

Disciplinary Policy and Procedure

Statement and Purpose of the Policy

Serenta Homecare' Disciplinary Policy and Procedure is designed to help and encourage all employees to achieve and maintain the standards of conduct, attendance and job performance required by the Company. The aim is to correct or improve unsatisfactory conduct or performance and ensure that employees are treated fairly. Wherever possible informal action will be considered if appropriate to try and resolve problems that arise. The formal Disciplinary Procedure will only be used when necessary.

1. Principles

- The Company will seek to establish the facts quickly and to deal consistently with disciplinary issues
- No disciplinary action will be taken until the matter has been fully investigated
- At every stage you will be informed in writing of the disciplinary issue, complaint or allegations against you
- If formal action is necessary you will be given the opportunity to state your case at a disciplinary hearing before a decision is made
- You will be provided, with written copies of evidence and relevant witness statements where applicable in advance of a disciplinary hearing
- At all stages of the procedure you will have the right to be accompanied by a work colleague or trade union representative
- You will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice
- You will have the right of appeal against any disciplinary action
- The procedure may be implemented at any stage if the alleged misconduct warrants this

1. Procedure

2.1 Improvement Note (or "Verbal" Warning)

Where your conduct or performance is unsatisfactory and does not meet the standards expected the Company will give you an opportunity to improve without having to take disciplinary action unless the issues are serious or there is potential gross misconduct.

Following a meeting with your Supervisor or Line Manager to discuss the areas of concern and identify any underlying issues you will be given an improvement note setting out clear guidelines on:

- What is expected in terms of improving shortcomings in conduct or performance
- The time scales within which you will be expected to achieve this improvement
- Any support that is available, e.g. counselling or training
- When this will be reviewed
- You will also be told, where appropriate, that failure to improve may result in formal disciplinary action

A record of the improvement note will be kept for the period agreed for achieving and sustaining satisfactory conduct or performance. You will be given the right to appeal against this decision.

If it becomes clear that the matter is more serious at any point during the discussions about improvement, the matter will be pursued under the formal disciplinary procedure.

2.2 Stage 1: First Written Warning

If you have failed to achieve the improvements required or the offence is more serious you will be issued with a first written warning. First written warnings will be issued by the Registered Manager. This will set out the nature of the misconduct and the change in behaviour required. You will be given the right of appeal. You will also be informed that a final written warning may be considered if there is no sustained change or satisfactory improvement. A record of the warning will be kept on file but will be disregarded for disciplinary purposes after 12 months.

1.3 Stage 2: Final Written Warning

If the offence is more serious, or if there is repeated misconduct or a failure to improve whilst you are under a previous warning, or a further offence of a similar nature occurs, a final written warning may be given to you by the Registered Manager. This will give reasons for the warning, the improvement required and the timescale for achieving this. You will also be warned that failure to improve may lead to dismissal (or action short of dismissal). You will be given the right of appeal. A copy of this written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

2.4 Stage 3: Dismissal or Action Short of Dismissal

If you have already received a final written warning and the offence is repeated or a similar offence occurs and you continue to fail to meet the standards required the final step in the procedure may be dismissal or action short of dismissal (e.g. demotion or transfer to

another post). Dismissal decisions can only be taken by the Director. You will receive written confirmation of the reasons for dismissal, the date on which your employment will terminate and you will be given the right of appeal against the decision.

If a sanction short of dismissal is given you will receive details of the disciplinary issue and will be warned that dismissal could result if there is no satisfactory improvement. You will be advised of the right of appeal. A copy of this warning will be kept on file but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

2. Examples of Misconduct

3.1 Minor Misconduct

The following list provides examples of misconduct which may warrant either an improvement note or a First Written Warning (this list is not exhaustive):

- Persistent lateness and poor time-keeping
- Persistent handing back of runs without adequate notice
- Absence from work without valid reason, notification or authorisation
- Failure to follow standard procedures for delivery of services
- Failure to observe Company rules and procedures
- Unreasonable standards of dress or personal hygiene

Note: Where a first offence is more serious, for example because it is having, or likely to have, a harmful effect on the Company, it may be justifiable to move directly to a final written warning.

3.2 Gross Misconduct

If you are accused of an act of gross misconduct, you may be suspended from work on your normal pay rate while the alleged offence is investigated, this will normally be for no more than 10 working days. If after completion of the investigation and the full disciplinary procedure, the Company is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

The following list provides examples of offences which will normally be regarded as gross misconduct (this list is not exhaustive):

- Theft, fraud or bribery
- False declaration of qualifications or false information on application form
- Physical violence or assault, bullying or verbal abuse
- Deliberate and serious damage to property

- Serious misuse of the Company's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Failure to observe Company rules, regulations or procedures
- Serious insubordination or refusal to carry out a management instruction which may have serious implications for the Company
- Unlawful discrimination, harassment or victimisation
- Bringing the Company into disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules or security procedures
- A serious breach of confidentiality

3. Appeals

If you wish to appeal against a disciplinary decision you must do so in writing within five working days of receiving a warning or dismissal letter stating the grounds for your appeal.

The basis of an appeal should normally relate to one of the following areas:

- That the Company's Disciplinary Procedure has not been followed correctly
- That the resulting disciplinary action was inappropriate
- That the need for disciplinary action was not warranted
- That new information regarding the disciplinary matter has arisen

The appeal will be heard by a more senior Manager to the Manager who issued the warning. You will be invited to attend an appeal hearing (normally within 10 working days) and have the right to be accompanied by a work colleague or trade union representative. The disciplinary penalty imposed will be reviewed at the appeal hearing and the decision of the Manager hearing the appeal will be final.

4. Suspension

Suspension is not a disciplinary action. It is used when it is necessary to remove an employee from the workplace pending an investigation for example, for their own or others' protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the Registered Manager or a more senior Manager has the authority to suspend.

If you are suspended from duty you will receive written confirmation within three working days of:

- The reason for the suspension
- The date and time from which the suspension takes effect
- The anticipated timescale of the investigation
- The right of appeal to the immediate Manager of the suspending Manager should the suspension last more than 5 working days

5. Representation

You have the right of representation at any point during the disciplinary process and can choose to be accompanied at any meeting or hearing by a work colleague or trade union representative.

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