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|----------------------------------------------------------------------------------|------------------|---------------------------------------|---------------|-----------|
|  | Document Title:  | CCT – Employee Disciplinary Procedure |               |           |
|                                                                                  | Document Number: | CCT 22                                | Page Number:  | Page   1  |
|                                                                                  | Issue Date:      | 12/05/25                              | Issue Number: | Version 4 |
|                                                                                  | Author:          | PH                                    | Authorised:   | Trustees  |

## **Chesterfield Canal Trust Ltd. Employee Disciplinary Procedure**

### **1. Standard Procedure**

Steps in this procedure will vary according to the nature of the employee's misconduct or unsatisfactory performance. The Chesterfield Canal Trust (CCT) still maintains the right to vary elements of the procedure from time to time.

A formal meeting will be held between the employee and an CCT leader before any disciplinary action is taken.

Prior to the formal meeting employees will be given due notice of the meeting and the grounds for the meeting in writing. An employee will be a given reasonable amount of time before the meeting to consider their response to the issues raised. During the meeting, a CCT leader will explain why it is felt action is necessary and the employee will be given an opportunity to state their own case and offer an explanation.

Under the CCT disciplinary procedures each step of action in the procedure will be undertaken without unreasonable delay. All disciplinary meetings will be held at reasonable times and locations for the employee.

All employees who are invited to attend a disciplinary meeting must make all reasonable efforts to attend.

If, from a management point of view, there is no satisfactory explanation, the first step in the procedure will normally be a formal verbal warning, which will be confirmed in writing. However, in cases of a serious nature the first warning will be in writing and may be a first and final written warning.

The employee will be told clearly what disciplinary action will be taken e.g. final written warning or dismissal if the warning is not fully heeded.

In cases of unsatisfactory performance, investigations will be carried out into whether the substandard performance stems from a lack of the required skills or is due to negligence/lack of application.

In the case of the former, and where the employee has not previously been advised of the need to improve, the employee will be placed on an improvement plan and offered advice and training to assist with reaching the required standard, within a specified reasonable timeframe.

However, where the unsatisfactory performance is found to be due to negligence/lack of application, a first warning will be given. In addition, advice and training will be given where appropriate and practicable and employees will be placed on an improvement plan.

If an employee's performance continues to be unsatisfactory after an appropriate specified period, a final written warning will be issued, explaining what disciplinary action will be taken.

|                                                                                  |                  |                                       |               |           |
|----------------------------------------------------------------------------------|------------------|---------------------------------------|---------------|-----------|
|  | Document Title:  | CCT – Employee Disciplinary Procedure |               |           |
|                                                                                  | Document Number: | CCT 22                                | Page Number:  | Page   2  |
|                                                                                  | Issue Date:      | 12/05/25                              | Issue Number: | Version 4 |
|                                                                                  | Author:          | PH                                    | Authorised:   | Trustees  |

In cases where the employee's performance is seriously substandard or where an employee commits a single error due to negligence and the actual or potential consequences of that error are, or could be, extremely serious, it may be appropriate to issue a final written warning or dismiss. Where a final written warning is issued for substandard performance, the employee will also be placed on an improvement plan.

Should it be decided to dismiss an employee, either for failure to improve after the issue of a written warning, or without warning in the case of gross misconduct, the employee will receive a letter confirming the dismissal and the payments, if any, due.

Where written warnings are given, these will be placed on employees' records and automatically removed after six months unless the employee is informed otherwise.

## 2. Gross Misconduct

The principles outlined above do not apply in the case of a gross misconduct. Following thorough investigation, dismissal may take place without a previous warning or without notice or pay in lieu of notice.

Examples of gross misconduct are:

- Assault/Fighting.
- Dishonesty or Theft.
- Drunkenness at work or whilst representing CCT.
- Drug Abuse.
- Deliberate or negligent damage to CCT property.
- Wilful refusal to obey a reasonable instruction.
- Wilfully bringing CCT into disrepute.
- Misuse of Corporate Assets and/or Partner Assets.
- Any form of harassment or discrimination.
- Breach(es) of confidentiality and security.
- Supply of false information to support employment.

These are examples and do not constitute an exhaustive list.

In cases of alleged gross misconduct, the employee will normally be suspended on full pay as a precautionary measure pending formal investigation by the leader. This investigation must take place as soon as possible.

## 3. Appeal

Should an employee wish to appeal against disciplinary action, they have the right to do so once. Any appeal should be made in writing to the next higher level of management stating the grounds on which the appeal is being made. This appeal notification must be lodged no later than five days after receipt of written notification of dismissal or formal notification of other disciplinary action. The manager will acknowledge the appeal letter and arrange an interview, within a reasonable

|                                                                                  |                  |                                       |               |           |
|----------------------------------------------------------------------------------|------------------|---------------------------------------|---------------|-----------|
|  | Document Title:  | CCT – Employee Disciplinary Procedure |               |           |
|                                                                                  | Document Number: | CCT 22                                | Page Number:  | Page   3  |
|                                                                                  | Issue Date:      | 12/05/25                              | Issue Number: | Version 4 |
|                                                                                  | Author:          | PH                                    | Authorised:   | Trustees  |

timeframe, between the employee and an appropriate senior leader who has not previously been involved in the disciplinary action. The outcome of this appeal will be notified in writing to the employee and this decision will be final.

#### **4. Right to be Accompanied**

During all stages of the formal disciplinary procedure, including appeals, the employee may be accompanied by a work colleague or as current legislation dictates. Representatives of an employee may address the hearing and confer with them but are not able to answer questions on the employee's behalf. An employee may request the postponement of a hearing due to the unavailability of their representative, but this will only be allowed up to a maximum of five working days.