



Disciplinary Policy

V1.0 November 2025

ELCAP makes a significant investment in recruiting and training its employees.

Every effort is made to recruit the right people with the necessary skills and experience and ELCAP commits time to training employees so that they can carry out their job to the standards required by ELCAP.

However, there may be occasions when an employee's conduct or performance falls below the standards expected by ELCAP.

In such instances, ELCAP will initially meet with the employee to talk to them about the areas of concern and agree an improvement plan.

However, if there is no improvement of performance or conduct or the employees conduct is serious, ELCAP may commence formal Disciplinary procedures.

To ensure fair treatment, the law requires ELCAP to lay down a clear and consistent framework of disciplinary rules and procedures. It is important that you fully understand the procedures. If you have any queries regarding this Disciplinary procedure, you should contact your Manager immediately.

In normal circumstances, ELCAP reserves the right not to follow the Disciplinary procedures if you have less than two years' continuous service. Except where at the Manager's discretion, it is considered a suitable course of action to follow the Disciplinary procedures.

ELCAP may, at any time during the disciplinary process, engage external consultants to conduct any or all parts of the Disciplinary procedure. This is usually considered if the case is particularly complex or there is no-one internally who is available to carry out the process.

Recording Meetings

Meetings will take place face to face where it is possible to do so however there may be times when it is necessary to conduct some meetings remotely. ELCAP will not covertly record any meetings using a recording device. Where it is necessary to record a meeting using a recording device the interviewing Manager will always ask your permission to do so before recording the meeting. Likewise, you must obtain the Manager's permission if you wish to record the meeting using a recording device. It is strictly forbidden for you to record any meetings covertly. If a Manager records a meeting using a recording device this will be for the purpose of taking notes of the meeting. You will be provided with a copy of the notes of the meeting to ensure it is an accurate account of the meeting. It will be added to the notes of the meeting, if recording has taken place.

If it is believed you have breached the expected standards of conduct, attendance, job performance or Company policy or procedures, the following procedures will apply:

Informal Action

Your line Manager will investigate the circumstances without delay and endeavour to ascertain the reasons for the breach of Company policy or procedures or why you have failed to meet performance standards. If the investigation provides evidence to show that you did breach Company Policy or procedures or there is no justifiable explanation for your failure to meet the job standards, an informal discussion with you will be arranged.

At this meeting, the Manager will make sure that you are clear about where you breached a Company Policy or Procedure or the areas in which your conduct or performance is below the standards required. You will be given the opportunity to provide an explanation and to raise any concerns you may have about the situation.

The Manager will discuss how the situation can be resolved and set reasonable timescales for you to achieve the improvement required.

The content and outcome of this informal meeting will be confirmed by the Manager in writing to you, including the type of improvement required, any additional support or training that will be provided, any other agreed actions and the timescale for improvement and review.

At the end of the time period for improvements, your conduct or performance will be reviewed. If the standards have been met, then no further action will be taken.

However, if the standards have not been met, you will be advised that you will be given a further time period to improve and, if at the end of this second period there is no improvement, the process will move on to the formal stage of disciplinary action as detailed below.

You should note that, if the issue is considered to be very serious, then the informal action stage may be bypassed and formal Disciplinary procedures will be started immediately.

1. Formal Disciplinary procedures

At all stages of the Disciplinary procedure, you will be advised of the nature of the complaint/allegation against you.

a. Investigation

When it appears there has been a breach of Company policy or procedure or if you have failed to meet the performance standards required, ELCAP may initially investigate the circumstances. The investigation may include interviewing you and the witnesses and gathering other evidence such as documentary evidence.

Neither you nor any witnesses have the right to be accompanied at the investigation meeting. No advance notice will be given when an investigation to establish facts is required.

b. Disciplinary Meeting

If, after investigation, it appears that there has been a breach of Company policy or procedure or you have failed to meet the performance standards required, ELCAP may require you to attend a Disciplinary Meeting.

If you are required to attend a Disciplinary Meeting you will usually be given a minimum of 48 hours' notice, in writing, of the time and date of the meeting. This may be extended in serious or more complicated cases to ensure that you have every opportunity to consider all facts and prepare your response.

You will also be advised of the reason the meeting is being held and where possible given factual statements or evidence which may be used in the meeting.

You will have the right to be accompanied to a Disciplinary Meeting by a fellow employee or by a trade union official (even if ELCAP does not recognise a trade union). Your companion may address the meeting and confer with you during the meeting but may not answer questions on your behalf.

You also have the right to a reasonable postponement of the meeting, within specified limits, if your chosen companion is unavailable at the time ELCAP proposes. Employees have the right to take time off during working hours to accompany fellow workers employed by ELCAP.

