



DISCIPLINARY POLICY AND PROCEDURE

NWH Group Limited
Reviewed- January 2026

1. Purpose and scope of the procedure

1.1 The purpose of the disciplinary procedure is:

- To help and encourage employee to achieve and maintain acceptable standards of conduct and job performance
- To ensure that fair, consistent and reasonable action is taken where acceptable standards of conduct and job performance are not maintained
- To ensure fair and consistent treatment for all in relation to disciplinary action taken in response to unacceptable conduct or job performance.

1.2 The disciplinary procedure applies to all NWH Group employees.

1.3 The procedure takes account of the ACAS code of practice on disciplinary procedures and will be reviewed periodically in line with developments in employment legislation.

2. General Guidance

2.1 These rules and procedures will be reviewed and revised periodically particularly in the light of any developments in employment legislation, in order to ensure their continuing relevance and effectiveness.

2.2 Employees have the right to be accompanied by a workplace colleague or union representative of their choice at all formal stages of this Policy, and at any investigation meeting. Employees should notify their line manager if they are to be represented. The only exception to this is, in exceptional circumstances, the case of suspension where every effort has been demonstrated to contact a Trade Union official or workplace colleague, without success.

2.3 Line managers must consult the HR Department prior to any action being taken under this policy.

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

- 2.4** A copy of the Disciplinary Policy is available to all employees from the HR Manager. A link to this policy will be shared with new staff at their induction.

3. General Principles

- 3.1** In most cases where a disciplinary matter arises it should be resolved at an early stage through informal discussion between the employee and their line manager.
- 3.2** Where the matter is not resolved informally or is of a serious nature this Policy will be implemented.
- 3.3** Matters should be dealt with as quickly as possible.
- 3.4** No disciplinary action will be taken against an employee until NWH has fully investigated the allegations against them.
- 3.5** To ensure fairness and objectivity NWH will appoint a suitable Investigator to consider all the relevant facts about the alleged misconduct. The Investigator will normally be a manager from the area in which the employee works or a manager from an area other than the one the employee works in if there is conflict of interest.
- 3.6** It is essential that the investigatory process is fair and objective. The employee will be interviewed as part of the investigation. If there are witnesses, interviews will be carried out and signed statements obtained.
- 3.7** An investigatory meeting is not a formal disciplinary hearing. If, following an investigation, the appropriate manager believes that there may be a case to answer, a formal disciplinary hearing will be arranged in accordance with this Policy.
- 3.8** At every stage of this Policy the employee will be made fully aware of the nature of the complaint against them and have the opportunity to state their case before any decision is made.

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

- 3.9** No formal disciplinary action will be taken without a disciplinary hearing (except of a verbal warning)
- 3.10** Normally, the procedure will be followed in the order of the stages set out below. However, where the offence is potentially gross misconduct, it may be heard at any stage if management considers that the earlier stage would not be appropriate.
- 3.11** These stages do not operate independently, but are a cumulative system for dealing with problems. Once the disciplinary process has been initiated, subsequent breaches for any offence, within a warning period, will normally involve further action being taken.
- 3.12** When deciding whether or not to issue an employee with disciplinary action, the manager will take into account any live, formal warnings issued under any other procedure. If there is already current action against an employee, any disciplinary warning may be issued at the next or higher stage.
- 3.13** In the interest of ensuring that disciplinary matters are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 3.14** If an employee becomes ill and is unable to attend an investigation meeting or a disciplinary or appeal hearing, the HR Department must be notified immediately. Where the illness is short term, the meeting or hearing may be arranged for a later date. NWH reserves the right to request a medical report at any time. Where the employee is too ill to attend a meeting or hearing in the reasonably near future, the investigation or disciplinary hearing may proceed in their absence and their trade union representative or nominated work colleague may represent them at the meeting or hearing.
- 3.15** Where an employee refuses to attend meetings in accordance with this Policy without good reason (for example, illness which is covered by a Medical

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

Certificate) they are potentially in breach of their employment contract. The employee will be advised of this, in writing, and advised that unless they do attend, a disciplinary decision may be taken in their absence, on the basis of the information available.

4. Record Keeping

- 4.1 Accurate, timely and agreed records must be kept of all meetings and correspondence. Records must include details of the matter raised, the employee's response, any action taken and the reasons for it together with all correspondence.
- 4.2 Warnings will be kept in employees file, although normally be disregarded after a period of three months for verbal warnings, six months for written warnings and 12 months for final written warnings.
- 4.3 These records must be kept confidential and retained in accordance with the General Data Protection Regulations 2018. Copies of any meeting records should be given to the individual concerned, although in extreme circumstances specific information may be withheld, in certain cases anonymous statements may be used (for example to protect a witness).

