

# Policy and Procedures on Discipline and Performance at Work

## Purpose and scope

- 1.1 PayStream (the Company) looks for and expects a high standard of behaviour and performance from all of its employees. Most behaviour or performance issues can be dealt with quickly and informally between you and the End Client, who will make the individual aware of the standards expected and any improvements required. However, if an informal approach is inappropriate, either because it has already been ineffective or because the alleged offence is considered to be more serious, it will be necessary to follow the formal policy and procedures set out below.

## Policy principles

- The Company's aim is to encourage improvement in individual conduct and job performance (including attendance). The same procedure will be followed for conduct and poor performance, although the timescale and outcome may be different for each. Phrases such as "disciplinary procedure" and "disciplinary hearing" are used in this policy to cover both cases.
- The main objective of instigating the procedure for poor performance is corrective rather than punitive, with the aim of assisting you to achieve and maintain the required standards of performance.
- At any disciplinary hearing you will have the opportunity to hear the case against you, state your case and may be accompanied by a fellow employee or a trade union official (who is certified by the union to act as a worker's companion at disciplinary hearings).
- If a disciplinary sanction is imposed, you will be informed of what improvements are required, the timescale for the improvements to be made and the consequences if the improvements are not met or sustained.
- You have the right to appeal against dismissal or other disciplinary sanction in the manner provided for below.
- The procedure may be implemented at any stage if your conduct or performance warrants it. The point at which the procedure is entered will depend entirely on the seriousness of the alleged conduct or the performance issue. It must also be recognised that the stage of implementation will be affected by the seniority or experience of the individual.
- You will not ordinarily be dismissed for a first conduct offence, other than in cases of gross misconduct or where the trust and confidence necessary for the relationship of employer and employee is damaged.

## Investigation

- 1.2 This will either include any relevant documentation being provided to you or you and any relevant witnesses will be interviewed if required, and written notes of any interview will be kept. You are not entitled to be accompanied to any investigatory meeting.

## Suspension

- 1.3 At any stage in the disciplinary process, you may be suspended from work on full pay whilst further investigations take place. During any period of suspension, you will not be entitled to access to the End Client's premises, except at the prior request or with the prior consent of the End Client, and subject to such conditions as the End Client or Company may at its discretion impose. The suspension will last for no more than five working days initially, but may be renewed or extended at the discretion of the Company. You will be notified in writing of any renewal/extension of the suspension and its anticipated duration. Only a member of the compliance team may take the decision to suspend you.

## Disciplinary hearing

- 1.4 Before any disciplinary action is taken by the Company, a disciplinary hearing will be held at which you will be given the opportunity to comment on the complaints against you. Written notice of the date, time and location of the disciplinary hearing will be sent in advance to you, setting out details of your alleged conduct or poor performance. Wherever possible, you will be provided with copies of any relevant evidence in advance of the hearing, although in some cases witness statements will be confidential and will not be disclosed in full.
- 1.5 You must take all reasonable steps to attend the disciplinary hearing. Failure to attend the hearing without good reason may lead to the hearing being held and disciplinary action being taken in your absence.
- 1.6 You may be accompanied by another employee of the Company or by a trade union official (who is certified by the union to act as a worker's companion at disciplinary hearings), if you reasonably request, to any disciplinary hearing. In addition to the manager who is holding the disciplinary hearing, the Company will usually have another person present who will keep a record of the hearing.
- 1.7 Your chosen companion can act as a witness, take a note of the proceedings, address the hearing and confer with you but may not answer questions on your behalf. It is your responsibility to ensure that your chosen companion is willing to act and is available to attend the meeting.
- 1.8 If your chosen companion is unavailable on the proposed date of the disciplinary hearing, the hearing may be postponed by up to five working days at your request, subject to you proposing an alternative time and date within five working days of the original date.

## Disciplinary Sanctions Stage 1 - oral warning

- 1.9 If conduct or performance does not meet acceptable standards, the company will, if appropriate, give you a formal oral warning that continued or repeated misconduct or poor performance may result in further disciplinary action. A written record of the warning will be placed on your personal file but will be disregarded for disciplinary purposes after six months, subject to satisfactory conduct and performance

## Stage 2 - written warning

- 1.10 If the offence is a more serious one or if the misconduct or poor performance continues or is repeated, or there is a further offence of a different nature, the Company will, if they believe it to be justified, give you a written warning that if your conduct or performance does not improve during the period specified in the warning, you may be dismissed. A copy of this warning will be placed on your personnel file but will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance.

