

# Employee Disciplinary Policy

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# Document control

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## 1.0 Purpose and scope

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**1.1** This Disciplinary Policy applies to employees of Dyson Technical Training Ltd., trading as The Dyson Institute of Engineering and Technology. This Policy will be implemented by leadership of the Dyson Institute, who will be supported by Dyson HR expertise.

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**1.2** Rules and procedures help to promote good employee relations and help everyone to understand what is expected of them at work. The aim of the Disciplinary policy is to provide a framework for each manager and employee to work within to ensure rules and procedures are followed. This is so that we can maintain satisfactory standards of conduct and, where necessary, encourage improvement.

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**1.3** The procedures set out in this policy do not apply to cases involving performance or capability. In the case of poor performance or capability, reference should be made to the separate [Guidelines for Improving Performance](#) or the [Absence Management Policy](#), which covers these issues.

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**1.4** This document is for guidance only and does not form part of your Employment Terms and Conditions or have any contractual effect. Dyson reserves the right to change or withdraw this policy at any time. In the event of any conflict between this policy and relevant minimum local legal requirements, the local legal requirements will apply to the extent that they are more favourable than the provision within this document.

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## 2.0 Procedure

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### 2.1 Informal handling of issues

**2.1.1** Where appropriate, the Dyson Institute may try to handle issues informally through communicating what is expected of every employee and giving clear guidelines about the area that needs to be improved. If there is no improvement in the behaviour or if the issue itself is sufficiently serious, the formal disciplinary procedure will be applied.

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### 2.2 Formal

Where appropriate, the Dyson Institute may try to handle issues informally through communicating what is expected of every employee and giving clear guidelines about the area that needs to be improved. If there is no improvement in the behaviour or if the issue itself is sufficiently serious, the formal disciplinary procedure will be applied.

### 2.2.1 Investigation process

The Dyson Institute will carry out an investigation of the facts. This may involve investigation meetings. The Dyson Institute can ask that employees attend investigation meetings with little notice and employees do not have the right to be accompanied at this stage.

During the investigate process, managers convening this disciplinary process will satisfy themselves that the requirements of the Secure Duty have been met.

The investigation can include reviewing any relevant documents, interviewing the employee and any witnesses, and taking witness statements. With the exception of Section 2.2.2 (Suspension), no further steps will be taken until the investigation has been concluded.

Employees are prohibited from recording investigation meetings.

### 2.2.2 Suspension

- i. Prior to or during the investigation process it may sometimes be necessary to suspend an employee. Normally this would only occur where there is a potentially serious issue of alleged misconduct, or where there is a risk to people or property. Suspension is not a pre judgement of the case or a disciplinary sanction.
- ii. Suspension will normally be made on full pay and may happen at any stage of the investigation process depending on the circumstances.
- iii. During any suspension, the employee should not visit Dyson/Dyson Institute premises, access Dyson/Dyson Institute systems or contact any of Dyson/Dyson Institute's customers, suppliers, contractors or employees (including Dyson Institute students), unless they have been expressly authorised in writing to do so.
- iv. You shall also ensure that your manager knows where you will be and how you can be contacted during each working day (except during any periods taken as holiday in the usual way).
- v. As an alternative to suspension the Dyson Institute may require you to temporarily undertake your role, or alternative duties, in another location or with another team.

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## 3.0 Disciplinary meeting

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**3.1** If it is established through the investigation process that the issue needs to be progressed formally, a disciplinary meeting will be organised by a nominated Manager in the Dyson Institute which the employee will be asked to attend. Details of how the meeting will be arranged and what takes place at that meeting are explained below.

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### 3.2 Notice of the meeting

**3.2.1** Employees will be invited to attend the disciplinary meeting and this invite will be confirmed in writing. All employees will normally be given at least 48 hours' notice that a meeting will be taking place, unless the Dyson Institute considers it necessary to hold the meeting on shorter notice. The invite letter will include any notes or statements that will be referred to during the meeting.

**3.2.2** The invite letter will detail the time, date and place of the meeting and who will be holding the meeting. It will also detail what the allegation is, so there is a clear understanding of why the meeting is being held.

**3.2.3** In some circumstances, it may not be appropriate for the Dyson Institute to release documents relating to the disciplinary meeting. Should this be the case, the employee will be given a reasonable opportunity to review the documents prior to the meeting taking place.

