

1. Disciplinary Policy Statement:

This policy and procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and to ensure that all failures to comply with these standards are handled fairly, consistently, and with due consideration given to all the circumstances.

All employees whilst:

- On Company premises
- On Company business; and/or
- At Company sponsored or funded functions or activities during and outside working hours.

Other actions by employees outside working hours may also fall within the scope of this policy if there is an impact on the employee's ability and/or suitability to do his/her job or the actions bring the Company into disrepute.

2 Application of policy during first year of employment

Failure by an employee in his/her first year of service to meet the required standards of conduct will generally lead to his/her contract being terminated with notice, except in the cases of gross misconduct where no notice will be given.

3 Effects of ill health or disability

If, at any stage of the procedure, or prior to the procedure being implemented, the manager suspects that ill health or disability factors may be contributing to the employee's conduct, the Company will consider the best approach to assessing and resolving such contributing factors.

Depending on the circumstances of the case, this may include formal referral to a medical practitioner and would involve an assessment of the nature of the health or disability problem and providing advice to the Manager about the degree of relationship with the employee's conduct, and whether it is possible to make reasonable adjustments to the workplace, or to the employee's working arrangements, in order to overcome the effect of the illness on the employee's conduct.

4 Minor Conduct Issues

This procedure does not preclude a Manager dealing with a minor issue in an informal manner, although clearly this will not be appropriate in every situation.

An informal discussion may often be a more satisfactory method of resolving problems than a disciplinary hearing. It will be a two-way discussion, aimed at pointing out any shortcomings in conduct and setting expectations.

An informal discussion should not turn into a disciplinary hearing. If it becomes obvious that the matter is more serious, the discussion should be adjourned and the employee will be advised that the matter will be pursued under the formal disciplinary procedure.

The Manager for reference purposes will keep brief notes of an informal discussion and the employee will be provided with a copy of these notes.

Counselling, advice and/or educating the employee may be appropriate action in these circumstances.

5 Suspension

If, given the circumstances of the case, the Manager will consider it appropriate, the employee may be suspended on full pay whilst the investigation is being conducted. The reason for the suspension will be confirmed in writing. The period of suspension will be kept to a minimum, and in normal circumstances should not last more than 10 working days, but may last longer if it is necessary. If a longer period of suspension is required, the employee will be informed of this in writing.

Suspension can occur at any time during the procedure.

A suspension will only be made after careful consideration of the circumstances and will not be considered as disciplinary action in itself, therefore it will be on full pay and benefits.

During the suspension the Manager will remain in contact with the employee. The employee should contact only the Manager or the designated witness whilst on suspension reference the case and or any work related issues.

6 Right to be Accompanied

An employee has the right to be accompanied and supported if he/she so wishes, at each stage of the procedure (including any investigatory meeting and appeal) by a Adaps employee or a Trade Union representative. An employee who is a material witness in the disciplinary proceedings will not, under normal circumstances, act as a companion during the proceedings, and someone asked to be a companion is not obliged to agree to the request.

The role of companion is to:

- Familiarise him/herself with the case;
- Assist the employee in preparing the case;
- Confer with the employee before and after the hearing;
- Be advisory, supportive and representative;
- Address the hearing and answer the questions on behalf of the employee;
- Ask for adjournments if necessary

The companion is entitled to take a reasonable amount of time during normal working hours to fulfil this responsibility. The companion should agree the amount of time required and when this can be taken with his/her manager.

The employee should give advance notice to the Company if he/she is to be accompanied, and by whom. If the companion is unavailable at the time of the hearing, the employee should contact

his/her manager to postpone the hearing (twice) to a time that is convenient to the manager, employee and companion. The rearranged hearing must be within a reasonable timescale.

An employee will not be subjected to a detriment by the Company by reason of having acted as a companion in disciplinary proceedings.

7 Investigation

Before any formal stage of the disciplinary procedure is instigated, the matter will be fully investigated to establish the facts. This investigation will take place in a timely manner and will normally be carried out by the line manager.

