



The Victoria Inn - Threemilestone  
The Victoria Inn - Roche  
The Norway Inn – Perranarworthal

**“A warm welcome with pub grub - at our tables or delivered to yours”**

## **COMPASSIONATE LEAVE POLICY**

### **Disciplinary Policy and Procedure**

The purpose of the Disciplinary Procedure is to ensure that the standards established by Inn Cornwall Limited are maintained. While employed by us you should at all times maintain professional and responsible standards of conduct. In particular you should:-

- Observe the terms and conditions of your contract, particularly with regard to:
  - hours of work
  - confidentiality
  - professional conduct
- Ensure that you understand and follow our Code of Conduct which is set out in the Staff Handbook
- Observe all policies, procedures and regulations included in the Inn Cornwall Limited Manual, Staff Handbook or notified to you from time to time by means of notice boards, e-mail or otherwise;
- Take reasonable care in respect of the health and safety of employees and third parties
- Comply with all reasonable instructions given by managers
- Act at all times in good faith and in the best interests of the Inn Cornwall Limited, its customers and employees.

Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Procedure.

The following procedure will be applied fairly in all instances where disciplinary action is regarded as necessary by the Inn Cornwall Limited save that a minor reprimand is given for any minor act of misconduct committed by an employee.

It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.



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Employees will not ordinarily be dismissed for a first disciplinary offence, except in the case of gross misconduct or serious negligence.

Where time limits are referred to in the course of this procedure they may be varied by consent between the employee and Inn Cornwall Limited.

The disciplinary procedure is for guidance only and does not form part of your contract of employment. The Inn Cornwall Limited reserves the right to amend it from time to time.

## Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

You and anyone accompanying you (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure.

## Scope

The procedure applies to all employees following their successful completion of their probationary period. It does not apply to agency workers or self-employed contractors.

Matters that Inn Cornwall Limited views as amounting to disciplinary offences include, but are not limited to:-

- persistent bad timekeeping and time wasting
- unauthorised absence
- failure to observe Inn Cornwall Limited procedures
- abusive or obscene language or behaviour
- damage to, or unauthorised use of Inn Cornwall Limited property
- excessive use of Inn Cornwall Limited equipment for personal use, for example personal telephone calls, e-mail or internet
- unreasonable refusal to follow an instruction issued by a manager or supervisor
- negligence in the performance of your duties
- harassment
- smoking in non-designated areas of the Inn Cornwall Limited's premises.

## Informal Procedure

Minor conduct issues can often be resolved informally between you and your manager. These discussions will be held in private and without undue delay. Where appropriate, a note of any informal discussions may be placed on your personnel file. In some cases it may be appropriate to issue a Letter of Concern which will summarise that a discussion has taken place and the employee has agreed to improve their



performance or conduct and in effect, that a line has been drawn under the situation. A copy of this letter will be placed on your Personnel file.

Formal steps will be taken if the matter is not resolved, or if informal discussion is not appropriate, for example, because of the seriousness of the allegation.

### **Formal Procedure – Investigation**

An employee's manager will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Inn Cornwall Limited's policies or rules or may otherwise be a disciplinary matter. The investigation may take the form of the line manager reviewing and summarising paperwork for example, time sheets, or it may involve holding an investigation meeting with the employee and/or witnesses. Employees will normally be told the names of any witnesses whose evidence is relevant, unless we believe that a witness's identity should remain confidential.

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

No decision on disciplinary action will be taken until after a disciplinary hearing has been held.

You do not normally have the right to bring a companion to an investigative interview.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

### **Suspension**

Where it is believed that the matter to be investigated involves serious misconduct, or that your continued presence at work would hinder an investigation, the employee may be suspended from work on full pay and contractual benefits. If serious misconduct is not initially suspected or believed to have occurred, but during the course of an investigation the person conducting the investigation reasonably forms the opinion that a serious breach of discipline may have occurred, the employee who is the subject of the investigation may then be suspended. Any decision to suspend will be confirmed in writing within 3 working days.

