

# Build-a-Future

Main Road, West Ashby, Horncastle, Lincolnshire, LN9 5PT 01507 524015

## Disciplinary Policy



The Disciplinary Policy is designed to ensure that the School's standards of conduct, attendance and job performance are maintained, and to provide a fair method of dealing with any alleged failure to observe them. The procedure is the School's policy and does not form part of your terms and conditions of employment. The School reserves the right to amend the policy and/or apply a different procedure as it considers appropriate.

### 1. Informal Action

Cases of minor misconduct or unsatisfactory performance may be dealt with informally. An Employee will be spoken to about his/her misconduct/performance. No letter will be sent to the Employee, but a note of the conversation will be made on the Employee's personnel record, which will include a note of the improvements, which are expected.

If informal action does not bring about improvement, or the misconduct or unsatisfactory performance is considered to be too serious to be classed as minor, then formal action will be taken against the Employee.

### 2. Principles

The following principles apply to any formal action taken by the School:

Employees will not usually be dismissed for a first act of misconduct except in cases of Gross Misconduct (examples of which are given below) where the penalty may be dismissal without notice or payment in lieu of notice.

Depending on the circumstances, it may be appropriate for an Employee to be suspended from work while an alleged disciplinary offence is investigated. Suspension will be with pay. At all stages in the Disciplinary Procedure employees will be advised of the nature of the complaint against them. This complaint will be set out in writing and sent to the Employee. Employees will be given notice of each disciplinary hearing and will be given an opportunity to state their case before any decision is made. Employees must take all reasonable steps to attend this hearing.

The timing and location of all hearings will be reasonable. The hearing will be conducted so that the School and Employee are able to explain their cases.

Employees are entitled to be accompanied at all stages of the procedure including at appeal hearings, by a fellow worker or a trade union official of their choice.

If an Employee fails to attend the disciplinary hearing through circumstances outside their control and unforeseeable at the time the hearing was arranged, the School will rearrange the hearing. If an Employee's fellow worker or trade union official cannot attend on the proposed date of the hearing, then the Employee can suggest another date as long as it is reasonable, and it is not more than five working days after the date originally proposed by the School.

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Employees will be informed in writing of the outcome of the disciplinary hearing. Employees will also be informed of their right of appeal against the disciplinary decision.

Employees must inform the School that they wish to appeal.

Employees will be invited to attend an appeal hearing. Where reasonably practicable, the appeal will be dealt with by a more senior manager than attended the disciplinary hearing (unless the most senior person attended that meeting).

Employees will be informed in writing of the outcome of the appeal meeting.

The senior manager's decision is final and binding and the disciplinary procedure is exhausted following this stage.

Each step under this disciplinary procedure will be taken without unreasonable delay.

Depending upon the seriousness of the disciplinary offence committed, the School may apply any sanction permitted at any stage of the disciplinary procedure to the employee concerned. For instance, if an Employee commits a single but serious act of misconduct, the School may at its discretion take first formal action or give a final written warning for a first breach of discipline. The School reserves the right to apply the disciplinary procedure flexibly and may omit any stage or stages as appropriate.

### 3. Procedure

The following are examples of conduct which is not acceptable to the School and which may result in disciplinary action being taken against an Employee:

- Unsatisfactory attendance at work, poor timekeeping or absenteeism.
- Carelessness at work or failure to meet required standards of work.
- Failure to undertake reasonable duties or obey reasonable instructions.
- Any action which may give rise to or constitute a hazard to the safety of others (including smoking in prohibited areas)
- Contravention of the School's rules or procedures and terms and conditions of employment.
- Unauthorised use of the School's property.
- Disruptive behaviour.
- Negligence resulting in minor loss, damage or injury.
- Verbal abuse of students, their relatives, other employees, visitors to the Centre and members of the public.
- Failure to disclose any personal interest which conflicts with any of the affairs of a student or their relatives.
- Breach of confidence.

### 4. Formal Action

In the case of an Employee failing to meet the required standards of conduct or work performance, a warning procedure will be adopted. The purpose of this procedure is to allow

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an Employee to improve his or her conduct or performance and to reach the required standards. Warnings will only be given after a disciplinary hearing has been held. All steps in the procedure may be carried out by an employee's Manager/immediate supervisor. The procedure is as follows:

For breaches of discipline or failure to achieve satisfactory standards, first formal action will be taken. Where the shortcoming is in work performance, the Employee may be advised of a reasonable amount of time allowed for him or her to reach the required standards. An employee will be informed that the warning is part of the formal disciplinary process and the time allowed for improvement. The Employee will also be informed that the consequence of failing to improve could result in a final written warning and ultimately dismissal.

In the event of further repetition of the misconduct or in the case of misconduct or failure to comply with standards which do not amount to gross misconduct but which warrant a first and final warning, a final written warning will be issued. The final written warning will state that dismissal will result if the Employee commits another act of misconduct or there is no improvement in his or her performance.

In the event of any further misconduct or failure to achieve satisfactory standards or in the case of misconduct not amounting to gross misconduct but warranting dismissal, the Employee will be dismissed. Other penalties such as demotion, disciplinary transfer, loss of seniority/pay may also be considered.

A record of the warnings will be retained in the Employee's personal file, but unless a longer period is stated in the warning given, will normally be disregarded for disciplinary purposes after a period of 12 months' satisfactory conduct.

### 5. Summary Dismissal

The School reserves the right to dismiss any Employee without notice if they have committed an act of gross misconduct. Some examples of actions capable of amounting to gross misconduct are:

- Insubordination or refusal to carry out reasonable instructions.
- Dishonesty, theft or fraud (or attempted theft or fraud)
- Gross negligence in the employee's duties.
- Falsifying School documents returns or records.
- Inappropriate relationship with either staff or students.
- Wilful damage to or unauthorised possession or removal of property belonging to the School or another person.
- Disorderly conduct including fighting or threatening behaviour.
- Any act of discrimination or harassment.
- Assault or attempted assault, including sexual abuse.
- Possession of illegal drugs during working hours.

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- Attending work under the influence of alcohol or non-prescribed drugs.
- Reckless or serious misuse of a School vehicle.
- Any act which endangers the health and safety of the employee or another person.
- Conviction in a court of law which is inconsistent with the employee's appointment.
- Unauthorised disclosure or use of confidential information acquired in the course of employment.
- Carrying on private work in School time.
- Any act which does or could bring the School into disrepute.
- Failure to comply with relevant statutory or regulatory requirements.
- Failure to secure a school vehicle or failure to remove the keys from the ignition.

These examples are for guidance purposes only and should not be considered as a complete list.

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