Associate Handbook
Policies and Procedures

DISCIPLINARY POLICY AND PROCEDURE
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1.0 BACKGROUND

HUM’s success depends upon the commitment, motivation and performance of every individual employed within it. It is the responsibility of the Company to provide all Associates with a working environment that will enable and encourage them to contribute as effectively as possible. Part of this responsibility is to ensure that Associates understand and maintain the standards of behaviour required of them, not only in the interests of the business but also in the interests of fairness and consistency. Associates must conduct themselves according to the key principles which are set out in this policy or which common sense tells us are the appropriate way to behave towards others.

In dealing with cases of unsatisfactory performance, HUM distinguishes between unsatisfactory performance (capability) and unsatisfactory performance (conduct). Where unsatisfactory performance is within the Associate’s control e.g. negligence, lack of application or attitudinal problems, this will be dealt with using HUM’s Disciplinary Policy (AS1/AR/P/002).

2.0 PURPOSE

This policy sets out to:

• Ensure that Associates understand the behaviour that is expected of them and to highlight unacceptable levels and patterns of behaviour to individual Associates.
• Explain why Associates must adhere to HUM’s Company Standards.
• Explain how HUM will typically address any concerns with Associates behaviour or their failure to improve once this concern has been raised.
• Ensure that Associates are given every opportunity to improve their conduct or behaviour.
• Bring about improvements in work and conduct.

3.0 SCOPE

This policy applies to all Associates who are employees of HUM. This policy does not confer any contractual rights on Associates; however HUM will adhere to any statutory minimum requirements which come into force from time to time.

4.0 DEFINITION OF TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Misconduct</td>
<td>Conduct or behaviour that is so serious that it represents a fundamental breach of contract and employment will not normally continue</td>
</tr>
<tr>
<td>Misconduct</td>
<td>Conduct or behaviour that the Company finds unacceptable or is in serious breach of Company Policy</td>
</tr>
<tr>
<td>AS</td>
<td>Associate Services</td>
</tr>
<tr>
<td>ARC</td>
<td>Associate Representative Council</td>
</tr>
<tr>
<td>OH</td>
<td>Occupational Health</td>
</tr>
</tbody>
</table>

Other terms used within this document are referenced within HUM-QS A0001-1 Glossary of Terms

5.0 AIM

This policy is not simply a mechanism to dismiss Associates, although in some cases this may be a possible outcome of the procedure.
6.0 KEY PRINCIPLES

It is impossible to anticipate every disciplinary situation that may arise and devise a rule to cover it and define the appropriate corrective action to be taken. Indeed, such a process would not be desirable as it would inevitably reduce HUM’s discretion when considering the individual circumstances of every situation that arises (whether at work; on-site including the car park, locker rooms, toilets and canteen; or representing HUM in the UK or abroad).

7.0 GROSS MISCONDUCT

Gross Misconduct is conduct or behaviour that is so serious an Associate’s employment can not normally continue. If an Associate commits an act deemed to represent Gross Misconduct they are normally liable for Summary Dismissal (dismissal without notice). Some examples of what constitutes Gross Misconduct are given below. Please note this list is not exclusive or exhaustive:

7.1 Conduct Towards Others

- Physical violence, actual or threatened against or towards another person.
- Use of abusive or threatening conduct or language to or about fellow Associates or behaviour that creates an intimidating, hostile or offensive working environment.
- Harassment of, or discrimination against, fellow Associates or any person on the grounds of gender, race, age, religion, disability and/or sexual orientation, or any breach of the Equal Opportunities and Diversity Policy.
- Bullying (including intimidation, misuse or abuse of a position of authority to the detriment of a fellow Associate, issuing unreasonable instructions or any behaviour or series of behaviour designed to ostracise or ‘pick on’ a fellow Associate).
- Negligent use of Company property.
- Engaging in unauthorised solicitation for charities, clubs etc.