Where an employee is already on a final written warning, or in cases of alleged gross misconduct, the investigation should usually be carried out by an independent manager who will not be involved in the actual hearing. In these cases, the investigating manager will be required to provide a written report of his/her investigation.

The investigation may involve the gathering of witness statements and the manager investigating the facts should ensure the witness statements are relevant, fair and objective. Only information that is directly relevant to the investigation will be considered.

No formal disciplinary action will be taken against an employee until the case has been fully investigated and discussed with the Manager. The investigation is not the formal disciplinary hearing. These are separate stages in the procedure. A disciplinary hearing should not be arranged until the investigation has been completed. See a section on "Convening a disciplinary hearing".

An employee will be made aware that an investigation is being undertaken as soon as reasonably practicable, unless there are good reasons not to do so, for example, where there are genuine concerns that this would impede the investigation. He/she will also be provided with a copy of or informed how to access the Disciplinary Policy and Procedure should he/she wish to refer to it.

8 Witness Statements

During the investigation, factual witness statements will be taken from all the relevant witnesses, including those identified by the employee. These will be signed and dated by the witnesses. Testimonials regarding the employee's personality and character will not be accepted as witness statements.

A witness will be made aware that:

- His/her statement is likely to be referred to during the disciplinary hearing;
- He/she may be requested to attend the hearing; and
- A copy of his/her statement will be given to the employee.

Evidence given in witness statements will, wherever possible, be substantiated by further investigation by the Company.

A witness who is not a Adaps employee may provide a witness statement (not a testimonial) but would not usually attend the disciplinary hearing. The exceptions to this are agency or self-employed workers working within Adaps who may provide witness statements and may be asked if they are prepared to attend a hearing.

Only in very exceptional circumstances, as agreed by the business, where a witness has a genuine reason for wishing to remain anonymous, will identifying information be removed from a witness statement. In these circumstances, the witness's evidence will be checked and corroborative evidence sought by the manager investigating the complaint, and this manager will also attempt to determine whether there is anything, which might add to or detract from the value of the information.

9 Action Following Investigation

Following the initial investigation, there are several potential courses of action which may be taken by the manager as appropriate:

The allegations of misconduct are discovered to be unfounded. In these circumstances, the investigation ceases and the employee must be informed in writing that no action will be taken. All relevant documentation will be destroyed.

It might be considered sufficient to take action, which falls short of the formal disciplinary process e.g. where it is felt the misconduct is not serious enough to follow the disciplinary policy and procedure. Counselling, advice and/or educating the employee may be appropriate action. The manager and employee will be provided with a written record of any such action. The employee will also be informed that any similar behaviour in the future could be dealt with as a disciplinary matter.

It may be decided that a formal disciplinary hearing is required. If this is the case, a hearing will be convened in accordance with the disciplinary policy and procedure.

10 Convening a Disciplinary Hearing

If, following the investigation, the manager decides that a disciplinary hearing is necessary, the employee will be given at least two working days' notice in writing of the hearing. The employee will be provided with a copy of this Disciplinary Policy and Procedure and will be:

Advised that a hearing is to be held under the Company's Disciplinary Policy and Procedure;

- Advised of the nature of the complaint against him/her and other relevant information;
- Notified of the possible disciplinary sanctions that may be taken;
- Notified of the date, time and venue for the meeting;
- Advised of his/her right to be accompanied at the hearing by a Adaps employee or trade union representative; and
- Given copies of any witness statements gathered.

The manager conducting the hearing will ensure that he/she has all the relevant background information regarding the matter.

The employee may postpone a disciplinary hearing up to five working days if the companion is unavailable or other significant and unavoidable circumstances arise.

11 Procedure at the Disciplinary Hearing

The hearing will be conducted by an appropriate line manager, who will:

- Explain the purpose of the hearing;
- The nature of the complaint; and
- The possible disciplinary sanctions that may result from the hearing.

The Manager may facilitate the process, and a note taker may also be in attendance. The meeting may also be taped.

