



Tuition  
extra

# **DISCIPLINARY POLICY AND PROCEDURE**

**Date of Approval:** 01 October 2024

**Signed:** Ruth Minhall

**Position:** CEO

**Next review:** September 2025

## STATEMENT OF POLICY

1. The aim of the Disciplinary Policy is to help and encourage employees to improve, achieve and maintain standards of conduct, attendance and job performance. It also enables management to deal effectively with those employees who do not comply with the Company standards of conduct, attendance and performance in the workplace. Equally, the policy and procedure are designed in a manner which is non-discriminatory and which is fair, consistent and effective. It must also be applied in a timely manner and without undue delay.
2. All Managers have a responsibility for ensuring that employees are made aware of the Disciplinary Policy and Procedure. All employees are to be informed of the standards of conduct and work performance expected of them and Managers should ensure that these standards are fully understood by those who work for them. Action taken under this policy must reflect fully the process detailed in the Procedural Appendix attached to this policy.
3. Matters relating to or arising under the Disciplinary Policy and Procedure must be treated as confidential at all times. Failure to do so may itself constitute grounds for initiating disciplinary action.

## KEY PRINCIPLES

4. At each stage of the Disciplinary Procedure attached to this policy, the employee has a right to be accompanied by a work colleague. The employee will also be informed in writing of:
  - The nature of the complaint or allegation against them; and
  - The stage at which the matter is being considered.
5. The employee will also be reminded that they will be given a full opportunity to state their case and if action is taken, what improvement is required. They will also be reminded of their right of appeal.
6. Managers whose responsibilities require them to participate in or hold disciplinary meetings will be given appropriate training to enable them to undertake their role effectively and dispassionately.
7. Employees should make every effort to attend meetings or interviews relating to the application of the Disciplinary Procedure. If an individual is unable to attend, they will need to give notice and the reasons why they are unable to attend. The meeting will then be rescheduled to a mutually convenient time. Unless the reasons are exceptional, the re-arranged meeting must take place within 10 working days. However, where an employee fails to attend such meetings more than once without compelling reasons, then meetings may be held in the employee's absence. Where this measure is invoked, the

employee will be informed of this in writing.

8. Those responsible for making arrangements under the Disciplinary Policy and Procedure must ensure that any necessary, reasonable adjustments required by the employer or other attending have been addressed. This may relate to disability or to the requirements of religious beliefs.
9. Should an employee have an objection to the person or persons appointed to investigate or hold meetings in connection with the disciplinary matter they must raise this objection in writing, clearly stating the reasons to the Human Resources Manager or CEO. Such objection must be made within two working days of the notification about the matter under investigation being brought to their attention.
10. The nature of the disciplinary action taken will be determined according to the nature and seriousness of the alleged misconduct and a dispassionate assessment of the facts based on the balance of probabilities. Where misconduct is established and the sanction is a warning then subsequent misconduct within the currency of the warning may result in further and potentially more serious action which may ultimately result in dismissal. However, no employee will be dismissed for a first instance of misconduct but summary dismissal may occur where gross misconduct is established. Employees have a right of appeal against any disciplinary warning or sanction.
11. The Company's Disciplinary Policy and Procedure will not apply to any employee who is in their period of probation.
12. Should an employee raise a complaint under the Company's Grievance Policy, or any other related policy, whilst the subject of action under the Disciplinary Policy and Procedure and the complaint relates directly or indirectly to the matter under investigation, then action under the Disciplinary Policy will be adjourned whilst an urgent enquiry into the complaint is carried out. If the grievance or complaint is rejected or found to have no bearing on the matter being investigated under the Disciplinary Policy, then the disciplinary proceedings will continue from the point at which they were adjourned.
13. Data relating to the application of this Policy and Procedure will be held and destroyed in accordance with the provisions of current data protection regulations (including the General Data Protection Regulations) and any Company policy which derives from those regulations.
14. In accordance with the current equality legislation, this procedure will not discriminate, either directly or indirectly, on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristics.
15. This policy and procedure will be reviewed periodically giving due consideration to any legislative changes.



## APPENDIX

### **DISCIPLINARY PROCEDURE**

16. The purpose of the Disciplinary Procedure is the achievement of positive improvements by employees where shortcomings or failures are identified. Any failure to attain required standards will be brought to the attention of the employee concerned at the earliest opportunity wherever possible via the informal procedure detailed below. The attention of managers is, however, drawn to the Key Principles above where the employee whose performance or conduct has given rise to concern is an accredited Trade Union representative or is a new employee still within their probationary period.

#### **Informal Procedure**

17. This procedure should be used where the lapse in performance or conduct can reasonably be said to be minor and an isolated instance. Such matters should be addressed promptly by the Head of Service by way of an informal advisory discussion. The objective will be to ensure the employee recognises and accepts their shortcomings, offers encouragement and help to improve and secure a commitment to do so. A note of the discussion should be made for reference purposes and there should be no recourse to the formal procedure.
18. Examples where the Informal Procedure may be appropriate include, infrequent lateness, carelessness, lack of effort, minor insensitive behaviour toward colleagues. The use of the Informal Procedure is simply an aspect of normal day to day management. The Head of Service should make it clear that if the required improvement does not take place, consideration will necessarily be given to the use of the Formal Procedure.

#### **Formal Procedure**

19. The Formal Procedure will be applied where an employee does not respond appropriately or adequately to informal action or the manager considers that the breach of conduct that is believed to have occurred is too serious to be dealt with informally. Examples of behaviour that may constitute misconduct resulting in disciplinary action are set out at Annex A to this Appendix, as are examples of behaviour which may constitute gross misconduct. In using the Formal Procedure and determining whether the employee has committed 'misconduct' or 'gross misconduct', the burden of proof required on a dispassionate and objective assessment of the facts is the balance of probability.

#### **Investigation**

20. Before disciplinary proceedings can take place, a wholly impartial investigation must be undertaken to collect information relating to the allegations and to determine whether the case should proceed to a

disciplinary meeting. An Investigating Officer will be appointed by the Head of Service. The Investigating Officer should where possible meet the following criteria:

- Be wholly independent and have no connection whatsoever to the matter under investigation;
  - Be able to undertake the investigation promptly and unless there is particular complexity or non-availability of key interviewees, complete enquiries and provide a report within 15 working days, indicating what action, if any, should be considered.
21. Upon receipt of the Investigating Officer's report, the Head of Service must decide what action, if any, should be taken. Three courses of action are available:
- There is no case to answer. In such circumstances, the employee concerned must be told immediately should that be the case;
  - That the matter can be resolved through guidance, counselling or further training;
  - That there is a case to answer and that a disciplinary meeting requires to be convened.

### **The Disciplinary Meeting**

22. Before the disciplinary meeting the employee will be advised in writing of the purpose of the meeting and details of the complaint or allegation being considered, covering all issues to be discussed. The individual will be given a minimum of 5 working days' notice of the disciplinary meeting. If the individual's representative or work colleague is not available to attend on the date proposed, the Company will endeavour to offer an alternative reasonable date within 5 working days of the original date. Note: This meeting will normally only be re-arranged once, except in exceptional circumstances.