Disciplinary Policy

We believe that an open, honest dialogue between staff and managers is key so that expectations are clear and mutually understood and any misunderstandings or confusion are minimised. Occasionally expectations are not met, which can often be resolved informally through the “right word at the right time”. If an employee fails to meet the requirements of their job – in terms of their conduct, attitude or performance – their manager will explain their shortcomings to them informally, explain expectations, listen to what they have to say and identify ways to help any improvements to be made. In most cases this should be sufficient to avoid the need for formal procedures to be applied.

The disciplinary process will be used to manage both poor performance and conduct issues with the aim of bringing about improvement – remedying, rather than punishing. However for cases of alleged gross misconduct a swifter process will be followed (as described below) and sanctions up to and including summary dismissal may be imposed.

Channel 4 will make reasonable adjustments to this Disciplinary Policy (the “policy”) and the Disciplinary Procedure (the “procedure”) and its operation to cater for employees (or their companions) who have a disability. If an employee thinks that such adjustments are required in their case, they should let HR know.

Scope

The policy and the procedure apply to all employees who have passed their probationary period and do not form part of an employee’s contract of employment. They do not apply to freelancers/third party contractors or additional workers.

Guiding principles

The process is based on the ACAS Code of Practice: Disciplinary & Grievance Procedures. However, please note that this code (and the policy and procedure) do not apply to dismissals due to redundancy or the non-renewal of fixed term contracts on their expiry.

1. Issues and concerns will be explained and an opportunity will be provided to allow the employee to respond and agree how performance improvements or changes in behaviour can be achieved.

2. Where appropriate and relevant, additional training or coaching will be provided to help the employee meet the required improvement to be made.

3. A work colleague or trade union representative may accompany anyone subject to the formal disciplinary process. Third party representation (for example, by a solicitor) is not permitted.

4. All issues and allegations of misconduct will be investigated and discussed before any decisions are taken.

5. HR will not normally be involved in informal discussions but will assist if requested or appropriate. HR must always be 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.

6. File notes of meetings will normally be taken and shared with the employee upon request.

7. For performance issues and alleged misconduct the procedure operates three levels of warnings described below, as well as dismissal:
   - Initial verbal warning
   - Written warning
   - Final written warning
Warnings will have an expiry date after which they will be removed from the employee’s file. Verbal warnings will typically remain on file for up to six months, first written warnings for up to 12 months and final written warnings for up to 18 months. Only at the final stage will dismissal be an option.

Depending on the circumstances of the case, Channel 4 does not have to follow the sequence of warnings set out above and may proceed to whichever sanction it deems appropriate in the circumstances.

8. All employees subject to the process have the right to appeal against any decisions made. A manager who has had no prior involvement in the case will hear such an appeal.

Unsatisfactory performance

a) Unsatisfactory when compared with the standard required by Channel 4 or other employees carrying out the same, similar or equivalent work

b) Unsatisfactory through not meeting reasonable standards of performance where the work is of an unusual or specialist nature and where there are no comparators.

Misconduct

The examples below are given for illustration, in no order of importance and are not exhaustive.

- Minor violation of Channel 4’s rules or procedures
- Absenteeism
- Persistent lateness
- Making excessive personal calls at Channel 4’s expense
- Resistance to carrying out reasonable assigned tasks
- Carelessness, negligence or idleness
- Misuse of company’s email or internet system

Gross misconduct

The examples below are given for illustration, in no order of importance, and are not exhaustive.

- Theft, fraud or deliberate falsification of records
- Deliberate damage to Channel 4 premises or property
- Harassment or bullying
- Physical assault
- Deterring, or attempting to deter, victimise or harass an employee raising a concern under the Whistleblowing Policy
- Raising a whistleblowing issue falsely or maliciously or in breach of contract
- Insubordination or passive resistance to instruction
- Incapacity at work brought on by alcohol or drug abuse
- Bringing Channel 4 into disrepute
- Negligence which causes or might cause loss, damage or injury
- Breach of health and safety rules resulting in, or likely to cause, injury to others
- Repeated acts of misconduct
- Breach of rules on confidentiality
- Serious misuse of Channel 4’s email or internet systems
- Loading unauthorised software onto Channel 4 computers
- Assisting competitors or conspiring to compete with Channel 4
- Criminal conviction which limits the employee’s suitability to continue in their role
- Criminal conviction which brings Channel 4 into disrepute
- Non-declaration of personal interests in competitors, customers or suppliers

For alleged gross misconduct, Channel 4 may at its discretion suspend the employee on full pay whilst an investigation is carried out and will hold a final meeting with the employee. If, on completion of the investigation we are satisfied that gross misconduct has occurred the actions which may be taken include:

- Issue of a Final Written Warning with or without sanctions*
- Dismissal with notice
- Dismissal without notice (“summary dismissal”)
**Disciplinary procedure**

This procedure sets out the steps that will normally be taken in managing performance or conduct issues after informal management has not achieved the required improvement or where the issue concerns potential misconduct as defined in the Disciplinary Policy.

The procedure applies to all employees who have passed their probationary period. This procedure should be read in conjunction with our Disciplinary Policy.