7.2 Security and Safety

- Theft or attempted theft of any property belonging to other Associates, HUM or its suppliers or any third party (including the possession of property belonging to HUM or another person without HUM or that other person’s prior authorisation or permission).
- Any breach of security procedures including duplicating any keys issued by HUM.
- Deliberately or wilfully ignoring Health and Safety Regulations or HUM safety procedures.
- Smoking on Company premises in contravention of the Smoke-free (Premises and Enforcement) Regulations 2006.
- Misuse or abuse of computer facilities (including e-mail as detailed in the E-mail and Internet Policy (CS12).

7.3 Business Management Issues

- Gross insubordination or persistent refusal to comply with reasonable instructions of Management.
- Deliberately or wilfully tampering with or hindering a disciplinary/grievance investigation whether inside or outside the workplace; including bullying or intimidation of witnesses, providing false information or serious breach of the confidentiality of the investigation or its outcome.
- Persistent unauthorised and/or un-notified absence and/or serious single instance of such absence.
- Falsification of reasons for absence, lateness or poor timekeeping.
- Fraud or attempted fraud.
- Disclosure of confidential documents, information, trade secrets, equipment or processes.
- Falsification of HUM records or reports of any kind including application forms, personnel records, expense claims, quality control reports and checking sheets.
- Submission of false time claims, tampering with and or falsifying clock cards.
- Failure to return to work to a process deemed as suitable by HUM.
7.4 General Behaviour

- Tampering with, deliberately damaging or misusing Company property including car stock, stock or parts, equipment or tools, including sabotage or negligence.
- Gambling, including the taking or placing of bets on Company premises (except properly run Football Pools or National Lottery syndicates which may take place on Company property provided this is outside Company time).
- Misuse of position of employment and/or authority and/or misrepresentation to improperly obtain gifts and/or favours and/or financial gain (whether for themselves or any other connected person firm or business) from any person including but not limited to customers/suppliers.
- Possession of weapons on HUM property and/or use of any object or tool as a weapon.
- Being held or remanded in custody for a period that the Company believes removes an Associate’s ability to remain in active employment.
- Committing a criminal act on site, e.g. dealing in drugs, using or distributing pornography or offensive material (whether paper or electronically based). In such instances, Associates should also be aware that they may also be liable for criminal prosecution.
- Selling goods or conducting business or holding meetings not connected with your specific duties in Company time whilst on Company property and/or distribution of inappropriate propaganda and material that contravenes HUM’s Equal Opportunities and Diversity Policy.
- Reporting for work or being at work under the influence of alcohol or drugs, being in possession of and/or consumption of alcoholic beverages or illegal drugs on HUM property.
- Any abuse of the Computer system, including undermining the integrity of the system, unauthorised changing or deletion of other’s data and disclosing any password.
- Acting inappropriately and/or bringing the Company into disrepute whilst representing the Company in the UK or abroad (whether on Company business or off-site on an organised or work related HUM event.)
- Defacing Company Notice Boards or notices.
- Horseplay i.e. rowdy and boisterous behaviour.
- Deliberate careless performance in any aspect of work.
- Unauthorised use of Associate identification cards including allowing any other person to use your card.

8.0 SUSPENSION IN CASES OF ALLEGED GROSS MISCONDUCT

Prior to an investigation you may be suspended from work on full pay for the period necessary to carry out a thorough investigation into the allegation of Gross Misconduct.

During the suspension you will be expected to comply with certain conditions:

- To give your Associate card to the Investigating Manager at the point of suspension.
- Not to return to site unless it is for a pre-arranged meeting with Associate Services or prior authority has been given by Associate Services.
- Not to discuss matters relating to your suspension or the investigation with anyone other than your Associate of Choice, external Trade Union Official or Associate Services.

*Failure to comply with these conditions could result in separate disciplinary action.*

Suspension with full pay is not, in itself, a disciplinary penalty.

9.0 MISCONDUCT

Misconduct is conduct or behaviour that the Company find unacceptable or is a serious breach of Company Policy but falls short of Gross Misconduct. An exceptionally minor incident of the type of behaviour normally regarded as Gross Misconduct can amount to Misconduct. Your Department Manager in conjunction with Associate Services will make decisions of this nature.
9.0 MISCONDUCT (continued)

The following list is not exhaustive or exclusive.