## Stage 3 - final written warning

- 1.11 If the misconduct or poor performance is sufficiently serious or if, following a written warning, there is a further incident of misconduct (whether or not of the same nature) within the period specified, or if your performance does not improve to the standards required, the Company may give you a final written warning, which will give details of the complaint and will warn that dismissal will result if there is no satisfactory improvement. A copy of this warning will be placed on your personal file but will normally be disregarded for disciplinary purposes after 12 months (although in exceptional cases and at the Company's discretion the period may be extended), subject to satisfactory conduct and performance.

## Stage 4 – dismissal

- 1.12 If your conduct is sufficiently serious or if conduct or performance is still unsatisfactory following a final written warning and you still fail to reach the required standards, you will normally be dismissed. The decision to dismiss may be with or without notice.

## Additional or alternative sanctions

- 1.13 The Company may, in its discretion and depending on the individual circumstances of the case, consider imposing a further sanction in addition to a written warning (or as an alternative sanction to dismissal), which may result in a reduction in pay, such as: transfer, demotion or loss of seniority or specific responsibilities.

## Appeals

- 1.14 If you feel that you have been unjustly disciplined, you may appeal against the decision to a director. You should give written notice of your desire to appeal, setting out the grounds on which the appeal is based. The notice should be received by the appropriate person within 5 working days of the date of dismissal or imposition of a disciplinary sanction.
- 1.15 The appeal will usually be heard within 10 working days of receiving your grounds for appeal.
- 1.16 An appeal hearing will take place at which you will have the opportunity to explain your grounds of appeal. You will be informed in advance of the date, time and location of the hearing and must take all reasonable steps to attend. The form of the appeal hearing will be at the discretion of the director involved and will depend on the disciplinary sanction which is the subject of the appeal.
- 1.17 You may be accompanied to the appeal hearing by another employee of the Company or by a trade union official (who is certified by the union to act as a worker's companion at disciplinary hearings) if you so wish. If your chosen companion is a union official and is unavailable on the proposed date of the appeal hearing, the hearing may be postponed by up to five working days at your request and subject to you proposing an alternative time and date within five working days of the original date.

1.18 Following the appeal hearing, any disciplinary penalty imposed will be reviewed but it cannot be increased. The outcome of the appeal will be relayed in writing as soon as possible after the appeal hearing has been held. The appeal decision will be final and cannot be further appealed.

1.19 Until the outcome of the appeal has been decided, any disciplinary sanction (including dismissal) will remain in force. If, following a successful appeal against dismissal, you are reinstated; you will be reimbursed in respect of lost salary for the period between the dismissal and the date of reinstatement.

### Gross misconduct

1.20 If you are accused or are suspected of gross misconduct, you will normally be suspended from work on full pay while the Company investigates the alleged offence. If, following the disciplinary hearing, the Company is satisfied that gross misconduct has occurred; the result will normally be instant dismissal (without notice or any payment in lieu of notice).

1.21 Gross misconduct includes (but is not limited to):-

- Breach of confidentiality;
- Theft, fraud or deliberate falsification of records;
- Physical violence, fighting or assault on another person;
- Deliberate damage to or misuse of the End Client's property;
- Misuse of the Company's or End Client's name or otherwise bringing the Company or End Client into disrepute;
- Incapability through alcohol or being under the influence of or in possession of illegal drugs or other proscribed substances;
- Harassment or bullying of another Company or End Client employee, whether on sexual, racial or other grounds;
- Serious negligence which causes unacceptable loss, damage or injury to the Company, End Client or to any individual;
- Serious breach of health and safety rules or procedures;
- Serious insubordination or failure to follow reasonable instructions;
- Being charged with and/or convicted of a criminal offence which in the opinion of the Company demonstrates unsuitability for further employment with the Company and/or End Client;
- Indecent or immoral behaviour, including accessing and/or distributing offensive or pornographic material whether obtained from the Internet or otherwise;
- dishonesty involving the property, funds, actions or effects of the Company and/or End Client, service users and their families or employees;
- smoking outside designated areas.