- Channel 4 takes the disciplinary process seriously and therefore, it is important to deal with issues fairly. There are a number of elements to this:
  - Channel 4 and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
  - Channel 4 and employees should act consistently
  - Channel 4 should carry out any necessary investigations to establish the facts of the case
  - Channel 4 management should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made

**Responsibilities**

**Line managers** are responsible for ensuring that their staff meet appropriate standards of conduct and performance and are therefore responsible for taking initial action when standards are not met. At Final Written Warning stage, or in cases of suspected gross misconduct, the relevant Head of Department will usually assume responsibility for the process.

**Human Resources** must always be involved in the disciplinary process and are responsible for advising on the fair application of the procedure and supporting the process.

**Stages**

The procedure has a maximum of four stages. At any of the first three stages warnings may be given. In cases of more serious suspected misconduct earlier stages may be omitted:

- Verbal warning: for a minor offence
- Written Warning: for repetition of a minor offence, or a more serious offence, or a number of offences
- Final Written Warning – for a serious offence short of gross misconduct, or when previous warnings have been ignored
- Disciplinary action - some of the outcomes of disciplinary action may include:
  - Demotion and reduction of salary
  - Redeployment into an alternative role and department, possibly involving demotion
  - Withdrawal of some contractual benefits
  - Summary dismissal (i.e. without notice)
  - Dismissal with notice

If an employee is found to be guilty of offence(s) which amount to gross misconduct the sanction will proceed immediately to the fourth stage (disciplinary action) (see “gross misconduct” above).
Steps
Establishing the facts of each case
Depending on the circumstances of the case (typically how much evidence needs gathering and how many witnesses there are) investigatory hearings may be held prior to the disciplinary meeting.
In some cases, this will involve holding an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the manager for use at the disciplinary meeting. Employees may be accompanied to investigation meetings by a work colleague or trade union representative.
In misconduct cases, where necessary and practicable, different people should carry out the investigation and disciplinary hearing. An investigatory meeting should not by itself result in any disciplinary action.

Suspension
Where the facts of any case are not immediately ascertainable, Channel 4 reserves the right to suspend the employee for the period necessary for an investigation to be conducted. Suspension will be with full pay and will be as brief as possible.

Informing the employee
If it is decided that there is a disciplinary case to answer, the employee will normally be notified of this in writing in advance of the disciplinary meeting and notification will normally be given no less than 24 hours before the meeting. This notification will contain information about the alleged misconduct or poor performance and its possible consequences so that the employee can prepare to answer the case at the meeting.
The notification will include details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.
The employee will also be provided with a copy of this procedure and where possible, any written evidence which may include witness statements.
In cases of suspected gross misconduct the decision may be taken to suspend the employee on full pay in which case a meeting will be called without notice in order to confirm this and the fact that an investigation will be carried out under the disciplinary process.
The employee will be allowed to be accompanied to the disciplinary meeting by a work colleague or trade union representative and must notify HR who they wish to be accompanied by in advance of the meeting. Please be aware that third parties, such as solicitors, are not permitted.

Witnesses
Both employees or managers may bring relevant witnesses to the disciplinary meeting but notice should be given by both parties of their intention to do this in advance of the meeting.
Witness statements may be sought on a non-confidential basis wherever possible. Where permission has been given by the witness to disclose the statement this will be shared in advance with the employee and they will have an opportunity to comment on it.
Where the statement (or parts of it) is given on a confidential basis, it will either be shared on an anonymous basis or, where to do so would indirectly reveal the identity of the witness, extracts or a summary provided. In particular circumstances (particularly where there are allegations of harassment or bullying) Channel 4 may not disclose witness evidence following a request from an employee.
Please note that Channel 4 could reasonably refuse to hear evidence from a witness who is not relevant to the issues being addressed at the hearing at its absolute discretion.
Meeting with the employee

The meeting will take place without unreasonable delay whilst giving employees reasonable time to prepare their case. Employees should make every effort to attend the meeting. Any reasons for non-attendance will be thoroughly investigated, including making proper medical enquiries where appropriate. However, where an employee is persistently unable or unwilling to attend the meeting without good cause, Channel 4 may go ahead with the meeting and make a decision on the evidence available at the time.

At the meeting the manager should explain the complaint against the employee and go through the evidence gathered. The employee will have an opportunity to set their cases and answer any allegations that have been made. They will also be given the opportunity to ask questions, present evidence and call relevant witnesses.

The purpose of the meeting is to ensure that the employee fully understands the nature of the alleged misconduct/performance issues and has the chance to offer an explanation or any relevant mitigation before any decision is made.

No decision will be made until after the meeting.

Deciding on appropriate action

The meeting will be adjourned before any decision is made, to allow time for reflection and proper consideration and further checking of any matters raised. A decision must be made whether or not disciplinary action is justified and the employee will be informed. The decision may be communicated in person following an adjournment of the meeting but any decision will always be confirmed in writing.

If warning is given, the written confirmation should set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). The employee will be told how long the warning will remain current and will be informed of the consequences of further misconduct, or failure to improve performance, within the time period following the warning.

If the decision is made to dismiss the employee, the employee should be told the reason for the dismissal, the date on which their employment will end, the appropriate period of notice and their right of appeal.

Opportunity to appeal

Where the employee feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals will be held without reasonable delay. Employees must state the grounds for their appeal in writing.

The appeal will be dealt by a manager who hasn’t been involved previously in the case. The employee has the right to be accompanied at the appeal meeting by work colleague or trade union representative and will be informed in writing of the results of the hearing as soon as possible. The appeal decision is final.

Useful info

Bulling & Harassment Policy
Whistleblowing

Owner: HR | Last updated March 2009