



Cobras AP

Disciplinary Policy and Procedure

1. Purpose and Scope

This Disciplinary Policy and Procedure for Cobras AP is non-contractual and sets out how any issues with employee standards of conduct, attendance, and job performance will be dealt with. The aim is to ensure consistent and fair treatment for all employees.

If an employee has any queries, they should contact the Director.

2. Primary Principles

- Employees are expected to understand the standards of conduct and work expected of them.
- Depending on the severity of the alleged misconduct, the employer may begin the procedure at any stage.
- No final decision will be made without a reasonable investigation. Employees will be informed of the issue and have a chance to respond before action is taken. Except in cases of gross misconduct or during probation, employees won't be dismissed for a first offence.
- Employees may appeal any disciplinary action.
- All disciplinary matters will be treated confidentially, as far as reasonably possible. The employer may suspend an employee on full pay and benefits (e.g. laptop, mobile phone, incentive plan) during an investigation.
- During suspension, employees must not contact clients, suppliers, or colleagues unless authorised.

Suspension is not a disciplinary action and will be kept as short as reasonably possible.

3. Data Protection

Cobras AP will process personal data during any disciplinary process in accordance with its Data Protection Policy. Data is securely held and only accessed when necessary. Any inappropriate access or disclosure may be a data breach and could lead to disciplinary action.

4. Informal Discussions

Where appropriate, line managers will deal with issues informally first. This may involve a private discussion, a confidential note on file, and informal monitoring. If this doesn't resolve the issue, formal procedures will follow.

5. Formal Procedure

Stage 1 – First Formal Meeting

- The employee is notified in writing with at least 2 working days' notice.
- The meeting covers the complaint and evidence. The employee may respond and present their case. A companion (colleague or union rep) may attend. Their details should be shared 24 hours before the meeting.
- If either the employee or companion can't attend, they must suggest an alternative time within 5 working days. Any documents to be discussed must be shared 24 hours in advance.

Outcomes:

- Improvement Note – valid for 6 months. First Written Warning – valid for 6 months.

Stage 2 – Second Formal Meeting

This is used where:

- There is no improvement, or
- There is further or more serious misconduct.

Outcome:

- Final Written Warning – includes required changes and warns that further issues may lead to dismissal.

Stage 3 – Final Formal Meeting

Used when:

- There is further misconduct or poor performance, or
- A serious matter arises.

A Director conducts this stage.

Outcomes:

- Dismissal
- Demotion, transfer, or suspension (if allowed by contract)
- Written notice explaining the outcome and right to appeal

Only the Managing Director can dismiss.

6. Gross Misconduct

Employees accused of gross misconduct may be suspended on full pay for investigation. If proven, the usual outcome is summary dismissal (no notice or payment in lieu).

Examples include (but are not limited to):

- Theft, fraud, dishonesty
- Violence or threats
- Serious safety breaches
- Discrimination or harassment
- Breach of confidentiality
- Drug/alcohol impairment at work
- Serious insubordination
- Acts of arson or bribery

7. Appeals

- Employees can appeal any disciplinary outcome within 5 working days in writing.
- A different manager will hold the appeal meeting.
- The decision is final and will be confirmed in writing, usually within 5 working days.
- Dismissed employees are not reinstated during appeal, but may return with full continuity if the appeal is upheld.

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