5. Responsibilities of Management

- 5.1 It is the responsibility of managers to ensure that each member of their staff is familiar with the standards of performance and conduct expected of them by:
 - a) Explaining fully the requirements of the job
 - b) Providing training as necessary to develop skills and knowledge required for the job
 - c) Providing regular feedback on each individual's progress
- 5.2 Employees will be given every opportunity to improve performance or conduct through encouragement and relevant training.

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

6. Stages of the Procedure

6.1 Advice, Counselling and Guidance

6.1.1 Minor lapses from acceptable standards of conduct will usually be dealt with by the employee's line manager providing advice, counselling, guidance and support as required. This is a normal feature of the line manager's function and does not represent formal disciplinary action.

6.1.2 Advice, counselling and guidance are often more satisfactory methods of resolving problems than taking formal disciplinary action. This is an attempt to correct a situation and prevent it from becoming worse without using the disciplinary procedure. Advice, counselling and guidance should take the form of a confidential discussion to try to support and encourage the employee and their manager to improve the situation.

6.1.3 The line manager carrying out the advice, counselling and guidance will confirm with the employee what the problem is, identify what action needs to be taken and inform the employee of a reasonable timescale for action. The line manager will agree a review date with the employee to assess whether there has been an improvement in the conduct.

6.1.4 If, during such a discussion, the matter becomes more formal, the discussion should be adjourned. The line manager should make it clear that the matter will be pursued under the Disciplinary Policy.

6.1.5 The line manager and employee will keep an accurate record of any advice, counselling or guidance for reference purposes. The note will include any agreed action or support offered. It must not be confused with action taken under the Disciplinary Policy.

6.2 The Formal Procedure

If minor lapses from acceptable standards of conduct reoccur or if the matter is more serious, then an investigation meeting must be held to gather all the facts. If following this

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

meeting it is decided that disciplinary action is required, the following disciplinary penalties may be applied;

6.2.1 Stage 1 – Verbal Warnings

a) If conduct does not meet acceptable standards and is considered, by the Line Manager to be minor, the employee will normally be given a formal VERBAL WARNING by their line manager. The warning will give details of the complaint, the improvement or change in behaviour or conduct required, the timescale allowed for this and the right of appeal.

a) A brief note of the oral warning will be placed on the employee's personnel file. The warning will be spent after three months.

6.2.1 Stage 2 - Written Warnings

b) A WRITTEN WARNING will be given to the employee if:

- The employee commits a more serious offence of misconduct
- The employee fails to comply with a formal verbal warning given under Stage 1, or
- Despite having been given, under Stage 1, a formal verbal warning as the result of misconduct, the employee commits a further offence of misconduct

c) A written warning will give details of the complaint, the improvement or change in conduct required, the timescale allowed for this and the right of appeal. The written warning must also inform the employee of the consequences if there is no satisfactory improvement or change.

d) A copy of the written warning will be placed on the employee's personnel file. The warning will be spent after six months.

6.2.3 Stage 3 - Final Written Warnings

a) A FINAL WRITTEN WARNING will normally be given to the employee if:

- The employee fails to comply with a written warning given under Stage 2

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

- Despite having been given a written warning under Stage 2, the employee commits a further offence of misconduct or
 - The employee's misconduct, although not considered to be serious enough to justify dismissal, is sufficiently serious to warrant a final written warning
- b) A final written warning will give details of the complaint, the improvement or change in conduct required, the timescale allowed for this and inform the employee that failure to improve or modify their conduct, or if another offence is committed, the employee may be liable to dismissal or to some other action short of dismissal. It will also include a statement of the employee's right of appeal.
- c) A copy of the final written warning will be placed on the employee's personnel file. The warning will be spent after twelve months.

6.2.4 Stage 4 – Dismissal

- a) Following a formal hearing, the employee may be dismissed if;
- They have failed to comply with a final written warning given under Stage 3 or
 - Despite having been given, under Stage 3, a final written warning as the result of misconduct, they have committed a further offence of misconduct or
 - They commit an act of gross misconduct. In such cases the dismissal will be without notice i.e. Summary dismissal. Examples of gross misconduct, gross negligence and gross incompetence are given at Appendix One.
- b) The employee will be provided with a written reason for dismissal, the appropriate period of notice (or pay in lieu of notice), the date on which employment was terminated, and the employee's right of appeal together with the date by which the appeal must be submitted.