The employee will be given full opportunity to:

- Respond to the allegations being made;
- Provide relevant evidence to support his/her case; and
- Raise any additional issues that he/she thinks the manager should taken into account when reaching a decision, including any relevant personal circumstances.

Relevant witness evidence can be provided:

In the form of witness statements; or

By the witnesses giving evidence in person, based on his/her statement previously provided.

The form of evidence will be agreed between the Company and the employee beforehand. In the event of a dispute, the manager, will decide which witnesses are called.

If applicable, both the manager and the employee will have the opportunity to ask questions of those present at the hearing. If witnesses are called to give evidence, they will not be present for the whole hearing. If witnesses are not called to give evidence in person and the employee raises issues or questions regarding the contents of the witness statement which the manager considers require further investigation, either the witness will be called, or the hearing will be adjourned so the manager can put the issues raised to the witness.

If it is necessary to adjourn the hearing for a further investigation to be conducted, the employee will be kept fully informed and a date for the reconvened hearing will be set as soon as possible and usually within 5 working days.

Any party may ask for reasonable adjournments at any time during the hearing. Any such requests will be considered and will not be unreasonably denied.

Once all parties have had the opportunity to state their case, raising any relevant personal circumstances, the manager will summarise the issues and adjourn the hearing to consider the evidence.

In exceptional circumstances, if the employee is unable to attend due to illness, a decision may be made on the basis of the written evidence available, including the employee's written submission and relevant witness statements.

If an employee fails to attend a disciplinary hearing on two occasions, without providing a good reason for this, the Company will take a decision based on the information available to it at that time.

Only in very exceptional circumstances would Adaps reserve the right to change the manager involved in the process at any stage. The employee will be informed of this at the earliest opportunity. The employee also has the right to change his/her companion at any stage of the procedure. The procedure will not be delayed or recommenced as a result of any change in manager or companion.

12 Disciplinary Sanctions

There are a number of sanctions that may be imposed as a result of the Disciplinary Procedure. The manager must discuss this with the Managing Director before doing so. The main potential sanctions are:

Formal verbal warning (recorded)

First written warning

Final written warning

Dismissal

During either the Disciplinary and or the Capability procedure each manager must use documented SMARTER Objectives.

Sanctions will normally commence at the formal verbal or first written warning stage, although any sanction, including dismissal, may be given at any stage according to the gravity of the employee's misconduct. No employee will be dismissed for a first incident of misconduct except for reasons of gross misconduct.

Formal verbal warning (recorded)

If an employees performance or conduct is not of an acceptable standard, he/she will be warned of this verbally. The employee will be given reasons for this as well as suggestions, if appropriate, on how to improve performance or standards of conduct.

A written record of the verbal warning will be kept on the file of the employee for a period of six months. The Company also reserves the right to take further disciplinary action in accordance with this policy up to and including dismissal during this period, should the employee subsequently be found to have committed a further act of misconduct, depending on the severity of the misconduct concerned.

First written warning

If the employee is found to have committed more serious misconduct or following the issue of a formal verbal warning the employee continues to fail to meet acceptable standards of conduct, a first written warning will normally be given. A copy of the warning will be kept on the employee's personal file. The warning will usually be disregarded after 12 months subject to satisfactory conduct. However, the Company reserves the right to take further disciplinary action in accordance with this policy, up to and including dismissal during this period, should the employee during this period be found to have committed a further act of misconduct, depending on the severity of the misconduct concerned.

Final written warning

If the employee's misconduct is sufficiently serious to warrant a final written warning, or despite the issue of warning the employee's conduct is still unsatisfactory, a final written warning will normally be given. A copy of the warning will be kept on the employee's personal file, but it will usually be disregarded after 12 months, subject to satisfactory conduct. The Company reserves the right to take further disciplinary action in accordance with this policy during this period. An employee on a final warning who commits a further act of misconduct will normally be dismissed.

