DISCIPLINARY PROCEDURE

Related policies and guidance

* Safer Recruitment Policy
* Equal Opportunities Policy
* Complaints Procedure
* Staff Induction, Training and Development

Policy Statement

The purpose of the Disciplinary Procedure is to outline a recognised and consistent system to deal with any issues of conduct, capability or other circumstances which may result in a disciplinary warning or dismissal.

The Disciplinary Procedure does not form part of your contract of employment.

Before considering a warning or dismissal, steps will be taken by the Company to establish the facts.

At any stage of the Disciplinary Procedure you may be suspended, on full pay, whilst investigations are carried out. This does not mean that you have been, or will be found guilty of any particular offence or act of misconduct.

If it is necessary for the Company to take action under the Disciplinary Procedure you will be issued with a written statement setting out the nature of the conduct, capability or other circumstances that may result in a disciplinary warning or dismissal. You will only be issued with a disciplinary warning or dismissed following a formal disciplinary meeting, at which you will have been given the right to be accompanied by a fellow employee or an accredited trade union official. You should make every effort to attend the meeting. Throughout the Disciplinary Procedure you will be given the opportunity to respond to any complaint before any decision on a disciplinary warning or dismissal is taken.

The Company may commence the Disciplinary Procedure, depending on the circumstances, at any of the following levels:

WRITTEN WARNING

A written warning will be issued and a copy placed in your personnel file.

Written Warnings will be considered invalid for disciplinary purposes after 12 months, subject to satisfactory conduct and performance.

FINAL WRITTEN WARNING

A final written warning will be issued and a copy placed in your personnel file.

Final Written Warnings will be considered invalid for disciplinary purposes after 12 months, unless specified otherwise.

DISMISSAL

Dismissal may be with or without notice depending on the circumstances, and may occur whether or not warnings have been issued.

You will be entitled to appeal against any disciplinary or dismissal decision taken, such appeal being held in accordance with the Appeal Procedure, which is outlined below.

GROSS MISCONDUCT

Employees will be summarily dismissed if it is established, after investigation and hearing the employee's case, that there has been an act of gross misconduct or poor performance of sufficient gravity to warrant summary dismissal. Such dismissals will occur without the need to issue prior disciplinary warnings. As a precautionary measure, employees may be suspended from work on full pay to enable the Company to investigate the alleged offence.

Gross misconduct giving rise to dismissal without warning(s) will include, but not be limited to, the following:-

Fighting, physical assault, violent conduct or dangerous horseplay.

Failure to carry out a reasonable and lawful direct instruction given by a superior during working hours.

Gross insubordination.

The use of aggressive behaviour or excessive bad language.

Theft, wilful damage or negligence which leads to damage of property belonging to the Company or other employees.

Falsification of Company records (including timesheets, clock cards, commission claims, etc.).

Wilful acts of damage when representing the Company or engaged on Company business.

Performing, arranging or carrying out work or activity which could be considered to be in competition with or which adversely affects in any way the Company’s interests.

Fraud or any other offence committed against the Company which would be a breach of the law of the land.

Attending work while intoxicated by alcohol or non-medically prescribed drugs.

Acts of gross negligence or misconduct involving carelessness or reckless driving.

Loss of driving licence on conviction when driving is all or an essential part of the job requirements.

Serious breach of legal limits when driving Company vehicles.

Breach of safety rules and/or any action which seriously endangers the health or safety of an employee or any other person whilst at work.

Deliberately making a false entry in the written records of the Company.

Knowingly giving false information or deliberately omitting relevant information on the job application form or self declaration form.

Smoking in designated non-smoking areas.

Partaking in discrimination or harassment.

The viewing or downloading of pornographic or other derogatory, defamatory, obscene or inappropriate material from internet/e-mail systems.

Unauthorised access to, or disclosure of, any confidential information.

Abuse of internet/e-mail systems/telephone for personal usage.

Serious professional malpractice liable to bring the Company into disrepute.

Conviction for a criminal offence which in the opinion of Care and Learning Alliance has implications for your work with the Company.

Putting children at risk.

Other Punitive Action

An employee may have other punitive action imposed as a disciplinary measure as an alternative to dismissal including (but without limitation): demotion or transfer; loss of seniority or salary increment; suspension without pay. An employee will have the right to appeal against any such alternative disciplinary sanction, as set out below.

APPEAL PROCEDURE

The Appeal Procedure does not form part of your contract of employment.

If you wish to appeal against any disciplinary warning or a decision to dismiss, you should apply in writing within 5 working days. You will be invited to attend a meeting and you should take all reasonable steps to attend.

Your appeal should be to the next higher level in the line of management than the level, which handled the disciplinary matter or the decision to dismiss. Where this is not possible due to the management structure of the business, you may appeal to the person who handled the disciplinary matter or the decision to dismiss or to someone at the same level of management, who has the authority to overturn the original disciplinary decision. Your Statement of Main Terms of Employment sets out the designation of the person to whom you should direct your appeal.

You will be given the opportunity to be accompanied at the meeting by a fellow employee or accredited trade union official.

Date reviewed: 13/06/23

Date for next review: 13/06/24

Signed: Joni Mackay