9.1 Attendance and Timekeeping

- Poor timekeeping including lateness, overstaying lunch/tea breaks, leaving early or stopping work before the scheduled finishing time or the scheduled start of a designated break.

9.2 Breach of Company Policies or Procedures

- Misuse of Company notice boards or removing of notices.
- Use of Company lockers for anything other than reasonable personal possessions.
- Failure to register your vehicle or display the vehicle security disc.
- Failure to keep to HUM’s on-site speed limits.
- Unauthorised wearing of HUM uniform off-site.
- Failure to follow HUM Company Standards.

9.3 Safety and Security

- Failure to notify HUM in advance of any secondary employment or other employment (in order to comply with Working Time Regulations 1998, and to properly determine who is the main employer).
- Inviting visitors onto Company premises without permission.
- Failure to take reasonable care for the Health and Safety of yourself and/or colleagues and/or visitors.
- Misuse or failure to use Health and Safety equipment including safety appliances and protective clothing and HUM uniforms.
- Failure to report Health and Safety issues (including injury, unsafe conditions or defective equipment and/or processes) concerning yourself and/or any other person to your Immediate Manager or other appropriate person as soon as is reasonably practicable.

9.4 General Conduct

- Careless use or loss of or damage to Company property.
- Refusal to work overtime in accordance with a compulsory overtime request.
- Failure to adhere to Company absence reporting requirements.

10.0 INVESTIGATION PROCEDURES

HUM is committed to ensuring that all potential infringements of disciplinary rules are fully investigated. This may entail carrying out interviews with the Associate concerned and third parties such as witnesses, colleagues and Managers, as well as analysing written records and information. It may also involve a search of the Associate, their car and all Company property including lockers, desks and computer systems. These searches will be carried out in the presence of the Associate concerned wherever possible.

Under extreme circumstances HUM may determine that the evidence is so compelling e.g. in cases of physical violence, reporting to work under the influence of alcohol or drugs etc., it may be more appropriate to dispense with an investigatory stage and invite an Associate directly to a Disciplinary Hearing.

It is the role of the Investigating Manager to determine who should be interviewed as part of the investigatory process and this may include interviewing the Associate against whom the allegations have been made. However, if the Associate accepts responsibility, an interview may not be necessary as they will be afforded the right to state their case at the Disciplinary Hearing.
10.1 **Right to be Accompanied**

All Associates have a right to make a reasonable request to be accompanied by a single companion who is either a fellow Associate of their choice or a Trade Union Official at every stage of the disciplinary process.

Where it becomes clear during the course of an investigatory meeting that formal disciplinary action may be needed, the meeting will be terminated and a formal Disciplinary Hearing convened and the Associate will be invited in writing to attend.

Where the chosen companion cannot attend of the date proposed by HUM, the Associate can offer an alternative date as long as it is reasonable and is within five working days after the date proposed by HUM.

10.2 **What should I do if allegations against me are being investigated?**

<table>
<thead>
<tr>
<th>What to do</th>
<th>When?</th>
<th>Do</th>
<th>Don’t</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attend an investigatory meeting with the appointed Coordinator/Manager.</td>
<td>At a date and time agreed with the Coordinator/Manager.</td>
<td>✓ Attend the meeting with as much information as possible. ✓ Co-operate with the investigation, including answering any questions.</td>
<td>✗ Fail to attend the meeting as your case may then be referred to a Disciplinary Hearing. Your lack of co-operation may be a factor for consideration in cases where a Manager has to form a belief on whether you have committed an act of misconduct.</td>
</tr>
<tr>
<td>Participate fully with the investigatory process.</td>
<td>At the investigatory meeting.</td>
<td>✓ Come prepared including taking details of any witnesses you would like the Investigating Manager to speak to. This is your opportunity to explain your actions. ✓ Ask questions if clarification is required.</td>
<td>✗ Be afraid to present your case and any mitigation you wish to be considered. ✗ Interfere with the investigation, lie or attempt to influence witnesses as this may be treated as Gross Misconduct for which you can be dismissed. ✗ Expect to voice record this meeting.</td>
</tr>
<tr>
<td>Await the outcome of the investigation.</td>
<td>Until you are notified of the next steps.</td>
<td>✓ Allow sufficient time for a full investigation to take place. ✓ Ask for an update from the Investigating Manager or your Line Manager if you are concerned about the timescale.</td>
<td>✗ Approach any witnesses or interfere with the investigation.</td>
</tr>
</tbody>
</table>
11.0 DISCIPLINARY HEARING

