

DISCIPLINARY POLICY & PROCEDURE

Acculearn Training Limited

T/A

Cranbrook College

The disciplinary procedure is designed to ensure that the required standards are adhered to and provide a fair method of dealing with any alleged failures to maintain standards or perform to an acceptable level. This procedure incorporates the statutory requirements outlined in the Employment Act 2002 (Dispute Resolution) Regulations 2004 and its associated provisions.

Aims

The procedure applies to all employees of Acculearn, providing a framework to ensure the promotion of fairness and consistency in the treatment of all employees and to assist the organisation to function effectively.

The highest standards of conduct and performance are demanded at all times. Acculearn's expectations regarding acceptable conduct and performance are set out in the Employee Handbook within the Behaviour Policy and it is the responsibility of all staff to familiarise themselves with them.

Implementation

Where there has been a failure to meet the required standard of performance, or a breach of the employee's terms and conditions, or an employee has otherwise been guilty of misconduct, disciplinary action will generally result. An assessment will be carried out taking account of individual circumstances but will ordinarily follow the procedure set out below. However, the Company has the right to commence the disciplinary process at any stage, depending on the seriousness of the misconduct or breach.

Responsibility for Implementing the Procedure

Decisions on all matters of discipline excluding dismissal will be dealt with by the employee's immediate Line Manager.

All decisions to dismiss an employee will, however, be taken by the Chief Executive/Director of Acculearn Training.

In the absence of any person normally having responsibility under this procedure, his/her authorised representative of equal or higher status may take disciplinary action.

1. Informal Verbal Warnings

A minor failure to meet established standards of conduct will result in a first informal warning being given (Counseling). The purpose of the warning is to encourage improvement and enable corrective action to be taken without resorting to the formal procedure.

A written record of this warning stating the cause or reasons for concern will be placed on the employee's personnel file. Provided there is no further reason to institute disciplinary action this record will be removed from the file after 12 months.

Where there is continued failure to improve or meet established standards of conduct i.e. more serious or further misconduct it may be appropriate to issue a second informal warning (Verbal Warning). Again, a written record of this warning stating the cause or reasons for concern will be placed on the employee's personnel file. Provided there is no further reason to institute disciplinary action this record will be removed from the file after 12 months.

Where there is continued failure to improve or meet established standards of conduct i.e. more serious or further misconduct, the formal disciplinary procedure will normally be followed.

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2. Formal Procedure

Prior to formal disciplinary action (excluding dismissal) being taken the employee will be asked to attend a disciplinary hearing.

The employee will be sent a notice of disciplinary hearing stating:

- The time, date and place of the hearing.
- That the note taker will attend the hearing on behalf of the Company to take a note of the proceedings.
- The employee's right to be accompanied by a current fellow employee.
- The nature of the complaint against the employee and the evidence to substantiate it, (providing documents and statements where available at this stage).
- The employee's right to call any relevant witnesses he/she wish to question at the hearing, such witnesses must be relevant to the allegation in question.
- Explaining the likely disciplinary action that will be taken if the complaint is substantiated.

The hearing will only take place after a comprehensive investigation, which will involve:

- A full and thorough investigation of all the relevant facts.
- Interviewing and obtaining the statements of any witnesses, where necessary.
- Initial investigative interviews into suspected or alleged misconduct, of any nature, may be carried by the company.

At this stage the Company's aim is to obtain factual information, not to form a judgment as to the content of information being provided.

All information obtained as a result of such investigations will be communicated to the Chief Executive and will be handled in accordance with the Company Disciplinary Procedure.

The disciplinary hearing will be conducted in the following manner:

- A note taker will be present at the hearing on behalf of the Company to take a note of the proceedings.
- All documentary evidence, which will be relied on in the hearing will in normal circumstances, be made available for the employee to view, and a copy will be provided to the employee.
- The employee will be given an opportunity to present his/her case, or ask the person who accompanies his/her to present the case, and may call any relevant witnesses and produce all documentary evidence being relied upon.
- Before a decision is taken the hearing will be adjourned for a short-time. If a decision has been reached after the short adjournment, then the decision will be communicated verbally to the employee and then confirmed in writing. If further investigations are required before a decision is reached or a longer period of time is needed to consider the decision, the employee will be informed that the decision will be communicated to him/her in writing.

3. Formal Warnings

Following a formal disciplinary hearing, if it is considered that disciplinary action is warranted, there are three levels of warning to be considered:

First Written Warning

- A first written warning will be issued where informal warnings have not achieved the desired result and there is no improvement in conduct or performance, or in the event of serious or further misconduct. Where the offence is minor, this may lead to an extension of the period of the Verbal Warning.