Note that the disciplinary procedure set out above, in so far as it exceeds any statutory requirement, does not form part of employees' contracts of employment and may be changed by the Company in its absolute discretion at any time.

# Grievance Procedure

## Purpose and Scope

- 2.1 The Company recognises the importance of maintaining good working relationships, and it seeks to achieve a working environment in which problems can be discussed and easily resolved at an early stage, by encouraging open and honest communication. All employees have the right to seek individual redress for any grievance that relates to their employment with the Company. This grievance procedure will be followed to ensure that grievances are dealt with in a fair, open and timely manner.
- 2.2 In some circumstances, it may not be appropriate for this procedure to be used. In particular, if your grievance relates to matters which are being investigated or are connected with current disciplinary proceedings or any disciplinary sanction that has been imposed against you, you should follow the separate disciplinary appeals procedure.
- 2.3 Please contact PayStream if you have any queries in relation to this procedure.

## Policy Principles

- 2.4 The aim of the procedure is to deal with any grievance at an appropriate level, within a reasonable timescale and to the satisfaction of all those involved.
- 2.5 All complaints made under this procedure will be treated seriously and with discretion. Proceedings and records of any grievance will be kept as confidential as possible, but you must appreciate that complaints cannot always be formally investigated on an entirely confidential basis.
- 2.6 Every effort will be made to hold a meeting to discuss your grievance or appeal (see Stage 3, below), and to provide a decision, within the relevant timescales provided under this procedure. However, if the matter is a complex one or if it requires detailed investigation, or if the relevant personnel are unavailable, it may not be possible to meet those timescales. In these circumstances, you will be informed of the reason(s) for the delay, and the timescale in which a meeting will be held or a decision can be expected.
- 2.7 You must take all reasonable steps to attend any meeting arranged to discuss your grievance.
- 2.8 You have the right to be accompanied to any meeting at which your grievance is discussed, and at any subsequent appeal hearing, by either a colleague or by a suitably qualified trade union official.
- 2.9 It is your responsibility to ensure that your chosen companion is willing to accompany you and is available to attend the meeting. If your chosen companion is unavailable on the proposed date of the meeting, the meeting may be postponed by up to five working days at your request.
- 2.10 You have the right to appeal against the Company's decision in respect of your grievance, in the manner and the timescale provided for below.

## Procedure

### Stage 1 – Informal

- 2.11 Where possible, you should first raise any complaint or grievance connected with your employment by discussing it informally with your End Client manager. As an alternative, and if the complaint relates to your manager, you can discuss the matter on an informal basis with a more senior manager. Where your complaint cannot be resolved informally, it should be raised using the formal procedure set out below.

### Stage 2 - Formal

- 2.12 If your complaint remains unresolved, or if you were unable to raise the matter informally, you should explain in writing the basis for your grievance and send it to the Company's Compliance department, who will be responsible for dealing with the grievance.
- 2.13 The Company will invite you to attend a meeting to discuss the grievance within 10 working days of receiving your written complaint.
- 2.14 Following the meeting, the Company will prepare a summary of your complaint, their decision and the solution(s) proposed (if any). A copy of this document will be provided to all concerned within 5 working days of the meeting, and a copy will be placed on your personnel file. You shall be notified of the right to appeal against the decision, if you are not satisfied with it.

### Stage 3 – Appeal

- 2.15 If the grievance has not been resolved to your satisfaction at Stage 2 of this procedure, you must inform a director/senior manager of your wish to appeal. The appeal should be lodged in writing, within 10 working days of you receiving notification of the original decision.
- 2.16 The manager will then pass on a copy of the original written grievance, the record of the grievance meeting and the decision, to the next level of management. The senior manager will invite you to attend an appeal meeting to discuss the grievance within 10 working days of receiving notice of your wish to appeal.
- 2.17 The manager or director who hears the appeal must inform you in writing of the Company's final decision within 5 working days of the meeting. You will have no further right of appeal.

Note that the grievance procedure set out above, in so far as it exceeds any statutory requirement, does not form part of your contract of employment and may be changed by the Company in its absolute discretion at any time.