



Disciplinary Policy.

Introduction

We aim to create a culture where all team members meet the high standards of conduct (behaviour) that we expect. This policy ensures transparency of the process, and that we operate in a fair and consistent way, in line with our values at Cove.

The purpose of this policy is to help you understand the procedure that will be followed if we believe that our standards are not being achieved or maintained.

Scope

This policy details the procedure that the company will follow and actions that may be taken if there is a misconduct allegation made against you.

Who is the policy for?

This policy applies to all team members. It does not cover those who are self-employed, contractors or agency workers. This policy does not form part of your terms and conditions of employment, and we reserve the right to amend this policy at any time. We may also vary the procedure, including any time limits, as appropriate in any individual case.

The Informal Approach

Minor concerns regarding your conduct at work can be resolved informally between you and your Manager. If this is the case, your Manager will discuss any areas of concern with you and a summary of the discussion will be put in your file, outlining any agreements or plans made to address the issue.

The formal approach will be taken if after an informal discussion the matter is not resolved, or if an informal discussion is not appropriate (for example, because of the seriousness of the allegation).

How we investigate

If an allegation has been made against you this will be investigated by a Manager or in some cases a Team Leader. The purpose of the investigation is to establish the facts before deciding whether to proceed with a disciplinary hearing and such investigations will be carried out within a reasonable timeframe.

You must co-operate fully and promptly in any investigation and should inform the Manager conducting the investigation of any witnesses you are aware of that could

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.



help with the investigation so they can be spoken to, or of any relevant documentation that you may have.

During the investigation meeting you will be asked questions; this is your opportunity to explain your point of view and version of events. To ensure a thorough investigation is conducted, other information may be looked at such as CCTV footage, relevant documentation or guest feedback. Other team members and/or Managers may be interviewed to gain the full version of events.

Once the investigation is complete the investigating Manager will decide, based on their findings, what the outcome of the meeting is. This is usually, but not limited to the following:

- No further action
- Further training required.
- Letter of concern
- A disciplinary meeting

If you lodge a grievance while we are investigating a disciplinary matter, we will not normally put the disciplinary process on hold. If the subject of your grievance is linked to the matters involved in the disciplinary investigation, or the process we are following, then we will normally consider the matters you raise as part of the disciplinary process and not start a separate grievance process.

Suspension

At any point prior to, or during an investigation we may need to suspend you from work. The suspension will be on full contractual pay (unless you go off sick during any period of disciplinary suspension, in which case you will be entitled to statutory sick pay as outlined in your terms and conditions of employment).

Suspension should not be regarded as a punishment or a pre-judgment of the issue.

Suspension is normally for one of the following reasons:

- To allow a full and fair investigation to be carried out.
- To protect you, the company or other team members, for example, if the allegation is of bullying and/or harassment.

Managers will always consider if there is an appropriate alternative to suspension, which could be a temporary change to your working arrangements, such as moving you to another part of the business. If, after consideration, the decision is made to suspend, your suspension will be for as short a period as possible, although this will vary depending on the individual circumstances of your situation.

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.



During suspension, you must make yourself available to attend any meetings, or discuss matters via the telephone or email as reasonably requested by the Company.

If you are unwell during a period of suspension you will be required to provide a medical certificate and will be paid according to your terms and conditions of employment (which could mean a reduction in what you are paid, for example only paying you statutory sick pay).

If pre-approved holidays fall during a period of suspension, this will still count as holiday leave and will be deducted from your holiday entitlement as normal.

Whilst suspended you will not be allowed to enter the workplace (unless otherwise agreed by a Manager) or discuss the reasons for your suspension on any form of social media or with other team members, customers, suppliers or contractors. You can contact a team member to request them to be a witness or representative at a meeting.

A suspension meeting can be carried out by any Manager and you will be advised of why you are being suspended and may be asked a few questions. A note taker will also be present to take down notes for our records and the details will be followed up in writing.

For team members who live in our accommodation, suspension may also include suspension of your accommodation which will be reviewed on a case-by-case basis, based on the nature of the allegation(s) and the wider circumstances. This will be clarified at the time of suspension and followed up in writing.

Criminal matters

If the Company believes an issue might be a criminal matter, we may decide to report it to the police. If you work in an area that is externally regulated such as by Safeguarding or the Financial Conduct Authority, we may also report the matter to the regulating authority.

