



# Woodside Group Disciplinary Procedure

## **Introduction:**

The Woodside Group Disciplinary procedure sets out the acceptable and expected behavioural standards at Woodside Group and how potential breaches of these standards should be managed.

## **Informal Verbal Warning**

Where a minor offence or offences have been committed, a recorded oral warning may be given without need for investigation or referral to a disciplinary hearing. The warning will ordinarily state that any further misconduct will render the employee liable to further, more severe and formal disciplinary action. The employee should be informed of the period that the warning will remain "live" which is six months from the date the warning is issued.

During this period, Woodside Group may rely on such a warning in the event of further misconduct on the part of the employee.

## **Formal First Written Warning**

Where either a more serious disciplinary offence has been committed or further minor offences have been committed by an employee following a recorded oral warning that remains "live", the employee will receive a first written warning. The warning will:

1. set out the nature of the offence committed;
2. inform the employee that further misconduct is liable to result in further disciplinary action under this procedure;
3. specify the period for which the warning will remain "live", after such period the warning will automatically lapse; and

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4. state that the employee may appeal against the warning.

### **C. Formal Final Written Warning**

Where a serious disciplinary offence amounting to gross misconduct has been committed, thereby justifying summary dismissal, but Woodside Group decides, after considering all appropriate circumstances, that a lesser penalty is appropriate, or, where an employee commits further disciplinary offences after a first written warning has been issued and remains "live", a final (or combined first and final) written warning may be given. Such a warning will:

1. Set out the nature of the offence committed;
2. Inform the employee that further misconduct is likely to result in his/her dismissal; and
3. State that the employee may appeal against the warning.

### **D. Formal Dismissal without notice**

Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning given under c. above, the employee may be dismissed with notice or with pay in lieu of notice.

Where Woodside Group establishes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed.

Where a final written warning is given to an employee under c. above, Woodside Group may also impose on the employee:

1. disciplinary suspension;
2. demotion;

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3. in line with any provision in the contract of employment, stoppage of pay for such period as Woodside Group thinks fit in the circumstances; or
4. in line with any provision in the contract of employment, transfer to a job of a lower status.

The above sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal.

### **Right to Appeal**

An employee may appeal against any disciplinary sanction imposed against him/her, except for an informal oral warning. The appeal will be heard by a senior manager who has not been involved in the decision to impose the disciplinary sanction on the employee.

The senior manager is obliged to consider any representations made by the employee, the employee's fellow employee or trade union official and those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction.

When lodging an appeal, the employee should state:

1. the grounds of appeal; and
2. whether he/she is appealing against the finding that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

The employee must provide written notice of the appeal within five working days of being informed of the disciplinary sanction being imposed against him/her.

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Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.

Upon completion of the appeal, the senior manager conducting the hearing will convey his/her decision to the employee. The decision will be confirmed in writing within one week. Woodside Group's decision at the appeal is final.

The senior manager hearing the appeal must decide based on both sets of representations, together with any subsequent facts that may have come to light, whether to uphold the disciplinary sanction. If the senior manager finds *for* the employee, by overturning the original decision, then the senior manager shall ensure all records of the disciplinary sanction are removed from the employee's record. In the event that the a dismissal is overturned, the employee will be reinstated with immediate effect and he/she will be paid for any period between the date of the original dismissal and the successful appeal decision. His/her continuous service will not be affected.

In the event that the senior manager does not accept the representations made by or on behalf of the employee, the senior manager must uphold the original disciplinary sanction.

### **Gross misconduct**

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and Woodside Group. If an employee commits an act of gross misconduct, Woodside Group will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.

