



## **DPN STAFF GRIEVANCE/DISCIPLINARY PROCEDURE**

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# 1. GRIEVANCE PROCEDURE

The object of the grievance procedure is to enable employees who consider they have a grievance or complaint arising from their employment with DPN to have it dealt with at the nearest appropriate level within as short a time as possible. Anyone wishing to use this procedure can do so freely and without prejudice to his/her position in the Company. It applies to all employees, irrespective of job or grade.

In the first instance all grievances will be dealt with by your manager, who will attempt to deal with the matter after making such consultations as are necessary. You may be accompanied by a working colleague at any grievance hearing. Every opportunity will be given for your grievance to be stated and thoroughly discussed. As appropriate further investigation may take place and action taken.

If the matter is not resolved to your satisfaction within a reasonable time, you can raise it with your manager. Within four working days of the receipt of a complaint, he will arrange a meeting to investigate the matter. You may be accompanied by a working colleague at any grievance hearing. Every opportunity will be given for the grievance to be stated and thoroughly discussed. As appropriate further investigation may take place and action taken.

A decision will be given within 7 working days unless extended by mutual consent.

If the matter is still not resolved to your satisfaction you should raise the matter with the Chair of the Board of Directors whose decision is final and the grievance procedure is exhausted following this stage.

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# 2. DISCIPLINARY PROCEDURE

It is important to recognise that it is necessary for DPN to maintain a standard of discipline and that the appropriate standard of work is maintained in relation to your employment. This section may be implemented should it be considered that you may be guilty of any act of misconduct (including matters relating to the other procedures) or your standard of work or attendance become unacceptable. The procedures contained in this document are not to be

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regarded as contractual though they are the procedures that DPN will normally follow in disciplinary matters.

The primary objective of these procedures is to correct rather than to punish you and to encourage you to maintain the standards of attendance, behaviour and performance that are commensurate with your position. DPN is always there to assist you in your job should you have any difficulties and you should refer to your manager who will discuss any problems and counsel you in respect of any assistance that may be appropriate. DPN regards it of importance that these procedures are applied fairly and consistently. It must however, be noted by you that in certain cases your conduct may warrant disciplinary action in which case DPN will follow these procedures wherever possible.

## 2.1 Misconduct

If your performance falls below standard or your attendance or behaviour becomes unacceptable, then, after receiving warnings as set out in this procedure, you may be liable to dismissal. The decision as to whether or not your performance, attendance or behaviour is unacceptable will be made by DPN acting as a reasonable employer.

The following is a non-exhaustive list of examples of offences which amount to misconduct falling short of gross misconduct:

- Absence from work that is unauthorised. For this purpose absence from work will be regarded as unauthorised if you have not complied with DPN's absence rules;
- Behaviour that is disruptive or which amounts to time wasting or may cause minor loss to DPN;
- Breach of safety regulations that is minor;
- Lateness for work without good excuse. For this purpose persistent lateness which is minor may amount to misconduct;
- Standard of work performance that falls below the expected standard of your post;
- Standard of appearance or dress that is not appropriate to the workplace;
- Smoking on the Company's premises. Smoking may in certain circumstances however be regarded as gross misconduct if it brings DPN into disrepute or you have already been warned about smoking on the premises and the procedure in relation to gross misconduct may then be operated.

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## 2.2 Gross Misconduct

If DPN reasonably forms the view that you are guilty of gross misconduct you may be summarily dismissed.

The following is a non-exhaustive list of examples of offences which DPN will regard as amounting to gross misconduct:

- Accepting any bribes or any gifts which could be construed as bribes. In the case of any gifts from clients that are of a minor or inconsequential nature this must nevertheless still be cleared with the Manager before you may accept such a gift;
- Attendance at work whilst intoxicated or influenced by drugs that have not been prescribed to you by a medical practitioner;
- Being abusive or rude to clients;
- Breach of rules and regulations relating to health and safety matters that may constitute a danger to the health and safety of yourself, your fellow workers, clients or anyone visiting the premises on DPN business;
- Bringing DPN into disrepute by conduct whether at work or outside;
- Conviction for any offence that is incompatible with your employment, which may place DPN in disrepute or which causes DPN to lose trust and confidence in you;
- Damaging DPN property or the property of any employee with deliberate intent;
- Discrimination against any fellow workers or clients on the grounds of sex, race, sexual orientation or disability;
- Dishonesty at work whether or not it will cause DPN loss;
- Dishonesty outside work that may bring DPN into disrepute or is incompatible with your employment;
- Failing to adhere to any statutory or regulatory requirements where such failure is wilful or amounts to gross negligence or incapability;
- Failing to correctly fill out your application or any documents relating to your employment which may affect your qualifications for the job, your ability to carry out the job or may affect DPN's trust and confidence in you;
- Falling asleep whilst on duty;
- Falsification of any company documents whether or not they give you a pecuniary advantage or whether it is likely to cause DPN loss;
- Harassment on the grounds of sex, race, sexual orientation, disability or for any other reason;
- Insubordination to your superiors which is incompatible with your position;
- Negligent behaviour which may be gross or which may affect DPN's trust and confidence in your ability to carry on your job;

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- Use of any confidential information belonging to DPN or of information which the Company considers may cause DPN harm or bring it into disrepute, including information on DPN and about clients;
- Violent behaviour towards fellow workers or clients. This will include physical or verbal behaviour or conduct or words that may be regarded as intimidating;
- Sexually inappropriate behaviour whether verbal, physical or intimated;
- Unsatisfactory behaviour continuing despite previous warnings.