The Company will not usually wait for the outcome of any prosecution before deciding what internal action to take. If you are unable to attend a disciplinary meeting, or unable to discuss a pending criminal matter, we may decide based on the information available to us at the time. If you are charged, cautioned or convicted of any criminal offence outside of work, you need to let your Manager know immediately. We may decide to follow the disciplinary process if the offence is relevant to your employment, considering the seriousness of the offence, including any reputational impact on the Company.

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.

How we carry out a Disciplinary meeting

If the outcome of an investigation is escalated to a disciplinary meeting, you will receive a letter with a minimum of 48 hours' notice of the meeting and the letter will inform you:

- ✓ Where and when the meeting will take place
- ✓ The details of the allegation(s) against you
- ✓ The name of the person conducting the meeting
- ✓ Your right to be accompanied
- ✓ Copies of any witness statements or other evidence relating to the case
- ✓ Potential outcomes of the meeting

It is your responsibility to attend the meeting as this is your opportunity to fully present your version of events to an impartial Manager. If you cannot attend, we will normally reschedule the meeting once within 7 calendar days, provided we are satisfied with your explanation of non-attendance. We will not reschedule, however, if it is likely to lead to an unreasonable delay. You must make every effort to attend the meeting, and failure to attend without good reason may be treated as misconduct in itself. Should you fail to attend your disciplinary meeting without good reason, or are persistently unable to do so we may have to proceed with the meeting in your absence and the Manager will make their decision, based on the information they have available at the time.

The disciplinary meeting will be held by a different Manager to the one that held the investigation meeting and they will talk through the allegation(s) made against you and the evidence found during the investigation.

The Manager will ask you questions and may challenge your perception of events, as they need to form a clear understanding. You will be given time to respond to the allegations made against you and to put forward your own case. If you inform the Manager of any new evidence or witnesses during the disciplinary hearing the meeting may be adjourned to investigate further. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

You or your representative may call an adjournment to the meeting at any time, for example, if you need to discuss a matter with your representative, clarify an issue or seek advice.

Once the Manager has asked all their questions and you have had chance to put forward your case, the meeting will be adjourned whilst the Manager considers the case and makes their decision based on all the information they have. The Manager will always try and make a fair and consistent decision, however, please bear in mind no two cases are the same.

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.

The Manager may reconvene the meeting to let you know their decision (which will then be confirmed in writing) or communicate their decision to you in writing without the need to reconvene in person. You will be made aware of your right to appeal if any disciplinary action is issued. Written outcomes will usually be provided within 7 calendar days, where possible.

Purpose of a disciplinary outcome?

The purpose of a disciplinary outcome is to make you aware of the decision that has been made and what is expected of you in terms of an improvement in your behaviour and conduct moving forward. The outcome will depend on the severity of the issue, the extent to which our concerns may already have been brought to your attention outside the formal disciplinary process, whether you have received any previous warnings and any other mitigating circumstances.

If you are absent from work for a prolonged period of time whilst a warning is in force, we reserve the right to extend the duration of the warning to reflect this. Such extensions will be confirmed in writing. Once expired, warnings will remain permanently on your file but will be disregarded in deciding the outcome of future disciplinary proceedings.

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

Possible outcomes of a disciplinary meeting

- a) No further action:** No formal warning will be recorded on your file.
- b) First written warning:** Is live on your record for 12 months from the date you are notified of the decision.
- c) Final written warning:** Is live on your record for 12 months from the date you are notified of the decision.
- d) Dismissal:** Will usually be appropriate in the below circumstances:
 - ✓ For gross misconduct you may be dismissed on the first offence which would be without notice or payment in lieu of notice and this is called summary dismissal. You will be paid any outstanding holiday pay owed.
 - ✓ For situations where there is a live written warning and further misconduct and/or standards are still not met, you will be dismissed with notice and will receive payment in lieu of notice and this is called Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.



contractual dismissal. You will be paid any outstanding holiday pay owed.

Alternatives to Dismissal

Sometimes we are prepared to explore other actions short of dismissal. These may include deploying you to a different role, demoting you, and/or extending a final written warning period to allow us further time to review your conduct.

Redeployment or demotion may result in a reduction in pay and other changes to your terms and conditions of employment, which will be set out in writing in the decision notifying you of the outcome of the disciplinary hearing.

If there is a live warning already on your file and you are involved in further misconduct these can be linked together, even if they are for unrelated conduct matters and you may be issued with the next level of warning. For example, if a first written warning is live on file, a further incidence of misconduct could lead to a final written warning or dismissal.

Depending on the severity of the misconduct, a decision may be made to issue a higher warning level initially even if there are no live warnings on your file. For example, you could be issued a final written warning for a first-time offence.

