

Disciplinary and Capability Procedure Policy

This procedure is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance and sets out the procedures and steps that will take place in the event of a disciplinary or capability process being undertaken.

Minor conduct or performance issues can usually be resolved informally with your line manager. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

This procedure does not form part of any employee's contract of employment, and we may amend it at any time.

Investigations

Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.

In some cases of alleged misconduct, we may need to suspend you from work while we carry out the investigation or disciplinary procedure (or both). While suspended, you should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless authorised to do so. Suspension is not considered to be disciplinary action.

If you are signed off sick during a period of suspension, you will be entitled to sick pay in accordance with the Company's Sickness policy.

The Hearing

We will give you written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements. If there are reasons for conducting any hearing remotely (for example, by using remote working platforms or technologies), we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing. If you have any questions regarding how to join the hearing remotely, you should let us know before the hearing date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where an employee has a hearing condition or does not have access to relevant equipment or software). In these cases, the hearing will take place in person where possible.

You may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion.

You should let us know as early as possible if there were any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.

We will inform you in writing of our decision, usually within one week of the hearing.

Disciplinary action and dismissal

The usual penalties for misconduct or poor performance are:

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- **Stage 1: First written warning.** Where there are no other active written warnings on your disciplinary record, you will usually receive a first written warning. It will usually remain active for six months.
- **Stage 2: Final written warning.** In case of further misconduct or failure to improve where there is an active first written warning on your record, you will usually receive a final written warning. This may also be used without a first written warning for serious cases of misconduct or poor performance. The warning will usually remain active for 12 months.
- **Stage 3: Dismissal or other action.** You may be dismissed for further misconduct or failure to improve where there is an active final written warning on your record, or for any act of gross misconduct. Examples of gross misconduct are given below. You may also be dismissed without a warning for any act of misconduct or unsatisfactory performance during your probationary period.

We may consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by your contract), and/or extension of a final written warning with a further review period.

Appeals

You may appeal in writing within one week of being told of the decision.

The appeal hearing will, where possible, be held by someone senior to the person who held the original hearing. You may bring a colleague or trade union representative with you to the appeal hearing. As detailed above, there may be circumstances in which it is appropriate for a hearing to be conducted remotely.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.

Gross Misconduct

Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us. This may include misconduct committed outside of work. Gross misconduct includes, but is not limited to, the examples given in the following list:

- Physical violence, assault or attempted assault on another person
- Failure to carry out a reasonable and lawful direct instruction or serious insubordination
- Serious cases of bullying, offensive, aggressive or threatening or intimidating behaviour or use of vulgar or other inappropriate language
- Theft or unauthorised removal of property not belonging to you from Aura Retrofit Limited premises or deliberate damage to property belonging to Aura Retrofit Limited, its customers, suppliers, contractors, visitors or other employees
- Fraud, including misappropriation of funds, falsification of expense claims or accounts or other records, or any other corrupt or improper practice
- While purporting to be absent from work due to sickness or injury that has not been medically certified, working or indulging in activities which are likely to be inconsistent with the reason that you have given for the absence and/or which are unlikely to be conducive to recovery

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- Whilst on duty, being seriously incapable of performing your work in a suitable manner brought on by alcohol or illegal drugs or where there is substantial potential for such serious incapability
- Being in possession of or dealing in illegal drugs
- Serious negligence that causes or might cause unacceptable loss, damage or injury
- Indecent or lewd behaviour of a serious nature
- Falsifying time and attendance records, claiming or receiving money for time not worked or work not performed for Aura Retrofit Limited
- Serious misuse of Aura Retrofit Limited e-mail/internet or other computing resources
- Serious breach of a health, safety or fire rule or requirement and/or any action that seriously endangers the health or safety of yourself or another person whilst at work
- Loss of driving licence or conviction where driving is an integral part of the job, which you are employed to do
- Driving offences and/or convictions
- Being convicted for a criminal offence or committing an act outside work, which makes you unsuitable for the type of work that you are employed to do and/or is liable to have an adverse effect on the relationship between yourself and Aura Retrofit Limited;
- Serious discrimination against a person or harassment of person on the grounds of his or her race, religion or belief, age, sex or sexual orientation or disability
- Serious breach of confidence, in particularly a breach of the essential requirement of confidentiality (subject to the Public Interest (Disclosure) Act 1998)
- Serious breach of trust, in particularly from deceitfulness or from conflict of interest including performing work in competition with Aura Retrofit Limited
- Serious breach of trust, in particular a breach of the essential requirement of fidelity in the sense that you must not damage the interests of Aura Retrofit Limited or take steps that could reasonably be construed as doing so
- Engaging in any conduct that was materially averse to the interests of Aura Retrofit Limited;
- Deliberate and serious damage to property
- Serious misuse of the organisation's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Engaging in any conduct likely to bring Aura Retrofit Limited into disrepute
- Unauthorised absence
- Unauthorised covert recordings or
- Engaging in activities whilst on sick leave which are incompatible with the reason given for your absence

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