



## **Disciplinary Policy**

### **Purpose and Scope**

The purpose of this procedure is

- To ensure consistent and fair treatment of disciplinary and performance issues;
- To help and encourage employees to achieve and maintain appropriate standards of conduct and performance.

The aim of this procedure is to bring about improvements in work and conduct and to ensure fair and consistent treatment for all in the organisation.

### **Principles**

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague. The companion should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

### **Investigations**

Where a complaint has been made about an employee by another staff member, visitor, student, parent / carer or outside agency, an investigation will be carried out to establish the facts of the case.

The investigation will be carried out by a nominated appropriate and impartial member of staff who will take written statements from witnesses involved.

In cases where a period of suspension with pay is considered necessary, whilst an investigation is undertaken, this period will be kept as brief as reasonably possible.

If it is deemed that there is a disciplinary case to answer, the employee will be notified of this in writing. The notification will provide sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to answer the case at a disciplinary meeting. A copy of any written evidence will be provided with the notification

## **The Procedure**

### **First stage of formal procedure**

This will normally be either:

an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 6 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after 6 months

### **Final written warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

### **Dismissal or other sanction**

If there is still further misconduct or failure to improve performance, or the allegation related to gross misconduct, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension. Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive

details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

## **Gross misconduct**

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. A fair disciplinary process will always be followed, before dismissing for gross misconduct.

The following are examples of conduct falling within the definition of gross misconduct and which entitle Values Academy to dismiss without notice or payment in lieu of notice, however this list is non-exhaustive and there may be other actions deemed to be gross misconduct:

- refusal to accept and act on reasonable instructions from an employee's supervisor or other member of management;
- serious negligence that could or does result in unacceptable loss, damage or injury;
- fighting, assault or threatening or bullying behaviour;
- theft, fraud, falsification of Values Academy records or any dishonesty involving the Academy, its employees, customers or authorised visitors or attempts to commit such offences;
- deliberate or reckless damage to the property of the Academy, employees, customers or authorised visitors;
- being unfit to work through alcohol or illegal drugs;
- unauthorised disclosure of confidential information;
- serious breaches of the Code of Conduct;
- any action likely to endanger seriously the health and safety of an employee, student or any other person in the building or outside the building when undertaking duties/responsibilities under the auspices of the organisation;
- Smoking on the site

Other types of offence, such as harassment or deliberate unlawful discrimination or computer misuse, may be treated as gross misconduct, depending on the seriousness of the particular facts.

If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

## **Appeals**

An employee who wishes to appeal against a disciplinary decision must do so in writing within five working days of the decision.

The Academy will then invite the employee to an appeal meeting, which will normally take place within 14 working days. The appeal meeting may take place after the disciplinary decision has taken effect. The appeal should be dealt with impartially and

wherever possible by a manager who has not previously been involved in the case.

Where an employee has been **dismissed**, the appeal will be heard by the Chair of the Board or Trustees or another Trustee, where possible, not previously involved in the process.

The person appointed will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

Reviewed June 2021

Next review date June 2022