

DISCIPLINARY POLICY

HR 8

1. POLICY STATEMENT AND PURPOSE

- 1.1 We believe that an open, honest dialogue between staff and managers is key so that expectations are clear and mutually understood and misunderstanding or confusion are minimised. The PDR Process provides a framework for this dialogue and focuses attention on identifying positive steps that can be taken in order to maximise an individual's contribution in terms of what they do and how they do it.
- 1.2 Occasionally expectations are not met. Normally this can be resolved informally through the "right word at the right time" – re-clarification of expectations and additional support, appropriate training and encouragement offered in achieving them. In most cases this should be sufficient to avoid the need for formal procedures to be applied. Where this fails to address the problem or where the problem is of a more serious nature we operate a disciplinary process to ensure that uncertainty or unfairness are removed.
- 1.3 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 alleged gross misconduct a swifter process will be followed and sanctions up to and including summary dismissal may be applied.

2. SCOPE

This applies to all staff who have passed their probationary period. This does not apply to self-employed freelancers or third party contractors.

3. GUIDING PRINCIPLES

The process is based on the ACAS disciplinary code.

- a) Issues and concerns will be explained and opportunity provided to allow the individual to respond and agree how performance improvements or changes in behaviour can be achieved.
- b) Where appropriate and relevant additional training or coaching will be provided to help the individual meet the required improvement to be made.

- c) Anyone subject to the formal disciplinary process may be assisted by a work colleague or trade union representative. Third party representation (for example, by a Solicitor) is not permitted.
 - d) All issues and allegations of misconduct will be investigated and discussed before decisions are made.
 - e) HR will not normally be involved in informal discussions but will assist if requested or appropriate. HR will 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.
 - f) File notes of meetings will normally be taken and shared with the individual upon request.
 - g) For performance issues and alleged misconduct the procedure operates three levels of warnings, initially verbal and then written. Only at the final stage will dismissal be an option.
 - h) For alleged gross misconduct, the Channel may at its discretion suspend the individual on full pay whilst an investigation is carried out and will invoke the procedure at the final stage.
 - i) For proven gross misconduct the action which may be taken includes :-
 - o Issue of a Final Written Warning with or without sanctions*
 - o Dismissal with notice
 - o Dismissal without notice ("summary dismissal")
- *sanctions include : demotion and reduction of salary; redeployment into an alternative role/department possibly involving demotion; withdrawal of some contractual benefits; summary dismissal; dismissal with notice.
- j) The right to dismiss will be restricted to any one of :-
 - o the Managing Director
 - o the Chief Executive
 - o the Director of HR
 - k) Warnings will have an expiry date after which they will be removed from the individual's file. Verbal warnings will typically remain on file for up to 6 months and written warnings for up to 12 months, although the duration may be longer or shorter depending on the circumstances of the case.
 - l) All individuals subject to the process have the right to appeal against any decisions made. Appeals will be heard by an Executive Director with no prior involvement in the case, except

in the case of dismissal where the appeal will be considered by the Chief Executive.

4. DEFINITIONS

Unsatisfactory Performance

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

OR

- 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.

- a) Minor violation of the Channel's rules or procedures
- b) Absenteeism
- c) Persistent lateness
- d) Making excessive personal calls at the Channel's expense
- e) Resistance to carrying out reasonable assigned tasks
- f) Carelessness, negligence or idleness
- g) Misuse of the Channel's email or internet system

Gross Misconduct

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

- h) Theft, fraud or deliberate falsification of records
- i) Deliberate damage to Channel 4 premises or property
- j) Harassment or bullying
- k) Physical assault
- l) Deterring, or attempting to deter, victimise or harass an individual raising a concern under the Whistleblowing Policy
- m) Raising a Whistleblowing issue falsely or maliciously or in breach of contract
- n) Insubordination or passive resistance to instruction
- o) Incapacity at work brought on by alcohol or drug abuse
- p) Bringing the Channel into disrepute
- q) Negligence which causes or might cause loss, damage or injury
- r) Breach of health and safety rules resulting in, or likely to cause, injury to others
- s) Repeated acts of misconduct
- t) Breach of rules on confidentiality

- u) Serious misuse of the Channel's email or internet systems
- v) Loading unauthorised software onto Channel 4 computers
- w) Assisting competitors or conspiring to compete with the Channel
- x) Criminal conviction which limits the individual's suitability to continue in their role
- y) Non-declaration of personal interests in competitors, customers or suppliers

Other References: [Disciplinary Procedure](#)
[Appeal Procedure](#)

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