

Global Disciplinary Policy and Procedures

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Global Disciplinary Policy and Procedures

1.0 Introduction

- 1.1 Sightsavers, through good management practice, its employment policies and employee development, aims to help and encourage employees to achieve and maintain high standards of performance, conduct and behaviour, and aims to encourage improvement in these areas at all times. However, in the event that misconduct or unsatisfactory performance occurs that requires action, the Global Disciplinary Policy and Procedures are to be followed.
- 1.2 The aim of the Global Disciplinary Policy and Procedures is to ensure all employees are treated fairly and consistently in relation to cases of unsatisfactory performance, conduct and any action that may be taken as a result. While all cases should be dealt with as promptly as possible, thoroughness is also important to ensure the most appropriate course of action is taken in the light of all available evidence.
- 1.3 It is the responsibility of the Human Resources Business Partners to monitor and review the procedures to ensure they are fully effective and consistently applied across Sightsavers.

2.0 Scope and definitions

- 2.1 This policy and related procedures normally applies to all employees who have completed their probationary period. For employees in their probationary period, any issues will be covered in the standard probationary conduct/performance reviews referenced in their contract. For agency workers and self-employed consultants, all arrangements are covered in the terms and conditions of their agreement with Sightsavers.
- 2.2 This policy should be used to deal with misconduct, behaviour and performance concerns.
- 2.3 Genuine cases of illness and other issues with sickness absence should normally be dealt with under the Global Sickness, Health and Wellbeing Policy.
- 2.4 Where matters relate to drug or alcohol abuse, reference should normally be made in the first instance to the Global Alcohol and Substance Abuse Policy.
- 2.5 For locations outside the UK, any local employment law requirements in relation to disciplinary proceedings, over and above this policy and procedure, should also be applied. If in doubt, seek advice from your HR Business Partner.

2.6 Definitions:

'Days' means any working days for the specific country in which an employee works or day that an employee is carrying out work on behalf of Sightsavers.

'Line manager' means the immediate manager of the employee. In these procedures sometimes it may be appropriate for an alternative manager to act in their place.

3.0 Principles

- 3.1 Whenever a potential disciplinary matter arises, the line manager will immediately contact the HR Business Partner for advice and support in carrying out any part of this disciplinary procedure.
- 3.2 No disciplinary action will be taken against an employee unless the case has been investigated or evidence is available.
- 3.3 The employee will be advised in writing of the nature of the allegation against them and will be given the opportunity to state their case at a disciplinary hearing before any decision is made. The employee may be initially informed of the allegation(s) via email; however this will be followed up by a formal letter.
- 3.4 Employees will not normally be dismissed for a first disciplinary offence unless Sightsavers decides that it is gross misconduct (see section 4.3) or where the employee has not yet completed their probationary period. However, repeated, persistent or serious misconduct could lead to dismissal without notice in accordance with the Global Disciplinary Procedures.
- 3.5 If an employee has difficulty at any stage of the procedure because of a disability or language, they should discuss the situation with their line manager or HR Business Partner.
- 3.6 If an employee fails to attend a disciplinary interview, disciplinary hearing or appeal hearing without good reason, this may be treated as misconduct in itself. If this occurs and/or the employee is persistently unable to attend (for example for health reasons), a decision may be taken in their absence based on the available evidence.
- 3.7 The HR Business Partner will advise line managers of the most appropriate way to handle disciplinary issues.
- 3.8 Summary notes may be taken at a formal meeting. Notes will not be verbatim (word for word), but will form an accurate summary of the discussions that took place. Recordings of meetings are not permitted and will be considered an act of misconduct in itself.

4.0 Definitions of misconduct

4.1 Minor shortcomings

Minor shortcomings usually include concerns about performance that is below expectations or minor conduct issues, which can often be resolved informally.

4.2 Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under this policy. This list is intended to be a guide and is not exhaustive. Misconduct includes misconduct off duty where this affects, or could affect, other employees or the reputation of Sightsavers (this may include Sightsavers-organised trips/social events).