**3.2.4** If the employee wishes to refer to evidence that has not formed part of the disciplinary process to this point, they should submit this as soon as possible to the manager nominated to chair the disciplinary meeting.

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### **3.3 Changes to the meeting**

**3.3.1** The employee should take all reasonable steps to attend the meeting. If the employee fail to attend the meeting or any rearranged meeting and no reasonable explanation is provided, the meeting may be held in their absence and the Dyson Institute will make a decision on the evidence available.

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### **3.4 Right to be accompanied**

**3.4.1** Every employee has the right to be accompanied to the disciplinary meeting by a work colleague or a Trade Union representative, who is readily available. The primary reason for having a companion attend is to support the employee at the meeting.

**3.4.2** The companion can, at the employee's request, help to put forward the case, sum up, and take their own notes. They can also help by making statements, discussing matters with the employee and requesting to have an adjournment if necessary. They are not allowed to answer any questions on behalf of the employee.

**3.4.3** Where a chosen companion's presence would prejudice the hearing or involve a conflict of interest, or where there are suitable colleagues available in the local vicinity but the employee requests the attendance of a companion from a remote geographical location, the Dyson Institute may request that an alternative companion is chosen.

**3.4.4** If the employee's companion is unable to attend the meeting at the proposed time, then the meeting may be re-arranged for a time when the companion is able to attend. The re-arranged time must be reasonable and within five working days of the original proposed meeting date (or a later date if mutually agreed).

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### **3.5 Conduct of the disciplinary meeting**

**3.5.1** The purpose of the disciplinary meeting is to review the evidence and to enable the employee to respond to allegations that have been made against them. During the meeting, the case against the employee will be explained by the manager.

**3.5.2** The employee will be given the opportunity to put their views across and state their case about each of the allegations being made. The employee has the right to ask questions to clarify issues and discuss any evidence of their own that may have been submitted in accordance with this policy.

**3.5.3** If new matters are raised during the meeting, the meeting may be adjourned to allow for the information to be properly investigated. For example, it may be necessary to re-interview witnesses in the light of any new points that have been raised at the meeting. If appropriate, the employee will be given a reasonable opportunity to consider any new information obtained before the meeting is re-convened.

**3.5.4** Employees are prohibited from recording disciplinary meetings.

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### 3.6 Decision of the disciplinary meeting

**3.6.1** Once all of the evidence has been heard, the manager will decide whether a disciplinary sanction should be applied. Before making any decision, the manager may adjourn the meeting to consider everything that has been presented.

**3.6.2** Once the manager has made a decision the meeting may reconvene and the employee will be told the outcome of the disciplinary process. This will be confirmed to the employee in writing, together with an explanation of the employee's right to appeal. If appropriate in the circumstances, the manager may reserve the right not to reconvene the meeting, and may deliver the outcome in writing. The employee will be advised of the reason(s) should the manager decide to deliver the decision in this manner.

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## 4.0 Disciplinary sanctions

**4.1** If it is found that an employee has breached policies and procedures of Dyson or the Dyson Institute, or has behaved in a way that the Dyson Institute considers to be inappropriate, then it may be considered an act of misconduct.

**4.2** The freedom of speech, and where relevant academic freedom, of Dyson Institute employees is specified in the Institute's Code of Practice for Freedom of Speech, which also describes the processes the Institute uses to meet the 'Secure Duty'.

### 4.3 Misconduct

**4.3.1** The following is a non-exhaustive list of what may be considered an act of misconduct:

- i. Breaches of the rules, policies and regulations of Dyson or the Dyson Institute, including breaches of The Code
- ii. Unsatisfactory time-keeping or unauthorised absence
- iii. Inappropriate or irresponsible behaviour which the Dyson Institute reasonably considers to be detrimental to its operation and security
- iv. Failure to carry out reasonable instructions
- v. Unreasonable failure to attend an appointment with an Occupational Health Consultant
- vi. Being disrespectful to colleagues or managers
- vii. Breach of the relevant data protection legislation or our Internal Privacy Notice
- viii. Negligent or careless behaviour resulting in loss, damage or injury
- ix. Misuse of property, systems or facilities (such as email/internet) belonging to Dyson/the Dyson Institute, its customers, suppliers or its employees
- x. Smoking and Vaping in prohibited areas
- xi. False or inaccurate self-certification of illness

xii. Making covert recordings at work

**4.3.2** You will not normally be dismissed for a first act of misconduct except in the case of gross misconduct, where the sanction can be dismissal without notice or payment in lieu of notice.

