

SOUTH WEST NEWS SERVICE LTD RULES

GRIEVANCE AND DISCIPLINARY PROCEDURE

Please note the following disciplinary and grievance procedures do not form part of your contract of employment

1 Grievance Procedure

- 1.1 If you have any grievance relating to your employment you should raise the matter initially informally with your Manager.
- 1.2 If you wish to raise a formal grievance, you should put the grievance in writing. In the first instance (except where the grievance relates to your Manager; in which case it should be the next appropriate person) all grievances should be submitted to the your Manager, who will attempt to deal with the matter after making such consultations as he/she feels are necessary.
- 1.3 Your Manager will (where possible within 5 working days of the receipt of the grievance) arrange for you to attend a grievance hearing to be held within the following 5 working days. You must take all reasonable steps to attend the meeting.
- 1.4 At the meeting you will be given the opportunity to state and discuss the grievance with your Manager.
- 1.5 Your Manager will take minutes of the meeting a copy of which will be given to you after the meeting.
- 1.6 Your Manager will confirm his/her response to the grievance in writing normally within 5 working days of the hearing. This response will also notify you of your right to appeal the decision to the Directors.
- 1.7 If the grievance is not resolved to your satisfaction, you can appeal.
- 1.8 You must set out the grievance and the reasons for dissatisfaction within the previous decision in writing to the Directors.
- 1.9 Where possible, within 5 working days of the receipt of a grievance, the Directors will arrange an appeal hearing to be held within the following 5 working days to discuss the grievance. You must take all reasonable steps to attend the meeting.

- 1.10 A written decision will normally be given to you within 5 working days of the meeting or such further period as is agreed. The decision will be final and the grievance procedure is exhausted at this stage.
- 1.11 At all stages of the procedure you are entitled to be accompanied at the grievance hearing by a fellow worker of choice or a trade union official or a lay trade union official who has been certified by the relevant trade union as having experience/ training to act in such matters.
- 1.12 If you wish to be accompanied by a colleague, that colleague will be entitled to take a reasonable amount of time away from his or her normal duties to accompany you at the hearing. You must notify the person conducting the hearing of the name and status of the person prior to the hearing.
- 1.13 If the chosen companion cannot attend the hearing at the time proposed, you may offer an alternative time, which must be within 5 working days after the time originally proposed, provided the request is reasonable.
- 1.14 The companion may address the hearing on the your behalf and confer with you, but may not answer questions on the your behalf.
- 1.15 Where possible, records will be kept detailing the nature of the grievance and the action taken as a result, if any. These records are confidential and shall be treated as such by all persons involved in the grievance procedure.
- 1.16 If you believe that you are being sexually or racially harassed or the victim of some other form of harassment or unlawful discrimination, you should report any incident(s) to the Directors who will investigate. Your report will be treated as confidential unless you agree otherwise.

1.2 **Modified Grievance Procedure**

- 1.2 If you and your Manager cannot complete a step in the above grievance procedure or if you both agree in writing or your employment has ended the following modified procedure can be used instead:-
 - 1.2.1 You must send a written explanation of the grievance to your Manager (or the next appropriate person), stating the basis of the complaint.
 - 1.2.2 Your Manager will promptly send his/her response in writing to you.

2 **Disciplinary Procedures**

2.1 The purpose of disciplinary procedures is to ensure that the Company behaves fairly in investigating and dealing with allegations of unacceptable conduct or performance. Accordingly, the Company reserves the right to depart from the precise requirements of its disciplinary procedures where it is expedient to do so and where the resulting treatment of the employee is no less fair. The procedure will only apply to employees who have successfully completed their probationary periods.

2.2 All cases of disciplinary action under these procedures will be recorded and placed in the Company's records. A copy of the Company's disciplinary records concerning you will be supplied to you at your request.

2.3 Offences under the Company's disciplinary procedures fall into 3 categories namely:

- misconduct
- gross misconduct
- incapability

2.4 The following steps will be taken, as appropriate, in all cases of disciplinary action:

2.4.1 **Investigations:** No action will be taken before a proper investigation has been undertaken by the Company into the matter complained of. If appropriate, the Company may by written notice suspend you while the investigation takes place. Such suspension is not considered to be disciplinary action. If you are so suspended your contract of employment will continue together with all your rights under your contract including the payment of salary, but during the period of suspension you will not be entitled to access to any of the Company's premises except at the prior request or with the prior consent of the Company and subject to such conditions as the Company may impose. The decision to suspend you will be notified to you by your Manager and confirmed in writing.

