

DISCIPLINARY POLICY

Policy Statement: At all times, the McSence Group aims to ensure that there is a fair and consistent approach to the maintenance of standards of discipline for all employees. The Disciplinary Policy should not be viewed primarily as a means of imposing sanctions. Its first purpose is to support and encourage a genuine and permanent improvement in the conduct of employees. The Disciplinary Policy and procedures are as comprehensive as possible but cannot be exhaustive since every disciplinary matter must be treated on its own merit. This policy is not contractual and contains a variation clause which means that reasonable adjustments and/or amendments may be made by McSence at any time.

All Employees: This policy applies to all persons working for or on our behalf of the McSence Group of Companies which includes the subsidiary companies - *McSence Communication Ltd, McSence Ltd, McSence Services Ltd & McSence Workspace Ltd* in any capacity including but not limited to:

- All employees at all levels, prospective employees, agency workers, seconded workers, temporary workers, contractors/sub-contractors, clients, agents, external consultants, volunteers, members of the public, group's supply chain, third-party representatives and/or business partners who will be referred to in our Group policies as "all employees".

The Workplace: This policy applies to all persons working for or on our behalf of the McSence Group of Companies in any capacity at the workplace(s) as defined below which includes but not limited to:

- McSence Premises, Offices, Units, Business Park, Client's Premises, External Meeting Places, Customers' Homes, Gardens, Sheltered Housing, Whilst On-Call, On-Duty, Emergency Cover, Working from Home including On-Line Meetings, Whilst Driving in Company Time, Working Public Areas (café's, trains, coffee shops, buses etc) and will be referred to throughout this policy as "the workplace".

Guiding Principles: The following principles will apply in all cases of disciplinary action:

- All disciplinary matters will be dealt with as quickly and effectively as possible
- No disciplinary action will be taken against an employee until the facts have been established and the decision has been taken that formal action is needed
- Before formal disciplinary action is started, the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any disciplinary decision is made
- The employee will have the right to be accompanied by a representative of their choice during a formal Disciplinary Hearing - for the purposes of this policy, representative means workplace colleague or a trade union representative
- An employee will be offered the right to appeal against any disciplinary penalty

ACAS Principles & Guidelines: McSence Group follows the ACAS principles which will apply in all cases of disciplinary action, details can be found as follows ACAS Code of Practice and website which must be shared with employee(s):

- <https://www.acas.org.uk/sites/default/files/2019-03/Acas-Code-of-Practice-1-Disciplinary-Grievance-Procedures.pdf>
- Website: <https://www.acas.org.uk/disciplinary-and-grievance-procedures>

Examples of Offences: The following is a non-exhaustive list of the sort of offences which, if committed, will normally lead to disciplinary action being taken:

- Commencing work after official contracted starting times as outlined in contracts of employment known as time theft
- Damage to company property
- Failure to follow the Company's established duties, routines, methods or procedures
- Failure to follow the Company's policies
- Leaving the place of work before the official finishing time as outlined in contracts of employment known as time theft
- Negligence resulting in loss, damage or injury

- ✚ Persistent failure to comply with the attendance at work policy
- ✚ Persistent poor timekeeping
- ✚ Repeated breach of the Company's rules or Code of Conduct
- ✚ Rudeness to customers, clients, visitors or other employees

Gross Misconduct: Examples of gross misconduct include, but are not limited to, the following:

- ✚ Acceptance of financial or other rewards from any third party in breach of Company policy
- ✚ Any action or behaviour likely to bring the Company or any associated Company or any of its directors or employees into disrepute
- ✚ Conduct violating common decency
- ✚ Conviction for an offence inconsistent with the proper performance of the individual's duties in the Company and/or which is likely to bring the individual and/or the Company into disrepute
- ✚ Disclosure of confidential information to unauthorised parties
- ✚ Discriminatory behaviour or harassment of any employee, customer or supplier of the Company on the grounds of age, colour, disability, ethnic or national origins, gender reassignment, marital or civil partnership, nationality, political opinion, pregnancy or maternity, race, religion or belief, sex, sexual orientation, trade union membership status or is disadvantaged by conditions or requirements which cannot be justified
- ✚ Falsification of business reports, timesheets, accounts, expense claims and/or other Company documents
- ✚ Insubordination, including breaches of discipline as rudeness or inappropriate behaviour to an employee or to customers, or refusal to carry out a reasonable instruction
- ✚ Issuing a statement or otherwise supplying information to the press, other media or any other party regarding Company business without first obtaining the prior written approval of the Chief Executive
- ✚ Misuse or misappropriation of the facilities, property or equipment of the Company, any associated Company or any business partner
- ✚ Negligence and/or any action endangering the health and safety of yourself, any third party or others resulting in serious loss, damage or injury
- ✚ Negligence or non-observance of rules, regulations and laws governing broadcasting or any other Company activity
- ✚ Serious breach of the terms and conditions of employment and/or Company rules and policies
- ✚ The abuse of drink and/or illegal drugs which affects attendance, performance or conduct
- ✚ Theft, fraud or dishonesty
- ✚ Unauthorised removal of the Company's or another individual's property
- ✚ Use of foul and/or abusive language
- ✚ Violence