If it is decided that there may be a disciplinary case to be answered, i.e. the conduct or behaviour may warrant disciplinary action, your case will be referred for a Disciplinary Hearing.

You will be given a minimum of 48 hours notice of a Disciplinary Hearing and will be provided with the relevant documentation to enable you to prepare your case. HUM will determine the most appropriate format depending on the nature and complexity of the investigation. This could include providing you with supporting information, statements only or a verbal presentation of the investigatory findings. In some limited circumstances HUM may not disclose witness statements or supporting information e.g. where HUM believes there is a threat of violence, mental health considerations, data protection/confidentiality concerns etc. In such instances HUM will take steps to ensure you are provided with sufficient information to enable you to fully defend your case.

11.1 What should I do if I am invited to attend a Disciplinary Hearing?

<table>
<thead>
<tr>
<th>What to do</th>
<th>When?</th>
<th>Do</th>
<th>Don’t</th>
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</thead>
<tbody>
<tr>
<td>Read and respond to the letter</td>
<td>As soon as received.</td>
<td>✓ Confirm receipt of the letter to Associate Services and that you</td>
<td>✗ Discuss your case with anyone other than your representative or</td>
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<tr>
<td>which outlines the reason for</td>
<td></td>
<td>will attend the meeting. You must confirm your attendance prior to</td>
<td>Associate Services.</td>
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<tr>
<td>disciplinary action being</td>
<td></td>
<td>the meeting and seek authority in advance if for any reason you wish</td>
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<td>considered.</td>
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<td>to postpone the meeting.</td>
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<td></td>
<td></td>
<td>✓ If you wish to be accompanied by an</td>
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<td></td>
<td></td>
<td>Associate of Choice, ARC or Trade</td>
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<td></td>
<td></td>
<td>Union Official it is your responsibility</td>
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<td>to make the arrangements as soon</td>
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<td></td>
<td></td>
<td>as possible, and to then confirm</td>
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<td></td>
<td></td>
<td>who your representative will be to</td>
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<tr>
<td></td>
<td></td>
<td>Associate Services.</td>
<td></td>
</tr>
<tr>
<td>Ensure you understand the</td>
<td>Upon receipt of the letter, before</td>
<td>✓ Ask for clarification from Associate Services if required. If you</td>
<td>✗ Discuss with anyone other than your representative or Associate</td>
</tr>
<tr>
<td>allegations being made.</td>
<td>attending the meeting.</td>
<td>feel anxious about the process please express your concerns to</td>
<td>Services.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Associate Services who are available to help you understand the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>disciplinary process.</td>
</tr>
</tbody>
</table>
### What should I do if I am invited to attend a Disciplinary Hearing? (continued)