The purpose of the meeting is to decide whether the offence or allegation has taken place and why. The person chairing the meeting will review the facts established during the investigation, ask you questions and you will have the opportunity to state your case. Based on all this information, the person chairing the meeting will adjourn the meeting and then decide whether disciplinary action is appropriate and, if it is, what level of warning is appropriate

c. Appeal

You have the right to appeal against any disciplinary action taken against you, or in the event of your dismissal, in accordance with the Appeals Procedure which is detailed separately.

2. Disciplinary Action

The level of the warning will be dependent upon the seriousness of the offence. If it is a relatively minor, first offence, ELCAP will normally impose a First Written Warning. If you commit the same offence again, ELCAP may, having followed the Disciplinary procedure, apply a Final Written Warning and eventually dismiss you.

For more serious first offences, ELCAP may apply a Final Written Warning if this is more appropriate. In cases of gross misconduct, ELCAP will usually dismiss you summarily i.e. without notice.

In exceptional circumstances, ELCAP reserves the right to impose an alternative penalty e.g. demotion or loss of seniority.

The levels of warnings are detailed below:

Stage 1 - First Written Warning

If your conduct or performance does not meet acceptable standards, you will normally be given a formal Written Warning. You will be informed of the reason for the warning, that it is the next stage of the Disciplinary procedure, told what the expected standard or improvements required are and advised of your right to appeal. You will also be advised that more serious

disciplinary action may be taken against you if there is no satisfactory improvement. A note of the Written Warning will be kept but it will be disregarded after nine months, subject to your continued satisfactory conduct and performance.

Stage 2 – Final Written Warning

If your conduct fails to improve or your performance remains unsatisfactory, or if an incident or misconduct is sufficiently serious to warrant only one written warning, you may receive a Final Written Warning. This will give details of the complaint, warn that dismissal will result if there is no satisfactory improvement and advise you of your right of appeal. The Final Warning will be disregarded after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

Stage 3 – Dismissal

If your conduct or performance is still unsatisfactory and you fail to reach the prescribed standards, this will normally result in dismissal. You will receive written reasons of dismissal including the date on which your employment will terminate. You will also be reminded of your right of appeal.

In exceptional circumstances, ELCAP reserves the right, as an alternative to dismissal, to impose an alternative penalty e.g. demotion or loss of seniority. This penalty will be in addition to a Final Written Warning being issued which will remain on file for 12 months.

If the issue is deemed to be gross misconduct, then ELCAP could go straight to this stage.

3. Gross Misconduct

- Theft.
- Fraud.
- Deliberate falsification of records or other Company documentation including those relating to obtaining employment.
- Smoking on ELCAP premises, in Company vehicles or outside a designated smoking area. This includes the smoking of electronic cigarettes.
- Unlawful discrimination, including acts of indecency or sexual or racial harassment.
- Assault, acts of violence or aggression, serious bullying, harassment or victimisation.
- Unacceptable use of obscene or abusive language.
- Possession or use of or being under the influence of non-prescribed drugs or alcohol on Company premises or during working hours.
- Deliberate damage to Company, employee or customer property.
- Serious negligence or actions which causes unacceptable loss, damage or injury.
- Serious acts of insubordination.
- Unauthorised removal of Company property, cash or merchandise.
- Refusal to carry out a reasonable management instruction.
- Bringing ELCAP into disrepute or adversely affecting ELCAP's reputation.
- Misuse of Company information which has caused or may cause ELCAP loss or detriment.
- Serious breach of health and safety policies and procedures.
- Breach of confidentiality, including the unauthorised disclosure of Company business to the media or to any other third party.
- Gambling, bribery or corruption.
- Unauthorised accessing or use of computer data.

- Unauthorised copying of computer software.

This is not an exhaustive list.

The level of disciplinary sanction, if any, will be determined by the severity of the offence. In more serious cases of misconduct, a stage may be passed over in favour of a higher-level disciplinary action.

4. Appeals Procedures

You have the right to appeal against any level of disciplinary action taken against you including your dismissal. You should submit any appeal in writing to the Manager, no later than five working days after you have been notified, in writing of the disciplinary decision or dismissal. The first of the five working days is the date on which you received dated written confirmation of ELCAP's decision. In the appeal letter, you should clearly state the reasons for the appeal. A meeting to hear the appeal will be held as quickly as possible. You will attend the meeting and be given the opportunity to state your case.

You will have the right to be accompanied to the appeal meeting by a fellow employee or by a trade union official (even if ELCAP does not recognise a trade union.)

ELCAP will notify you, in writing, of the decision in response to your appeal as soon as is practicable without undue delay following the meeting. In exceptional circumstances this time scale may be extended but you will always be notified if the time limit is extended.

5. Suspension

At any stage of the Disciplinary procedure, ELCAP may either suspend you or request that you carry out reasonable alternative duties for a temporary period of time. Any suspension will be kept to a minimum and you will be paid your normal pay.

Suspension or the fact that you have temporarily been given alternative duties does not in itself constitute disciplinary action.

