



## **Campbell Harris Tutors Ltd**

### **Disciplinary Procedure**

#### **1. Purpose**

This procedure is designed to help both the company and our staff deal with disciplinary issues in a fair and consistent manner. It has been implemented following consultation with all employees.

As a business our expectation is that all of our staff will behave in a manner which is consistent with good business practice and common sense. However, should disciplinary issues arise they will be handled in accordance with the provisions set out in this procedure.

This procedure applies to all employees irrespective of their length of service, status or number of hours worked.

This procedure is non-contractual in effect and does not form part of normal terms and conditions of employment. The company reserves the right to change the terms of this procedure from time to time and to introduce a replacement procedure as may be required.

#### **2. Principles**

In considering issues of discipline in accordance with the terms of this procedure, the company will ordinarily abide by the following principles:

no disciplinary action will be taken in relation to an employee until the allegations have been properly investigated, and the employee concerned has been given an opportunity to state his or her response;

employees will be advised in writing of the nature of the allegations that have been made against them and will be provided with copies of any evidence (such as witness statements) that is relevant in determining the allegations;

action taken under this procedure will take place without unreasonable delay, and other than as required for the proper investigation and determination of allegations made, will be kept confidential;

other than in simple cases where the disciplinary action consists of an informal oral warning the employee will be invited to a meeting to discuss the allegations that have been made against him or her;

all representations made by an employee in a disciplinary hearing will be considered in good faith;

at the start of any disciplinary hearing, the specific allegations raised against the employee will be explained, as will the evidence supporting such allegations;

employees may ask witnesses to attend any disciplinary hearing, and will be permitted to respond to any evidence raised by a witness. Employees will not be permitted to cross examine witnesses.

following a disciplinary hearing the employee will be informed of the outcome in writing, and the basis for that outcome will be explained to the employee;

other than with respect to an oral warning, the employee will be granted a right of appeal;

the employee may be accompanied to any disciplinary hearing at which allegations are to be determined by a fellow employee or a trade union representative; and

other than in cases of gross misconduct, employees will not ordinarily be dismissed for a first breach of discipline. However, the company is not restricted from imposing any disciplinary sanction as it feels is appropriate in a first offence, including a final written warning.

### **3. Standards of Behaviour**

All employees are expected to behave in a proper and professional manner. This expectation not only relates to behaviour during normal working hours, but will also cover situations outside of normal working hours that are related to employment by the company.

In particular, employees should be aware that the company will consider the following non-exhaustive list as being examples of misconduct:

Unsatisfactory time-keeping - arriving late or leaving early without permission.

Unauthorised absence from place of work - misuse of the school's time.

Sickness absence - persistent failure to give proper notice in accordance with school's instructions.

Absence - unacceptably high levels and frequencies.

Insubordination - bad language, bad behaviour, insolence or refusal to carry out reasonable and legitimate instructions.

Being an accessory to a disciplinary offence.

Unsafe working - refusal or neglect to observe security and safety regulations, including the proper use of safety clothing and equipment issued by the school/employing authority, breaches of statutory requirements under the Health and Safety Order.

Carelessness - resulting in loss or damage to, or waste of, property entrusted to his/her care, including misuse of telephone or other unauthorised use of equipment.

Unprofessional conduct to pupils, staff, parents or visitors.

Participation in, support of or condoning of action/s without proper use of the Grievance Procedure or other agreed industrial relations procedure/s.

Vexatious use of the Grievance Procedure i.e. wilful and frequent pursuit of issues of no real substance .

Confidentiality - unauthorised disclosure of the school/employing authority's information which might prejudice the school.

Unauthorised collections of money.

Documentation - failure to complete required documentation correctly and on time.

Undertaking such other activities, without notice or approval, which may affect the proper performance of duties.

#### **4. Serious or Gross Misconduct**

Physical violence - actual or threatened

Malicious damage - to property belonging to the school/employing authority, its clients or employees; unauthorised use, misuse, waste or removal of this property.

