

# Disciplinary Policy



## WHO is this policy for?

- Channel 4 employees who've passed their probationary period
- Channel 4 managers
- This policy does not form part of any employee's contract of employment and we may amend it at any time

## WHY is this policy important?

### Because we take performance and conduct issues seriously

Open, honest and regular dialogue is key to productive working relationships. It ensures that expectations between managers and employees are clear and understood, and that any misunderstandings are minimised.

If an employee fails to meet the requirements of their job – in conduct, attitude or performance – a 'quiet word' (together with relevant help to aid improvement) can often resolve things quickly.

However, sometimes formal disciplinary procedures are called for to manage 'unsatisfactory performance' and issues of 'misconduct' or 'gross misconduct' (see below). Ideally, the aim is to bring about improvement – remedying, rather than punishing – but in cases of alleged gross misconduct the end result could be summary dismissal.

## WHAT are the details of the policy?

### Here are our guiding principles

- Our disciplinary process is based on the ACAS Code of Practice: Disciplinary & Grievance Procedures. This code and our Disciplinary Policy do not apply to dismissals due to redundancy or the non-renewal of fixed-term contracts
- Issues and concerns will be explained to an employee, and they'll be able to respond and agree how performance improvements/changes in behaviour can be achieved
- Where the misconduct is considered to be minor, a manager may deal with the matter informally by explaining the standard of conduct required by the employee. This could form part of supervision or a separate discussion and does not constitute a disciplinary warning
- Where appropriate and relevant, additional training or coaching will be provided to help the employee meet the required improvements
- A work colleague or trade union rep may accompany an employee to any meetings if the disciplinary process becomes formal
- All issues and allegations of misconduct will be investigated and discussed before any decisions are taken
- HR will not normally be involved in informal discussions, but must always be involved in the formal disciplinary process
- File notes of meetings will normally be taken and shared with the employee at their request

- Channel 4 reserves the right to start the disciplinary procedure at any stage (as set out below), depending on the alleged misconduct of an employee. Employees will not normally be dismissed for a first disciplinary offence unless it's for gross misconduct
- Where time limits are referred to in the course of this procedure, they may be changed as long as the employee and Channel 4 agree
- All employees who've been through the disciplinary process have the right to appeal any decisions made. A manager with no prior involvement in the case will hear the appeal
- Where possible, Channel 4 will make reasonable adjustments to this policy, its procedure and operation to cater for employees with disabilities

### **What is 'unsatisfactory performance'?**

- Unsatisfactory when compared with the standard required by Channel 4, or other employees carrying out the same, similar or equivalent work
- Unsatisfactory through not meeting reasonable standards of performance where the work is of an unusual or specialist nature and where there are no comparators

### **What is 'misconduct'?**

- A few examples (not exhaustive) are:
  - Minor violation of Channel 4's rules or procedures
  - Absenteeism or persistent lateness
  - Resistance to carrying out reasonable assigned tasks
  - Misuse of Channel 4's email or internet system

### **What is 'gross misconduct'?**

- A few examples (not exhaustive) are:
  - Harassment, bullying or physical assault
  - Deterring (or attempting to deter), victimising or harassing an employee raising a concern under 'Speak Up' which forms part of the Code Of Conduct
  - Insubordination or passive resistance to instruction
  - Incapacity at work due to alcohol or drug abuse
  - Negligence which causes or might cause loss, damage or injury
  - Breach of rules of confidentiality
  - Serious misuse of Channel 4's email and internet systems, or other systems
  - Loading unauthorised software on to Channel 4's computers
  - Assisting competitors or conspiring to compete with Channel 4
  - Any act of bribery or inducement, or the failure to report such an act
  - Fraud

## **A detailed explanation of our procedures;**

### **1. Investigation**

- A manager will promptly investigate any matter that's suspected or believed to be a disciplinary matter, or one that contravenes any of Channel 4's policies or rules. The employee will be informed as soon as possible about the nature of the complaint and the outcome of the investigation
- Depending on the circumstances of the case, the employee may be invited to attend an investigatory interview (there's no right to be accompanied). If one is held before a disciplinary hearing, the employee will be informed at the outset that the interview is purely investigatory. Channel 4 reserves the right to proceed directly to a formal disciplinary hearing.

- At any point before or during an investigation, if it's believed that the matter involves gross misconduct, is of a sensitive nature or where the presence of the employee at work may hinder the investigation, the employee may be suspended from work immediately on full pay and contractual benefits. Any decision to suspend shall be made by Head of HR Management – this will be confirmed in writing, stating that the suspension's precautionary (not disciplinary) pending the outcome of the disciplinary proceedings. The length of the suspension should be kept as short as possible.
- As a Channel 4 employee you are required to support the Channel with any investigatory proceedings being undertaken and to be open and honest in your responses.

