



Bridge4Learning Education Services Limited

Staff Disciplinary Policy

Updated January 2019

DISCIPLINARY PROCEDURES

The management team of Bridge4Learning values all our staff and volunteers and appreciates that the vast majority will try and do their work to the best of their ability in a reasonable and committed way. This policy is intended to help all concerned with Bridge4Learning by clarifying general standards and what is required in particular circumstances.

The Contract of Employment identifies several implied terms where the contract is silent but where there is a general understanding that these terms apply. The implied terms that apply to you, as an employee, are:

- To co-operate with Bridge4Learning as your employer.
- To comply with reasonable and lawful instructions.
- To exercise reasonable care and skill.
- To act in good faith and fidelity.
- To co-operate and adapt to reasonable changes.
- To maintain a relationship of loyalty, mutual trust and fidelity.

Similarly, Bridge4Learning accepts it has responsibilities under the implied terms, which are:

- Not to treat employees in an arbitrary and vindictive manner.
- To provide support to employees.
- To inform employees of important decisions.
- To take reasonable care.
- To maintain a relationship of mutual trust and confidence.
- Not to undermine any employee in a supervisory position.

Bridge4Learning recognises that most employees and volunteers are committed people who want to perform efficiently and effectively. Unfortunately, there are occasions when disciplinary action needs to be considered in the interest of the overall well being of the organisation and our students.

Disciplinary procedures apply to employees of Bridge4Learning but members and volunteers need to be aware that the general standards of behaviour and conduct expected of employees apply to all involved with Bridge4Learning. The type of misconduct outlined in this section is not considered acceptable by anyone involved in the organisation.

Before taking formal disciplinary action every effort will be made to resolve the matter by informal discussion between the employee concerned and their line manager. Only where this informal intervention fails to bring about the desired improvement, should the formal disciplinary procedure be implemented. Their procedure may be instigated at any stage depending upon the seriousness of the employee's misconduct.

DISCIPLINARY

The primary purpose of disciplinary procedures is to give fair treatment for all employees and to encourage the employee, whose standard of performance or conduct is unsatisfactory, to improve.

The formal disciplinary procedures apply to all employees who have successfully completed their probation period. Employees still in their probation period are expected to maintain similar standards but the processes for dealing with unsatisfactory cases are different.

Employees whose conduct or performance are below the standard required by Bridge4Learning will be given the opportunity to improve by being offered advice and guidance or training, as may be appropriate.

No disciplinary action will be taken until the employee has been given the opportunity of putting forward their side of the case and the matter has been fully investigated, and at each stage of the procedure the employee will be notified of the nature of the complaint against them in advance of any disciplinary hearing. At all stages the employee will have the right to be accompanied by another person.

An employee will not normally be dismissed for a first breach of discipline except in the case of gross misconduct, when the outcome will be dismissal without notice or payment in lieu of notice. All employees will have the right to appeal against any disciplinary action taken against them at any stage.

CAPABILITY

Where there are doubts about the continuing capability of an employee to carry out the duties and responsibilities of the post to which they are appointed, the emphasis will be to help and support the employee to achieve the required level of capability i.e. through training, coaching, setting goals for achievement and monitoring progress.

Where it is clear that, despite being provided with additional support, the employee is not capable of undertaking the job to which they are appointed, the Capability Procedure will be applied.

DISCIPLINARY PROCEDURE

Preliminary Stage: Informal Intervention

Initially the line manager will have an informal discussion with the employee, highlighting the areas where performance or conduct is not satisfactory, suggesting what improvements should be made, and the timescales in which this is expected to happen. A record of the discussion will be placed within the employee's personnel file and a copy will be given to the employee.

This offers the last opportunity to discuss and resolve any problems without moving to the next stage of the formal disciplinary procedures. Bridge4Learning believes that it is in everyone's interest to settle matters at this stage, wherever possible.

Stage One: Verbal Warning

If, despite informal intervention, the employee's standards, performance and/ or conduct do not improve within the required timescale, the employee will be notified in writing of the nature of the complaint against him/ her and will be invited to attend a meeting. The employee will also be advised of his/ her right to be accompanied at this meeting by a trade union representative/ fellow colleague.

The verbal warning is intended to remind the employee of the standards which are expected of him/ her and to emphasise that Bridge4Learning is not satisfied with the progress that he/ she is making. The employee will be offered further support to help improve their performance and/ or conduct and the time scale in which this is expected to happen. A record of the verbal warning will be placed within the employee's personnel file and a copy will be given to the employee. The employee will also be informed that if performance and/or conduct does not improve the matter will be referred to the next stage of the warning process.

The warning will remain on file for three months, following which it may be disregarded provided that satisfactory performance and/ or conduct has been achieved and maintained. If the employee wishes to appeal against the

action taken he/she may do so in writing to the management team within 10 working days of the warning being given.

Stage Two: First Written Warning

If the matters previously complained of have not been resolved, or in the case of more serious breaches of standards, whether previously complained of or not, the employee will be notified in writing of the complaint(s) against them and invited to a meeting. The employee will be advised of his/her right to be accompanied at this meeting by a trade union representative/fellow colleague.