- Poor timekeeping
- Unauthorised absences
- Failure to carry out reasonable instructions
- Breach of IT acceptable use policy
- Minor breaches of employee's contract
- Minor breaches of our policies and procedures
- Damage to and/or unauthorised use of our property
- Smoking in non-smoking areas
- Time wasting
- Excessive use of telephone and/or IT systems
- Use of obscene language or offensive behaviour
- Negligence of a minor kind
- Minor breaches of health and safety
- Misuse of equipment or facilities.

4.3 Gross misconduct

The term 'gross misconduct' is used to describe misconduct that is sufficiently serious that Sightsavers would be justified in dismissing the employee without notice even for a first offence. It is considered serious enough to breach the employment contract between the employee and Sightsavers and includes misconduct which, in our opinion, is likely to prejudice and/or could prejudice our organisation, reputation or irreparably damage the working relationship and trust between us. While it is not possible to produce a definitive list of offences that could be deemed gross misconduct, some examples are given below as guidance only and the list is not exhaustive.

- Dishonesty such as theft, fraud or deliberate falsification of records or salary or expenses claims
- Bribery (both giving and receiving) and other corrupt activity
- Falsifying any information given in applying for a post and/or failure to declare criminal convictions
- Fighting, assault on another person or threatening behaviour
- Deliberate damage to Sightsavers' property or the property of any employee
- Serious incapability at work through alcohol or being under the influence of illegal drugs

- Bullying or harassment
- Unlawful discrimination
- Negligence that causes and/or could cause significant and/or unacceptable loss, damage or injury
- A serious act of insubordination
- Wilfully ignoring responsibilities or reasonable instructions on a repeated basis
- Serious neglect of duties
- Consistent or serious failure to follow Sightsavers' policies and procedures
- Failure to comply with Sightsavers' Global ICT Usage Policy, including unauthorised entry to computer records or intended misuse of computer records
- Serious infringement of health and safety policy and procedure, including failure to notify Sightsavers of a serious and immediate danger to health and safety
- Breach of confidentiality under the Global Data Protection Policy
- Behaviour or actions that could and/or do bring Sightsavers into disrepute and/or damage its reputation, including, but not limited to, any activity in or outside work through social media
- Unethical conduct (including the use of sex workers)
- Misuse of Sightsavers' computer, telephone or other communication systems or property
- Undertaking unauthorised private paid work at a time when the employee should be working for Sightsavers.

Any findings of gross misconduct will normally result in summary dismissal without notice or pay in lieu of notice (summary dismissal).

5.0 Confidentiality and disciplinary records

- 5.1 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.
- 5.2 Notes may be taken at meetings at each stage of the procedure as a record. A copy of all documentation will be kept confidentially with HR and/or in accordance with specific country data protection laws. Copies of warnings will be held on the employee's file within HR. These records will be kept on file but disregarded for disciplinary purposes after the warning has expired, subject to the required improvements.

6.0 Criminal allegations

- 6.1 Where an employee's conduct is the subject of a criminal investigation, charge or conviction, Sightsavers will investigate the facts before deciding whether to take formal disciplinary action.

- 6.2 Sightsavers will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, Sightsavers may have to take a decision based on the available evidence.
- 6.3 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 the employee's employment.
- 6.4 If an employee is suspected of being involved in a criminal offence within their employment with Sightsavers, the Directors and/or HR Business Partners will decide whether or not to refer the matter to the police for prosecution proceedings, although the normal disciplinary procedure will apply.

7.0 UK informal procedures

The following sections detail the requirements for UK employees only. For locations outside of the UK, any local employment law requirements in relation to discrimination, bullying and harassment complaints, over and above this policy and procedure, should also be applied. If in doubt, please seek advice from your HR Business Partner.

- 7.1 The standards of conduct and performance expected of all employees will be made clear by line managers and should usually be reinforced through regular one-to-one meetings and, where appropriate, followed up in written guidance, which, in the case of performance, may include a Performance Improvement Plan (PIP). Expected standards should be reinforced in a constructive way by line managers through on-the-job training and in documents such as job descriptions, role descriptions and appraisals, where clear objectives for conduct or behaviour will be outlined.
- 7.2 Minor shortcomings in conduct or performance by an employee should be addressed informally by the line manager as they occur, with the aim of encouraging and helping the employee to improve. An informal discussion between the line manager and employee will normally be appropriate in the first instance in cases of minor misconduct or performance, to ensure that employees understand Sightsavers' expectations of performance, conduct and behaviour.

