



Discipline at work policy

Date ratified: 18th March 2020

Date policy due to be reviewed: March 2022

Committee responsible for policy: Board of Governance

The Ridge Employability College – Disciplinary Policy

1. Introduction

- 1.1 This procedure has been developed to provide a fair and consistent process for dealing with unacceptable behaviour by employees.
- 1.2 The procedure should be used for dealing with matters where normal day-to-day supervision is insufficient (e.g. gross misconduct or some instances of repeated misconduct).
- 1.3 This document does not set out examples of what may be regarded as misconduct or gross misconduct.

2. Aim & Scope of Policy

- 2.1 The procedure applies to all employees of college where the Board of Directors has responsibility for the employment and management of staff.
- 2.2 The procedure should not be used for issues relating to capability or failure to meet induction period standards for newly qualified teachers. It may be applicable in the case of bullying and harassment.

3. Key Principles

3.1 Managers' Responsibilities

- 3.1.1 Dealing with minor instances of unsatisfactory conduct at an early stage.
- 3.1.2 Ensuring that employees clearly understand the standards of conduct expected of them.
- 3.1.3 Carrying out, or making arrangements for, an investigation when any breach of discipline is alleged
- 3.1.4 Managers are advised to contact Human Resources for guidance prior to any investigation being commenced.
- 3.1.5 Ensuring that the person subject to investigation is kept up-to-date with progress.
- 3.1.6 Deciding, in the most serious cases (alleged gross misconduct), or where an employee's continued presence at work may hinder an investigation, whether it may be necessary to suspend the employee concerned.

3.2 Employees' Entitlements

- 3.2.1 To be accompanied at all stages by a trade union representative or work colleague. However, there may be circumstances where a trade union representative or work colleague may not be available. In these situations a suspension should not be unduly delayed.
- 3.2.2 To appeal against those outcomes of a disciplinary hearing referred to in Section 6 below.
- 3.2.3 No disciplinary action will be taken against a representative of a recognised trade union until, subject to the approval of the representative in question, the circumstances of the case have been discussed with a full time official (i.e. a regional representative) of the union concerned. However, if immediate precautionary suspension is necessary, whilst every effort should be made for these discussions to take place, this should not prevent the suspension where

suspension cannot reasonably be delayed. This should be discussed with Human Resources prior to action being taken.

4. The Disciplinary Procedure - Investigation

4.1 General - Key Responsibilities of Investigating Officer

- 4.1.1 Identify the potential seriousness of the matter.
- 4.1.2 Determine any need to suspend the employee.
- 4.1.3 Investigate and gather all relevant information, which will usually include one or more investigation interview.
- 4.1.4 Keep the employee informed of progress throughout the investigation.
- 4.1.5 Review the need for further investigation.
- 4.1.6 Determine how to proceed having completed a thorough investigation. (See Section 3)
- 4.1.7 Ensure that the investigation information is appropriately documented.

4.2 Investigation Interview

- 4.2.1 This is to enable the investigating officer to decide whether or not there is a disciplinary case to answer and, if so, to establish the precise allegation. It is not a disciplinary hearing.
- 4.2.2 The employee must be given reasonable written notice (normally no less than 3 working days) of the time and date of interview(s), together with details of the issues of concern. All correspondence should be forwarded to the employee via recorded delivery, or hand delivered. The employee must also be informed of their right to be accompanied at the meeting. If the employee's work colleague or representative is not available on the scheduled date(s), they may propose an alternative date and time which falls no later than 5 working days following the scheduled date. If the work colleague or representative remains unavailable beyond this timescale, it is reasonable to expect the employee to make alternative arrangements to be accompanied

4.3 Precautionary Suspension

- 4.3.1 Where appropriate an employee will be suspended whilst investigations are conducted (e.g. where the matter is thought to be gross misconduct, or where suspension is necessary to ensure the welfare of others or to facilitate an investigation). Although not a disciplinary sanction, suspension should always be a carefully considered decision rather than an automatic response.