Voice or Video Recording the Meeting(s): The recording of any employee meeting either by voice, video recording or other means, the agreement must be sought and agreed by the employee. Failure to do so is potentially a GDPR breach and any information or evidence gathered may be excluded in event of an appeal or industrial tribunal.

Leave of Absence: It is sometimes necessary to place an employee on Leave of Absence (also known as "garden leave" and previously referred to as "suspension") from work, on full pay, whilst investigations are being carried out. The decision to suspend an employee will be taken in conjunction with a senior manager and will be confirmed to the employee in writing, examples are:

- ✚ Cases which appear to involve serious misconduct
- ✚ The potential commission of a crime
- ✚ Where if employee remains in position there is potential to influence other employees, witnesses, customer or prejudice the investigation
- ✚ Cases which may have an effect on the continued health and safety of any McSence employee or any other persons
- ✚ Conduct which could potentially damage the Company's interests or reputation

Right to be Accompanied by a Companion or Representative: Employees may be accompanied to formal Disciplinary Hearings and Appeal Hearings by a workplace colleague or a trade union representative and at these Hearings representatives are not entitled to answer questions on behalf of the employee. It is the employee's responsibility to

secure the attendance of any colleague or trade union representative, who has the right to decline to attend and this representative is entitled to:

- ✚ Contact and meet with the employee prior to the meeting/appeal
- ✚ Reasonable time to confer privately with the employee at any point
- ✚ Address the meeting

The name of the accompanying person must be provided to a senior manager at least 24 hours prior to the meeting. In certain circumstances a senior manager or the employee's manager can object to the choice of workplace colleague or trade union representative if:

- ✚ There is a conflict of interest which may prejudice the hearing
- ✚ The accompanying person is a family member or close personal friend of the employee
- ✚ The geographical location of the Hearing makes it unreasonable for the accompanying person to attend

Step One: Informal Procedure: Whenever a Line Manager becomes aware of a potential conduct issue – he/she will first consider whether this can be dealt without initiating the formal disciplinary process. If after investigating the facts, the manager considers that it is not necessary to resort to formal disciplinary action, the manager will discuss the matter with the employee informally. If appropriate, he/she will suggest areas for improvement. The discussion will be in private and the employee will be informed that no disciplinary action is being taken. It is expected that in most cases, an informal discussion will quickly resolve most difficulties. A note of any informal discussion will be added to the employee's personnel file and disregarded for disciplinary purposes after 3 months.

Step Two: Formal Procedure: If it is considered necessary to initiate a formal process, the employee will be invited to a Disciplinary Hearing. At this hearing, the employee will have an opportunity to put forward their side of the case. The hearing will be chaired by a manager who has not been involved in the investigation ("the Chairperson"). The employee will be informed, in advance and in writing, of the allegations or complaint made against them and informed of the evidence. The Chairperson may adjourn the hearing at any time if further investigation is required or if he/she requires more time to consider all the facts before making a decision. If disciplinary action is deemed appropriate the employee may be given a warning or dismissed as set out below. The Chairperson will inform the employee in writing of any disciplinary action to be taken and of their right to appeal against the decision.

Penalties or Sanctions: There are five levels of penalty, depending upon the seriousness of the misconduct. The penalties may be invoked at any level including (where appropriate) Level Five - Dismissal.

Level One – No Action In the case of a minor complaint or offence, a manager may decide that an employee should be given a formal Verbal Warning. The formal Verbal Warning will be confirmed in writing and will detail the precise nature of the offence or complaint, the likely consequences of further offences or complaints and specifying, if appropriate, the improvement required and over what period. The warning will be placed on the employee's personal file and disregarded for disciplinary purposes after 6 months.