## **2. Disciplinary hearing**

- If, once the investigation's complete, there are reasonable grounds to believe that an employee has committed an act of misconduct, the employee will be invited to attend a disciplinary hearing. This will be chaired, where possible, by a different manager to the one who carried out the investigation. If a disciplinary hearing is to take place, Channel 4 will:
  - Give the employee a minimum of two days' warning of the hearing in writing
  - Tell the employee the purpose of the hearing and that it will be held under Channel 4's disciplinary procedure
  - Inform the employee of their right to be accompanied to any meetings by a work colleague or trade union rep
  - Give the employee written details of the nature of their alleged misconduct
  - Provide the employee with relevant information (including witness statements) before the hearing
- If the employee's unable to attend a disciplinary hearing, and provides a good reason for non-attendance, the hearing may be adjourned to another day. Unless there are special circumstances mitigating against it, if the employee's unable to attend the rearranged hearing, that hearing will take place in the employee's absence. If this happens, the person accompanying the employee can attend and will be allowed to present the employee's case (along with any written submissions made by the employee)
- If the employee wants to rely on a relevant witness, the witness statement must be given to the manager hearing the case before the date of the hearing
- If the person accompanying the employee cannot attend on the planned date, the meeting shall be rearranged on a suitable date – within two working days of the original date or longer if mutually agreed.

## **3. Conduct of the disciplinary hearing**

- A disciplinary hearing will normally be conducted by a Channel 4 manager, supported by HR, together with an appropriate person to take minutes (the panel). Wherever possible, the manager responsible for the investigation shall not be a member of the panel, but may present any supporting facts/material to the disciplinary hearing. The employee is entitled to be given a full explanation of the case against them and be informed of the content of any statements provided by witnesses
- Where an employer or employee intends to call relevant witnesses, they must give advance notice that they intend to do this and provide the manager hearing the case with any witness statements before the hearing. The employee will also be entitled to state their case in response to the manager's case and put forward an explanation of their conduct and/or mitigating factors
- The panel may adjourn the disciplinary proceedings if it's necessary or desirable to do so – e.g. in order to gather more information. The employee will be informed of the period of any

adjournment. If further information's gathered, the employee and the person accompanying them will be allowed reasonable time to consider the new information before the disciplinary proceedings reconvenes. The employee may also adjourn the meeting if they need a break or to confer with the person accompanying them

- As soon as possible after the conclusion of the disciplinary proceedings, the manager leading the hearing will:
  - Inform the employee of the panel's decision about what disciplinary action, if any, is to be taken
  - Confirm the decision in writing
  - Notify the employee of their right of appeal under this procedure

#### 4. Disciplinary action (formal procedure)

- If Channel 4 believes the employee's committed a disciplinary offence (after an investigation and disciplinary hearing), the following sanctions may be applied.
- **First written warning.** This may be given where it's found that conduct doesn't meet required standards, or if there's further misconduct on the part of the employee. Written confirmation will:
  - Set out the nature of the misconduct
  - Inform the employee that further misconduct is liable to result in further disciplinary action under this procedure
  - State that the employee may appeal against the warning
  - Specify that the warning will remain 'live' for a period of six months
- **Final written warning.** Where more serious misconduct has occurred, or where there have been further minor offences (of a similar or different nature) following a first written warning that is 'live', the employee will receive a final written warning. This will:
  - Set out the nature of the misconduct
  - Inform the employee that further misconduct is liable to result in further disciplinary action under this procedure which could result in dismissal
  - State that the employee may appeal against the warning within seven days
  - Specify that the warning will remain 'live' for a period of 12 months, or longer in exceptional circumstances
- **Dismissal.** This could be where:
  - The employee's found to have committed further acts of misconduct (but not gross misconduct) following a previous final written warning. The employee may be dismissed with notice or with pay in lieu of notice
  - Channel 4 establishes that an employee has committed an act of gross misconduct. The employee may be summarily dismissed
- **Action short of dismissal.** In exceptional circumstances (following an investigation), if it's found that a serious disciplinary offence has been committed that justifies dismissal, or where dismissal is justified due to further misconduct following previous existing warnings, Channel 4 may decide a lesser penalty's appropriate. Where this is the case, the lesser sanction shall be specified by Channel 4 and may only be applied if the employee agrees, and agrees to it, in writing. The lesser sanction may be:
  - Disciplinary suspension without pay
  - Demotion
  - Transfer to a different job of a lower status

## 5. Appeal

- An employee may use our Appeal Policy to appeal against any formal disciplinary decision imposed against them under this procedure
- The appeal must be in writing (stating grounds for the appeal) and received within seven days of the date of the letter informing them of the disciplinary decision
- The appeal shall be dealt with impartially and, wherever possible, by a manager who's not previously been involved in the case

## HOW do you now go about things?

### Here's who's responsible for what

- **Managers** for:
  - Ensuring that your staff meet appropriate standards of conduct and performance and are therefore responsible for taking initial action when standards are not met
  - Having an informal meeting with an employee if they're failing to meet the performance standards of their job – to explain their shortcomings, set out expectations, listen to what the employee has to say, and identify ways to help them make improvements. In most cases this should be enough to avoid starting formal procedures
  - Conducting an investigation into the alleged performance/conduct issue
- **Heads Of Department** for:
  - Assuming responsibility (usually) for the disciplinary process at final written warning stage, or in cases of suspected gross misconduct
- **The HR Team** for:
  - Being involved and assisting (if requested or appropriate) in informal discussions
  - Always being involved in the formal disciplinary process and any meetings – to ensure that the correct procedural steps are taken and to advise on fair application of the procedure

## WHERE can you get related information?

- You may find the following policies helpful – our Bullying & Harassment Policy, Speak Up (can be found in the Code Of Conduct) and Appeal Policy

Policy owner:

Signed off by:

Next review date:

On: / /