It must be emphasised that suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.



## Formal Procedure – invitation to disciplinary hearing

Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct or poor performance, the employee will be invited to attend a disciplinary hearing with the employee's manager.

Inn Cornwall Limited will:-

- (a) Give the employee a minimum of 2 working days notice of the hearing
- (b) Tell the employee the purpose of the hearing and that it will be held under the Inn Cornwall Limited's disciplinary procedure
- (c) Give the employee written details of the nature of his/her alleged misconduct/poor performance
- (d) Provide to the employee all relevant information.

If you or your companion cannot attend the hearing you should inform us immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

## Formal procedure - the disciplinary hearing

A disciplinary hearing will normally be conducted by the employee's manager. The employee will be given a full explanation of the case against him/her. The employee will be asked to state his/her case in response to Inn Cornwall Limited's case and put forward an explanation of his/her conduct and/or mitigating factors.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.

The Inn Cornwall Limited may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information). The employee will be informed of the period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with his/her fellow worker or trade union official, if applicable, to consider the new information prior to the reconvening of the disciplinary proceedings.

As soon as possible after the conclusion of the disciplinary proceedings, the employee's manager will advise the decision to the employee and will also inform the employee what disciplinary action, if any, is to be taken. The decision will be confirmed in writing.



Please note that employees are forbidden from recording any meetings which fall under the disciplinary procedure. The reason for this is that in practice, recording meetings may make those taking part uncomfortable and so this may not be helpful to the conduct of the meeting. As a result, rather than recording a meeting, a neutral person will be present to take notes, a set of which will be given to the employee to comment upon.

The company may be required to record any meeting held under the disciplinary procedure and a full transcript of the hearing will be typed and given to the employee. A recording of any of the meetings held under the disciplinary procedure can also be given to the employee if they wish to have their own copy.

### **Right to be accompanied**

You may bring a companion to any disciplinary hearing or appeal hearing. The companion may be either a trade union official or a fellow worker. If the employee wishes to be represented by a trade union representative, that official must be an employee of a trade union and must be certified in writing as having experience or training in acting as a companion in grievance meetings.

You must tell the hearing chair who your chosen companion is, in good time before the hearing.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. Workers will be allowed reasonable time off from duties without loss of pay to act as a companion.

The employee's companion is allowed to speak at any meetings and confer with the employee. However the companion must not answer questions on the employee's behalf, or speak if the employee does not wish it, or prevent the manager at the meeting from explaining the Inn Cornwall Limited's case.

You may confer privately with your companion at any time during the hearing.

If your choice of companion is unreasonable we may ask you to choose someone else, for example:

- if in our opinion your companion may have a conflict of interest or may prejudice the hearing; or
- if your companion works at another site and someone reasonably suitable is available at the site at which you work.

If the employee's companion cannot attend any meeting, then the employee is entitled to have the meeting postponed by up to 5 working days. The employee must inform the manager as soon as possible if they wish to request a postponement of the meeting.

### **Disciplinary action**

Where, following a disciplinary hearing, the Inn Cornwall Limited establishes that the employee has committed a disciplinary offence, the following disciplinary action may be taken:-



### Stage 1 - First written warning

A first written warning may be authorised by a manager or director. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

### Stage 2 - Final written warning

A final written warning may be authorised by a manager and director. It will usually be appropriate for:

- misconduct where there is already an active written warning on your record; or
- misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on file.

### Stage 3 – Dismissal

Dismissal may be authorised by a manager or director It will usually only be appropriate for:

- any misconduct during your probationary period;
- further misconduct where there is an active final written warning on your record;
- any gross misconduct regardless of whether there are active warnings on your record. See section below for details regarding Gross misconduct.

The Inn Cornwall Limited reserves the right to invoke any stage of the disciplinary procedure process as a first step, according to the seriousness of the misconduct or poor performance. It must be emphasised that, in any given case, it must not be assumed that all stages will be utilised. Each case will be judged on its individual merits and may result in one or more stages being omitted.