Dismissal

If the employee commits a further act of misconduct, despite previous warnings, dismissal on notice will normally result. If the employee commits an act of gross misconduct he/she will normally be dismissed without notice and without payment in lieu of notice or compensation. Decisions to dismiss may only be made after consultation with the Managing Director.

13 Gross Misconduct

Gross misconduct is misconduct that is so serious that it fundamentally undermines the relationship of trust and confidence between the company and the employee.

The following list provides examples of conduct that the Company may regard as gross misconduct. Such conduct may result in summary dismissal i.e. without the employee being given notice or pay in lieu of notice or compensation:

- Dishonesty, theft or fraud;
- Acts of, or threats of, violence;
- Supply of company products contrary to company rules;
- Disregard of safety rules, including Health and Safety and fire regulations;
- Being under the influence of alcohol or substance abuse, including unprescribed or unlawful drugs, on Company business or premises;
- Communication of confidential information to third parties, in written, verbal, photographic or video format (including via video mobile phones), without authority;
- Conducting unauthorized business on Company premises or during Company time or using Company resources;
- Serious breach or neglect of duty or other action which results or may have resulted in detriment to the Company's relations or standing;

- Acting in a manner that is or may be in competition with the Company or misuse of the Company's products or property (including intellectual property rights);
- Harassment, bullying or victimization, whether verbal, written, photographic, pictorial or physical;
- Breaching the Company's Equal Opportunities Policy;
- Admitting non-Adaps staff onto any of the Company's sites for non-business-related reasons without permission from a manager.
- Falsification of records, including business expense claims misuse of procedures, willful breach of good practice or the ABPI code of practice;
- Deliberate or willful attempts to gain unauthorized access to any information held on computer systems or other record systems of the Company, whether the attempt was successful or not;
- General misuse of Company computers, peripherals, networks, emails, intranet, internet and other communications equipment and accessing, downloading, distributing pornographic or other offensive material;
- Any act of serious insubordination, or willful failure to carry out reasonable instructions; and
- Criminal offences, other than minor motoring offences.
- Bringing the Company into ill repute.
- Derogatory remarks in the respect of the company or its employees. Serious contravention of the rules set by the ABPI. Serious breach of the rules of any authority which regulates the Company's business.
- Unauthorized signing of documentation committing the Company to a financial obligation or exceeding your authority in any other way.

The examples listed are not definitive or exhaustive.

14 Confirmation of Disciplinary Hearing

The disciplinary hearing will be re-convened as soon as possible after the hearing (or normally within five working days of the hearing if further investigation is required) and the employee will be informed clearly of the disciplinary decision. Where it is not possible to re-convene the hearing, the manager may verbally inform the employee of the decision by a mutually agreed communication method (e.g. telephone). The employee is responsible for advising his/her companion of the decision, if he/she so wishes.

All decisions to impose disciplinary sanctions will be confirmed to the employee in writing. Confirmation will be provided, where possible, within five working days of the decision. The employee will also be advised:

- Of the sanction/stage of the disciplinary procedure which has been reached;
- Of the reason for the sanction being imposed;
- Where a warning is given, of the potential consequences of further/continued misconduct throughout the duration of the warning;
- Of the duration of any warning given;

- Where the decision is to dismiss:
- of the date on which the employment will terminate
- of the arrangements for leaving
- of the right of appeal against the decision and the name of the person to whom any appeal should be addressed; and
- of the potential impact of a disciplinary sanction on:
 - future salary and bonus reviews; and
 - future applications for internal positions.

The employee will also be provided with two copies of the summary notes of the hearing, one of which should be signed, dated and returned to the Manager as confirmation of receipt and as confirmation that this is a true and accurate record of the hearing. If he/she disagrees with the notes of the hearing, he/she should write to the Managing Director who attended the hearing, stating precisely how his/her recollection of the hearing differs from the summary notes. Both documents will be placed on the employee's personal file.

If the allegation is deemed to be unfounded then all documentation relating to the investigation and hearing will be destroyed.

15 Appeals

The employee will have the right to one appeal hearing against any disciplinary sanction imposed.