Your right to appeal

You have the right to appeal against any disciplinary action issued to you and you can do so in writing, within 7 calendar days of receiving your outcome letter. You must include the reason(s) for your appeal.

Please provide as much detail as possible together with any supporting evidence.

You will be invited by letter to an appeal meeting and where possible, this will be within 14 calendar days of receipt of your written appeal. If you fail to attend, we may have to proceed with the meeting in your absence and make a decision using the information already collated.

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

This Manager is authorised by the Company to make a different decision from the initial outcome and this may involve:

- A reduction of the level of disciplinary warning or removal of the warning
- Reinstatement if you were dismissed
- Agree that the disciplinary action was correct and will remain unaltered

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.

The disciplinary outcome remains final until the appeal is concluded. If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

The outcome of your appeal will be provided to you in writing, where possible this will be within 7 calendar days of your meeting. This is the final stage of the process and the appeal outcome is final.

What is the difference between ‘misconduct’ and ‘gross misconduct’?

Misconduct tends to be more minor offences or issues and would normally be expected to be addressed and a plan of action agreed to ensure it does not continue or happen again. For example:

- Poor time keeping
- Poor performance
- Leaving your workplace without authorisation
- Unauthorised absence
- Poor personal appearance
- Poor hygiene
- Misuse of equipment
- Minor insubordination
- Negligence in the performance of your duties
- Loss of stock
- Poor cash handling
- Minor non-compliance of hygiene rules
- Minor non-compliance of Company rules or policies

Gross misconduct is a serious act of misconduct, or a breach of company rules, standards or policy. Whether a deliberate wrongdoing or gross negligence, it is behaviour that damages the relationship between the Company and the team member. For example:

- Serious breach of Health and Safety
- Dishonesty
- Theft
- Fraud
- Forgery
- Corruption
- Bribery or receiving a bribe
- Falsifying timesheets
- Negligent loss of money or stock
- Giving away stock
- Gross insubordination
- Abusiveness
- Threatening behaviour

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.

- Assaulting a team member or guest
- Fighting
- Discrimination
- Harassment
- Bringing the Company's name into disrepute
- Encouraging others to break the law
- Fraudulent absence
- Indecency
- Drunkenness
- Use or possession of illegal substances
- Serious breaches of Company's rules or policies
- Any other misconduct so serious that it would be unreasonable to expect the Company to retain your services

***Neither of the above lists are exhaustive and
may be added to at any time.***

Your right to be accompanied

At each stage of the formal process you are entitled to be accompanied by an impartial team member or an official Trade Union representative (e.g. a neutral party that has no other involvement in the matter being investigated). You are not entitled to be accompanied by a legal representative or family member even if they work for the Company.

We may at our discretion allow team members that are under the age of 18 years old, or those with a disability or who have difficulty understanding English to be accompanied by, for example, by a parent, guardian, carer or support worker providing they are not a team member involved in the matter being investigated.

If you wish to be accompanied, you should tell the Manager conducting your meeting as soon as possible who you want to accompany you. It is the team member's responsibility to arrange for their chosen representative to attend the meeting. If your preferred representative is not available at the time of the meeting and is not available for more than seven calendar days afterwards, you will need to try and arrange a different representative. We may re-schedule the meeting should your representative's absence from their role cause operational problems.

Your team member or union representative can, if this is your preference, explain the key points of your case to the meeting and can respond to views expressed during the meeting on your behalf. You can also confer with them during the meetings. They must not however answer questions put directly to you or try to prevent the Company asking questions or outlining its concerns.

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.

Recording meetings

A note taker will be present to capture notes of any meeting taking place as part of a formal procedure. These notes will not be verbatim but will represent a true reflection of what was discussed in the meeting. You will be given the opportunity to read and comment on these notes and will be asked to sign them to signify agreement. Where this is not practicable, for example the meeting was held remotely, you will be asked to confirm agreement via email. The note taker may be the same person throughout the process, as they play no part in any decision making.

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All team members must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

We do not allow any meetings to be recorded using any form of an electronic device.

Record keeping and confidentiality

Records will be kept of alleged breaches of disciplinary rules and of all subsequent developments, including written notes of all formal interviews under the disciplinary procedure and, where applicable, appeal procedure. These records are confidential and will be processed in accordance with our Data Protection and Privacy Policies.

If you have a disability or otherwise require further support as part of this process for example if English is not your first language, you should discuss this with your Manager as soon as possible.

If you have any questions

If you have any questions regarding this policy, please speak to your Manager or Human Resources.

Hospitality – Excellence - Passion – Trustworthiness - Stewardship – Kindness.