trade union official.

3.7. Impress reserves the right, where appropriate, to suspend an employee (on full pay) whilst investigations are carried out.

3.8. If you are prevented from attending your place of work and/or performing your job duties as a result of Police bail conditions, or because of an order or direction given by a court or relevant regulatory body, then the duration of any such period will be without pay.

3.9. Employees have the right to appeal against any disciplinary action taken (see appeal procedures further below).

It is not permissible to make an audio or visual recording of any meetings that take place as part of these procedures, without Impress' express written authorisation. Any unauthorised recording may result in action under the Disciplinary Procedure, which may include dismissal for gross misconduct.

4. Disciplinary Procedure

4.1. Before considering taking any action under the Disciplinary Procedure, Impress will investigate complaints or allegations of misconduct promptly to establish the facts of the case.

4.2. If it is necessary for Impress to act under the Disciplinary Procedure, then you will be issued a written statement setting out the nature of the conduct or other circumstances that may result in a disciplinary warning or dismissal.

4.3. Throughout the Disciplinary Procedure, you will be given the opportunity to respond to any complaint before any decision on a disciplinary warning or dismissal is taken.

5. Stages of the Procedure

5.1. Informal Discussions

- Before taking formal disciplinary action, the manager will make every effort to resolve the matter by informal discussion with the employee. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

5.2. Formal, Verbal Warning

- If conduct or performance is unsatisfactory, the employee will be given a verbal warning or performance note. Such warnings will be recorded and placed on your personnel file but will be disregarded after 12 months of satisfactory service, provided there have been no subsequent disciplinary issues.

5.3. First Written Warning

- If the conduct is regarded as more serious or the employee's work/conduct is considered unsatisfactory after they have received a formal verbal warning, then the employee will be advised in writing of the organisation's concerns and asked to attend a disciplinary meeting.
- The employee will be given a reasonable amount of time to prepare for the disciplinary meeting and will have the right to be accompanied to the disciplinary meeting by a fellow worker, a friend or an accredited trade union official. The meeting is an opportunity for the employee to set out their case and to answer the concerns raised by Impress.
- If the employee fails to attend a disciplinary meeting, then Impress reserves the right to make a decision in their absence.
- After the meeting, the manager conducting it will decide whether or not any further action is to be taken. The employee will be notified of the decision, in writing, as soon as is practical after the disciplinary meeting. A copy of the written warning will be placed on their personnel file for 12 months after which it will be disregarded.

5.4. Final Written Warning

- If the employee's work or conduct fails to improve, or where the allegation is particularly serious, then the manager will follow the same procedure for a written warning. A copy of the final written warning will be placed on their personnel file for 12 months after which it will be disregarded.
- If proven, a final written warning will be given to the employee warning that any further misconduct will result in a dismissal with appropriate notice. Employees will be paid for this notice period.

5.5. Dismissal

- Dismissal may be with or without notice, depending on the circumstances, and may occur whether or not warnings have been issued.
- An employee will be entitled to appeal against any disciplinary or dismissal decision taken, such appeal being held in accordance with the Appeal Procedure, which is outlined below.

5.6. Outcomes

- Impress, in accordance with ACAS guidelines, will record any disciplinary action taken, and this will be retained on the employee's personnel file for up to 12 months, depending on the level of warning given.
- For verbal and written warnings, details will be retained for 12 months and in instances where a final written warning is necessary, this will be retained for 12 months.
- At the end of that period, subject to satisfactory conduct and/or improved performance, the warning will be disregarded for disciplinary purposes.

6. Gross Misconduct

6.1. Gross misconduct is any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary between Impress and the employee to continue the employment.

6.2. If Impress is satisfied that gross misconduct has occurred, the normal consequence will be dismissal without notice or payment in lieu of notice. A dismissal must be confirmed in writing as soon as is reasonably possible following a disciplinary interview.

6.3. Examples of offenses that will normally be deemed as gross misconduct include (but are not limited to):

- fighting, physical assault or dangerous horseplay;
- serious cases of bullying, offensive, aggressive, threatening or intimidating behaviour or excessive bad language;
- theft or misappropriation of the Company's property or property belonging to another employee, or fraud;
- drinking alcohol or being under the influence of alcohol/drugs and/or drug abuse whilst attending work;
- being in possession of, or dealing in illegal drugs whilst at work;
- breach of safety rules and/or any action, which seriously endangers the health or safety of an employee or any other person whilst at work
- unlawful discrimination, harassment and/or bullying;
- breach of any of the Company's policies;
- deliberate damage to property.
- unauthorised recording of any workplace meeting, including but not limited to disciplinary meetings.
- serious insubordination.