An employee who wishes to appeal against a disciplinary decision should inform the Managing Director in writing within five working days of receipt of the letter, stating the grounds for appeal.

The employee will be informed in writing of the date, time and venue of the appeal hearing at least two working days' in advance of the hearing. Where practical, the hearing will be within ten working days of receiving the appeal request.

A manager who is no less senior than the manager who reached the original decision and was not involved in any part of the disciplinary procedure will hear the appeal. This includes having any knowledge of the details of the case, and/or being involved in imposing and/or authorizing the original disciplinary sanction. The Managing Director will be ultimately responsible for deciding who will hear the appeal.

The appeal hearing is not intended to repeat the detailed investigation of the disciplinary hearing. In most cases, it will be a review of aspects which the employee feels may not have been adequately covered at the original hearing. It will concentrate on the grounds for appeal stated by the employee in the appeal letter. In the case of an appeal against dismissal or where it is alleged that there was an error in the process of the original hearing, the appeal will usually consider all the original evidence and rectify any procedural errors in the original process.

The manager who made the original decision may be required to explain the decision either at the appeal hearing or in writing.

The manager hearing the appeal will have the power to reverse or confirm the disciplinary decision or to substitute a lesser sanction but the sanction imposed cannot be increased. The decision of the manager hearing the appeal will be final.

If there is new evidence at the appeal that suggests that the employee's conduct is more serious than was contemplated at the original disciplinary hearing, a new disciplinary hearing will be convened.

The disciplinary appeal hearing will be re-convened by the manager hearing the appeal on the same day or as soon as possible (normally within five working days of the appeal hearing if further investigation is required) to inform the employee of the appeal decision. Where it is not possible to re-convene the hearing, the manager hearing the appeal may inform the employee of the decision by a mutually agreed communication method (e.g. telephone). The employee is responsible for advising his/her companion of the decision if he/she so wishes.

The employee will be provided with written confirmation of the decision and two copies of the record of the appeal hearing as soon as possible after the decision has been communicated. One of these should be signed and dated as confirmation of receipt and as confirmation that this is a true and accurate record of the hearing. This should be returned to for retention on his/her file. If the employee disagrees with the notes of the hearing he/she should write to the Managing Director, stating precisely how his/her recollection of the hearing differs from the summary notes. Both documents will be placed on the employee's personal file.

There will be no access to the Company's Grievance Policy and Procedure on matters relating to the application of the Disciplinary Policy and Procedure. Where issues arise, the disciplinary appeal procedure will be used.

Where an appeal against dismissal fails, the date of termination will be the date on which the employee was originally dismissed. During the appeal stage, the employee will remain dismissed from the Company. If an employee is reinstated following dismissal, he/she will be treated as being continuously employed for the whole period, including the period between dismissal and reinstatement.

16 Retention of Disciplinary records

While the potential disciplinary action outlined in the formal warning will expire at the end of the specified period, a copy of the "spent" disciplinary warning will be retained on the employee's personal file for reference but will usually be disregarded for future disciplinary purposes.

There may, however, be occasions when the warning cannot be disregarded, such as where conduct is satisfactory throughout the period the warning is in force, only to lapse very soon after. Where a pattern emerges and there is evidence of abuse, an employee's disciplinary record will be borne in mind in deciding how long any new warning will last.

Records will be kept securely and will only be made available to employees whose duties require access to this information.

18 Notes

It is possible that an employee could be subject to the Capability Policy and Disciplinary Policy at the same time and so could be subject to two separate sanctions, though every effort will be made to distinguish the primary issue and proceed under the appropriate policy.

Where an employee is being disciplined for more than one conduct reason, these issues may be dealt with together, if appropriate.

Disciplinary records will be kept and used in accordance with the Company's obligations under the Data Protection Act 1998 whereby personal data shall be accurate and, where necessary, kept up to date. Any facts/ information used during a hearing must be agreed for use by the originator.

Individuals must be aware that all documents including e-mails may have to be disclosed at an Employment Tribunal.