Harassment, including sexual harassment, of other staff, pupils, parents, visitors etc.

- i. Attending school under the influence of alcohol or proscribed drugs.
- ii. Consuming intoxicants during working hours or bringing intoxicants into the premises without permission.
- iii. Alcohol/drug abuse - being in an unfit mental and/or physical state induced by these substances.

Working for another employer or self employed during hours contracted to work for the school.

Abuse of the Sick Pay Scheme,

Unauthorised entry to school premises outside normal hours of use.

Falsification of records - examples include application forms, expense claims, etc.

Theft - or other indictable offences or Police charge on such an offence which renders the teacher unsuitable for continued employment by the school/employing authority.

Fraud

Consumption of alcohol - while in charge of a group of young people.

Abuse of authority

Indecent conduct or obscene behaviour

Corrupt or improper practices.

Behaviour which brings the College into serious disrepute.

If an employee is found to have committed an act of gross misconduct, his or her employment will ordinarily be terminated with immediate effect, and without notice pay.

## **5. Procedure**

The company will deal with minor issues on an informal basis and where appropriate will reach a resolution without the implementation of the formal process below. However, where the matter is more serious, the following procedure and sanctions will apply.

## 5.1 Oral Warning

In minor cases of indiscipline the employee will normally be given an oral warning. This is an informal sanction not constituting formal disciplinary action and will not trigger the process of meeting and appeal as is laid out below for written warnings.

The employee will be informed of the allegation against him or her, and will be permitted to discuss it with the manager concerned. If the manager is of the view that an oral warning should be issued, this will be communicated to the employee but will not be recorded on his or her personnel file.

Any oral warning can only be issued by a Co-Principal.

## 5.2 First Written Warning

In the event that a misconduct issue arises, employees will normally be issued with a first written warning.

The employee will be invited to a meeting to discuss the allegations that have been made against him or her. In the letter of invitation the employee will be informed of the exact allegations that have been made, the basis for them (together with copies of supporting evidence) and that the employee is required to attend a meeting at a convenient time and place to discuss them. The employee will also be informed in advance of the range of outcomes open to the company should the allegations be found to be true.

The employee may be accompanied to the disciplinary hearing by a fellow employee or a trade union representative.

The employee will be informed of the outcome of the disciplinary meeting in writing. If the outcome is a first written warning then the basis for the warning will be set out in the letter to the employee, together with details of the change in behaviour required. The employee will be informed that any further incidents of misconduct could lead to a final written warning being issued, or even dismissal.

The employee will be advised of his or her right of appeal.

The warning will remain on the employee's personnel file for a period of six months at which point (assuming that there have been no further incidences of indiscipline) it will be disregarded for disciplinary purposes.

A first written warning can only be issued by a Co-Principal.

## 5.3 Final Written Warning

In the event that a serious misconduct issue arises, or where a further incident of misconduct arises whilst a first written warning remains live, employees will normally be issued with a final written warning following the process set out below.

The employee will be invited to a meeting to discuss the allegations that have been made against him or her. In the letter of invitation the employee will be informed of the exact allegations that have been made, the basis for them (together with copies of supporting evidence) and that the employee is required to attend a meeting at a convenient time and place to discuss them. The employee will also be informed in advance of the range of outcomes open to the company should the allegations be found to be true.

The employee may be accompanied to the disciplinary hearing by a fellow employee or a trade union representative.

The employee will be informed of the outcome of the disciplinary meeting in writing. If the outcome is a final written warning then the basis for the warning will be set out in the letter to the employee, together with details of the change in behaviour required. The employee will be informed that any further incidents of misconduct could lead to dismissal.

The employee will be advised of his or her right of appeal.

The warning will remain on the employee's personnel file for a period of twelve months at which point (assuming that there have been no further incidences of indiscipline) it will be disregarded for disciplinary purposes.

A final written warning can only be issued by a Co—Principal.

