

DISCIPLINARY POLICY AND PROCEDURES

Contents

1. Purpose and Scope	2
2. Principles and formal procedure.....	2
2.1 Informal discussions	2
2.2 Investigation	2
2.3 Criminal matters	2
2.4 Disciplinary meetings.....	3
2.5 Companion	4
2.6 Confidentiality	4
2.7 Decision making	4
3. Your Obligations	4
4. Formal sanctions.....	5
4.1 Stage 1 – First Written Warning	5
4.2 Stage 2 – Final Written Warning	5
4.3 Stage 3 – Dismissal.....	5
4.4 Duration of Warnings	5
4.5 Suspension.....	6
6. Misconduct.....	6
7. Gross Misconduct	7
8. Appeals.....	8
9. Implementation of dismissal decisions	9

1. Purpose and Scope

This procedure is designed to help and encourage all employees / casual workers of QRS to achieve and maintain high standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all.

This procedure applies to all employees / casual workers but QRS will not usually apply all stages of this procedure to those with less than 2 years' service. It does not apply to agency workers or self-employed contractors.

This procedure is not contractual and may be changed by QRS at any time.

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your line Manager or a Director as soon as possible.

2. Principles and formal procedure

2.1 Informal discussions

Day to day supervision of your conduct will be undertaken by your line manager on an informal basis. Minor conduct issues can often be resolved informally between you and your line manager. Where appropriate, a note of any such informal discussions may be placed on your personnel file. In some cases, an informal verbal warning may be given. 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).

2.2 Investigation

No disciplinary action will be taken against you until the case has been fully investigated. The investigatory stage may involve an investigatory meeting with you, but such a meeting will not always be necessary.

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.

The formal procedure refers to meetings with your line manager. In the event that your line manager conducted the investigation into the allegations of misconduct, you may be invited to a disciplinary meeting with another manager of equal or higher seniority.

2.3 Criminal matters

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 an investigation meeting or a disciplinary meeting 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.

2.4 Disciplinary meetings

At every formal stage in the procedure you will be sent a letter which sets out the nature of the complaint against you, the basis for the allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. In the majority of cases, QRS will provide you with copies of the evidence and any relevant witness statements which it has obtained as part of its investigation prior to the disciplinary meeting. QRS reserves the right to anonymise statements or, if necessary, to provide a summary of the evidence obtained where it considers such action is necessary to protect the witnesses or where it has only been possible to obtain evidence on a confidential basis.

At every formal stage, you will be invited to attend a meeting to discuss the concern(s). At this meeting you will be given the opportunity to state your case, ask questions, present evidence and, where appropriate, call witnesses or submit witness statements. If QRS intends to call any witnesses at the meeting, it will inform you in advance. 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. Equally, if you wish to call any witnesses at the meeting, you should inform your line manager in advance as to the identity of your witnesses.

At the meeting you will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise. We may adjourn the disciplinary meeting 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 meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

You must take all reasonable steps to attend a disciplinary meeting. If you fail to attend for a legitimate reason, the meeting will be postponed once. If you fail to attend without reasonable explanation or you do not attend a rearranged meeting, QRS may proceed with the meeting in your absence. *Meetings may take place in person or using Zoom / Teams etc.*

You will usually be given 2 working days' notice of the date and time of the meeting.

2.5 Companion

At any disciplinary meeting you will have the right to be accompanied by a work colleague or a trade union representative of your choice. 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 you wish to exercise this right you should tell QRS in advance who you have chosen as a companion. Your companion may not answer questions on your behalf, but may present your case, sum up and respond on your behalf to views expressed at the meeting. You may confer privately with your companion at any time during the hearing. If your companion is unavailable the meeting will be postponed to a more mutually convenient time within the next 5 working days.

2.6 Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees / workers 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.

QRS will arrange for notes of the disciplinary meeting to be taken usually by someone who is not involved in the case. You will usually be given a copy of the Company's notes of the meeting. You or your companion is entitled to take your own notes.

2.7 Decision making

Where the facts are in dispute, QRS is entitled to conclude that you committed the alleged misconduct if, following the review of a proper investigation and having taken into account your comments, the director(s) conducting the disciplinary process reasonably and honestly believes that the allegations are true.

Following the disciplinary meeting, you will be notified of the Company's decision.

You will not be dismissed for a first breach of discipline except during your probationary period or in the case of gross misconduct when the penalty will be dismissal without notice or pay in lieu of notice.

You will have the right to appeal against any disciplinary penalty or dismissal.

