

## **POLICY STATEMENT:**

This document details the procedure which would be followed in the event of concerns regarding the conduct or ability of Opportunity Learning Academy staff. The intention is that potential disciplinary cases be dealt with at an early stage with a view to resolving problems as quickly and fairly as possible.

The disciplinary process also indicates the standards of performance and behaviour at work which can reasonably be expected from employees both on day to day and long term positions.

It is impossible to list all possible acts of indiscipline which could occur in any employment, and it should therefore be noted that the rules indicated below are not exhaustive and can serve only as a guide.

## **Procedure for Misconduct**

The procedural steps set out below are a guide and will not be followed in full in every case, in particular during someone's initial probationary period. The point at which the procedure is entered or the omission of any of the stages will depend entirely on the seriousness of the offence. Thus, a series of minor offences or a repetition of one such offence may involve the entire procedure whilst a more serious offence may well call for a final warning. Gross misconduct will lead to instant dismissal.

It should be recognised that informal reprimands given to staff members are part of their working relationship and are outside the limit of the disciplinary procedure.

## **Offences other than gross misconduct**

### **Verbal Warning**

(For Minor Offences) In the case of minor offences the staff member will be given a formal verbal warning.

### **First Written Warning**

(For Repeated Minor Offences or a More Serious Offence) If a more serious offence occurs or another minor offence occurs after the issue of a formal verbal warning the staff member will be given a first written warning.

### **Final Written Warning**

(For Repeated Minor Offences and Very Serious Offences) If another offence occurs after the issue of a first written warning or if there is an action which the Academy considers is a very serious offence a final written warning will be given to the staff member.

## **Dismissal**

This is regarded as the ultimate step and in cases other than gross misconduct will take place where the staff member on a former occasion has been issued with a final written warning in respect of a similar matter or other cause of complaint.

Where a decision to dismiss has been taken the staff member will be informed that he will receive a formal written notice of this decision, together with a clear statement of the reasons for dismissal.

## **Procedure appropriate at each stage**

At each stage the complaint against the staff member shall be notified to the staff member and he/she will be given the opportunity to state his / her case. He / She shall be told that he/she can be accompanied by a friend or fellow staff member of his/her choice.

At every stage the staff member shall be informed of:

His/her alleged misdemeanour

The consequences of further misdemeanour

If a verbal warning is given then written record of this warning will be made in the staff member's file.

As each warning is given the Academy and the staff member shall agree (or in default of agreement between the Academy and staff member, the Academy shall specify), the period of time to be allowed for improvement not only to be achieved but also to be sustained.

## **Suspension**

At each stage the Academy reserves the right to suspend the staff member without pay for a period not exceeding three days and for a longer period with pay should further suspension be necessary in circumstances where:-

- The action complained of requires the immediate removal of the place of work pending a decision concerning any disciplinary action to be taken and/or
- the action complained of/alleged requires investigation and it is considered by the Academy that it is undesirable for them to remain on duty.

## **Appeals**

The staff member has the right to appeal against any disciplinary action taken against them. The wish to appeal should be notified in writing to the Director and shall be heard whenever possible within 24 hours of the disciplinary interview. In cases where the disciplinary action has been taken by the Managing Director, then of course no appeal can be made, but he will review his decision as if it were an appeal if so requested. Unless the appeal is made within five days of the interview, it will be assumed that the staff member accepts the disciplinary action taken.

## **Gross Misconduct**

Except in trivial cases which will be treated as misdemeanours the following are examples of actions which constitute gross misconduct and will lead to summary dismissal:

- Refusal to carry out reasonable instructions from a superior.
- Theft: either from the Academy, its employees, learners, contracted staff or visitors including the unauthorised possession of any of the Academy possessions, goods, materials, products or produce.
- Fraud: any deliberate falsification of records or any deliberate attempt to defraud the Academy or fellow employees. Fraud can include falsification of time sheets, travel claims, self-certification forms, etc.
- Violence: any fighting or violence involving any fellow staff member or any other person which takes place on the Academy premises or external training premises
- Indecency which is related to employment with the Academy.
- Deliberate damage to Academy property, or to the property of fellow employees or to the external training premises
- Intoxication on the Academy or training premises or the bringing of intoxicants or illegal drugs onto the Academy or external training premises at any time
- Gross carelessness or negligence: including any action or failure to act which threatens the health or safety of any fellow employee, learner or visitors including any disregard of safety rules which jeopardises the safety of those on the Academy premises or the external training premises
- Failure to comply with the provisions of the Academy Health and Safety Policy

# Disciplinary Policy

- Failure to observe the confidential nature of information concerning the Academy.
- Any conduct which does or may bring the Academy business into disrepute.
- Breach of contract of employment: any fundamental breach of contract which renders continuation of employment impossible including failure to meet statute related provisions.
- Harassment of other members of staff or of others, whether the harassment is sexual, racial or of any other kind.
- Discrimination against other members of staff, learners or visitors which is on grounds of sex, marital status, race, colour, religion, ethnic origin, nationality or disability.
- Obtaining unauthorised access to, making unauthorised use of or making unauthorised amendments to information stored on computers, computer software or computer hardware.

## **Misdemeanours**

The following are examples of action which may be regarded as warranting disciplinary action amounting to less than summary dismissal, and for which dismissal may be appropriate if corrective action is not taken after the issue of a written warning: -

- Unauthorised absence: including unauthorised absenteeism or unauthorised absence from the workplace
- Poor standard of work; or inadequate attention to work
- Poor timekeeping or attendance
- Provocative or abusive or behaviour.
- Sexist or racist conduct or behaviour of any kind.

## **Procedure for Poor Performance**

The procedural steps set out below are a guide and will not be followed in full in every case, in particular during a staff members initial probationary period. The point at which the procedure is entered or the omission of any of the stages will depend entirely on the seriousness of the performance problem.

# Disciplinary Policy

## **Procedure Appropriate at each Stage**

### **Verbal Warning**

The staff member will be spoken to by the Academy Manager on the areas of concern regarding the staff member's performance and the Manager will issue a verbal warning to the staff member which will be documented in the Staff member's personnel file. Further training needs may be identified here and a relevant referral made.

### **Written Warning**

Following further concerns the staff member will be spoken to by the Academy Manager regarding the staff member's continuing poor performance and the staff member will be issued with a written warning. Further training needs may be identified here and a relevant referral made.

### **Final Written Warning**

Following receipt of further concerns the staff member will be issued with a final written warning by the Director. Further training needs may be identified here and a relevant referral made.

### **Dismissal**

Following concerns after a written warning has been given the staff member's contract will be terminated by the Director.

At every stage the supply staff member shall be informed of:-

- the alleged performance shortcomings
- what in the view of the Academy needs to be done by way of improvement?
- the period of time during which such improvement is to be shown
- the consequences of there being no improvement
- If any assistance is to be provided this will be detailed in writing after any stage within the procedure.

### **Appeals**

The staff member has the right to appeal against any of warnings issued for poor performance. The wish to appeal should be notified in writing to the Director within five working days of receipt of the warning. The decision of the Director will be final.

### **Policy/Process Review Date**

This policy/process is reviewed every 12 months with the next review date being 30th April 2023