



UK COLLEGE
OF BUSINESS AND COMPUTING

Disciplinary Policy and Procedure

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Disciplinary Policy And Procedures

Introduction

This document is a statement of the Company's Discipline Policy and Procedure. The details are below. This policy is not part of your employment contract and it is not legally binding except where it is a statement of the law.

Policy Statement

The Company has a responsibility to set reasonable standards in all aspects of your employment. You should be aware of and understand such standards and apply them to the best of your ability. The Company's aim is to encourage improvement in individual conduct and performance, and if you do not achieve the required standards it is hoped that normal working relationships will allow the matter to be resolved informally.

If you are not achieving the required standards of conduct or performance, this will be discussed with you by your line manager on an informal basis. Where it is appropriate you will be provided with the necessary guidance, support and training to help you to achieve the standards that the Company sets. Your progress and response to this will be monitored and regularly reviewed. Where appropriate, if it is considered that you would benefit from further support this will be provided.

If, having had informal discussions with you and/or the Company has provided guidance, support and training to assist you and your conduct or performance has not achieved the required standard, the following formal disciplinary procedure will apply, in accordance with the Acas Code of Practice on Disciplinary and Grievance Procedure. This procedure will also be implemented if it is alleged that your conduct, behaviour or performance is so far outside Company or normal standards that an informal warning is not appropriate.

Step 1

Statement of grounds for action and invitation to meeting

- The Company will investigate the alleged matter for which disciplinary action may be considered including interviewing other people who may have knowledge of the matter and a note will be taken of what they have to say.

- The Company will write to you giving the details of your alleged conduct or characteristics, which lead them to contemplate taking disciplinary action against you or dismissing you.
- This letter will include an invitation to a disciplinary meeting and will include copies of any documents to which the Company will refer in the meeting with you.
- The date of the disciplinary meeting will give sufficient time for you to consider the letter from the Company and your response to it. Typically, this would be no less than 48 hours.
- When an individual is invited to a disciplinary hearing, they must be made aware of the alleged offence. It is necessary to ensure that details of the offence are provided to prepare the individual for the potential penalty (which should also be stated in the letter) should the allegation be upheld. It should be made clear, therefore, whether the alleged offence is one of misconduct or gross misconduct.

Step 2

The Disciplinary Meeting

- A disciplinary meeting will take place before any disciplinary action is taken.
- The disciplinary meeting will not take place unless:
 - the Company has informed you what the basis was for considering disciplinary action against you under Step 1 above; and
 - you have had a reasonable opportunity to consider your response to that information.
- You must make every effort to attend the disciplinary meeting.
- You have the right to be accompanied at the disciplinary meeting by another employee or worker (or staff/trade union representative).
- After the meeting, the Company will inform you of their decision and if disciplinary action is to be taken against you to confirm this in writing. You will be notified of your right to appeal against the decision if you are not satisfied with it. If you decide to appeal you must appeal in writing to the Company within the specified period, stating your reasons for the appeal.

The hearing should be held to establish the facts of the situation and decide an appropriate course of action. It will provide you with the opportunity to respond to the issues raised and provide your view of the situation. You should use the opportunity to present your evidence and any decision will be made on the information available.

An adjournment will be taken between the hearing and its conclusion. This will allow the facts to be considered. Should a further investigation be required then the hearing can be re-convened at a future date.

When the appropriate information has been reviewed, the person leading the hearing will make a decision on the available evidence and decide whether the allegation is upheld or not.

Delay in finalising the disciplinary process will be kept to a minimum to avoid any undue stress and this should not affect the procedure.

Step 3

Appeal

- If you wish to appeal against any disciplinary action taken against you, you must appeal in writing, stating the grounds of your appeal and do so with the time scale specified in the letter detailed in Step 2 above.
- If you wish to appeal, the Company must invite you to attend a further meeting.
- You must make every effort to attend this appeal meeting.
The appeal meeting need not take place before the dismissal or disciplinary action takes effect.
- Where reasonably practicable, the appeal should be dealt with by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).
- You have the right to be accompanied at the appeal meeting by another employee or worker, (or staff/trade union representative).
- After the appeal meeting, the Company will inform you in writing of their final decision.

Levels Of Disciplinary Action

The Company reserves the right to take disciplinary action at a level appropriate to the circumstances taking into account the seriousness of the misconduct or poor performance, and impact on the business. All the levels of disciplinary action listed below will only be implemented after applying the above procedure.

Stage 1/First Written Warning

Where, after a disciplinary meeting it is decided that your conduct or performance falls below the Company's standards you will be informed in writing of the reason for the warning, the actions or improvements that you are required to make, the timescale for implementing such actions, the consequences of failing to make the necessary improvements or of further misconduct, when the warning will cease to have effect (normally after 6 months, but this may be varied), and the right of appeal.

A Stage 1/First Written warning may be given, by a supervisor or above.

Stage 2/Second Written Warning

This level of warning will be implemented where, after a disciplinary meeting it is decided that the required improvement detailed in a previous warning is not achieved within the required timescale; further misconduct or poor performance takes place during a current warning, whether or not involving a repetition of conduct or poor performance which was the subject of a previous warning; or the seriousness of the misconduct or poor performance merits it.