The first written warning will set out the standards which the employee is failing to achieve and the areas of performance and/ or conduct in which he/ she is falling short. An action plan will be implemented stating the improvements to be made, means of achieving this and a timescale in which this is expected to happen. A record of the first written warning will be placed within the employee's personnel file and a copy will be given to the employee. The employee will also be informed that if performance does not improve, the matter will be referred to the next stage of the warning process.

The warning will remain on file for six months, following which it may be disregarded, provided that satisfactory performance and/ or conduct has been achieved and maintained. If the employee wishes to appeal against the disciplinary action taken he/she should do so to the management team within 10 working days of being given the written warning.

Stage Three: Final Written Warning

If the matters previously complained of have not been resolved, or in the cases of more serious breaches of standards, whether previously complained of or not, the employee will be notified in writing of the complaint(s) against him/her and invited to attend a meeting. The employee will also be advised of his/her right to be accompanied at this meeting by a trade union representative/fellow colleague.

The purpose of the final written warning is to emphasise that unless improvement is forthcoming immediately, or in whatever time is practicable, then the employee will be dismissed. The final written warning will set out the standards which the employee is failing to achieve and the areas of performance and/ or conduct in which he/ she is falling short. An action plan will be implemented stating the improvements to be made, means of achieving this and a timescale in which this is expected to happen. A record of the final written warning will be placed within the employee's personnel file and a copy will be given to the employee. The employee will also be informed that if performance does not improve the matter will be referred to the next stage of the warning process.

The warning will remain on file for twelve months, following which it may be disregarded provided that satisfactory performance and/ or conduct has been achieved and maintained. If the employee wishes to appeal against the disciplinary action taken he/she should do so to the Directors within 10 working days of being given the written warning.

Stage Four: Dismissal

If the matters previously complained of have not been resolved, or in the case of more serious breaches of standards, whether previously complained of or not, the employee will be notified in writing of the complaint(s) against them and invited to attend a meeting at which a panel of no fewer than two Directors, appointed by the Board of Directors, will be present. The employee will again be advised of his/her right to be accompanied by a trade union representative/fellow colleague at the meeting.

Depending on the outcome of the meeting, the employee may be notified in writing of his/her dismissal, the reason for the dismissal and the period of notice to which he/she is entitled, if any, under their Contract of Employment.

If the employee wishes to appeal against the dismissal he/she should do so, in writing to the Director with responsibility for Human Resources, (Allen Baynes), within 10 working days of being given notification.

Examples of conduct that may lead to dismissal:

The following examples may apply, either following disciplinary action or as isolated incidents: *(This list is not exhaustive)*

- Consistent failure to achieve a satisfactory standard of work.
- Failure to adhere to the Bridge4Learning standards and procedures.
- Poor attendance/ time keeping.
- Unreasonable absenteeism.
- Carelessness / negligence.
- Refusal to obey reasonable instructions.
- Behaviour is likely to disrupt working relationships or relationships with students.
- Failure to observe health and safety requirements.
- Failure to work as part of a team or to take a team approach to the support of students.

GROSS MISCONDUCT

If an employee is accused of an act of gross misconduct the following procedure will apply:

It may be necessary for the employee to be suspended on full pay, normally for not more than 5 working days, to enable a full investigation to be carried out. Following investigation, the employee will be notified of the gross misconduct complaint(s) against them and invited to attend a disciplinary hearing, to which he/she can be accompanied by a trade union representative/fellow colleague and at which a panel of no fewer than two members appointed by the Directors will be present. If the panel is satisfied that gross misconduct has occurred, the employee will be advised of the reason for the dismissal, and that he/she is not entitled to be given notice of termination of employment or payment in lieu of notice.

Written reasons will be given for the dismissal and if the employee wishes to appeal against the dismissal he/she should do so in writing to the chair of the management team within 10 working days of being given notification.

Examples of gross misconduct that may lead to summary dismissal:

The following examples may apply either following disciplinary action or as isolated incidents: *(This list is not exhaustive)*

- Theft
- Fraud
- Assault
- Gross negligence
- Serious disregard for health and safety requirements
- Harassment, discrimination, threatening behaviour or attitude (whether of a sexual, racial, religious or any other nature)
- Conduct prejudicial to the organisation's reputation
- The disclosure or misuse of information obtained during the course of their employment

APPEALS

Appeals against management action (except dismissal)

If a member of staff is dissatisfied with any management action taken against them, they may take out a formal grievance in accordance with Bridge4Learning's Grievance Procedure. The grievance must be taken out within 10 working days of the action or decision being complained about.

Appeals against decision to terminate employment

Employees may appeal against a decision to terminate their employment. Appeals must be made within 10 working days of the date on which the employee was informed of the dismissal, by writing to the senior management team. During the appeal meeting, the employee will present their case against the appeal and their line manager will present their case for the dismissal. The senior management team will hear and consider a case and will inform the employee of the decision within 5 working days of the appeal being heard. The decision of the senior management team is final.

MONITORING AND REVIEWING

Bridge4Learning will review the Disciplinary Procedures on at least an annual basis, or sooner depending upon law and legislation to ensure that the organisation is operating fair and lawful employment practices.

REFERENCES

For further information and/ or clarification regarding any subject raised within this policy, please refer to:

Staff Handbook

- *Capability Procedure*
- *Grievance Procedure*