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Woodside Group views the following acts/behaviours as amounting to gross misconduct including (but are not limited to):

1. stealing from Woodside Group, members of staff, students or the public;
2. other offences of dishonesty;
3. falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
4. falsification of records, reports, accounts, expense claims or self-certification forms, whether for personal gain;
5. sexual misconduct at work towards a member of staff or student;
6. fighting with or physical assault on members of staff, students or the public;
7. deliberate damage to or misuse of Woodside Group's property;
8. serious damage to Woodside Group's property;
9. drunkenness or being under the influence of illegal drugs while at work;
10. possession, custody or control of illegal drugs on Woodside Group's premises;
11. serious breach of Woodside Group's rules, including, but not restricted to, safeguarding rules, health and safety rules and rules on computer use;
12. gross negligence;
13. conviction of a criminal offence that is relevant to the employee's employment;
14. conduct that brings Woodside Group's name into disrepute; and

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15. discrimination or harassment of a fellow worker on the grounds of sex, sexual orientation, race, disability, age or religion or belief.

Other acts of misconduct may come within the general definition of gross misconduct.

### **Representation**

Employees have the right to be accompanied by a colleague or accredited trade union official/representative in Disciplinary Hearings.

### **Action against a Trade Union representative**

If an employee who is an accredited representative of a trade union recognised by Woodside Group for collective bargaining purposes is suspected of having committed a disciplinary offence, Woodside Group will take no action under this procedure (except for suspending the employee in a case of suspected or known gross misconduct) until Woodside Group has had a chance to discuss the matter, with the prior agreement of the employee, with a full-time official of that trade union.

This procedure will be periodically reviewed. Any amendment to it will be notified to employees in writing by Woodside Group's Operations Manager and such written advice will inform employees as to the date when any amendment comes into effect. This may be by means of Woodside Group's intranet or via use of notice boards.

### **Invite to a Disciplinary Hearing**

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Where it is decided to instigate disciplinary action, the employee will be given full details in writing of the case against him/her and invited to attend a disciplinary hearing. The disciplinary hearing should be held without unreasonable delay.

The employee will receive a written invite to attend a disciplinary hearing within five working days of being notified that they are being referred to a formal disciplinary hearing. The letter will be written by the disciplinary Hearing Manager.

The employee should have a minimum of five working days' notice of the date of the disciplinary hearing.

The disciplinary hearing shall take place no later than 10 working days from the of the employees referral to the formal disciplinary procedure.

### **During any disciplinary hearing conducted by Woodside Group, the following will take place:**

- The person leading the hearing (the Hearing Manager) will introduce the hearing, and explain its purpose and how it will be conducted. The purpose of the hearing will normally be to establish the facts and determine, on conclusion of the hearing, whether Woodside Group has proper grounds to take disciplinary action against the employee and, if so, the level of such disciplinary action.
- The parties present at the hearing will introduce themselves and confirm their respective roles in the hearing. The employee will be entitled to be accompanied, if he/she wishes, by either a fellow worker, a trade union official or a trade union representative (who is certified by the union as being competent to accompany the worker) of his/her choice.

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- The Hearing Manager will state that the hearing is being conducted as part of Woodside Group's disciplinary procedure, and confirm that a written record of the hearing will be made.
- The Hearing Manager will state whether any witnesses have been asked to give evidence at the hearing, and if so, who they are.
- The Hearing Manager will explain fully Woodside Group's case, i.e., the employee's alleged or suspected misconduct or other circumstance leading to the possibility of disciplinary action being taken against him/her. All the relevant facts will be put to the employee, with specific examples of relevant incidents being given where possible.
- Where evidence has been obtained from third parties in the form of written statements, either the statements themselves or a summary of their content will be given to the employee. Woodside Group reserves the right, however, to conceal the identity of the parties who provided this evidence if it thinks it is necessary or appropriate to do so.
- Any witnesses whom Woodside Group has decided to call will be called into the hearing and asked to state their evidence in front of the parties.
- The employee or his/her representative will be allowed a full opportunity to question the Hearing Manager on Woodside Group's case, and to raise points about any information provided by witnesses.
- The employee will be allowed a full and fair opportunity to state his/her side of events, explain his/her conduct and state any mitigating factors. He/she may do this personally, or the employee's representative (if he/she has elected to be represented) may do this on his/her behalf.
- Any witnesses whom the employee has arranged to call will be called into the hearing and asked to state their evidence in front of the parties.
- The Hearing Manager will question the employee on his/her evidence and raise points about any information provided by witnesses. Although the employee may confer with his/her representative at any

