



DISCIPLINARY POLICY AND PROCEDURE

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1. PURPOSE

- 1.1 This policy and procedure is designed to ensure that the Company acts reasonably and follows best practice. Its purpose is to provide both managers and employees with a fair, consistent and timely method of resolving alleged misconduct. Any action taken using this policy is intended to change and improve behaviour.
- 1.2 The Company recognises that the disciplinary process can be stressful for all involved. Dedicated pages are available on Lighthouse, providing guidance to managers and employees about the process and what to expect. These pages can be viewed [here](#).

2. SCOPE

- 2.1 This is a group level policy that applies to all workers of Anglian Water Group Limited and its subsidiaries (the "Group"), with the exception of Anglian Water (Ireland) Limited and Wave Limited (and their respective subsidiaries which include Celtic Anglian Water and Anglian Water Business (National)).

3. STATUS

- 3.1 This policy is a Collective Agreement.

4. POLICY OWNER

- 4.1 Head of Employee Relations.

5. POLICY

- 5.1 It is Company policy to resolve allegations of misconduct informally wherever possible.
- 5.2 Where misconduct is suspected, a thorough investigation will be conducted to establish the facts before any action is taken.
- 5.3 Depending on the seriousness of the allegations, it may not be appropriate to follow an informal procedure but to follow a formal procedure instead. Examples of the levels of misconduct are illustrated at [Appendix 1](#).
- 5.4 All allegations of misconduct will be treated in confidence. Breaches of confidentiality may result in disciplinary action.
- 5.5 Allegations found to be malicious, vexatious or untrue are likely to be referred independently to the formal procedure at [Step 2](#) of this policy.
- 5.6 'Line Manager' in this policy refers to the employee's direct line manager or another suitable alternative manager.

- 5.7 To ensure the consistent application of this policy, Line Managers are encouraged to seek advice from their Employee Relations Manager/Advisor (ERM/ERA). Details of the business units covered by each ERM/ERA can be accessed [here](#).
- 5.8 Where an employee with a disability requires adjustments to be made in order to allow them to attend a meeting or to participate in the process fully, they should contact the appropriate ERM/ERA as soon as possible.
- 5.9 The Company's independent Employee Assistance helpline is a confidential service available 24 hours a day, 7 days a week. They provide health and wellbeing support for employees during their employment, including throughout any disciplinary procedure. Their telephone number is **0800 678 1466** or **01480 323323 (option 4)**. Further details about this service can be found on [Lighthouse](#).

6. PROCEDURE

This procedure is the means by which rules are observed and standards are maintained. Its primary use is to help and encourage employees to improve their behaviour/conduct.

6.1 Informal Procedure – **STEP 1**

- 6.1.1 Many concerns about misconduct may be resolved informally; e.g. unsatisfactory aspects of conduct that the employee may regard as trivial but which are unacceptable at work. Everyday issues should be managed as they arise and a quiet word with the employee is often all that is required. The Line Manager will create a file note confirming this.
- 6.1.2 If the alleged misconduct is not considered an everyday issue but is considered a minor infringement such as a repeat offence or more information is needed, the Line Manager will carry out an initial investigation/fact finding exercise and advise the employee of their findings. Potential outcomes include:
- a) A diary note – to record the matter was discussed.
 - b) An informal warning. The Line Manager will confirm this in writing to the employee outlining the expected improvement, how the employee might achieve this and the possible consequences if there is little or no improvement.
- 6.1.3 If the Line Manager determines the allegations of misconduct are sufficiently serious (e.g. breaches of Health and Safety, non-compliance, repeat offence – please see [Appendix 1](#)), the formal procedure at [Step 2](#) will be followed. The Line Manager will contact the ERM/ERA for support.

6.1.4 Suspending the employee from the workplace may be appropriate (e.g. where the employee's presence at work is likely to hinder the effectiveness of the investigation, health and safety, risk to the business). In all cases, consideration should be given to whether an alternative to suspension is a more appropriate course of action, e.g. placing the employee on restricted duties and/or close supervision. Please see [Section 8](#).

