

Disciplinary Policy

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. It is not simply a mechanism to dismiss employees, although in some cases this may be an outcome of the procedure.

Allegations

- 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 these circumstances the employee will be informed in writing of the problem and given the opportunity to put their case in response before any decisions are made.
- 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, which may include witness statements, will be provided with the notification.

The disciplinary meeting will be conducted by a member of the Senior Management Team not involved in the initial investigation.

An employee has a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- a formal warning being issued; or
- the taking of some other disciplinary action; or
- the confirmation of a warning or some other disciplinary action (appeal hearings).

The chosen companion may be:

- a fellow worker
- a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must be certified by their union as being competent to accompany a worker

Should an outcome of the disciplinary meeting be disciplinary action the disciplinary procedure as detailed below will be followed.

There are four stages of disciplinary procedure:

Stage 1: Oral warning or written warning

- The Academy may issue a Stage 1 warning if the employee's conduct or performance does not meet the Values Academy's stated standards;
- The employee will be told the reason for the warning, the action or improvement required, the timescale for such improvements, the consequence of not implementing the required action, when the warning will cease and their right of appeal;
- The warning is normally given by the employee's immediate manager;
- Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in a formal warning being issued. (See Right to be Accompanied, below).
- The warning will lapse after 6 months.

Stage 2: Written warning

- The Academy may issue a Stage 2 warning if the required improvement is not achieved within the stated timescale of the first warning;
- Further misconduct or poor performance takes place during the currency of the first warning;
- The employee will be told the reason for the warning, the action or improvement required, the timescale for such improvements, the consequence of not implementing the required action, when the warning will cease and their right of appeal;
- The warning is normally given by the employee's immediate manager;
- Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in a formal warning being issued. (See Right to be Accompanied, below).
- The warning will lapse after 1 year

Stage 3: Final written warning

- The Academy may issue a final warning if the required improvement is not achieved within the timescale stated in a second warning;
- The employee will be told the reason for the warning, the action or improvement required, the timescale for such improvements, the consequence of not implementing the required action, when the warning will cease and their right of appeal;
- The final warning is normally given by a Disciplinary Committee which would comprise two senior members of staff not involved in Stage 1 or Stage 2;
- Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in a formal warning being given. (See Right to be Accompanied, below)
- The warning will lapse after 1 year.

Stage 4: Dismissal

The Academy may dismiss an employee where:

- the required improvement is not achieved within any timescale stated in a final warning; or
- further misconduct or poor performance takes place during the currency of a final warning, whether or not involving a repetition of conduct or poor performance which was the subject of a previous warning; or
- it is reasonably believed that he or she has committed an act of gross misconduct.
- unless gross misconduct, the employee will be dismissed with notice.
- employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in dismissal. (See Right to be Accompanied, below)
- Only the CEO may dismiss an employee, or when appropriate, a member of the Board of Trustees. He or she will briefly state the reason, the date on which the dismissal takes effect and inform the employee of his or her right to appeal all of which will be confirmed in writing.

Appeal

Any employee who is dissatisfied with a disciplinary decision taken in respect of him or her may appeal against that decision. Appeals should be in writing, setting out the reasons for the appeal, and should be delivered to CEO within 5 working days of the disciplinary 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 not involved in any of the 1 - 4 Stages. Appeals should be in writing, setting out the reasons for the appeal, and should be

delivered to the CEO within 5 working days of the dismissal decision. Appeals will normally be heard within 14 further working days.

Wherever possible, the decision on the appeal will be communicated to the employee orally and in writing within 7 working days of the hearing. The decision is final.

Right to be Accompanied at a meeting

Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- a formal warning being issued; or
- the taking of some other disciplinary action; or
- the confirmation of a warning or some other disciplinary action

The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

To exercise the statutory right to be accompanied workers must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

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.

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:

- 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

The above list is NOT exhaustive but illustrates the type of conduct that normally merits dismissal for a first offence. 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 the Academy is satisfied, following investigation and a disciplinary hearing, that the employee has committed gross misconduct, the Academy will normally dismiss the employee without notice or pay in lieu.

Disciplinary Committee

The Disciplinary Committee will normally comprise two members of the Senior Management team.

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