### **2.3 Right to be Accompanied at a Disciplinary Hearing**

You have the right to be accompanied to a disciplinary hearing where you have been required or invited by DPN to attend a disciplinary hearing and you reasonably request to be accompanied at the hearing. A hearing will be regarded as a disciplinary hearing if it could result in a formal warning or some other action on the part of DPN or confirmation or a warning or other action.

If you make such a request DPN will permit you to have a single companion at the hearing who is employed as a trade union official and is an official who has reasonably been certified as having experience of training in acting as a companion at disciplinary proceedings or who is another worker at DPN.

Your companion may be permitted to address the disciplinary panel but will not be permitted to answer questions on your behalf and will be permitted to confer with you during the hearing.

If your companion is not available at the time that DPN has proposed for the disciplinary hearing you may propose an alternative time for the hearing provided it is a reasonable time and is no further away than five working days after the day that DPN had proposed for the disciplinary hearing, excluding Saturdays, Sundays, Christmas Day, Good Friday or Bank Holidays.

If your companion is a DPN co-worker s/he may have time off to accompany you to the hearing.

### **2.4 Investigation**

If there is a concern about your conduct DPN will investigate and for this purpose may, at its discretion, nominate an investigating officer who was not involved in the allegations relating to the disciplinary matters. Where DPN considers it appropriate because of the nature of the offence it may, in its absolute discretion, suspend you from work, in which case you will be paid your basic remuneration.

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This suspension may last as long as any investigation and disciplinary process is continuing.

The nature and scope of the investigation will be appropriate to the allegation that is being investigated and DPN, in its discretion may:

- Require you to attend investigatory hearings for the purpose of being questioned about the allegation(s). Refusal to answer appropriate questions may in itself be regarded as a disciplinary matter.
- Take witness statements from other individuals who were involved in relation to the allegations or who may assist.
- Take time to collate documentary or other evidence that may be relevant to the allegations.

DPN will ensure that the investigation is carried out as quickly as possible but you will in any event be kept informed of the stage that the investigation has reached and if you have any queries you should address them to your manager.

Once the investigation has been carried out a decision will be made as to whether you will be informed in writing of the results of the investigation as soon as possible but there are no time limits relating to the length of the investigation or the time in which you will be so informed.

The above procedure is not contractual and may be amended by DPN in its absolute discretion.

## 2.5 The 'Charges'

If DPN considers that you may have committed a disciplinary offence you will be informed in writing of the allegations against you. You will be given details of the evidence against you.

You will be given a reasonable opportunity to consider the charges against you before any disciplinary hearing takes place and the date of any hearing will be confirmed to you in writing.

## 2.6 The Disciplinary Hearing

The nature and format of the disciplinary hearing will be dependant upon the charges that have been made and are subject to the absolute discretion of the disciplinary panel. However, the following procedures may be adopted:

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- At the outset of the hearing the charges will be read to you and it will be confirmed whether or not you wish to have a companion present. If you wish to have a companion present then he or she will be entitled to address the disciplinary panel.
- You will be informed of the gist of the evidence against you. If there is an investigating officer then s/he may outline the allegations that have been made against you.
- You will be permitted to make whatever representations you wish in relation to the allegations.
- Where witnesses are called, you, but not your companion, may be allowed to ask questions of the witnesses that are appropriate. You may confer with your companion during this time.
- Your attention will be drawn to relevant documentary evidence.
- Where there is an investigating officer s/he will normally make closing submissions.
- You may be permitted to make closing submissions to the panel.
- The panel will then retire to see if it can reach a decision immediately. However, where the allegations are such that the panel considers it to be appropriate to take further time the hearing may be adjourned pending the decision of the panel.

You will be informed as soon as possible of the decision of the panel and in any event within 7 days. You will be provided with a written decision.

## 2.7 The Disciplinary Sanctions

Where the panel decides that your conduct did not amount to gross misconduct you may be subject to the following sanctions.

Where the disciplinary offence is minor or your conduct amounts to a failure to attain satisfactory standards you may be issued with a formal verbal warning. This will be administered to you by your manager.

Where the disciplinary offence or failure to perform satisfactorily is regarded as serious or there have been persistent minor disciplinary breaches a warning in writing may be given to you. This will be administered by your manager.

Further repetition of disciplinary offences or continued failure to perform satisfactorily may result in a further warning or, if sufficiently serious, a final written warning. You may receive a final written warning before any other warnings if the disciplinary offence is sufficiently serious. The warning will be issued by your manager.

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The warnings will remain on your personnel file as follows:

- verbal warning: six months in the absence of any other disciplinary offence
- first (or if it is considered appropriate to issue a second warning that is not final) written warning: 12 months in the absence of any other disciplinary offence
- final written warning: 12 months.

These warnings will not be taken into account once they have expired unless they relate to a disciplinary matter that has become repetitive (i.e. alcohol or drug abuse or rudeness to clients).

Where you are guilty of gross misconduct or have committed a further disciplinary offence after receiving a final written warning you are liable to be dismissed without notice. In the event of such dismissal you will not receive any pay in lieu of notice.

## 2.8 Appeals

If you do not agree with the result of any disciplinary decision you will have the right of appeal provided it is made in writing within 7 days of you being notified. You must set out in full the grounds on which you are appealing the decision, stating whether it is because you disagree with the findings of misconduct or the sanction that was imposed.

The appeal will be to the Chair. The appeal will consist of a full rehearing.

Where you have been dismissed the date of your dismissal will stand if the appeal is rejected and the date of the termination of your employment will not be the date that your appeal was rejected.

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