6.2 Formal Procedure – **STEP 2**

6.2.1 The formal procedure should be used only where the informal procedure or an initial discussion with the employee determines that a formal investigation is required.

6.2.2 Typically, an autonomous, independent manager will be appointed to act as the Investigating Manager. The Investigating Manager will conduct a thorough investigation into the alleged misconduct and will be responsible for informing the employee of their suspected misconduct and gathering the facts.

6.2.3 Normally, the Investigating Manager will be supported by an ERM/ERA who will offer advice and guidance on procedure, clarify matters and help with the smooth running of the process. ERMs/ERAs are not decision makers. In some cases, the Investigating Manager will be supported by another manager who will act in a note taking capacity.

6.2.4 The Investigating Manager will hold a formal meeting with the employee to gain a full understanding of the alleged misconduct. The Investigating Manager may require other employees, as potential witnesses, to attend a formal investigation meeting – employees are required to co-operate with such investigations.

6.2.5 The Company will provide a minimum of 48 hours' written notice of all formal meetings unless otherwise agreed in advance. These meetings may be held in person or virtually by TEAMS.

6.2.6 Normally the Company will record all formal face to face meetings, subject to agreement with the employee. The employee's use of personal electronic recording equipment of any description is not permitted during any meetings within this procedure.

6.2.7 After the investigation has been concluded, the Investigating Manager will determine the next steps, which could include:

- a) No further action as no (or insufficient) evidence found to support the allegations.
- b) Giving the employee an informal warning. Please see **Step 1 (Section [6.1.2](#))**.

- c) Proceeding to a disciplinary hearing. Please see [Section 6.3](#).
- d) Suspending the employee from the workplace. Please see [Section 8](#).

The outcome decision will be communicated in writing to the employee by the Investigating Manager.

6.2.8 If the decision is to proceed to a disciplinary hearing, the Investigation Manager will produce an Investigation Report, which will contain the details/findings of their investigation and will be presented at the disciplinary hearing.

6.3 Disciplinary Hearing – **STEP 3**

- 6.3.1 An autonomous, independent manager will be appointed to act as the Hearing Manager and will be responsible for reviewing all the information available to them and carrying out any further investigations they consider necessary.
- 6.3.2 The Hearing Manager will be supported by an ERM/ERA who will offer advice and guidance on procedure. In some circumstances the Hearing Manager may request the attendance/availability of an appropriate employee to act as an 'expert' witness, e.g. to answer questions of a technical nature.
- 6.3.3 Typically, the employee will be given 7 calendar days' notice of the hearing and will be sent the investigation report in advance of the meeting.
- 6.3.4 The Hearing Manager will hold a meeting with the employee and the Investigating Manager.. In some circumstances, and with the consent of the employee, the hearing may be managed via correspondence rather than a face to face meeting.
- 6.3.5 Typically, the employee will be required to provide the Hearing Manager with any relevant information and evidence they wish to rely on, 3 calendar days in advance of the disciplinary hearing. This will include names of witnesses they wish to have present at the disciplinary hearing.
- 6.3.5 After the disciplinary hearing and all investigations have been concluded, the Hearing Manager will determine the next steps, which could include:
 - a) No further action as no (or insufficient) evidence found to support the allegations.
 - b) Giving the employee an informal warning. Please see **Step 1** ([Section 6.1.2](#)).
 - c) Issuing the employee with a formal warning. Please see [Section 6.4.1](#).
 - d) Suspending the employee from the workplace. Please see [Section 8](#).

The outcome decision will be communicated in writing to the employee by the Hearing Manager.

6.4 Formal Sanctions

6.4.1 Potential sanctions include:

- a) **First Written Warning** – this will remain live on the employee’s file for 12 calendar months from the date the employee was informed of the decision.
- b) **Final Written Warning** – this will remain live on the employee’s file for 24 calendar months from the date the employee was informed of the decision.

A Final Written Warning is likely to be issued where the misconduct is considered serious enough to warrant it or where it has been determined that an employee has committed a further act of misconduct whilst they have a live First Written Warning.

