KEYO
AGRICULTURAL SERVICES Ltd

Disciplinary Policy and Procedure

Disciplinary rules and procedures are necessary for promoting orderly employment relations as well as fairness and consistency in the treatment of individuals. Whilst unreasonable rules of conduct will not be imposed, certain standards of behaviour are necessary and from time to time it may be necessary to take action against individuals whose behaviour or performance is unacceptable. Whilst working for the Company you should maintain professional and responsible standards of conduct at all times. In particular you should:

- observe the terms and conditions of your contract, particularly with regard to hours of work, confidentiality and restrictive covenants.
- observe all policies, procedures and regulations or practices notified to you from time to time by means of notice boards, email, the intranet or otherwise;
- take reasonable care in respect of the health and safety of colleagues and third parties and comply with our Health and Safety Policy;
- comply with all reasonable instructions given by managers;
- act at all times in good faith and in the best interests of our business, customers and employees

Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Procedure.

Minor Conduct Issues

Minor conduct issues can often be resolved informally between you and your line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases, an informal verbal warning may be given, which will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation). If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your line manager as soon as possible.

Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:

- Minor breaches of our policies including the Attendance Policy, IT Policy and Health and Safety Policy
- Minor breaches of the contract of employment
- Damage to, or unauthorised use of company property
- Poor timekeeping
- Time wasting
- Unauthorised absence from work
- Refusal to follow reasonable instructions
- Excessive use of company telephones for personal calls
- Excessive personal email or internet usage
- Obscene language or other offensive behaviour
- Negligence in the performance of your duties
- Smoking in no-smoking area

This list is intended as a guide and is not exhaustive.

Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the Company, is likely to prejudice the business or reputation or irreparably damage the working relationship and mutual trust. Gross misconduct will potentially lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are examples of matters that are normally regarded as gross misconduct:

- Theft, or unauthorised removal of Company property or the property of a colleague, contractor, customer or member of the public
- Actual or threatened violence, or behaviour which provokes violence
- Deliberate damage to our buildings, fittings, property or equipment, or the property of a colleague, contractor, customer or member of the public
- Serious misuse of Company property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Repeated or serious failure to obey instructions, or any other serious act of insubordination
- Unlawful discrimination or harassment
- Bringing the Company into serious disrepute
- Being under the influence of alcohol, illegal drugs or other substances during working hours
- Causing loss, damage or injury through serious negligence
- Serious or repeated breach of health and safety rules or serious misuse of safety equipment
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- Endangering the safety of themselves or others by willful disregard of any safety rules and/or breaching of health and safety rules
- Accepting or offering a bribe or other secret payment or other breach of our Anti-corruption and bribery policy
- Conviction for a criminal offence that in the Company's opinion may affect its reputation or relationships with employees, customers or the public, or otherwise affects your suitability to continue to work for the Company
- Possession, use, supply or attempted supply of illegal drugs
- Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures
- Knowing breach of statutory rules affecting your work
- Unauthorised use, processing or disclosure of personal data contrary to the Data Protection Policy
- Sexual Harassment, Harassment of, or discrimination against, employees, contractors, clients or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to the Equal Opportunities Policy or Anti-harassment and Bullying Policy
- Refusal to disclose any of the information required for employment purposes or any other information that may have a bearing on the performance of your duties
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits
- Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith
- Making untrue allegations in bad faith against a colleague

- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing Policy, Anti-corruption and bribery policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise
- Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet) contrary to our Information and Communications Systems Policy
- Undertaking unauthorised paid or unpaid employment during your working hours
- Unauthorised entry into an area of the premises to which access is prohibited
- Slanderous or inappropriate comments on social media platforms
- Betting or gambling on Company premises
- Fraud and deliberate falsification of records (including sickness records)

This list is intended as a guide and is not exhaustive.

Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

Investigations

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any language barriers. You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Criminal allegations

Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding 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. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

Suspension

In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless you have been authorised to do so by the Managing Director. Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made

about the allegations. You will continue to receive your full basic salary and benefits during the period of suspension.

Notification of a hearing

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the potential range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

- a summary of relevant information gathered during the investigation
- a copy of any relevant documents which will be used at the disciplinary hearing; and
- a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually three to seven days, to prepare your case based on the information we have given you.

The right to be accompanied

You may bring a companion to a disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You should inform us who your chosen companion is, in good time before the hearing. A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else. We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English. Your companion may make representations to us and ask questions but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

Procedure at disciplinary hearings

If you or your companion cannot attend the hearing you should inform us immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own.

The manager chairing the meeting is allowed to have a note taker present at the hearing but they must not take part in the decision making process.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to you in person.

Disciplinary outcomes and sanctions

The potential penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits. You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

Stage 1 - Written Warning. A written warning may be authorised by any member of the management team. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record. A written warning will remain active from 6 up to 12 months. Confirmation of issue of a written warning will be confirmed in writing.

Stage 2 - Final Written Warning. A final written warning may be authorised by a member of the senior management team. It will usually be appropriate for:

- misconduct where there is already an active written warning on your record; or
- misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record
- a final written warning will remain active for 12 months
- Confirmation of issue of a final written warning will be confirmed in writing

Stage 3 - Dismissal. Dismissal may only be authorised by a member of the senior management team. It will usually only be appropriate for:

- any misconduct during your probationary period
- further misconduct where there is an active final written warning on your record; or
- any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in our Disciplinary Rules, which are contained in this policy.
- Confirmation of dismissal will be confirmed in writing

Alternatives to Dismissal. In some cases we may at our discretion consider alternatives to dismissal. These may be authorised by a member of the senior management team and will usually be accompanied by a final written warning. Examples include:

- Transfer to another department or job
- Compulsory change of job (where job involves a lower grade of pay the lower pay grade will apply
- A period of suspension without pay up to 5 days
- Loss of seniority

Appeal Process

If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Managing Director within one week of the date on which you were informed of the decision. If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible. Where possible, the appeal hearing will be conducted impartially by a senior manager who has not been previously involved in the case. You may bring a companion with you to the appeal hearing. We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened. Following the appeal hearing we may:

- confirm the original decision
- revoke the original decision; or
- substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

Disciplinary records

The following records will be retained and processed in accordance with the Data Protection Act (1998) and GDPR Regulations (2018):

- The nature of any breach of disciplinary rules or unsatisfactory performance
- The employees defence or mitigation
- The action taken and reasons for it
- Whether an appeal was lodged and the outcome
- Any subsequent developments

Translation

If you would like to speak to one of our approved translators or for them to be present at any of the meetings, please contact the HR department and they can arrange this for you.