7. Capability Procedure

7.1. We recognise that during your employment with us, your capability to carry out your duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time, and you fail to keep pace with the changes, or you change (most commonly because of health reasons), and you can no longer cope with the work.

7.2. We retain discretion in respect of the Capability Procedure to take account of your length of service and to vary the procedure accordingly. If you have less than 2 years of service, you may not be in receipt of any warnings before dismissal.

7.3. Job Changes and General Capability Issues

- If the nature of your job changes or if we have general concerns about your ability to perform your job, then we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your capability will normally first be discussed in an informal manner, and you will be given time to improve.

- If your standard of performance is still not adequate, then you will be warned in writing that a failure to improve and maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work, if possible.
- If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial effect on our business or reputation, then you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.
- If such improvement is not forthcoming after a reasonable period of time, then you will be dismissed with the appropriate notice.

7.4. Personal Circumstances and Health Issues

- Personal circumstances may arise, which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, then we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice.
- Under normal circumstances this can be most easily obtained by asking your own G.P. for a medical report. Your permission is needed before we can obtain such a report, and we will expect you to cooperate in this matter should the need arise.
- When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.
- There may also be personal circumstances, which prevent you from attending work, either for a prolonged period or for frequent short absences. Under these circumstances, we will need to know when we can expect your attendance record to reach an acceptable level.
- This may, again mean asking your own G.P. for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

7.5. The Procedure

- You will only be issued with a capability warning or dismissed following a formal capability meeting.
- Impress may commence the Capability Procedure, depending on the circumstances, at any of the following levels (see 'Stages of the Procedure' below):

7.6. Stages of the Procedure

- **Informal Discussions:** Before taking formal disciplinary action, the manager will make every effort to resolve the matter through informal discussions with the employee. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.
- **Formal Verbal Warning:** If conduct or performance is unsatisfactory, then the employee will be given a verbal warning or performance note. Such warnings will be recorded and placed on your personnel file but will be disregarded after 6 months of satisfactory service, provided there have been no subsequent disciplinary issues.

7.7. First Written Warning

- If the conduct is regarded as more serious or the employee's work/conduct are considered unsatisfactory after they have received a formal verbal warning, then the employee will be advised in writing of the organisation's concerns and asked to attend a disciplinary meeting.
- The employee will be given a reasonable amount of time to prepare for the disciplinary meeting and will have the right to be accompanied to the disciplinary meeting by a fellow worker, a friend or an accredited trade union official. The meeting is an opportunity for the employee to set out their case and to answer the concerns raised by Impress.
- If the employee fails to attend a disciplinary meeting, then Impress reserves the right to make a decision in their absence.
- After the meeting, the manager conducting it will decide whether or not any further action is to be taken. The employee will be notified of the decision, in writing, as soon as is practical after the disciplinary meeting. A copy of the written warning will be placed on their personnel file for 12 months after which it will be disregarded.

7.8. Final Written Warning

If the employee's work or conduct fails to improve, or where the allegation is particularly serious, then the manager will follow the same procedure for a written warning. A copy of the written warning will be placed on their personnel file for 12 months after which it will be disregarded. If proven, a final written warning will be given to the employee warning that any further misconduct will result in a dismissal with appropriate notice. Employees will be paid for this notice period.

7.9. Dismissal

- Dismissal may be with or without notice, depending on the circumstances, and may occur whether or not warnings have been issued.
- An employee will be entitled to appeal against any disciplinary or dismissal decision taken, such appeal being held in accordance with the Appeal Procedure, which is outlined below.

8. Disciplinary and Capability Appeal Procedure

8.1. The Appeal Procedure does not form part of your contract of employment.

8.2. If you wish to appeal against any disciplinary or capability decision, then you should apply to the CEO (or Chair of the Board if the CEO is part of the complaint) in writing within 5 working days of being notified of the decision-

8.3. You will be invited to attend a meeting and you should take all reasonable steps to attend:

- You should address your appeal to the person stated in your Statement.
- After the appeal meeting, you will be informed of the final decision.
- The decision of the appeal procedure will be considered final.

We are committed to reviewing our policy and good practice annually.

Approved by: The Board of Impress

Date: 12 December 2023

Review Date: 12 December 2025