Final Written Warning

- A final written warning will be issued where a first written warning has been given and there is no improvement or a lack of improvement in conduct or performance or in the event of further misconduct or serious misconduct or repetition of previous conduct.

Where a final written warning is issued the employee will be informed that the commitment of any other offence may lead to suspension or dismissal. However, where the offence is minor there may be an extension of the period of the First Written Warning.

The employee will be advised of the decision following the completion of the disciplinary hearing which will subsequently be confirmed in writing and will specify the details of:

- The complaint, specifying how the employee failed to improve his/her conduct or performance or describe the nature of the misconduct.
- Confirming the decision that has been taken stating clearly the reasons for the decision.
- Exactly what action is required by the employee to remedy the situation, stating where appropriate the time period for expected improvement (where appropriate).
- Which stage of the formal procedure the warning represents, explaining the consequences for the employee should the conduct complained of recur or performance not improve.
- The duration for which the warning is to remain on the employee's file generally. All warnings cease to be valid after 12 months has elapsed, provided that no further warnings have been given.
- The employee's right to appeal stating the time limit of 5 working days in which to appeal from receipt of the letter confirming the decision.

The Company has total discretion to determine at which stage of the procedure disciplinary action is to be commenced, bearing in mind the gravity of the offence and the employee's previous record. Warnings can be accumulated where there are clear and distinct (even if unrelated) unacceptable behaviour by the employee. With reference to the removal of a warning from the employee's file after the stated duration of the warning has elapsed, the Company reserves the right to re-enter the Disciplinary Procedure at the same level, if there is any recurrence of the circumstances which resulted in the prior warning within the following three months after the warning has lapsed.

4. Dismissal

Dismissal will follow a formal disciplinary hearing arising from any of the following situations:

- Failure to meet or sustain the required standard of conduct or performance at work when an employee has already received a final warning.
- Misconduct warranting a disciplinary warning when an employee has already received a final warning.
- Gross misconduct – (as detailed at the end of this policy).

Any decision to dismiss will only be taken once the person disciplining the employee is satisfied that the facts of the case warrant dismissal, having carried out a full formal hearing, a thorough investigation of all the facts and of all the evidence being

relied upon and having considered any mitigating circumstances taking into account the employee's record or any other relevant factors.

A dismissed employee will receive written confirmation from the person taking the decision which will state and enclose:

- The reason for the decision to dismiss the employee.
- The effective date of termination of the contract.
- The employee's right to appeal, stating the time limit of 5 working days from receipt of the letter confirming the dismissal.
- A copy of the notes taken at the disciplinary hearing.
- A copy of all statements, reports and documents relied upon at the hearing, if not already provided.
- An acknowledgement of any sums due to be paid to the employee in recognition of accrued holiday, pay in lieu of notice or such like.

In exceptional circumstances, where dismissal is the normal sanction under the disciplinary procedure, the Company has total discretion to consider the following alternative actions as an alternative to dismissal:

- Suspension without pay for up to ten working days.
- Demotion.
- Transfer to another department or section of the business.

Suspension Pending Investigations

The Company reserves the right to suspend the employee on full day pending investigations, where the employer has reasonable grounds to believe that the employee's continued employment might be prejudicial to the employer's business or other employees or may hamper a thorough investigation of the alleged misconduct.

Gross Misconduct

In exceptional circumstances, employees may be dismissed without notice (summary dismissal) if it has been established, after investigation and after hearing the employee's explanation that there has been an act which constitutes gross misconduct.

The following circumstances are considered to be acts of gross misconduct which will lead to summary dismissal of the employee, if proven. These examples are not exhaustive or exclusive and the Company reserves the right to amend the list from time to time:

- Dishonesty

- Theft
- Being in unauthorised possession of Company or private property
- Gross misuse of Company property, including misuse for personal reasons
- Willful damage to Company or private property
- Falsification of time or money documents
- Abuse of cash handling procedures
- Abuse of attendance recording procedures
- Drunkenness or evidence of alcohol consumption
- Use, possession of or evidence of consumption of any controlled drug
- Fighting, violence.
- Engage in ; or inciting terrorism home or abroad
- Refusal to carry out or obey reasonable instructions
- Refusal to submit to being searched and failure to co-operate in security investigations
- Disclosure of confidential Company information
- Gross negligence
- Sexual or racial harassment or discrimination or other breach of the Organisations Equal Opportunities policy
- Conduct likely to damage the reputation of the Organisation, it's interests, objectives or it's business
- Commission of a criminal offence inside or outside the employment which makes the individual unsuitable for his/her type of work or unacceptable to fellow employees
- Serious breach of conditions of employment or the employees duties
- Involvement in a situation where there is or may be a conflict of interest.