An informal discussion will usually include the following:

- Check that the standards of conduct, behaviour or performance expected have been explained and understood.
- Check that the employee has had sufficient time to understand and learn the tasks involved in their job.
- Check that the employee has received sufficient training for their job.
- Check that there is no personal or any other work-related issue that is affecting performance, conduct or behaviour.

Where informal discussions take place, and where any subsequent actions are agreed, a note will usually be kept on the employee's file. The purpose of this is to document the discussions for referral, without use of a formal disciplinary procedure.

- 7.3 It should be made clear to the employee that their progress will be reviewed at regular intervals by their line manager until satisfactory conduct or performance is achieved.
- 7.4 Where an informal process has proved unsuccessful, and/or there are repeated occurrences of poor conduct or unsatisfactory performance and/or the matter is not resolved, the line manager should advise the employee that they will need to progress to a formal process. Or if the misconduct or performance is such that it should be dealt with immediately, Sightsavers will move directly to a formal disciplinary procedure.

8.0 UK formal procedure

- 8.1 Where an incident occurs, an allegation is made against an employee or there has been a failure to improve conduct or performance during the informal procedure, the line manager should speak with the HR Business Partner and follow the procedure given below.

8.2 Suspension from duty

In some circumstances of alleged misconduct, employees may need to be suspended from work pending a disciplinary investigation. Suspension will take immediate effect and will normally be on full pay, unless the employee is subsequently unwell and/or signed off due to sickness absence, in which case the employee will be entitled to sick pay as set out in their contract of employment.

The line manager is responsible for ensuring that the employee is notified of the terms relating to their suspension, giving the reason for the suspension and explaining that it does not constitute disciplinary action nor is there a presumption of guilt. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against an employee, or for as long as is otherwise reasonable while any disciplinary procedure is outstanding. The HR Business Partner will write to confirm the suspension, setting out the grounds on which the decision has been taken.

8.3 Investigation

In all cases of alleged misconduct or unsatisfactory performance, an investigation of the matter will be carried out as soon as is reasonably practicably, normally by a manager who will act as investigating officer (IO).

The HR Business Partner will be available to provide clarification and advice on procedures to the employee, their representative and the relevant managers at all stages of the procedure.

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to the disciplinary allegations, before deciding whether to proceed with a formal disciplinary hearing.

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.

Employees do not normally have the right to bring a companion to an investigative interview. However, we may allow an employee to bring a companion if it helps them to overcome any disability, or any difficulty in understanding English.

Employees 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.

8.4 **Disciplinary meeting/hearing**

If it is considered that there are grounds for disciplinary action, the employee will be invited to attend a disciplinary hearing. The employee will be given written notice of the meeting, including details of the time, place and venue. The employee will also be informed of the allegations against them and what the likely range of consequences will be if, following the hearing, we decide that the allegations are true.

The employee should normally also receive (where appropriate) a summary of relevant information gathered during the investigation. This may include interviews, statements, evidence of unsatisfactory performance and any other paperwork generated while investigating the allegation(s). A copy of the relevant documents which will be used at the hearing. This allows the employee a reasonable opportunity to consider a response to the allegations before the meeting takes place.

Employees must take all reasonable steps to attend the disciplinary meeting. If they or their representative are not able to attend, they should inform us immediately and we will arrange an alternative time. If an employee's 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 the employee to choose someone else. Employees must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If an employee fails to attend without good reason, or is persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

The disciplinary hearing will normally be chaired by a manager. The HR Business Partner will agree with the manager what level of support will be provided to them, which may vary dependent on location, availability, seriousness of issues, experience of manager and any support the manager may have locally. In the UK, a not-taker from the HR Operations team (or

suitable equivalent) will usually be in attendance. In country offices, a suitable note-taker will be appointed.

During the disciplinary hearing the allegations will be set out in full. An opportunity will be provided for the employee to make their response to those allegations and to go through the evidence gathered. Any mitigating circumstances will also be carefully considered.