6.3 Short Service Dismissal

The company reserves the right to make necessary decisions regarding employment under the condition of short service dismissal if an employee have been employed for less than two years of service. In such circumstances, the company may reduce or eliminate its formal methods of disciplinary procedure to provide a more efficient way of dealing with misconduct procedure.

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

6.4 Suspension of Staff

6.4.1 In the case of suspected gross misconduct in accordance with Health and Safety procedures, (where there is a danger or potential danger to themselves or others), the continuing attendance of the employee at NWH cannot be permitted; the employee may be suspended from duty immediately. The suspension will normally be carried out in a face to face meeting with the employee, but, exceptionally, may be notified in writing.

6.4.2 The employee will be given every opportunity to contact a Trade Union representative or a workplace colleague to allow them representation at a suspension meeting where this will not delay the meeting.

6.4.3 This suspension period allows the manager to conduct a thorough and proper investigation.

6.4.4 Suspension from duty is not a disciplinary action or sanction.

6.4.5 The period of suspension will be on normal pay inclusive of regular or contractual allowances and enhancements and will be periodically reviewed. Continuity of service will be preserved.

6.4.6 Suspension will normally be carried out following advice from the HR .

6.4.7 Suspension will be confirmed in writing within 24 hours and will include a statement as to the nature of the suspected misconduct or allegations. It will also state that the period of suspension will be as short as possible. Where possible the manager suspending employee may decide to move employee to alternative work location instead of complete suspension of all duties.

6.4.8 Suspended employees must only contact other employees through a named HR contact. This does not prevent suspended employees from contacting their trade union representative, where they are an employee of NWH.

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

6.4.9 As suspension from duty is not a disciplinary action or sanction, NWH will make every effort to ensure confidentiality. The employee is also required, as far as possible, to also maintain confidentiality in this respect and to not knowingly publicise information about the allegations that led to the suspension.

6.4 Appeals Against Suspension

An employee who has been under suspension for three weeks or more may appeal in writing to the Principal against the suspension. Notice of such appeal shall be made in writing by the employee to the HR Manager and the appeal shall be heard within five working days or as soon as practicable. The suspension will continue to operate pending the determination of the appeal.

7. Appeals Against Disciplinary Action

7.1 An employee has the right to appeal against any disciplinary penalty imposed under this procedure. Appeals may be appeals against:

- The perceived unfairness of the judgement
- The severity of the penalty
- Procedural irregularities
- Because of new evidence coming to light

7.2 A manager not previously involved in the original hearing who will normally be at a more senior or the same level as the manager who imposed the original penalty will conduct the appeal hearing.

7.3 Appeals for actions short of dismissal shall be made in writing to HR Manager stating the grounds for the appeal and be received within five working days of receipt of the letter notifying the employee of the decision.

7.4 Appeals against dismissal must be made in writing to the HR Manager within five working days of the receipt of the letter notifying the employee of the action taken. The HR Manager will appoint an impartial manager to conduct the hearing.

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

7.5 Notification of the appeal hearing must be made in writing to the employee giving five working days notice (unless otherwise agreed). This notice will advise the employee of their right to representation by a Trade Union representative or work colleague.

7.6 Appeals will be dealt with as quickly as possible and generally within 10 working days of receipt of the appeal notification.

7.7 No new evidence may be presented at an appeal hearing without the prior agreement of all the parties. Where new evidence is pertinent to the case, agreement to submitting it will not be unreasonably withheld.

7.8 The appointed manager may endorse the original decision, may substitute a lesser penalty or remove the disciplinary action against the employee. The appointed manager can not substitute a higher level of penalty against the employee.

7.9 The purpose of an appeal is to review the decision made by the Management of the disciplinary hearing, rather than re-hear the disciplinary hearing in full. However, all relevant evidence will be heard.

7.10 This decision will be confirmed in writing to the employee within five working days, which will include the following:

- Confirmation of the outcome of the appeal, any disciplinary penalty imposed and the reasons for this
- Confirmation that the decision is final and that there is no further internal right of appeal

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

APPENDIX ONE: GUIDANCE ON WHAT CONSTITUTES MISCONDUCT/GROSS MISCONDUCT

1. Introduction

1.1 The ACAS Code of Practice 'Disciplinary Practice and Procedures in Employment' recommends that written guidance be issued to employees explaining the standard of conduct expected of them at work.