3. Your Obligations

You are required to comply with the terms and conditions set out in your contract of employment. You must also comply with all instructions whether given verbally or posted on the notice boards, sent by e-mail, or otherwise brought to your attention. You must observe all Company practices, policies and procedures set out in the Staff Handbook. Breach of any of these requirements may lead to disciplinary action, up to and including summary dismissal.

4. Formal sanctions

The procedure may be implemented at any stage of these sanctions, and stages may be omitted if your alleged misconduct or serious derelict of duty warrants such action.

QRS reserves the right in circumstances which it considers appropriate, to demote and/or transfer members of staff to other departments as an alternative to the disciplinary sanctions set out below. This may result in loss of salary and benefits.

4.1 Stage 1 – First Written Warning

A first written warning is the first level of formal sanction and is issued in cases of misconduct. If a first written warning is issued you will be advised of the reason for the warning, given guidance as to appropriate conduct and told that this is the first formal stage of the disciplinary procedure. The warning will explain that action under Stage 2 or 3 will be considered if there is further misconduct. You will be advised of your right of appeal.

4.2 Stage 2 – Final Written Warning

If, while a first written warning is valid, you commit another act of misconduct, or if the misconduct is sufficiently serious, a final written warning will normally be issued. If a final written warning is issued you will be advised of the reason for the warning, given guidance as to appropriate conduct and told that this is the second stage of the disciplinary procedure. The warning will advise that dismissal will result if further misconduct occurs. You will be advised of your right of appeal.

4.3 Stage 3 – Dismissal

If, while a final written warning is valid, you commit another act of misconduct, or you commit an act of serious or gross misconduct, dismissal will be considered. The decision to dismiss you will usually be taken by one or two directors. If you are dismissed, you will be provided as soon as possible with written reasons for dismissal, the date on which your employment will end and you will be notified of your right of appeal.

In cases of gross misconduct, QRS may terminate your employment without notice or pay in lieu of notice.

4.4 Duration of Warnings

A first written warning will usually remain valid for six months. A final written warning will usually remain valid for 12 months. If, during these periods, there has been no cause for further action under this procedure, the warnings will normally cease to be valid after the time stated has elapsed. However, if a pattern of misconduct emerges, it may be appropriate to extend the period for which a current warning remains valid. After warnings have expired, they will remain permanently on your personnel file but will usually be disregarded in deciding the outcome of future meetings under this procedure. QRS reserves the right to take into account expired warnings where you commit acts of misconduct shortly after the expiry of a warning.

4.5 Suspension

QRS reserves the right to suspend you on full pay (or sick pay if you are on sick leave) if it considers it necessary at any stage of a disciplinary process in the interests of QRS, you and/or other employees / workers, to protect QRS's property, prevent evidence being tampered with or to allow matters to be properly investigated. Suspension is not and should not be considered any form of disciplinary action.

If QRS exercises its right to suspend you, it will advise you of your suspension in writing and its likely duration which will be for as short a period as possible. If the period of suspension needs to be extended you will be advised of the reason for the extension and its likely duration.

During the period of your suspension from duty, you are required to:

- Immediately return your office keys/alarm fob (where applicable) and to provide details of your computer password.
- Comply with such further conditions as QRS may specify in relation to your attending at or remaining away from Company or customer premises.
- Remain available for work during your normal working hours should you be required.
- Ensure you do not perform work for any other employer, or undertake self-employment, unless prior written consent of QRS has been provided for such activities; and
- if you fall ill follow the Sick Leave policy.
- Ensure that confidentiality is maintained.

6. Misconduct

The following list provides examples of offences, which are usually regarded as misconduct. The list is not exhaustive. Serious examples of some of the behaviours set out below may be considered gross misconduct:

- Damage to property belonging to QRS or other employees, workers or clients/customers and/or failure to report such damage as soon as possible.
- Failure to comply with statutory rules and regulations and QRS practices and procedures.
- Excessive use of the telephone for personal calls.
- Excessive personal email or internet usage.
- Conduct likely to offend other employees, customers, visitors, or members of the public.
- Swearing or use of obscene language likely to offend.
- Disregard or neglect of duties.
- Unauthorised sale of goods on QRS premises.
- Improper use of the Company's equipment.
- Failure to ensure safe working practices; and
- Minor breaches of your contract of employment.
- Minor non-conformance to QRS's Clear Desk Policy or PC Security.