Level Two - Formal Verbal Warning: In the case of a minor complaint or offence, a manager may decide that an employee should be given a formal Verbal Warning. The formal Verbal Warning will be confirmed in writing and will detail the precise nature of the offence or complaint, the likely consequences of further offences or complaints and specifying, if appropriate, the improvement required and over what period. The warning will be placed on the employee's personal file and disregarded for disciplinary purposes after 6 months.

Level Three - First Written Warning: In the case of a complaint or offence, a manager may decide that an employee should be given a formal First Written Warning. The First Written Warning will detail the precise nature of the offence or complaint, the likely consequence of further offences or complaints and specifying, if appropriate, the improvement required and over what period. The warning will be placed on the employee's personal file and disregarded for disciplinary purposes after 9 months.

- ✚ An employee's conduct fails to improve having been given a warning at an earlier level or
- ✚ There is a further offence at a similar level or an employee's actions are sufficient to warrant it.

Level Four - Final Written Warning: In the case of a complaint or offence, a manager may decide that an employee should be given a Final Written Warning. The Final Written Warning will be confirmed in writing and will detail the

precise nature of the offence or complaint and will contain a statement that a recurrence may lead to dismissal or whatever other penalty is considered appropriate and specifying, if appropriate, the improvement required and over what period. The warning will be placed on the employee's personal file. The warning will be disregarded for disciplinary purposes after 12 months.

- ✦ An employee's conduct fails to improve having been given a warning at an earlier level or
- ✦ There is a further offence at a similar level or
- ✦ An employee's actions (whilst falling short of a serious breach justifying dismissal) are serious enough to warrant only one written warning

Level Five – Dismissal: In the case of a complaint or offence, the chairperson may decide that an employee should be dismissed. The Chairperson will decide whether the employee should be dismissed. The Chairperson will only decide whether the employee should be dismissed after consideration of other possible action including but not limited to demotion:

- ✦ An employee's conduct fails to improve having been given a previous warning or
- ✦ All previous levels of the procedure have been exhausted or
- ✦ A further serious disciplinary offence has been committed or
- ✦ An employee commits an act of gross misconduct

Other Sanction(s): If the employee has received a final written warning further misconduct or unsatisfactory performance may warrant dismissal. Alternatively, the contract may allow for a different disciplinary penalty instead. Such a penalty may include disciplinary transfer, disciplinary suspension without pay, demotion, loss of seniority or loss of increment. These sanctions may only be applied if allowed for in the employee's contract. In cases of gross misconduct dismissal will be immediate and without payment in lieu of notice.

Appeals: Following disciplinary action(s), the employee has the right to appeal. The employee can appeal, by providing written notification to a senior manager, within 5 working days of receiving the written confirmation where email is accepted as written documentation of the disciplinary sanction imposed, clearly stating the grounds for appeal. Employees should note that the appeal hearing is to focus on specific factors which the employee feels have received insufficient consideration, such as:

- ✦ An inconsistent decision
- ✦ Inappropriate or harsh decision
- ✦ Extenuating circumstances

Appeals will usually be heard by a more senior member of the management team than the Chairperson. This meeting will be convened as soon as possible once written notification that the employee will be exercising the right to appeal has been received. At the appeal, the employee will have a full opportunity to state their case and to comment on any new evidence. The Appeal Manager will confirm to the employee in writing the results of the Appeal usually within 5 working days. If the Appeal confirms a decision to dismiss, the effective date of termination will be the date that written notification of dismissal was originally given. If the Appeal is successful, the decision and any action must be implemented immediately and recorded in the individual's personal file. If the Appeal Manager overturns a decision to dismiss then the employee will be reinstated with immediate effect. All Appeal decisions are final.

Company Intranet – Staff Zone: All the McSence Groups policies, procedures, handbooks are available on-line to all employees on the McSence Group's Staff Zone Intranet via our website [Login | McSence](#)

Compliance: Failure to comply with the provisions of this Policy may result in Disciplinary proceedings.



McSence Group Signatory:

David Maxwell | Chief Executive

McSence Group - McSence Communication Ltd, McSence Ltd, McSence Services Ltd & McSence Workspace Ltd

Policy Amendments & Revisions: *This policy will be reviewed annually and, if necessary, revised in the light of legislative or organisational changes. Improvements will be made by learning from experience and the use of an established annual review. Should any amendments, revisions, or updates be made to this policy it is the responsibility of the Company Senior Management Team (SMT) to see that all relevant employees receive notice and training if necessary.*

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