#### **5.4 Dismissal**

In the event that a gross misconduct issue arises, or where a further incident of misconduct arises whilst a written warning (whether first or final) remains live, the employee concerned will normally be dismissed.

The employee will be invited to a meeting to discuss the allegations that have been made against him or her. In the letter of invitation the employee will be informed of the exact allegations that have been made, the basis for them (together with copies of any supporting evidence) and that the employee is required to attend a meeting at a convenient time and place to discuss them. The employee will be advised that one outcome of the meeting could be dismissal, and that the employee should prepare for the meeting on that basis.

The employee may be accompanied to the disciplinary hearing by a fellow employee or a trade union representative.

The employee will be informed of the outcome of the disciplinary meeting in writing. If the outcome is dismissal then the basis for the dismissal will be set out in the letter to the employee. In cases of gross misconduct employment will normally terminate without notice or a payment in lieu of notice. In cases not involving gross misconduct employment will normally terminate with notice or a payment in lieu of notice.

The employee will be advised of his or her right of appeal.

Dismissal can only be authorised by a Co-Principal.

#### **6. Appeals**

An employee may appeal against any formal disciplinary action imposed by the company under this policy.

In the event that an employee wishes to appeal, he or she should do so in writing within 5 working days of the date upon which the disciplinary sanction was confirmed.

Any appeal should be addressed to the Co-Principal not involved in the prior disciplinary process and should set out in detail the basis for the appeal. Once the Company has received the letter of appeal, it will arrange for an appeal hearing to take place without undue delay and at a convenient time and place.

The appeal hearing will be conducted impartially and will normally be heard by a senior manager that was not involved in any aspect of the prior disciplinary process.

The employee may be accompanied to the appeal hearing by a colleague or a trade union representative.

In the event that the appeal letter raises fresh issues the company may decide to undertake investigation into those issues prior to the appeal hearing. If so, the employee will be informed of that fact.

It is open to the person hearing the appeal to dismiss it, uphold it, or to substitute another sanction. The decision reached will be communicated to the employee in writing in good time following the appeal hearing.

In the event that the employee's appeal is dismissed, there will be no further right of appeal.

## **7. Investigation**

In the event that disciplinary allegations are made against an employee, the company will ordinarily undertake a process of investigation prior to deciding whether to proceed with a disciplinary hearing.

As part of a process of investigation the company may meet with witnesses, take statements, review documents or carry out such other actions as it feels may be appropriate in order that the disciplinary allegations can be properly considered.

No findings will be made during the investigations process, and the aim will be to establish the facts upon which findings can be made at any subsequent disciplinary hearing.

It is possible that during a disciplinary or appeal hearing it may become clear that further investigation is required. If so, the disciplinary hearing will be adjourned pending the conclusion of such further investigation.

The person undertaking the investigation process will not normally have any other involvement in the disciplinary process, and will not normally make findings on the allegations raised against the employee<sup>1</sup>.

Employees will not normally have the right to be accompanied to an investigation meeting. However, where employees may have difficulty in understanding the issues to be discussed due to a disability or a lack of understanding of English, then they may bring a companion to assist them.

## **8. Suspension**

It is not the company's intention to suspend employees against whom allegations have been made as a matter of course.

Employees will only be suspended where this is reasonably necessary given the nature of any allegations made, and will be on full pay. The company will ensure that any period of suspension is kept to an absolute minimum, will be kept under review and in any event will not exceed a period of two weeks.

Suspension is not a disciplinary sanction and does not imply that any prior judgments have been made as to allegations raised against an employee.

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## 9. **Right To Be Accompanied**

An employee has the right to be accompanied to any disciplinary or appeal hearing under this procedure. The companion may only be a trade union official or a colleague of the employee.

The employee must inform the company of the name and status of their proposed companion in good time ahead of the relevant hearing.

The companion may not answer questions on behalf of the employee, but may explain or summarise the employee's case.

In the event that the companion is unable to attend the date set for a hearing, then the hearing may be postponed by up to 5 working days.

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