<table>
<thead>
<tr>
<th>What to do?</th>
<th>When?</th>
<th>Do</th>
<th>Don’t</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrange representation if required.</td>
<td>Prior to the meeting.</td>
<td>✓ Ensure that your chosen representative is available to attend the meeting.</td>
<td>✗ Turn up to your meeting and request that your Manager arrange your representation. This is your responsibility.</td>
</tr>
</tbody>
</table>
| Ensure you have received the relevant documentation. | Prior to the meeting.         | ✓ Ask for anything you believe you should have.  
✓ Prepare your case and discuss the details with your representative. | ✗ Approach anyone else involved in the case as this could result in further disciplinary action being taken against you and potentially your dismissal. |
| Attend the meeting.                     | At the date and time agreed.  | ✓ Come prepared as you will have to answer questions, not your representative.  
✓ Co-operate with the disciplinary process including responding to questions and providing information requested by the Manager hearing your case. | ✗ Fail to attend the meeting. Your case may be heard in your absence on the basis of the information available. |
| Present your case.                      | During the meeting.           | ✓ Challenge, question and examine the evidence. Explain your actions or behaviours, outline any mitigation you would like considered as part of the process. | ✗ Refuse to participate with the process otherwise the Manager hearing your case may be entitled to make an inference from your behaviour.  
✗ Become aggressive or behave inappropriately e.g. shouting, threatening behaviour etc. as this may result in the suspension of the Disciplinary Hearing and may lead to further disciplinary allegations against you which could result in your dismissal. |
| Await the outcome of the Disciplinary Hearing. | Following the completion of the meeting. | ✓ Come prepared that following an adjournment you may be advised of the outcome of your case on the same day, including dismissal.  
✓ Recognise it may not be possible to conclude your case on the same day as the Manager may need further time to investigate and consider your case.  
✓ Ask the Manager or Associate Services for an update on your case if you are concerned about any delays.  
✓ Allow enough time for a full understanding of all the facts to be reached. | ✗ Prejudge the outcome. |
11.1 What should I do if I am invited to attend a disciplinary hearing? (continued)

1. Following the Disciplinary Hearing the Manager will make a decision based upon the information available to them at that time, and will normally respond to you in person.
2. The Manager responsible for hearing your case may need further time to investigate and this may build in a short delay in concluding the Disciplinary Hearing. In some circumstances, it may be necessary for the Hearing Manager to request further information or investigations to be conducted by the Investigating Manager.
3. HUM may hear your case in your absence, such as if you fail to attend any meeting (including in circumstances when your chosen representative is not available and the meeting has been rescheduled within 5 working days). Your case may, after written notification, also be heard in your absence if you have indicated you are not well enough to participate or you have submitted a Medical Certificate. In these cases, HUM will take advice from OH or another relevant medical body who may advise that an outcome would be in your best interest or alternatively when it is not reasonable to wait any longer.
4. The final outcome will be confirmed in writing and will explain the reasons behind the decision and offering the right of appeal.
5. Recording devices are prohibited from all meetings which form part of this process. However, meeting notes will be taken by Associate Services which you will be asked to read and sign to state that they are an accurate reflection of what was discussed. You may request a copy of these notes. Your representative will also be able to take notes on your behalf.
6. You are not entitled to have legal representation at any of the meetings which form part of this process and unless there are exceptional circumstances you cannot ask a family member to attend as your representative.

12.0 DISCIPLINARY WARNINGS AND OUTCOMES

<table>
<thead>
<tr>
<th>Warning/Outcome</th>
<th>Length of time warning will remain on file</th>
<th>Level of management who can issue warning or outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disciplinary Warning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Written Warning</td>
<td>12 Months</td>
<td>Coordinator or above – dealt with locally with AS direction if requested</td>
</tr>
<tr>
<td>2nd Written Warning</td>
<td>12 Months</td>
<td>Section Manager or Department Manager (with AS direction)</td>
</tr>
<tr>
<td>Final Written Warning</td>
<td>12 - 24 Months</td>
<td>Section Manager or Department Manager (with AS direction)</td>
</tr>
<tr>
<td>Dismissal</td>
<td></td>
<td>Department Manager or above (with AS direction)</td>
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</tbody>
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<table>
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<tr>
<th>Other Disciplinary Sanctions:</th>
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<tbody>
<tr>
<td>(to be used alongside a disciplinary warning)</td>
</tr>
<tr>
<td>Transfer to other duties</td>
</tr>
<tr>
<td>Training relating to behaviour or conduct</td>
</tr>
<tr>
<td>Undertaking an agreed course of counselling</td>
</tr>
<tr>
<td>Demotion or downgrading (including salary changes to reflect the new grade)</td>
</tr>
<tr>
<td>Temporary exclusion on full pay</td>
</tr>
<tr>
<td>Restricted access to areas within the site</td>
</tr>
<tr>
<td>Reclaiming money lost by the business as a result of actions or behaviour</td>
</tr>
</tbody>
</table>
13.0 WARNINGS AND OTHER POTENTIAL OUTCOMES OF DISCIPLINARY HEARINGS

In the case of minor offences, disciplinary action is normally progressive. However, depending on the seriousness of the conduct, HUM may decide to issue a penalty at any of the levels set out previously.