- 2.4.2 Disciplinary hearings: If the Company decides to hold a disciplinary hearing about the matter complained of, you will be given written details of the complaint against you at least three working days before the hearing. The written notice will also set out the date and time of the meeting and your right to be accompanied.
- 2.4.3 You are entitled to be accompanied at the hearing by a fellow worker of your choice or a trade union official or a lay trade union official who has been certified by the relevant trade union as having experience or having received training in acting as a companion in disciplinary or grievance hearings. If you wish to be accompanied by a fellow worker, that worker will be entitled to take a reasonable amount of time away from his or her normal duties to discuss the matter with you and your Manager at the hearing without loss of pay or benefits. You must notify your Manager of the name and status of the person whom they wish to accompany them before the hearing.
- 2.4.4 If the you or your chosen companion cannot attend the hearing at the time proposed, you may offer an alternative time, which must be within five working days after the time originally proposed, provided the alternative time is reasonable (bearing in mind the availability of your Manager)
- 2.4.5 The worker or trade union representative who accompanies you may address the hearing on your behalf and confer with you, but may not answer questions on your behalf.
- 2.4.6 The hearing will be held during working hours at the Company's premises, unless otherwise agreed by you and your Manager. You must take all reasonable steps to attend the meeting.
- 2.4.7 If you have any documents which you want your Manager to consider at the hearing, you should provide a copy to the relevant person in advance. You should let your Manager know if you are aware of any witnesses who may be able to provide evidence on the allegations made. You should also inform your Manager of any special arrangements needed at

- the hearing for example to cater for any language difficulty or disability.
- 2.4.8 At the hearing, you will be given the opportunity to put forward your views and facts relating to the matters raised before a decision is taken under this procedure.
- 2.4.9 At each stage of the procedure you will be fully advised as to the nature of the complaint or concern about you and told whether or not any meeting or hearing may lead to dismissal.
- 2.4.10 Your Manager will take minutes of the meeting, a copy of which will be provided to you after the meeting.
- 2.4.11 After the meeting, your Manager will inform you of its decision in writing. At this time your Manager must also notify you of your right to appeal.
- 2.4.12 No disciplinary penalty will be imposed without a disciplinary hearing, but your Manager is only required to rearrange the hearing once and a hearing may proceed in your absence if you fail to turn up.
- 2.4.13 Appeals: You have a right to appeal against the disciplinary decision to the Directors. You should inform your Manager in writing of your wish to appeal within five working days of the date of the decision which forms the subject of your appeal. The notification must include the Employee's grounds of appeal. The Directors on receipt of your notification will notify you in writing of the date and time of the appeal hearing and your right to be accompanied. This notification will be given at least 3 working days prior to the appeal meeting being held. You must take all reasonable steps to attend the meeting. At the hearing you will be given an opportunity to state your case and will be entitled to be accompanied by a fellow employee of your choice or by a representative of a Trade Union. The Directors will take minutes of the meeting and a copy of the minutes will be provided to you following the meeting. The decision of the Directors will be notified to you in writing and will be final and binding under this procedure.

If you appeal from a decision to dismiss, the dismissal will be effective as at the date specified in the dismissal letter unless the appeal is upheld in which case you will be reinstated and the employment will be deemed to have continued during the period until the appeal was heard.

2.5 Misconduct

2.5.1 The following offences are examples of misconduct:

- Bad time-keeping
- Unauthorised absence
- Minor damage to Company property
- Minor breach of Company rules
- Failure to observe Company procedures
- Abusive behaviour

These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.

2.5.2 The following outcomes will apply in cases of alleged misconduct:

First warning: This will be given by your Manager and may be oral or written according to the circumstances. In either event you will be advised that the warning constitutes the first formal stage of this procedure. If the warning is verbal a note that such a warning has been given will be placed in the Company's records.

Final warning: This will be given by the your Manager and confirmed to you in writing. This warning will state that, if you commit a further offence of misconduct during the period specified in it, your employment will be terminated.

Dismissal: The decision to dismiss you will not be taken without reference to your Manager and will be notified to you in writing.

2.6 Gross Misconduct

2.6.1 The following offences are examples of gross misconduct:

- Theft or unauthorised possession of any property or facilities belonging to the Company or any employee
- Unauthorised acceptance of gifts in contravention of your terms and conditions of employment

- Serious damage to Company property
- Falsification of reports, accounts, expense claims or self-certification forms
- Sexual or racial harassment
- Refusal to carry out duties or reasonable instructions
- Intoxication by reason of drink or drugs
- Having alcoholic drink or illegal drugs in your possession custody or control on the Company's premises
- Serious breach of Company rules
- Violent, dangerous or intimidatory conduct

These examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

2.6.2 If you commit gross misconduct or where the employment cannot continue for reasons beyond both parties control and you are instantly dismissed the following modified dismissal procedure must be used:

2.6.2.1 the Company will send the you full written details of the alleged misconduct that led to your dismissal (including the evidence for this decision). The written notice will also set out your right to appeal.