**4.3.3** Gross misconduct is where the breach of the rules and procedures of Dyson or the Dyson Institute is so severe that there is an immediate breakdown in the trust and confidence in the employment relationship.

**4.3.4** The following is a non-exhaustive list of examples of offences that may be regarded as gross misconduct:

- i. Serious, significant or persistent breaches of the rules, policies and regulations of Dyson or the Dyson Institute including breaches of The Code
- ii. A very serious act or several related or unrelated acts of misconduct
- iii. Theft, fraud or deliberate falsification of company documents
- iv. Physical violence, actual or threatened, to any employee or third party whilst you are at work
- v. Discrimination, harassment and bullying including those relating to sex, race, disability, religion (or belief), age, sexual orientation, gender reassignment, marital status or family status
- vi. Deliberate damage to property, equipment or materials belonging to Dyson or the Dyson Institute, fellow employees, customers or suppliers
- vii. Breach of confidence relating to Dyson or the Dyson Institute, its suppliers' or customers' business affairs, including but not limited to unauthorised access and/or disclosure of confidential information
- viii. Criminal conviction, or commission of a criminal offence, which in the Dyson Institute's opinion demonstrates unsuitability
- ix. for continued employment with the company
- x. Actions that have an adverse impact on an employee's ability to carry out their duties or may bring the business into disrepute
- xi. In the Dyson Institute's reasonable opinion, being unfit for work due to alcohol or illegal substances and/or consuming
- xii. Alcohol or illegal substances at work
- xiii. Serious negligence which causes or might cause unacceptable loss, damage or injury
- xiv. Serious acts of insubordination or insolence
- xv. Serious inappropriate use of the internet/email including sending/viewing illegal or pornographic or discriminatory materials
- xvi. Failure to use safe work practices and/or observe the Dyson Institute's policies and procedures relating to health and safety, whether or not this endangers you or others
- xvii. In the case of field service engineers, failure to conduct all stipulated electrical safety testing when carrying out repairs and/or leaving a machine unsafe, resulting in a breach of health and safety that may endanger the FSE or the customer
- xviii. Serious breach of relevant data protection legislation Dyson or the Dyson Institute's Privacy Notices
- xix. Accepting or offering a bribe or other secret payment
- xx. Deliberate or reckless misuse or infringement of Dyson's intellectual property rights

**4.3.5** The normal sanctions for misconduct fall into three levels: first written warning, final written warning and dismissal.



**4.3.6** A disciplinary sanction for misconduct can be given at any of the three levels depending on the seriousness of the allegation. For example, a serious act of misconduct may warrant a final written warning as a sanction, however for a lesser offence, it may be appropriate to give a first written warning.

**4.3.7** The manager will also take into consideration your previous disciplinary record, employment record and performance record and your explanation of the circumstances. The Dyson Institute aims to treat all employees fairly and consistently, so the handling of other similar acts of misconduct may also be considered. However, this will not form a precedent and each case will be assessed on its own merits.

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## 4.4 First written warning

**4.4.1** A first written warning will be given where provisions to resolve issues informally have been unsatisfactory and there has been no improvement in your conduct, or where an initial disciplinary issue is considered to be of a serious nature.

**4.4.2** In each case you will be told:

- i. The reason for the written warning, including an overview of the key factors
- ii. The improvement or change in behaviour required and the timescale
- iii. That a final written warning may be considered if there is no satisfactory improvement or change in behaviour or if you are guilty of other misconduct
- iv. The right of appeal

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## 4.5 Final written warning

**4.5.1** A final written warning will be given where your conduct either continues to be unsatisfactory following a first written warning, or immediately if the misconduct issue is very serious.