- c) **Further Written Warning** – where an employee has an existing First or Final Written Warning on their record, and the Hearing Manager considers that there are exceptional circumstances to be taken into account, the Hearing Manager may issue a further First or Final Written Warning, to run concurrent with the existing warning.
- d) **Dismissal With Notice** – if the employee already has a live Final Written Warning for misconduct.
- e) **Dismissal Without Notice** – if the employee has committed an act of gross misconduct. Serious breaches of the required standards of conduct, which are considered potentially damaging to the employment relationship, are regarded as acts of gross misconduct. Please see [Section 9](#) and [Appendix 1](#).
- f) **Action Short of Dismissal Without Notice** - where the Hearing Manager determines that this would be appropriate, they can consider actions b) and c) outlined above and give consideration to other actions such as transferring the employee to another part of the business or consider demoting the employee.

6.4.2 The outcome decision will be communicated in writing to the employee by the Hearing Manager. This will include the nature of the misconduct, any future expectations and potential consequences of any further misconduct. In addition it will include notification of the employee’s right to appeal the decision. Please see [Step 4](#).

6.5 Inability/failure to attend investigation or disciplinary meetings

6.5.1 Where an employee is unable to attend a meeting on health grounds, Occupational Health should be consulted to provide advice on the adjustments required to facilitate the meeting. For example this could include changing the location of the meeting, providing for appropriate rest breaks or undertaking the meeting via correspondence rather than face to face.

6.5.2 Where an employee fails to attend a meeting without good reason, it is the Company's standard practice to hold the meeting in their absence.

6.6 Appeals - **STEP 4**

6.6.1 If an employee wishes to exercise their right of appeal, they must:

- submit their appeal in writing, within 14 calendar days from the date the outcome decision was communicated to them;
- address their appeal to the Employee Relations Manager and send it to the EmployeeRelations@anglianwater.co.uk mailbox;
- clearly state their grounds of appeal, which must be about:
 - a failure in the process;
 - a misinterpretation of evidence or events;
 - the availability of new evidence; and / or
 - a belief that the outcome/sanction was unreasonable, inconsistent or erroneous in the circumstances;
- not use the appeal procedure to raise new, unrelated, issues that have not been mentioned previously; and
- indicate whether they wish their appeal to be heard face to face or through correspondence.

6.6.2 Any disciplinary action remains in place, unless and until it is changed by the Appeal Manager, who may decide to overturn, vary or confirm the original action.

6.6.3 The decision by the Appeal Manager will constitute the Company's final response.

7. RIGHT TO BE ACCOMPANIED

7.1 Employees have the right to be accompanied by a recognised Trade Union representative or workplace colleague at formal meetings within this disciplinary procedure.

7.2 The chosen companion may address the meeting, put forward and sum up on behalf of the employee, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The chosen companion is not permitted to answer questions on behalf of the employee, address the meeting without the employee's express permission, or prevent them from offering explanations.

- 7.3 It is the responsibility of the employee to arrange their own companion and provide their companion with any relevant information.
- 7.4 If the employee wishes to take up their right to be accompanied, they must notify the Company who they have chosen to accompany them without unreasonable delay and as far as possible in advance of the meeting.
- 7.5 If the chosen companion is unable to attend a meeting, another date for the meeting can be suggested, as long as it is reasonable and not more than 7 calendar days after the date originally proposed by the Company. The Company will make reasonable efforts to agree an alternative time and date.

8. SUSPENSION

- 8.1 Suspension is not a disciplinary sanction and does not imply any prejudgement on the part of the Company.
- 8.2 An employee may be suspended temporarily from the workplace to allow for an unhindered investigation.
- 8.3 In certain circumstances, employees may be suspended from their duties without suspending them from the workplace, i.e. be placed on an alternative to suspension arrangement. Examples could include suspending an employee from driving on behalf of the Company or suspending their use of certain equipment.
- 8.4 The Line Manager, Investigating Manager or Hearing Manager, in conjunction with the ERM/ERA, will consider whether suspension/an alternative to suspension arrangement is appropriate. This decision does not need to be made at the start of the investigation, it can be determined at any stage, (e.g. where new information is obtained).
- 8.5 During the period of suspension, the employee will continue to receive their basic salary and all benefits in accordance with their terms and conditions of employment. They will be bound by any other provisions of these terms and conditions of employment including those relating to such benefits.

