



**MICHAEL LONSDALE**  
GROUP

## Disciplinary policy

### Introduction

1. The Michael Lonsdale Group inclusive of Michael Lonsdale Ltd, Michael J Lonsdale Ltd, Michael J Lonsdale (Electrical) Ltd and E7 Building Services Ltd), disciplinary policy is intended to encourage you to achieve and maintain satisfactory standards of conduct and behaviour. It sets out what happens if you do not meet these standards (through misconduct), ensuring that you are treated fairly and consistently.
2. By misconduct we mean your conduct and behaviour is unacceptable and it does not meet the standards we expect from our staff. Misconduct is a different issue from capability. This disciplinary policy covers circumstances where you deliberately fail to perform your duties, your attitude is poor, your behaviour is unacceptable or improper, or you fail to meet our standards as a result of your carelessness or negligence. The capability policy deals with situations where you are genuinely trying to perform to the required standard but are unable to do so.
3. This policy is non-contractual and may be amended from time to time. Parts of the policy, including time limits, may also be varied as appropriate in any case.
4. We will generally deal with minor breaches of standards of conduct informally. Formal steps will be taken under this procedure if we cannot resolve matters informally, or if informal discussions are not appropriate, for example, because of the seriousness of the allegation.

### Informal resolution and support

5. Your manager will meet with you to encourage and help you improve your conduct or behaviour and may recommend additional training, coaching and advice. You will be told what improvement is needed, how it will be reviewed and the timescales involved.
6. If you do not improve your conduct or behaviour or you do not maintain an acceptable standard of behaviour, your manager will start the formal disciplinary process. In addition, if at any point during the informal stage of the process, it becomes obvious that the matter is more serious, we may decide to start the formal disciplinary procedure.

### Investigation

7. When a disciplinary matter arises, we will appoint an Investigating Manager to undertake an investigation. In most cases, this will be your manager and you will be told that an investigation is taking place with timescales. You will be expected to co-operate fully and promptly in the process.





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8. The Investigating Manager will speak to you and other staff involved about the matters to find out the facts. We may take written witness statements. At this stage, any meetings with you will be for the purpose of establishing facts and will not be a disciplinary meeting. You do not normally have the right to be accompanied to an investigation meeting. However, you may be allowed a companion if this helps you to manage any disability.

## Investigation Outcome

9. Having investigated the matter thoroughly, the Investigating Manager in discussion with a senior manager if required, will decide on the appropriate course of action and we will confirm this with you. This may include, but is not limited to:
- no further action;
  - informal resolution and support;
  - a disciplinary hearing.

## Criminal allegations

10. If your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts, and then decide whether to take formal disciplinary action. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. If you cannot attend a disciplinary hearing, or have been advised not to, or have been advised not to say anything about a pending criminal matter, we may have to take a decision based on available evidence.
11. A criminal investigation, charge or conviction relating to conduct outside of work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

## Suspension

12. Sometimes your manager, may decide to suspend you on full pay while the investigation is taking place. This may be used, for example, in cases:
- involving alleged serious or gross misconduct
  - where relationships have broken down
  - where it is thought there may be risks to Michael Lonsdale Group's property or to their responsibilities to other parties
  - where it is necessary to ensure we can carry out a fair and expedient investigation.
13. The suspension will only be imposed after careful consideration and does not mean you have been found guilty of any allegation. Suspension is not disciplinary action and does not involve any prejudgement. Any suspension will be reviewed regularly to ensure that it does not go on any longer than necessary.





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## Formal disciplinary procedure – notification

14. Following the investigation, if we consider there are grounds for disciplinary action, we will send you a letter inviting you to a disciplinary hearing at which the allegations can be discussed. You will be given at least three days' notice the letter will include:
- an outline of the allegations and a summary of the information gathered during the investigation
  - copies of any documents to be used at the hearing
  - a copy of the disciplinary procedure
  - confirmation of the right to be accompanied at the disciplinary hearing
  - confirmation that you can call witnesses if you wish
  - details of who will chair the hearing and anyone else who will attend
  - the potential outcomes – however at this stage we cannot pre-judge what the outcome is likely to be.