For all levels of warning, the warning will:-

- set out the nature of the offence committed
- inform the employee that further misconduct is liable to result in further disciplinary action or dismissal (depending on the level of warning given)
- specify the period for which the warning will remain on file
- state that the employee may appeal against the warning.

A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct or specific misconduct which may warrant indefinite warnings such as dangerous breaches of health and safety, a final written warning may state that it will remain active indefinitely.

Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently we may decide to extend the active period.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

### Alternatives to dismissal



In some cases we may at our discretion consider alternatives to dismissal. These may be authorised by a company director and will usually be accompanied by a final written warning. Examples include:

- demotion
- transfer to another department or job
- a period of suspension without pay
- loss of seniority
- reduction in pay
- loss of future pay increment or bonus
- loss of overtime.

## Appeal

Any appeal against any disciplinary sanction must be submitted in writing within one week of the written notification of the Inn Cornwall Limited's decision. The appeal must state the grounds upon which the employee objects to the decision.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before an appeal hearing.

A manager or director, who has ideally not been previously involved in the employee's case will invite the employee to an appeal meeting. The manager will consider the representations made by the employee, the employee's fellow employee or trade union official, if applicable, and those of the manager who conducted the investigation and imposed the disciplinary sanction.

The appeal may uphold or overturn a disciplinary sanction, or a lesser form of disciplinary sanction may be substituted in place of a previous disciplinary sanction.

The appeal decision will be communicated to the employee after the appeal meeting in writing and the decision will be final.

## Criminal charges

Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated





as a disciplinary matter if we consider that it is relevant to your employment.

## Gross misconduct

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the **Inn Cornwall Limited**. In the event that an employee commits an act of gross misconduct, the **Inn Cornwall Limited** will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice. Accrued holiday pay will not be payable should you be dismissed for gross misconduct.

Matters that the **Inn Cornwall Limited** views as amounting to gross misconduct include, but are not limited to:-

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of our property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Unlawful discrimination or harassment
- Bringing the **Inn Cornwall Limited** into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- Serious breach of health and safety rules
- Serious breach of confidence
- Theft, or unauthorised removal of our property or the property of an employee, contractor, customer or member of the public
- Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets
- Acceptance of bribes or other secret payments arising out of your employment
- Accepting a gift above the value of £5 from a customer, supplier, contractor or other third party in connection with your employment without prior consent from your manager
- Deliberate damage to our buildings, fittings, property or equipment, or the property of an employee, contractor, customer or member of the public
- Actual or threatened violence, or behaviour which provokes violence
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our employees, customers or the public, or otherwise affects your suitability to remain an employee
- Being under the influence of alcohol, illegal drugs or other substances during working hours
- Possession, use, supply or attempted supply of illegal drugs
- Repeated or serious disobedience of instructions, or other serious act of insubordination
- Serious neglect of duties, or a serious or deliberate breach of your employment contract or operating procedures
- Serious or repeated breach of health and safety rules or serious misuse of safety



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- equipment
- Knowing breach of statutory rules affecting your employment
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy
- Harassment or discrimination against employees, contractors, clients or members of the public on the grounds of sex, marital status, gender reassignment, race, disability, religion, age or sexual orientation contrary to our Equal Opportunities Policy or our Anti-harassment and Bullying Policy;
- Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits
- Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child
- Making a disclosure of false or misleading information under the Whistle blowing Policy maliciously, for personal gain, or otherwise in bad faith
- Making untrue allegations in bad faith against another employee
- Victimising another employee who has raised concerns, made a complaint or given evidence information under the Whistle blowing Policy, Anti-Harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise
- Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet) contrary to our Electronic Information and Communications Systems Policy
- Undertaking unauthorised paid or unpaid employment during your working hours
- Unauthorised entry into an area of the premises to which access is prohibited.

*Policy updated March 2021*

*Mark Holden – Company Director*

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