2.6.2.2 If you wish to appeal you must notify the Company in writing within 5 working days of having been notified of the reasons for your dismissal, the notification must include your grounds of appeal.

2.6.2.3 The Company on receipt of your notification will write to you specifying the date and time of the appeal hearing and your right to be accompanied. This notification will be given at least 3 working days prior to the appeal meeting being held.

2.6.2.4 You must take all reasonable steps to attend the meeting.

2.6.2.5 The Company will take minutes of the meeting and a copy of the minutes will be provided to you following the meeting.

2.6.2.6 The result of any appeal will be final. After the appeal hearing, you will be notified in writing of the outcome. No further appeal may be made. If you appeal from a decision to dismiss, the dismissal will be effective as at the date specified in the dismissal letter unless the appeal is upheld in which case you will be reinstated and the employment will be deemed to have continued during the period until the appeal was heard.

2.7 Incapability

2.7.1 The following are examples of incapability:

- Poor performance
- Incompetence
- Unsuitability
- Lack of application

These examples are not exhaustive or exclusive and instances of a similar nature will be dealt with under this procedure.

2.7.2 The following outcomes will apply in cases of incapability:

First warning: This will be given by your Manager and will be confirmed to you in writing. This warning will specify the improvement required and will state that your work will be reviewed at the end of a period of one month after the date of the warning.

Final warning: This will be given by your Manager and confirmed to you in writing. This warning will state that unless your work improves within a period of one month after the date of warning your employment will be terminated.

Dismissal: Dismissal will be notified to you in writing.

2.8 Unsatisfactory sickness record

2.8.1 The following are examples of unsatisfactory attendance:

- long-term absence due to injury or sickness;
- frequent short-term absence due to minor ailments.

2.8.2 In appropriate circumstances, the Company may require you to be:

- a. examined by an independent medical practitioner of its choosing. In this event, you agree to co-operate with such a request and to permit the medical practitioner to discuss with the Company the findings of his examination and his prognosis for your future recovery; and/or
- b. interviewed by a Company welfare officer (at your home, if necessary) if there is a possibility, in the Company's opinion, that your absence is wholly or partly due to a personal or domestic difficulty or there are other circumstances with which the Company might be able to assist you.

The findings of the medical practitioner and/or the welfare officer will be taken into account when the Company considers the kind of action, if any, which it will take against you in respect of your absence from work.

2.8.3 If appropriate, after such examination/interview, you may be given a first warning by your Manager which will be confirmed to you in writing. This warning will specify a period, the length of which (usually, between 1 and 6 months) will depend upon your particular health or welfare difficulties:

- (i) over which your attendance will be monitored by the Company and a specified measure of improvement will be required of you; or
- (ii) at the end of which you will be expected to have returned to work.

2.8.4 If appropriate at the end of such period, you may be required to undergo another examination and/or interview the results of which the Company will taken into account when it considers the kind of action, if any, which it is appropriate to take against you.

2.8.5 Such action may include:

- a. the removal or reduction in your entitlement to Company holiday; and/or
- b. the issue of a final warning by your Manager which will be confirmed to you in writing and will specify a further period over which your attendance will be monitored and the level of improvement expected of you during such period. This warning will state that failure to show the necessary improvement within the specified period will result in your dismissal; or
- c. Your dismissal on notice if the Company concludes, following your medical examination, that you are not likely to be fit to return to work in the foreseeable future and that, in all the circumstances, the needs of its business render it impracticable to await further your return to health or fitness.

2.8.6 The decision to dismiss you will be notified to you in writing.

2.9 Subject to satisfactory performance and conduct any warning under these procedures will be removed from the Company's records after two years.

E-MAIL, FAX AND INTERNET POLICY

1 Purpose and scope

The Company expects all its computer facilities to be used in a professional manner. These facilities are provided by the Company at its own expense for its own business purposes. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the Company or its employees in any way. This policy document is to be read in conjunction with the Disciplinary Procedure.

1.1 Policy

1.1.1 Confidentiality

- 1.1 You should not transmit anything in an e-mail or fax message that you would not be comfortable writing in a letter or memorandum. You should note that electronic messages are admissible as evidence in legal proceedings and have been used successfully in libel cases.
- 1.2 You should never assume that internal messages are necessarily private and confidential, even if marked as such. Matters of a sensitive or personal nature should not be transmitted by e-mail unless absolutely unavoidable.
- 1.3 Internet messages should be treated as non-confidential. Anything sent through the Internet passes through a number of different computer systems all with different levels of security. The confidentiality of messages may be compromised at any point along the way unless the messages are encrypted.