## The disciplinary hearing

15. The hearing will be chaired by a senior manager; the Investigating Manager may also attend to present the findings of the investigation and someone may be present to take notes. You or the Chair may call witnesses to answer any questions or to confirm aspects of any statements.
16. We will take notes of the meeting and you will have the opportunity to comment on these. You, and anyone accompanying you (including witnesses), must not make electronic recordings of any hearings conducted under this procedure.
17. You must make every effort to attend the disciplinary hearing. If you are unable to attend because of something outside your control, such as illness, we will arrange another meeting, usually within five working days. If you do not attend the rearranged hearing, the Chair will consider whether to go ahead with the hearing in your absence.
18. If you do not attend a disciplinary hearing and do not provide a valid reason, the Chair will proceed with the hearing and will make a decision based on the evidence presented by the Investigating Manager.

## Hearing Format

19. At the hearing you will be given the opportunity to discuss the allegations and put across any points you wish to make to explain the events. You will be allowed to ask questions, present evidence, call witnesses and will be given an opportunity to respond to any information provided by witnesses. You may reasonably request a break at any point during the disciplinary hearing to reflect on the discussion, to speak to your representative privately, or to consider whether you wish to make any further points or present additional evidence.





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20. The Chair may adjourn the disciplinary hearing if we need to carry out further investigations, such as interviewing witnesses if new points are raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before a hearing is reconvened.
21. The Chair will adjourn the hearing before deciding whether to issue a disciplinary sanction. During the adjournment the Chair will reflect on the discussion and consider your responses properly. The Chair will check any matters that you have disputed and consider any new evidence.

## The right to be accompanied

22. You have the right to be accompanied at any disciplinary or appeal hearing by a colleague who is employed by the Michael Lonsdale Group or by a union official. You may not be accompanied by a lawyer or any other person who is not employed by the Michael Lonsdale Group. If you require any adjustments or additional support, you should discuss this with us at an early stage, so that we can make the arrangements.
23. If you wish to be accompanied by a union official, the official must either be an employee of a trade union or must be certified as being able to act as a companion in disciplinary or grievance hearings.
24. Your colleague or union official plays an important role in supporting you at the disciplinary hearing. They will be able to ask questions and participate as fully as possible in the hearing. However, they are not allowed to answer questions on your behalf.

## Disciplinary hearing outcomes

25. The Chair will determine the outcome of the disciplinary hearing taking all of the circumstances into account. They will ask for advice if they are considering issuing a disciplinary warning or dismissing you. The possible outcomes include but are not limited to the following.

### No further action

26. The Chair finds that the allegations are not upheld and does not give you a warning.

### No warning applied, but action required.

27. It may be that the Chair decides not to give you a warning, perhaps because of mitigating circumstances, such as inadequate training or procedures. But the outcome letter will set out the Chair's clear expectations for your future conduct.





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## Disciplinary warning

28. The Chair upholds the allegations and applies a disciplinary warning. The warnings include the following.

### Stage 1 – First written warning

- The Chair will usually issue a first written warning for cases of minor misconduct where there are no other active warnings on your record.

### Stage 2 – Final written warning

- In the event of more serious misconduct or a further repetition of previous misconduct, the Chair will normally issue you with a final written warning.

### Stage 3 – Dismissal

- If your behaviour or conduct still fails to improve or the misconduct is sufficiently serious, the final stage will be for the Chair to dismiss you. Other than for gross misconduct offences, or offences committed during your probation period, you will not normally be dismissed for a first offence.

29. If you have committed a gross misconduct offence (see below), you will normally be summarily dismissed without notice or payment in lieu of notice. In other cases, you will be dismissed with appropriate notice. We may ask you not to work or attend our premises during your notice period, or any part or parts of your notice period.

30. The sanction the Chair will give you will depend on the circumstances of your case, and it is not necessary to work through each warning in turn.

31. In some cases, we may at our discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning and include:

- Demotion
- transfer to another team or job
- a period of suspension without pay
- change of responsibilities
- loss of future pay increase.

32. If the Chair gives you a disciplinary warning, the letter confirming the outcome of the hearing will detail the:

- nature of the offence
- expected improvement in performance or conduct required
- disciplinary warning issued and the length of time it will remain on your file
- likely consequences of any repetition or failure to improve which could include taking further disciplinary action including, where appropriate, dismissal
- time limit for appealing the decision and how you do this.