9. GROSS MISCONDUCT

- 9.1 Serious breaches of the required standards of conduct, which are considered potentially damaging to the employment relationship, are regarded as acts of gross misconduct. Please see [Appendix 1](#).
- 9.2 The seriousness of a particular breach will depend on the severity and circumstances.
- 9.3 Consideration must be given to suspending the employee from their duties or the workplace. Please see [Section 8](#).

9.4 Acts of gross misconduct may lead to dismissal without notice even for first offences.

9.5 Advice and guidance from an ERM/ERA is required.

10. CRIMINAL CHARGES OR CONVICTIONS

10.1 The Line Manager should contact their ERM/ERA immediately if they have reason to believe an allegation may be of a criminal nature.

10.2 If an employee is charged with, or convicted of, a criminal offence, consideration will be given to:

- a) What affect the charge or conviction has on the employee's suitability to carry out their substantive duties and their continued relationship with the Company.
- b) The impact on work colleagues.
- c) The impact on customers or customer relations.
- d) The impact on the business, including reputation.

10.3 Where the employee's alleged misconduct potentially suggests a criminal offence:

- a) The Company is not required to await the outcome of any potential prosecution before deciding on appropriate disciplinary action.
- b) The Company will undertake its own investigation and disciplinary procedure. The Police will not conduct an investigation on behalf of the Company, nor will they be present at any disciplinary meetings.
- c) The Company will liaise with the Police (and any other recognised authoritative body such as, for example, the Traffic Commissioner) and take their advice where appropriate.

11. OVERLAPPING DISCIPLINARY AND OTHER CONCERNS

11.1 Where an employee raises a grievance, underperforms or is absent from work due to sickness during the Company's disciplinary procedure, it may be appropriate to manage the issues concurrently, particularly if they are related. Normally, the disciplinary procedure will not be delayed by any other Company policy or procedure.

12. DISCIPLINARY ACTION AGAINST TRADE UNION REPRESENTATIVES

- 12.1 When the formal procedure at [Step 2](#) of this procedure is being considered for an employee who is a Trade Union representative, the position will be discussed with their relevant Trade Union Official at an early stage. The Head of Employee Relations (or nominated deputy) will be notified.

13. RECORDS

- 13.1 It is the Company's standard practice that all written correspondence will be sent by email to Company email accounts. Where this is not possible i.e. the employee does not have access to a Company email account, correspondence, with the employee's consent, may be sent to their personal email account, otherwise it will be sent by standard mail.
- 13.2 All information will be held on the employee's record in accordance with the Company's Data Retention [Policy](#).

14. FURTHER ASSISTANCE

Please contact your [Employee Relations Manager/Advisor](#) for further assistance.

Further details to help your understanding of how the disciplinary process works, can be found on [Lighthouse](#).

Details of our recognised Trade Unions can be found on [Lighthouse](#).

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APPENDIX 1 – DISCIPLINARY RULES

1. INTRODUCTION

- 1.1 Breaking a rule, or not complying with an acceptable standard of behaviour, is called misconduct. Some standards and rules are so important that to break them is considered a very serious matter, i.e. an act of gross misconduct, for which the Company may dismiss, without notice, for the first offence.

2. MISCONDUCT

- 2.1 An act of misconduct is less serious than an act of gross misconduct, i.e. it is judged not to warrant dismissal for a first offence. However, persistent misconduct could result in dismissal in accordance with the disciplinary procedure.

- 2.2 The following categorised examples give a clear indication of the type of behaviour/conduct that the Company may consider as misconduct. This **is not an exhaustive list** as it is not always possible to define every act or omission in advance as being gross misconduct or misconduct – this will depend on all the relevant circumstances in each case.