1.1.1 2 Offensive messages

- 2.1 You must not send offensive, demeaning or disruptive messages. This includes, but is not limited to, messages inconsistent with the Company's Equal Opportunities Policy and Harassment Policy.
- 2.2 You should therefore not place on the system any message which you regard as personal, potentially offensive or frivolous to you or to any recipient.
- 2.3 If you receive mail containing material that is offensive or inappropriate to the office environment then you must delete it immediately. Under no circumstances should such mail be forwarded either internally or externally.

1.1.1 3 Passwords

You must not allow other employees to use your password. If you anticipate that someone may need access to your confidential files in your absence you should arrange for the files to be copied to somewhere where that person can access them.

1.1.1 4 Viruses

- 4.1 Any files or software down-loaded from the internet or brought from home must be virus-checked before use. You should not rely on your own PC to virus-check any such programmes but should refer direct to your Manager.
- 4.2 You must not run any '.exe' files. These should be deleted immediately upon receipt without being opened.

1.1.1 5 The Internet

- 5.1 Access to the Internet during work time should be limited to matters relating to your employment. Any unauthorised use of the Internet is strictly prohibited.

Unauthorised use includes but is not limited to connecting, posting or down-loading any information unrelated to your employment and in particular pornographic material, engaging in computer hacking and other related activities, attempting to disable or compromise security of information contained on the Company's computers.

- 5.2 Postings placed on the Internet may display the Company's address. For this reason you should make certain before posting information that the information reflects the standards and policies of the Company. Under no circumstances should information of a confidential or sensitive nature be placed on the Internet.
- 5.3 Information posted or viewed on the Internet may constitute published material therefore, reproduction of information posted or otherwise available over the Internet may be done only by the express permission from the copyright holder.
- 5.4 You must not commit the Company to any form of contract through the Internet.
- 5.5 Subscriptions to news groups and mailing lists are only permitted when the subscription is for a work-related purpose. Any other subscriptions are prohibited.

1.1.1 6 Interception of communications

The Company reserves the right to intercept any e-mail for monitoring purposes, record keeping purposes, preventing or detecting crime, investigating or detecting the unauthorised use of the Company's telecommunication system or ascertaining compliance with the Company's practices or procedures.

THE COMPANY CONSIDERS THIS POLICY TO BE EXTREMELY IMPORTANT. IF YOU ARE FOUND TO BE IN BREACH OF THE POLICY THEN YOU WILL BE DISCIPLINED IN ACCORDANCE WITH THE DISCIPLINARY PROCEDURE AND YOU MAY BE DISMISSED. IN CERTAIN CIRCUMSTANCES BREACH OF THIS POLICY MAY BE CONSIDERED GROSS MISCONDUCT RESULTING IN IMMEDIATE TERMINATION OF YOUR EMPLOYMENT.

SICKNESS

You should let your manager know by 9.00 am latest that you are unable to attend for work on your first day of absence and you should also indicate to the manager when you expect to be able to return to work if at all possible.

In respect of sickness absence lasting 7 or fewer calendar days, you need not produce a medical certificate unless you are specifically requested to do so.

You must, however, complete SWNS' self certification form immediately you return to work after such absence.

You must provide details of all periods of sickness absence including non-working days.

In respect of absence lasting more than 7 calendar days you must, on the 8th calendar day of absence, provide a medical certificate stating the reason for absence, and thereafter provide a like certificate each week to cover any subsequent period of absence.

USE OF POOL CARS/BICYCLES AND PRIVATE CARS FOR BUSINESS PURPOSES

Staff are to use a pool car wherever possible; these are insured and maintained by SWNS. If using their private vehicles and a problem occurs they must advise John MacConnell immediately and use a pool car until their personal vehicle is repaired.

Staff using private vehicles must have a current driving licence and a vehicle which is properly insured and is roadworthy. The addition of penalty points to their licences must be advised to accounts to inform insurers.

Drivers are advised to take regular breaks on long journeys/stop driving in adverse weather conditions.

Staff must always take a fully charged mobile with them in order to contact their line manager in the event of any problem for instruction on how to deal with unforeseen hazards. Staff are prohibited from using mobiles even with hands free whilst driving and if a call is received staff must pull over and park safely at the earliest opportunity in order to take the call.

Cyclists must always wear protective jacket while cycling and regularly check that lights and brakes are in good working order.

Photographic equipment must be either with photographer or securely stored in boot of vehicle.