5. How to proceed After the Investigation

- 5.1 When the evidence has been gathered the investigating officer needs to consider how to proceed. This might be:

- 5.1.1 that a disciplinary hearing is not warranted and there is no case to answer. In this situation the manager should write to the employee to confirm the outcome (advice can be sought from Human Resources as to the content of the letter).
- 5.1.2 that a disciplinary hearing is not warranted but there are some issues to address (in which case the employee should be notified without delay, and any

constructive guidance and instruction about the employee's behaviour, to avoid similar situations arising in future, should be provided by the investigating officer and recorded in the same way as under normal supervision); or

5.1.3 that a disciplinary hearing is warranted.

6. Arranging a Disciplinary Hearing

6.1 The employee is entitled to receive written notification of the arrangements for the hearing no later than 10 working days before the hearing, together with copies of documents to be referred to at the hearing. All correspondence should be forwarded to the employee via recorded delivery, or hand delivered. Within 3 working days of the hearing, the employee should submit to the investigating officer any other documents to which they intend to refer.

7. Limits of Authority to Take Disciplinary Action

Action	Minimum Level of Authority
Written Warning	Board of Directors or Head of college
Final Written Warning	Board of Directors or Head of college
Dismissal	Board of Directors or Head of college

8. The Decision

8.1 The employee will be informed verbally of the decision at the hearing and this will then be confirmed in writing no later than 5 working days after the decision is made. This letter should be sent by recorded delivery, or hand delivered.

8.2 Outcomes available are as follows:

No Further Action: Appropriate in cases where it is concluded that misconduct has not occurred or is not of sufficient concern to warrant a caution being issued.

Advisory Caution: This is a developmental outcome, rather than a disciplinary sanction, appropriate where misconduct has occurred but is not considered to be serious enough to warrant a written warning. If it arises from a hearing, the hearing officer will refer the matter back to the employee's line manager, with appropriate recommendations to help to correct the employee's behaviour through the supervisory process. The hearing officer will caution the employee that without an improvement in their behaviour, it might be necessary for consideration to be given to disciplinary action in the event of future misconduct.

This will be recorded in the same way as supervision/ performance management records and the employee will sign to record their confirmation that the caution has been administered. If it arises from day to day supervision, the line manager will caution the employee and record this.

If an employee remains dissatisfied following the issuing of an advisory caution a review meeting will be convened by the hearing officer or line manager, as appropriate, for their dissatisfaction to be addressed.

Written Warning: Appropriate in cases where misconduct has occurred but which falls short of gross misconduct. The warning will have effect for 12 months from being issued. Once it has expired it will be disregarded for disciplinary purposes.

Final Written Warning: Appropriate where either;

- the misconduct is so serious that it justifies a warning that dismissal would result from further misconduct (even though no previous warnings had been issued), or
- further misconduct which would normally warrant a written warning has occurred within the life of a previous written warning.

The warning will have effect for 18 months from the date of the hearing, but once it has expired it will be disregarded for disciplinary purposes.

Dismissal: Appropriate for;

- gross misconduct, or
- misconduct which occurs during the lifespan of a previous final written warning and which would itself warrant at least a written warning (“cumulative misconduct”).

Dismissal for gross misconduct will be from the date of the decision and will be without notice. Dismissal for cumulative misconduct will be with due notice.

The employee will be provided with written reasons for dismissal, the date on which employment will or did terminate and details of how to exercise their right of appeal. This letter should also state if there is to be a referral to a regulatory professional body.

NOTE: Where appropriate, the circumstances will be reported to regulatory professional bodies.

9. Appeals

- 9.1 There is a right of appeal against a written or final written warning and dismissal. The appeal must be lodged in writing no later than 15 working days after notification of the decision.
- 9.2 If an employee remains dissatisfied following the issuing of an advisory caution a review meeting with the hearing officer will be convened for their dissatisfaction to be addressed.