7. Gross Misconduct

Gross misconduct will normally lead to dismissal without notice or payment in lieu of notice. The following list provides examples of offences, which are normally regarded as gross misconduct. This list is not exhaustive:

- Theft, fraud, dishonesty, deliberate falsification of records.
- Fraudulent or reckless misrepresentation eg. *making a fraudulent expenses claim*.
- Obtaining employment with QRS by means of false or misleading information, including failure to disclose correct information on your application form regarding your qualifications, experience or immigration status.
- Refusal or failure to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties eg. *conflict of interest which prejudices QRS's interests*.
- Making a disclosure of false or misleading information under QRS's Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith.
- Making untrue allegations in bad faith against a colleague.
- Offer or acceptance of bribes or other corrupt practices or other breach of QRS's Anti- Bribery Policy.
- Knowingly taking parental, shared parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child.
- Fighting, physical violence, assault on another person or persons or threat of such behaviour.
- Sabotage / deliberate damage / vandalism to the Company's property or that of a fellow employee, worker or client/customer.
- Serious breaches of health and safety rules including deliberate damage to or misappropriation of safety equipment.
- Serious misuse of the Company's property or name.
- Unauthorised use of the Company's equipment for personal use.
- Making disparaging or defamatory statements about QRS, our employees / workers, clients or suppliers in person or on social media.
- Behaviour which breaches mutual trust and confidence or brings you or QRS into disrepute (whether or not committed in the course of work).
- Serious acts of insubordination or wilful disobedience of a reasonable instruction.
- Appearing to be under the influence of alcohol or non-prescription drugs/ substances or the possession, use or abuse of alcohol or non-prescription drugs/substances during working hours.
- Refusal to permit a search.
- Smoking on QRS's premises.
- Discrimination, harassment or bullying / intimidation of any person contrary to QRS's Bullying and Harassment Policy or Equal Opportunities Policy.
- Offensive behaviour such as racist or sexist abuse / indecent behaviour.
- Illegal activities and criminal acts, whether during or outside the course of employment.
- Conviction of a criminal offence which affects your suitability to remain employed, other than minor road traffic offences.
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under QRS's Whistleblowing Policy, AntiBribery policy, Bullying and Harassment Policy, Grievance Procedure, Disciplinary Procedure or otherwise.
- Poor time keeping or lateness (including taking excessive breaks), time wasting.
- Unauthorised absence from work, or failure to comply with the notification and certification requirements under QRS 's sickness absence procedure.

- Refusal to obey a reasonable instruction.
- Serious negligence or neglect of duty which causes unacceptable loss, damage or injury or risk of unacceptable loss, damage or injury.
- Serious negligence or failure to follow the Company's policies or procedures or adherence to the MRS Code of Conduct or General Data Protection Regulation/Data Protection Act that may bring the company into serious disrepute with its staff, clients or members of the public.
- Serious misuse of QRS's email and/or Internet connection contrary to the Company's Use of Facilities and/or Email and Internet Acceptable Use Policy including but not limited to deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Serious breach of QRS's Information Security polices including but not limited to loading unauthorised software onto the Company's electronic systems.
- Unauthorised or negligent use or disclosure of confidential information including failure to ensure that confidential information in your possession is kept secure.
- Unauthorised use, processing or disclosure of personal data contrary to QRS's Data Security Policy including but not limited to Retention and Disposal Procedure.
- Material failure to comply with QRS's Data Breach Policy.
- Unauthorised entry into premises / an area of the premises to which access is prohibited *eg. Server room.*
- Failure to notify QRS that you have tested positive or been in close contact with an individual that has tested positive for COVID-19.
- Making false or malicious claims of COVID-19 symptoms or other medical conditions.

8. Appeals

If you wish to appeal against a disciplinary decision should inform a Company director or, where a Company director is the person against whom the appeal is made, another Company director, in writing stating the grounds of appeal within 7 working days of being notified of the disciplinary decision. Two Company directors will usually hear all appeals, usually within 7 working days of receiving an appeal letter.

You will have the right to be accompanied at an appeal meeting by a colleague or a trade union representative of your choice and your companion's role is as at a disciplinary meeting.

If you raise new matters in your appeal, QRS may need to carry out further investigation. If any new information comes to light, QRS 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 appeal meeting.

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.

The outcome of the appeal will be one of the following:

- the original decision will be upheld, or
- the severity of the decision will be reduced, or
- the decision will be overturned completely.

Once a decision has been reached you will be informed of it (and the reasons for it) in writing. The appeal decision is final.

9. Implementation of dismissal decisions

In the case of dismissal, your employment will end at the end of the notice period or earlier if QRS exercises its right to pay in lieu of notice (except in cases of gross misconduct where no notice will be given in which case employment will end immediately). If an appeal is upheld, you will be reinstated and your pay and benefits will be made up from the termination date to the date of reinstatement.

These policies supplement your terms of employment but are not of contractual effect. Their purpose is to explain the Company's current policies and procedures but they may be subject to change without notice if changes are considered appropriate by the Company or if there are changes in relevant legislation.