33. If you have been dismissed the letter will also include details of why you have been dismissed and the effective date of your dismissal.
34. If the Chair issues you with a disciplinary warning, it will be 'live' for the time periods set out below, although these time periods can be extended at our discretion in cases of more serious misconduct, and for example, in exceptional cases verging on gross misconduct, a final written warning may state that it will remain 'live' indefinitely. Details of your warning will be added to your personal file.
35. Any live warnings may have an impact on your in any performance review and appraisal process.
36. After the 'live' period, the warning will remain permanently on your personal file but will be disregarded when determining the outcome of future disciplinary proceedings.

Stage	Sanction	Life of Warning
1	First Written Warning	6 months
2	Final Written Warning	12 months
3	Dismissal	n/a

## Appeal

37. You may appeal against any warning or decision to dismiss. You must appeal in writing within five working days of the date you receive the written outcome of the disciplinary meeting or hearing. Your appeal should set out the grounds on which you are making the appeal and should include as much detail as possible. Grounds would usually be for one of the following reasons.
- New evidence has come to light since the original disciplinary hearing.
  - You feel the sanction given was too harsh.
38. Your appeal should be addressed to the person named in the letter confirming the outcome of your disciplinary hearing. Wherever possible, this person will be a senior manager who has not been involved in any part of the disciplinary process or hearing. They will usually act as Chair of the appeal meeting, however, they may delegate responsibility for this and appoint someone else of sufficient seniority and impartiality to conduct the appeal on their behalf.
39. We will write to you to let you know the date of your appeal hearing and the arrangements. You can be accompanied to the appeal hearing by Michael Lonsdale Group colleague or a union official (please see section on your right to be accompanied). You must take all reasonable steps to attend the hearing.
40. During the appeal hearing the Chair will hear the evidence and make a decision and seek an adjournment to follow up any new information if required. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.





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41. The Chair's decision at this stage of the process will be final and will be confirmed to you in writing normally within five working days. There will be no further right of appeal. The appeal decision may:
- revoke the original decision
  - confirm the original decision
  - amend the sanction given
  - if the original sanction was dismissal, request that you are reinstated without loss of continuity or pay.

## Disciplinary offences

42. The following lists give examples of the offences that may lead to disciplinary action or dismissal. They are not definitive or exhaustive. They are a guide to more common types of misconduct for which we may take disciplinary action. It is important to note that in some circumstances a first time offence may warrant a final written warning or even dismissal. This may also be the case for minor offences that have been repeated.

## Gross misconduct

43. Examples of gross misconduct include the following (this list is not exhaustive).
- Any act of dishonesty or theft.
  - Any act which brings or is likely to bring Michael Lonsdale Group into serious disrepute.
  - Fraudulent acts committed against the Michael Lonsdale Group.
  - Accepting or offering bribes or improper gifts either to gain business or for personal gain.
  - A conviction of a criminal offence that is directly relevant to your role making continued employment untenable.
  - Failure to disclose an unspent criminal conviction.
  - Providing false or misleading information as part of any recruitment process.
  - Disclosing or misusing any confidential information relating to Michael Lonsdale Group or any person or organisation Michael Lonsdale Group is involved with, including to members of the press or media except where the disclosure is made under the Public Interest Disclosure Act 1998.
  - Seriously breaching Michael Lonsdale Group policies, procedures and instructions.
  - Deliberate falsification of records or the unauthorised removal of Michael Lonsdale Group 's records or property.
  - Seriously breaching Michael Lonsdale Group 's Health and Safety Policy.
  - Being under the influence of alcohol or un prescribed drugs whilst at work.
  - Abuse of email and internet breaching the terms of Michael Lonsdale Group 's Information Security policy.
  - Unlawful discrimination or harassment.
  - Retaliation against a staff member for complaining against harassment.
  - Physical violence.





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- Bullying.
- Any act or omission which causes loss, damage or injury through serious negligence.
- Any deliberate or serious damage to the Michael Lonsdale Group property.
- Serious insubordination.

## Other misconduct

44. Examples of other misconduct include the following (this list is not exhaustive).

- Failure to follow instructions.
- Minor breaches of Michael Lonsdale Group's policies and procedures.
- Refusal to carry out a lawful or reasonable instruction.
- Persistent poor timekeeping.

Name: Gary Herbert

Signature:

For and on behalf of the  
Michael J Lonsdale Group Board of Directors  
(Michael J Lonsdale Limited/ Michael J  
Lonsdale (Electrical) Limited  
E7 Building Services Limited

Position: Managing Director

Date: 1<sup>st</sup> October 2022