You will be informed in writing of the reason for the Stage 2/Second Written warning, the actions or improvements that you are required to make, the timescale for implementing such actions, the consequences of failing to make the necessary improvements or of further misconduct, when the warning will cease to have effect (normally after 12 months, but this may be varied), and the right of appeal.

A Stage 2/Second Written warning may be given by a manager or above.

Dismissal

This level of action will be implemented where, after a disciplinary meeting the required improvement is not achieved within any timescale stated in the Stage 2/Second Written Warning; further misconduct or poor performance takes place during a current Stage 2/Second Written 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 an act of gross misconduct has been committed.

Dismissal of an employee may only be implemented by, or with the express approval of, the Director.

Probationary Period

The above procedures will be shortened in the case of employees serving a probationary period. The length of this probationary period is normally twenty six weeks unless a different period is set out in a letter of appointment. New employees will be closely monitored during their probationary service and their continued employment will be subject to the required standards of conduct and performance being achieved.

In the event of unsatisfactory conduct or performance being identified, the matter will be investigated and the line manager dealing with the issue will conduct an investigation to establish the facts. If other people have knowledge of the matter they will be interviewed and a note taken of what they have to say.

You will be advised of the allegations against you and, where documents are involved, you will be supplied with copies of those to which the line manager intends to refer. You will receive a letter convening the disciplinary meeting which will include an explanation of the allegations against you. The disciplinary meeting will be arranged for a mutually convenient time, allowing sufficient time for you to consider the allegations against you, the information provided and to consider your response.

If, as a result of this disciplinary hearing it is decided to take disciplinary action against you, your employment will be terminated in accordance with the relevant clause in your Terms and Conditions of Employment. You will have the right to appeal against this action in accordance with the details in "Step 3 Appeal" above.

Misconduct or poor performance which could lead to formal disciplinary action

This list contains some, but not all, examples of problems which individuals can expect to progress through warnings to dismissal if immediate and sustained improvement is not apparent.

- Underperformance in their work.
- Poor behaviour towards management, colleagues, customers, clients, visitors and any other stakeholders, or breaching of expected standards of conduct
- Failing or refusing to perform a duty that has been requested, including the keeping of appropriate records
- Negligence
- Ignoring safety/hygiene/security risks
- Misuse of Company property or resources, or wilful or excessive wastage of material
- Excessive time away from the job or place of work
- Failure to wear protective or Company clothing provided, or to meet Company dress standards
- Breach of data protection standards
- Unacceptable conduct at Company functions or events, including those out of normal working hours and off-site.
- Unacceptable level of attendance, failure to report absence properly, or poor timekeeping
- Smoking in prohibited areas.

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- Use of foul or offensive language
- Harassment or other breach of equal opportunities standards
- Consumption of alcohol on Company premises
- Gambling on the premises
- Breaching Company IT systems concerning the use and security of computer equipment and/or software, including the installation or use of unlicensed software
- Driving a vehicle (irrespective of whether a Company vehicle or privately owned) while using a mobile phone without compliant hands-free equipment

Gross Misconduct

The following are examples of conduct falling within the definition of "Gross misconduct" and which would entitle the Company to dismiss without notice. The list is not exhaustive, but illustrates the type of conduct that normally merits dismissal for a first offence.

- Theft, fraud, deception or other dishonesty affecting the Company, fellow employees or stakeholders.
- Wilful falsification of records or reports.
- Misuse of the time recording system or recording the time of a fellow employee.
- Malicious damage to property, facilities or name of the Company, or the removal, without permission, from Company premises of property which does not belong to the employee.
- Wilful corruption of computer software or electronic records. This includes the introduction, without express permission, of personal software on to a Company computer.
- Serious breach of the Company rules relating to electronic communications and computers including misuse of computers and the Internet
- Serious acts of insubordination
- Sexual misconduct at work
- Persistent or seriously negligent failure to comply with relevant statutory or regulatory requirements
- Unauthorised disclosure of information, including that relating to the Company's staff and customers, or their dealings.
- Failure to comply with Health and Safety procedures, as a result of which life or property is put at serious risk.
- Conduct likely to bring the Company into disrepute - (whether this happens at work or elsewhere).
- Fighting, physically assaulting or other violent behaviour against any person whilst at work
- Serious acts of discrimination, including acts of incitement or actual acts of discrimination on the grounds of age, disability, sex, marital status, sexual orientation, gender reassignment, race, religion or belief, colour or ethnic origin.
- Serious harassment or bullying of any employee.
- Attendance at work whilst under the adverse influence of illegal substances or alcohol.

- Use or possession or purchase/sale of prohibited substances while at work
- Serious negligence or wilful damage which causes unacceptable loss, damage or injury.
- Aggressive behaviour towards or serious verbal abuse to stakeholders
- Reckless or serious misuse of a Company vehicle
- Falsification of qualifications which are a stated requirement of employment or which result in Financial gain

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- Accepting a gift which could be construed as a bribe
- Serious breach of confidence or the Data Protection Act 1998 and GDPR 2018 (subject to the Public Interest Disclosure Act 1998)
- Conviction of any serious criminal offence while an employee of the Company
- Extending holidays without permission, or taking holidays previously refused
- Where a court orders detention as a punishment

If gross misconduct is alleged against you, the Company may suspend you on full pay pending investigation of the matter, or transfer you to alternative duties at its discretion, pending any investigation and resulting disciplinary hearing. This does not imply an assumption of guilt.