- 2.3 Examples of Misconduct include:

2.3.1 Absenteeism and lateness:

- Failure to attend work as required or unauthorised absence from work.
- Failure to follow the Company's sickness reporting procedures.
- Lateness/poor timekeeping.

2.3.2 Dishonesty:

- Unauthorised or improper use of company property, facilities or equipment for personal purposes (in or outside normal working hours), e.g. telephone/mobile, email/Internet (See Company's Acceptable Use of IT Policy and Procedure) and company vehicles/tools, where the use is considered limited and not to result in personal financial gain.
- Raising malicious allegations under the Company's anti-fraud, grievance and whistleblowing procedures.
- Lying to the Company during any formal investigation process.
- Disregard of any arrangements applicable to the employee for recording attendance at work (falsification of records which form the basis of payment constitutes gross misconduct).

2.3.3 Disregard of rules concerning safety and security:

- Failure to wear or use safety clothing or equipment.
- Failure/refusal to follow Health & Safety 'Management of' policies, procedures and/or instructions.
- Failure to report accidents at work.

- Smoking/vaping in a 'no smoking' area, including company property and company vehicles (see [Smoking Policy](#)).
- Failure to carry out company vehicle checks, e.g. having tyres with tread below 1.6m (legal limit) 2.0 mm (Company limit).
- Driving whilst using a (work or personal) mobile phone or device that does not have a factory fitted 'hands free' set up.
- Vocational drivers convicted of any driving offence.
- Company vehicle drivers convicted of any driving offence on more than one occasion in a three year period.

2.3.4 Failure to work to acceptable standards of conduct or performance:

- Unnecessarily interfering with the work of other employees.
- Disrespectful behaviour or language against other employees, contractors, or members of the public (see [Dignity at Work Policy](#)).
- Negligence, e.g. causing any loss/damage to Company property, facilities or equipment.
- Misuse of call codes in Contact Centres or similar settings.
- Failure to report any loss/damage to Company property, facilities or equipment.
- Insubordination/refusal to carry out proper and reasonable instructions.
- Failure/refusal to follow compliance/operating procedures.
- Inappropriate use of the internet or social media, including blogs (see [Acceptable Use of IT](#) and [Social Media](#) Policies).
- Customer Complaints.
- Repeated failure to pass phishing test (see [Acceptable Use of IT Policy](#)).
- Repeated incidents of minor infringements and/or misconduct.
- Bringing the Company into disrepute.
- Professional misconduct.
- Condoning/abetting an act of misconduct.

2.3.5 Off Duty Misconduct:

The behaviour/conduct of Company employees outside work may, in certain circumstances, lead to disciplinary action under the disciplinary procedure for misconduct. Normally, this is where it is considered that the behaviour/conduct is relevant to the employee's job, e.g. off duty driving offence conviction for company car drivers.

3. GROSS MISCONDUCT

- 3.1 Gross misconduct is an action or course of conduct performed by an employee that is deemed so serious that it constitutes a fundamental breach of the contract of employment between the employer and the employee and makes any further trust and working relationship impossible.
- 3.2 The following categorised examples give a clear indication of the type of behaviour/conduct that the Company may consider gross misconduct and that may result in dismissal for a first offence. This **is not an exhaustive list** as it is not always possible to define every act or omission in advance as

being gross misconduct or misconduct – this will depend on all the relevant circumstances in each case.

3.3 Examples of gross misconduct include:

3.3.1 Absenteeism:

- Continued/repeated unauthorised absence from work – in some cases the AWOL procedure will be applied.

3.3.2 Dishonesty:

- Lying to or deceiving the Company in the course of job selection procedures, e.g. by declaring false qualifications, work experience or personal details on the application form or at interview.
- Failing to disclose any criminal convictions or cautions when applying for a job, or during employment.

3.3.3 Theft:

- Theft of the Company's property or of any item of property on the Company's premises.
- Theft of property belonging to the Alliances/customers or of any item of property on Alliance or customers' premises.