Being issued with any of the disciplinary warnings may result in your appraisal being downgraded which will impact on your eligibility to receive merit pay and apply for alternative roles within HUM.

14.0 APPEALS

If you are dissatisfied with the outcome of a Disciplinary Hearing you have the right to appeal. Details of who you should appeal to will be provided in the confirmation letter.

Appeals will be acknowledged promptly and a meeting arranged as soon as is reasonably practicable. The outcome of the Appeal will be notified in writing and the whole process normally concluded within 28 days from receipt of the Appeal letter.

The Appeal will be heard by the next level of Management within your Department supported by Associate Services.

Appeals against dismissals will be heard by a Divisional Manager who will be supported by the Department Manager from Associate Services. If this is not possible for example due to holiday or business commitments, involvement in the case etc. an alternative Independent Manager at the same grade will be appointed.

14.1 How do I appeal a disciplinary decision?

<table>
<thead>
<tr>
<th>What to do</th>
<th>When?</th>
<th>Do</th>
<th>Don’t</th>
</tr>
</thead>
</table>
| Outline the reasons for your appeal in writing. You may wish to use the standard form available from Associate Services or your ARC Representative. | As a guide within 5 working days of receipt of the confirmation letter. | ✓ Clearly state reasons for your appeal.  
 ✓ Ensure your appeal reaches the Associate Relations Section Manager within 5 working days of receipt of the letter.  
 ✓ Provide copies of any new evidence you have which forms part of your appeal.  
 ✓ Ensure that you outline any procedural issues you believe there have been. | ✗ Delay in submitting your appeal as this may delay the process and in some circumstances your appeal may be out of time. |

Meet with the manager hearing the Appeal.  

At the date and time advised to you by Associate Services.  

✓ Attend your meeting (or notify if unable to attend).  
✓ Be prepared. Ensure you have details with you of any new evidence you wish to present or examples of breaches in procedure.  
✓ Ensure that your representative is able to attend.  

✗ Fail to attend the meeting as this will delay the process or we may assume you no longer wish to appeal. |

1 Once the appeal has been heard, the Appeal Manager will confirm the outcome in writing. The Manager hearing your appeal will decide whether or not your appeal is to be upheld. Potential appeal outcomes include:

• Confirming the Disciplinary Warning or outcome taken remains.
• Upholding your appeal and removing the original Disciplinary Warning or outcome.
• Amending the disciplinary sanction – this could include issuing a higher or lower sanction if appropriate to do so. The written confirmation will explain the reasons for the decision. The appeal decision is final and you will not be offered any further right of appeal.
15.0 REVISION OF POLICY AND PROCEDURES

This document shall be revised according to HUM-QS (B 0301), control of Quality Management Standard. The approval person for this shall be the Associate Development and Communications Department Manager or nominated deputy.

However it is important to note that HUM may vary or amend these procedures as appropriate from time to time particularly to take account of changes in the law, best practice or business requirements.

<table>
<thead>
<tr>
<th>Date</th>
<th>Revision Number</th>
<th>Content</th>
<th>Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 Aug 91</td>
<td>0</td>
<td>First Issue</td>
<td>M McEnaney</td>
</tr>
<tr>
<td>16 Mar 01</td>
<td>1</td>
<td>Legal changes and general revisions</td>
<td>H Meyer</td>
</tr>
<tr>
<td>01 Nov 08</td>
<td>2</td>
<td>General revision and re-formatting due to issue of new Handbook</td>
<td>J Cameron</td>
</tr>
</tbody>
</table>