If you are suspended from work and become ill during that period of suspension, ELCAP will remove you from suspension and place you on sick leave until such time as you recover from the illness. You will be paid sick pay as appropriate during the period of sickness.

6. Sickness During a Disciplinary Situation

ELCAP aims to ensure that all matters relating to discipline are dealt with fairly and promptly and will, wherever possible, follow the principles set out in the Disciplinary procedure. However, circumstances may arise when your ill health prevents the Disciplinary procedure from being followed because you: are too ill to participate in the investigation, are unable to adequately prepare for a hearing or cannot attend the hearing itself. Where this is the case, ELCAP will act consistently with the following principles.

- The ill health of an employee will not usually be a ground for abandoning any ongoing Disciplinary procedures.
- If you fail to attend work due to sickness during a disciplinary investigation or any part of the disciplinary process, you may not be entitled to Occupational Sick Pay, if applicable.
- Where the absence is likely to be short, ELCAP will usually wait until you recover and are able to take a full part in the process.
- When the absence is ongoing and it appears to ELCAP that you are likely to remain off sick for an extended period, ELCAP may require you to cooperate with Occupational Health or a Doctor, in compliance with the Absence procedures, to determine whether or not you are

sufficiently fit to take part in the disciplinary process. This may include providing a letter from your Doctor explicitly stating that you are unfit to participate in a disciplinary hearing.

- If you are signed off as sick during a period of suspension you will have your suspension rescinded until such time as you become fit for work.
- Following consultation with Occupational Health or a Doctor, if it appears to ELCAP that you are fit to take part in the disciplinary process, the process will continue, although ELCAP may at its discretion also take any of the steps listed in "special measures" below.
- Where it appears that you are not fit to take a full part in the standard Disciplinary procedure, ELCAP will consider taking any of the special measures set out below in order to enable you to participate effectively.

Special Measures

ELCAP may, at its discretion, propose adjusting the standard Disciplinary procedure by taking any or all of the measures set out below with a view to ensuring your effective participation in the disciplinary process:

- **Venue.** ELCAP will consider holding the disciplinary hearing at a venue other than ELCAP's premises, either to reduce the stress caused to you by attending the hearing or to accommodate any physical needs that you may have.
- **Representation.** Where it appears to ELCAP that your illness may affect your ability to explain your case, ELCAP will consider any request that you may have to be represented in the process by a colleague, union official or such other person as ELCAP may specify. The representative may be allowed an expanded role in the process where this would assist you in ensuring that your case is fully explained.
- **Written representations.** Where you may have difficulty in explaining your case, consideration will be given to allowing you to rely on written representations, which may be prepared by a representative.
- **Documentation.** ELCAP will take particular care to ensure that you receive all documentation relating to the disciplinary process sufficiently in advance to allow you to prepare fully, taking into account any effect that your health may have on your ability to analyse the information and prepare a response.
- **Timings.** While being committed to the principle that matters should be dealt with promptly, ELCAP may allow extra time for any stage of the disciplinary process to ensure that you can participate effectively. Particular attention will be given to the duration of any disciplinary hearing and its impact on you and the need to take appropriate breaks.

Holding the Hearing in your Absence

ELCAP believes that, in the vast majority of cases, it should be possible by using any or all of the measures outlined above to conduct a fair disciplinary process in which you can fully participate. However, there may be exceptional circumstances when you will not be able to attend a disciplinary hearing, whatever measures are taken.

In such circumstances, ELCAP reserves the right to proceed with a disciplinary hearing in your absence, although full consideration will be given as to whether or not this is necessary in the circumstances. Where this is the case:

- You and your representative will be informed of the time and location of the hearing and will remain free to attend. The representative will be free to attend, even if you are not present.
- The outcome of the hearing will be communicated in writing to you, paying particular attention to the need to explain the details of any factual findings made and the basis of the decision reached.

- You will be given a full opportunity to appeal against any decision in accordance with the Disciplinary procedure.

The special measures outlined above will also be considered by ELCAP in relation to any appeal.

Police involvement and criminal offences

We may treat any criminal investigation, charge or conviction connected to you as a disciplinary matter if we consider it relevant to your employment with us.

Should you be subject to any police investigation, we will conduct our own independent investigation, and proceed regardless of the status of any police involvement.

If you are subject to any of the above and believe this may in any way affect your ability to do your job or our reputation, you must discuss this with your line manager as soon as you possibly can.

Overlapping disciplinary and grievance

Where you raise a grievance during a disciplinary process the disciplinary process may in certain circumstances be temporarily suspended in order to deal with your grievance.

Where there is overlap between a grievance and a disciplinary (as will often be the case), it may be possible to deal with the grievance and the disciplinary together. This could be either in the same hearing or, where two decision makers are necessary, in separate hearings, with any appeals to be heard together.