1.2 The following notes are intended to assist employees in appreciating the type of behaviour, which NWH considers to be unacceptable, and can lead to disciplinary action.

2. Examples of Misconduct

2.1 Examples of acts and behaviour, which render an employee liable to disciplinary action, fall into two broad categories, namely misconduct and gross misconduct. In the case of gross misconduct NWH may summarily dismiss the employee, that is, dismissal without notice or pay in lieu of notice.

2.2 Examples of misconduct and gross misconduct are given below, but it must be stressed that these examples are neither exclusive nor exhaustive and there will be other offences of similar gravity that are not listed. These may also be supplemented by examples specific to the nature of a particular job.

3. Indicative examples of misconduct warranting disciplinary action:

- a) Failure to maintain acceptable standards of timekeeping
- b) Absence from work without prior permission or authorisation given in accordance with NWH procedures
- c) Failure to follow working practices, procedures and instructions
- d) Failure to follow Drivers Working Hours and EU Driving regulations (e.g. evidenced via Driving Infringement records)
- e) Failure to maintain an adequate and acceptable standard of work as a result of negligence and carelessness
- f) Failure to take reasonable care of NWH property, goods and vehicles

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

- g) Failure to maintain acceptable standards of interpersonal behaviour
- h) Minor breaches of Health and Safety regulations
- i) Unauthorised use, destruction, mutilation, alteration or disclosure of official information, documents or records, including those held on computerised systems
- j) Sharing of passwords/logins into another employees system/computer access

4. Indicative examples of gross misconduct that may result in summary dismissal:

The following list is recommended by ACAS as being examples of offences which are normally regarded as gross misconduct:

- a) Theft, fraud, deliberate falsification of records (including Tachograph breaches)
- b) Fighting, assault on another person
- c) Deliberate damage to organisational property
- d) Failure of alcohol or illegal drugs tests, limits of which are outlined in the Drugs & Alcohol Policy
- e) Serious negligence which causes unacceptable loss, damage or injury
- f) Serious act of insubordination
- g) Unauthorised entry to computer records
- h) Physical violence or bullying
- i) Deliberately accessing internet sites containing pornographic, offensive or j) obscene material
- k) A serious breach of health and safety rules
- l) A serious breach of confidence

In addition, NWH would normally regard the following offences as being gross misconduct:

- a) Wilful damage to property of NWH, its suppliers, members of the public or other employees
- b) Bribery or corruption, including taking and giving inducements

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

- c) Falsification of NWH documents such as timesheets, bonus sheets, claims for reimbursement of expenditure, registers and self-certificate forms
- d) Deliberate failure to comply with statutory or regulatory requirements or NWH rules, policies or procedures that has a major impact on NWH business – this includes the Company Vehicle Policy which must be adhered to at all times.
- e) A criminal activity or offence (whether committed during or outside normal working hours) of such a nature that the employee is obviously unable or unsuitable to continue to carry out the duties for which he/she is employed
- f) Serious unauthorised disclosure of confidential information (subject to the Public Interest [Disclosure] Act 1998) or any serious breach of duty, which is prejudicial to NWH
- g) Serious unauthorised use or misuse of the NWH computer system, email system or internet, including serious data protection breaches, downloading pornography or offensive materials or accessing unsuitable chat rooms

APPENDIX TWO: GUIDANCE ON INFRINGEMENT DISCIPLINARY PROCEDURES

- 1.1 Qualified Driver are trained and have working knowledge of the Working Time Directive and EU Drivers Hours. These rules are legislative and NWH carry out stringent checks to ensure compliance at all levels.
- 1.2 Drivers cards must be provided and downloaded every week in order that the Transport Department can check for any infringements; failure to provide your card within 28 days will result in disciplinary action regardless of any other infringements
- 1.3 Drivers are expected to have zero infringements, as all are an offence and are breaking the law
- 1.4 Drivers will have all infringements explained and additional training provided where necessary
- 1.5 Driver are expected to attend NWH CPC training which is run annually as a refresher on Drivers Hours Legislation

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14



DISCIPLINARY POLICY AND PROCEDURE

1.6 Disciplinary action will be taken against a driver, if after training and a period of mentoring there are repeat offences; in extreme cases this could lead to dismissal

Signed:

Date: 15/01/2025

Gavin Money

Managing Director

The NWH Group Ltd

Document Title	Issue No	IMS Ref
DISCIPLINARY POLICY AND PROCEDURE	14	P 14