

<b>Policy Title</b>	<b>Disciplinary and Grievance Policy and Procedure</b>
<b>Issue date (m/y)</b>	09/2011
<b>Author</b>	Laura Cook, Director
<b>Approved by</b>	Donna Welburn
<b>Review date (m/y)</b>	07/2016

## Context and /or Aims

This policy and procedure is designed to help both the company and our team deal with disciplinary and grievance issues in a fair and consistent manner. The Learning Support Centre Ltd aim is to encourage improvement in individual conduct. This procedure sets out the action, which will be taken when disciplinary rules are breached.

## Policy Statement

Whilst in the employment of The Learning Support Centre Ltd it is expected that employees observe high standards of conduct and behaviour in carrying out their duties. All employees are expected to behave in a professional and proper manner. This expectation not only relates to behaviour during normal working hours, but will also cover situations outside of normal working hours that are related to employment by the company. Specifically employees are required to:

- Observe start and finish times
- Respect the property of their clients, students and colleagues
- Respect the property of the company
- Complete all necessary documentation accurately and honestly
- Treat information acquired in the course of employment with appropriate care and not disclose confidential information
- Observe all health and safety requirements whilst at work, whether on or off campus or based in the administration offices
- Follow management instructions
- Not use obscene or aggressive language
- Adhere to company policy and procedures
- Not put any client's education at a disadvantage through misconduct.

These rules are not exhaustive.

## Requirements for Implementation

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- Employees will be advised in writing of the nature of the allegations that have been made against them and provided with copies of evidence that is relevant in determining the allegations.
- At every stage employees will have the opportunity to state his/her case and be accompanied, at the hearing by a fellow employee.
- At the start of every meeting the specific allegations raised against the employee will be explained, as will the evidence supporting the allegations.
- An employee may ask witnesses to attend a disciplinary hearing, and will be permitted to respond to any evidence raised by a witness. Employees will not be permitted to cross examine witnesses.
- Following a disciplinary hearing the employee will be informed of the outcome in writing, and the basis for that outcome will be explained to the employee.
- The employee has the right to appeal against any disciplinary penalty (other than an informal / verbal warning).

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Other than in the case of gross misconduct, employees will not ordinarily be dismissed for a first breach discipline. However, the company is not restricted from imposing any disciplinary sanction as it feels is appropriate in a first offence, including a final written warning.

## **Disciplinary Procedure**

The following disciplinary procedure will normally be applied where employees commit acts of misconduct, failure to observe normal disciplinary standards and / or through their own neglect, fail to achieve performance standards.

The procedure in itself is issued as guidance and is not intended to be contractually binding and can be entered at any stage.

### **Stage 1 – Verbal Warning**

A Verbal Warning will be issued for an isolated misdemeanour or initial failure to meet performance standards, poor time keeping, minor work error etc. The employees Line Manager will give a Verbal Warning. The Verbal Warning will be recorded but will be disregarded after twelve months of satisfactory service.

### **Stage 2 – First Written Warning**

A Written warning, in the form of a letter will be issued in a more serious case of misconduct. Failure to show and maintain improvement or a repetition of an act of misconduct may result in a first written warning being given by the employees Line Manager. The Written warning will include the reasons for the warning and a note that, if there is no improvement after three months a final written warning will be given. The written warning will be recorded but will be disregarded after twelve months of satisfactory service. To address the issue a meeting will be held at this stage. The employee has the opportunity, if they so wish, to be accompanied by another employee/work colleague or a trade union official or representative in accordance with the provisions of the Employment Relations Act 1999 when requesting that an issue be raised formally. If the representative, if attending, is not available on the day of the hearing the employee may reasonably request that the meeting be held on another day within five working days of the selected date.

### **Stage 3 – Final Written Warning**

A final written warning will be issued in more serious cases of misconduct or repetition of acts of misconduct. A final written warning by the employees Line Manager will make it clear that any recurrence of the offence or other serious misconduct within a period of twelve months will result in dismissal. A meeting will be held at this stage. The employee has the opportunity, if they so wish, to be accompanied by another employee/work colleague or a trade union official or representative in accordance with the provisions of the Employment Relations Act 1999 when requesting that an issue be raised formally. If the representative, if attending, is not available on the day of the hearing the employee may reasonably request that the meeting be held on another day within five working days of the selected date. The final written warning will be recorded but will be disregarded after eighteen months of satisfactory service.

### **Stage 4 - Dismissal**

Any further incidents of misconduct will result in his/her position with the company being reviewed and employment may be terminated after due contractual notice.

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## Gross Misconduct

Employment will be terminated summarily without any notice at any time for gross misconduct. Generally this includes any breach of duty, conduct that brings the company into disrepute and action that is inconsistent with the relationship of fidelity required between employer and employee. In particular it includes:

- Insubordination
- Reckless or serious breach of health and safety requirements
- Acts of dishonesty, including theft or fraud
- Falsifying company records
- Being under the influence of alcohol or non-prescribed drugs during working hours
- Bullying or harassment, including sexual or racial harassment
- Unauthorised disclosure of confidential information this includes any personal or professional information about any of The Learning Support Centre Ltd clients or staff
- Wilful damage to property
- Serious breach of terms of employment or any company policy
- Bringing the reputation of the company or any of its employees into disrepute.

This list is not intended to be exhaustive.

**Suspension** Employees may be suspended with pay whilst the circumstances of any complaint against them are investigated, the maximum period of suspension being one week.

**Appeal** Employees may appeal against any disciplinary decision to the Director who can vary, reduce, and increase or eliminate the disciplinary action taken. Appeals must be made in writing within five days of notification to the employee of disciplinary decision taken.

## Grievances Procedures

### Raising a Grievance Informally

Any employees who have a grievance relating to their employment should first raise the matter informally with their Line Manager during the course of normal work. If the matter is not resolved then employees should invoke the formal grievance procedure.

## The Formal Grievance Procedure

### Stage 1

Employees should put their grievance in writing to the **Learning Support Centre Ltd, Phoenix Yard, 1<sup>st</sup> Floor Jubilee Building, 5 Upper Brown Street, Leicester, LE1 5TE.**

### Stage 2

Once a written grievance has been received, then the Learning Support Centre Ltd has a responsibility to investigate the matter and will invite the employee to a formal grievance hearing. The time taken to investigate the grievance will be reasonable in the circumstances and all efforts made to reach a resolution as quickly as possible.

Employees have the opportunity, if they so wish, to be accompanied by another employee or work colleague or a trade union official or representative in accordance with the provisions of the Employment Relations Act 1999 when requesting that an issue

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be raised formally. If the representative, if attending, is not available on the day of the hearing the employee may reasonably request that the meeting be held on another day within five working days of the selected date.

Full details of the matter will be recorded and a written answer given to the employee together with a copy for any representative, setting out the basis for accepting or rejecting the grievance.

Records of grievance hearings will be kept confidential and retained in accordance with the Data Protection Act 1998.

### Stage 3

If the matter is not resolved satisfactorily within five working days, employees may elect to appeal to the Director, employees must make an appeal in writing to the Director and a decision will be made within five working days. This decision is final.

## Related Documents

Data Protection Policy and Procedure

[Data Protection Act 1998](#)

[Employment Relations Act 1999](#)

Safeguarding Policy and Procedure