**4.5.2** In each case you will be told:

- i. The reason for the final written warning, including an overview of the key factors
- ii. That any reoccurrence of the offence, committing of any other offence, failure to improve performance or change behaviour within a specified timescale may lead to dismissal, or some action short of dismissal
- iii. The right of appeal

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## 4.6 Records of warnings

**4.6.1** A summary of any written warning will be held on your personnel file and will normally remain active for 12 months from the date it is given, after which time it will normally be disregarded in deciding the outcome of future disciplinary proceedings, save for matters where reference to your disciplinary record may be required. Your conduct may be reviewed at the end of this period and if it has not improved sufficiently, the Dyson Institute may decide to extend the active period.

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## 4.7 Dismissal

**4.7.1** Dismissal may occur when, following all or some of the previous steps of the disciplinary process, there has been no improvement in your conduct or where there has been another act of misconduct. Dismissal may also occur without any prior warnings where there is a case of gross or serious misconduct or negligence.

**4.7.2** You will be informed as soon as reasonably practicable of:

- i. The reasons for the dismissal, including an overview of the key factors
- ii. The date on which the employment contract will terminate
- iii. Any appropriate notice period (or pay in lieu of notice)
- iv. The right to appeal

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## 4.8 Bonus

**4.8.1** An award under a Dyson bonus scheme is discretionary and is designed to reward good conduct and performance. If you have received a disciplinary sanction in accordance with this policy, the Dyson Remuneration Committee may decide not to make any award, or to reduce any award made, under the applicable bonus scheme for the period in which the disciplinary sanction remains active.

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# 5.0 The right to appeal

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**5.1** With every disciplinary sanction you have the right to appeal the decision.

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**5.2** If you decide to appeal then full reasons must be put in writing to HR within five working days of the date on the disciplinary letter. There is one level of appeal. The appeal will normally be heard by the Director of the Dyson Institute.

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**5.3** You can appeal a decision for the reasons below:

- i. The disciplinary process was not followed correctly and this had a significant impact on the outcome
- ii. The facts of the case were not taken into consideration; or
- iii. The outcome of the disciplinary meeting was unfairly harsh or unjust

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**5.4** The purpose of an appeal is not to re-hear the disciplinary meeting (although, in certain circumstances, we may conduct a full re-hearing), and the Dyson Institute may elect not to conduct an appeal meeting in the absence of full written reasons disclosing valid grounds for appeal.

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**5.5** You have the right to be accompanied to this meeting by a work colleague or Trade Union representative, who is readily available, who will be entitled to perform the same role as set out in above.

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**5.6** Once the appeal letter has been received, a formal appeal hearing will be held. Please note that employees are prohibited from recording disciplinary appeal hearings. At the appeal hearing, new evidence can arise and it may be appropriate to adjourn the appeal to investigate these issues further.

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**5.7** In each instance the manager who hears the appeal will review the disciplinary decision. The outcome of the appeal can include reducing, upholding, overturning or in some cases increasing the disciplinary action taken. If a decision to dismiss is upheld, the date of termination will be the original date of dismissal. If a dismissal is overturned, you will be reinstated with immediate effect and continuity of service will be preserved.

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**5.8** You will be informed as soon as possible of the decision and the outcome will be confirmed in writing. The decision of the appeal hearing is final. In some circumstances, a full appeal hearing may not be appropriate, and Dyson is entitled to conduct an appeal based on the written grounds submitted by an employee.

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## 6.0 Wellbeing

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**6.1** The Dyson Institute recognises that some employees will find the disciplinary process difficult and may feel a negative impact on their wellbeing. Where an individual feels their wellbeing is being impacted, they should speak to their manager or an HR representative. In addition, the Employee Assistance programme offers confidential support and over the phone counselling and guidance across a range of different areas, including, health, family, money, work, you. Details can be found on [Motor](#).

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## 7.0 Right to be treated fairly

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**7.1** If an employee has difficulty at any stage of the procedure because of a disability, the employee should discuss the situation with their manager or a member of Dyson's HR partner team as soon as possible.

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**7.2** If an employee believes that disciplinary action has been or is being taken against them for a reason which does not relate to their conduct, or for a reason which is discriminatory on grounds related to sex, sexual orientation, gender reassignment, race, religion, age, disability, marital status or family status, they should submit a grievance in writing under the Dyson Institute's Grievance Policy.

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## 8.0 Confidentiality

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**8.1** The contents of the disciplinary meeting and any associated investigation meetings are confidential and should not be discussed outside of the meetings. You should not approach any employees (witnesses) that may be involved in the disciplinary process.

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