3.3.4 Fraud:

- Any attempt to obtain financial gain, through wilful falsification of Company records, documents or claims for payment, including records affecting the results of an incentive plan, invoices, expense sheets, time sheets or tacho cards or claiming sick pay when fit to work.
- Undertaking private work for financial or other reward during the normal agreed working hours for the Company.
- Unauthorised, excessive improper use of company property, facilities or equipment (in or outside normal working hours), e.g. telephone/mobile, email/Internet (See Company's [Acceptable Use of IT Policy](#) and [Personal Use of Company Commercial Vehicles Policy](#)) and company vehicles/tools, for substantial financial gain.
- Plagiarism – misrepresenting work as your own when it was produced by another person or generated by GenAI (see [Acceptable Use of GenAI Policy](#)).

3.3.5 Corruption:

- Asking for or accepting bribes, financial rewards, gifts or favours for the use of Company property, provision of Company services, or placing of Company contracts and orders.

3.3.6 Serious breach of Health & Safety rules / procedures:

- Deliberate action or failure to act that seriously threatens the health and safety of the individual, other employees and members of the public.
- Serious failure/refusal to follow Health & Safety 'Management of' policies, procedures and/or instructions.

- Possession of drugs or prohibited substances in/on Company property or premises (see [Drugs and Alcohol Policy](#)).
- Refusing a Company request to undertake drugs and alcohol test (see [Drugs and Alcohol Policy](#)).
- At work and as part of a Company Drugs & Alcohol Test, testing positive for alcohol above the legal limit or testing positive for use/misuse of drugs (see [Drugs and Alcohol Policy](#)).
- Vocational Drivers convicted of driving at work whilst using a (work or personal) mobile phone or device that does not have a factory fitted 'hands free' set up.
- Vocational Drivers convicted of driving at work without due care and attention.

3.3.7 Violence, assault or vandalism

- Malicious damage or sabotage of Company property or property on the Company's premises, including data and systems.
- Provoking, instigating or taking part in violent behaviour, or threatening violence against a person whilst at work, including colleagues, contractors, customers and members of the public (see [Dignity at Work Policy](#)).

3.3.8 Serious acts of discrimination, harassment victimisation or bullying:

- Discrimination on the grounds of a protective characteristic (e.g. race, sex, age, religion or disability), including harassment (see [Dignity at Work Policy](#)). This can include the display or distribution of pornographic, obscene or offensive material.
- Harassment (see [Dignity at Work Policy](#)).
- Bullying (see [Dignity at Work Policy](#)).
- Sexual misconduct at work or during a work related event.

3.3.9 Serious failure to work to acceptable standards of conduct or performance:

- Disclosure or misuse of confidential information, e.g. breach of GDPR regulations.
- Serious misuse of call codes/avoidance of customer calls in Contact Centres or similar settings.
- Wilful disconnection of calls in Contact Centres or similar settings.
- Abusive behaviour or language against other employees, contractors, or members of the public (see [Dignity at Work Policy](#)).
- Serious negligence, where the consequences present a serious risk of unacceptable loss/damage to the Company's property, reputation or finances.
- Serious insubordination.
- Wilful disregard of procedures that renders the Company in breach of any of its statutory obligations or presents a serious risk of unacceptable loss/damage to the Company's property, reputation or finances.
- Wilful failure to observe rules relating to the handling of or accounting for the Company's cash, goods or assets.

- Serious abuse of the internet or social media, including blogs (see [Social Media](#) policies).
- Deliberately accessing internet sites containing pornographic, offensive, obscene or unauthorised material (see [Acceptable Use of IT Policy](#)).
- Possession and/or distribution of inappropriate images, e.g. pornographic, offensive or obscene, on Company ICT systems, including mobile phones (see [Acceptable Use of IT Policy](#)).
- Serious breach of trust and confidence.
- Bringing the Company into serious disrepute.
- Serious customer complaints or a series of customer complaints.
- Serious professional misconduct.
- Condoning/abetting an act of gross misconduct.

3.3.10 Off Duty Gross Misconduct:

Committing an act outside work or being convicted of a criminal offence, which is so significantly relevant to the business of the Company and/or the particular work undertaken for the Company by the employee, that it could affect the relationship between employer and employee.