Employees have the right to be accompanied by a work colleague or trade union representative at any disciplinary hearing or appeal hearing (dependant on the legal requirements of their country). The representative can address the hearing, ask questions or make comments; they may not answer questions on the employee's behalf.

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 raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform the employee 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 the employee in person.

9.0 Disciplinary penalties

Where it is deemed necessary to take disciplinary action, the following penalties may be applied.

9.1 Stage 1: Verbal warning

Following a disciplinary hearing, where minor misconduct or unsatisfactory performance is found, a verbal warning will normally be given setting out the nature of the minor misconduct or unsatisfactory performance, the improvement required, the period for which the warning will remain active and the consequences of further misconduct or unsatisfactory performance in that active period. A note of the verbal warning should be recorded and will be kept on the employee's HR file, but it will be normally considered spent after six months, subject to improved and satisfactory conduct and performance.

A verbal warning is usually appropriate for a first act of misconduct or incident of unsatisfactory performance where there are no other active warnings.

Stage 2: First written warning

Following a disciplinary hearing where misconduct or ongoing unsatisfactory performance is found, a first written warning may be given, setting out the nature of the misconduct or unsatisfactory performance, the improvement required, the period for which the warning will remain active and the consequences of further misconduct in that period. The written warning will be kept on the employee's HR file, but it will be normally considered spent after six months, subject to improved and satisfactory conduct and performance.

A first written warning will usually be appropriate for misconduct or unsatisfactory performance where there is already an active written warning on an employee's record or misconduct that we consider sufficiently serious to warrant a first written warning even though there are no other active warnings on the employee's record.

Stage 3: Final written warning

If there is insufficient improvement following a first written warning, or if there is misconduct found following a disciplinary hearing that is serious enough to warrant a final written warning (even though there are no other active warnings), a final written warning may be issued to the employee. This will set out the nature of the misconduct or unsatisfactory performance, the improvement required, the period for which the warning will remain active and the consequences of further misconduct or unsatisfactory performance in that active period, which may ultimately include dismissal.

The final written warning will be kept on the employee's HR file, but will normally be considered spent after 12 months, subject to satisfactory conduct and performance. In exceptional cases verging on gross misconduct, a final written warning may state that it will remain active indefinitely.

Stage 4: Dismissal

Where misconduct is considered to be gross misconduct (regardless of whether there are active warnings on the employee's record) or there is further misconduct or unsatisfactory performance where there is an active final written warning, the employee may be dismissed.

Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Sightsavers reserves the right to omit any earlier warnings or stages and move directly to dismissal.

Alternatives to dismissal

In some cases Sightsavers may at its discretion consider alternatives to dismissal. Please consult your HR Business Partner for further guidance. These will usually be accompanied by a final written warning. Examples include:

- Demotion
- Transfer to another department or job
- Loss of seniority
- Reduction in pay
- Loss of overtime.

9.2 Any employee subject to a disciplinary penalty will not be entitled to a salary review under any circumstances.

10.0 Escalation of disciplinary procedures

Sightsavers reserves the right to escalate through the procedures and/or enter the procedure and sanctions at any stage and/or move straight to a final written warning or even dismissal stage, depending on the nature of each case.

11.0 Appeals

If an employee feels that disciplinary action taken against them is wrong or unjust, they should appeal in writing, stating their full grounds of appeal, to the HR Business Partner within one week of the date on which they were informed of the decision.

If an employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the employee's appeal is successful, they will be reinstated with no loss of continuity or pay.

The employee will usually be invited to attend an appeal hearing with the HR Business Partner and an appropriate manager who was not (where possible) involved in the original disciplinary meeting or decision.

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 the case. In any event, the appeal will be dealt with as impartially as possible.

At the meeting, the reasons for appealing will be discussed further and the employee will be given the opportunity to present any new evidence, as appropriate. The employee has the right to be accompanied by a colleague or trade union representative as previously detailed in these procedures.

We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing, we may increase and/or substitute a different penalty, confirm the original decision, or decrease or revoke the original disciplinary sanction.

After the meeting, the HR Business Partner will write to the employee with the final decision. There is no further appeal from this decision.



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