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- time during the hearing on request, the Hearing Manager has the right to ask the employee personally to answer any questions put to him/her.
- The Hearing Manager will take into account any mitigating factors put forward by the employee when subsequently making a decision about whether or not to impose a disciplinary penalty, and the level of any such penalty.
  - The Hearing Manager will sum up the key points of the hearing.
  - The Hearing Manager will inform the employee on when a decision will be made on whether to impose a disciplinary penalty on the employee.
  - The Hearing Manager will inform the employee that he/she will have the right to appeal against any disciplinary penalty imposed on him/her.
  - The Hearing Manager will close the meeting.
  - At any point during the hearing, the Hearing Manager may adjourn the proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information).

### **During any disciplinary appeal hearing conducted by Woodside Group, the following will take place:**

- The person leading the appeal hearing (the Appeal Hearing Manager) will introduce the hearing, and explain its purpose and how it will be conducted. The purpose of the hearing will normally be to establish whether or not the conclusions of the original disciplinary hearing were correct and whether or not the disciplinary sanction imposed at that hearing should be upheld, overturned, or replaced with some other sanction.
- The parties present at the appeal hearing will introduce themselves and confirm their respective roles in the hearing. The employee will be

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entitled to be accompanied, if he/she wishes, by a fellow worker or trade union official of his/her choice.

- The Appeal Hearing Manager will state that the appeal hearing is being conducted as part of Woodside Group's disciplinary procedure, and confirm that a written record of the hearing will be made.
- The Appeal Hearing Manager will state whether or not any witnesses have been asked to give evidence at the appeal hearing, and if they have, who they are.
- The Appeal Hearing Manager will explain fully the conclusions reached at the disciplinary hearing and the evidence on which those conclusions were based.
- The employee or his/her representative will be asked to set out the ways in which he or she believes that the conclusions of the disciplinary hearing were flawed.
- The Appeal Hearing Manager will conduct a review of the evidence heard at the original hearing and consider the points raised by the employee in respect of each conclusion. Where the original hearing heard evidence directly from witnesses, the Appeal Hearing Manager may decide either to consider the written record of their evidence, or to recall them to give evidence directly to the appeal hearing.
- The employee or his/her representative will be allowed a full opportunity to question the Appeal Hearing Manager on Woodside Group's case, and to raise points about any information provided by witnesses either at the disciplinary hearing or at the appeal hearing.
- The employee will be given a fresh opportunity to state his/her side of events, explain his/her conduct and state any mitigating factors. He/she may do this personally, or the employee's representative (if he/she has elected to be represented) may do this on his/her behalf.
- The employee may request that oral evidence be given by witnesses on his/her behalf. Where such evidence was given at the original hearing, it shall be for the Appeal Hearing Manager to decide whether

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it would be most appropriate to hear from the witnesses directly or to consider the notes of evidence taken at the original hearing.

- The Appeal Hearing Manager will question the employee on his/her evidence and raise points about any information provided by witnesses. Although the employee may confer with his/her representative at any time during the hearing on request, the Appeal Hearing Manager has the right to ask the employee personally to answer any questions put to him/her.
- The Appeal Hearing Manager will take into account any mitigating factors put forward by the employee when subsequently making a decision about whether or not to confirm the original decision or substitute a different one.
- The Appeal Hearing Manager will sum up the key points of the appeal hearing.
- The Appeal Hearing Manager will inform the employee on when a decision will be made on whether or not the appeal has been successful.
- The Appeal Hearing Manager will inform the employee that any decision reached as a result of the appeal hearing will be final.
- The Appeal Hearing Manager will close the meeting.
- At any point during the appeal hearing, the Appeal Hearing Manager may adjourn the proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information).

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