



# Disciplinary Policy and Procedures

## INTRODUCTION

The UK College of English (UKCE) encourages all employees to conduct themselves in an appropriate manner in their day to day work, including in their dealings with colleagues, students and visitors.

Employees should familiarise themselves with UKCE policies which set out expected standards of behaviour. Where employee conduct falls short of these standards, the Head of Studies and the Chief Executive will attempt to resolve the matter through informal means where appropriate so that employees are given the opportunity to improve. If these actions do not provide a resolution, then the Disciplinary Policy and Procedure set out in this document should be followed.

## PURPOSE

The purpose of the Disciplinary Policy and Procedure is to deal with instances of misconduct and to ensure that the highest standards of behaviour and conduct are met across the College at all times. Therefore, it is essential that any alleged issues of unacceptable behaviour and conduct by College staff are managed positively, proactively, transparently and objectively. They must be resolved swiftly, effectively and as soon as possible.

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action. The treatment of any offence will reflect what is reasonable taking into account all the circumstances of the case, including precedent, the employee's record of employment, previous patterns of behaviour (including any current warnings on record), and whether the actions were wilful or malicious. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct, a breach of other specific conditions, procedures or rules that have been made known, will also result in this Policy being used to address such matters.

## PRINCIPLES

UKCE will observe the following principles in all disciplinary matters:

- All College staff are fully aware of the standards of performance, action and behaviour required.
- All disciplinary matters will be treated with due confidentiality.
- Minor disciplinary issues will initially be resolved through an informal procedure.
- UKCE will make every effort to deal with disciplinary allegations as quickly as possible.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- No disciplinary action will be taken before an allegation has been fully investigated.
- At every stage in the Disciplinary Procedure, employees will be clearly advised of the nature of the allegations against them, and will have the opportunity to state their case before any decision regarding disciplinary action is made.



- Occasionally, temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation take place. This must not be regarded as disciplinary action or a penalty of any kind.
- Except in circumstances of gross misconduct, employees will not normally be dismissed for a first disciplinary offence.
- At all stages of the Disciplinary Procedure, employees have the right to be accompanied by a **Trade Union Representative** or a colleague.
- At no stage in the procedure can meetings be recorded using audio or video recording equipment without the prior written agreement of all present.
- Employees have the right of appeal against any disciplinary action taken.

## CONFIDENTIALITY

All disciplinary matters are handled with due confidentiality. Any inappropriate disclosure of information relating to disciplinary cases may result in disciplinary action. Where employees intend to make, or have made, a disclosure in relation to a disciplinary procedure through UKCE's **Anti-bribery** and **Whistle-blowing Policy**, the guidance in that Policy should be followed.

## COOLING OFF PERIODS

There may be occasions where an offence needs to be addressed quickly and immediately. Where such circumstances arise, the Head of Studies or Chief Executive may ask the employee involved to stop work and go home for the day to allow a "cooling off period" before a decision is taken on how to handle the matter. This is not classed as suspension from work or annual leave.

## UNSATISFACTORY CONDUCT AND MISCONDUCT

Examples of unsatisfactory conduct and misconduct include but are not limited to:

- Failure to abide by the general health and safety rules and procedures
- Smoking in designated non-smoking areas
- Consumption of alcohol or non-prescriptive drugs on College premises
- Persistent absenteeism and/or lateness
- Unsatisfactory standards of work
- Insulting behaviour, harassment, bullying or the use of foul language towards UKCE staff, students and/or visitors
- Failure of employees to devote the whole of their time, attention and abilities to UKCE and its affairs during normal working hours
- Unauthorised use of e-mail and the internet
- Failure to carry out all reasonable instructions or follow UKCE rules and procedures
- Unauthorised use or negligent damage or loss of UKCE property
- Failure to report immediately any damage to property or premises

## SERIOUS MISCONDUCT

Where unsatisfactory conduct or misconduct has occurred and if, upon investigation, it is shown to be due to gross negligence or has a serious or substantial effect upon UKCE operation or reputation, the employee liable may be issued with a final written warning in the first instance.

The liable employee may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

## GROSS MISCONDUCT

Gross misconduct are offences of extreme behaviour or negligence, that results in a fundamental breach of contractual terms and irrevocably destroys the trust and confidence necessary to continue the employment relationship. The type of discipline applied to offences of gross misconduct is dismissal without notice and without any previous warning being issued.

Examples of offences that are deemed gross misconduct include serious instances of the following but are not limited to:

- Theft
- Fraud
- Physical violence
- Bullying
- Deliberate damage to property
- Deliberate acts of unlawful discrimination or harassment
- Possession, or being under the influence, of illegal drugs at work
- Breach of health and safety rules that endangers the lives of or may cause serious injury to staff, students and/or visitors.

## TYPES OF DISCIPLINE

The procedure is characterised by four types of disciplinary action: (1) formal verbal warning, (2) written warning, (3) final written warning and (4) dismissal.

## DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure is based on the following authority for the various levels of disciplinary action. For all types of disciplines, the disciplinary authority is the Chief Executive.

## DISCIPLINARY PROCEDURE

Disciplinary action taken against employees will be based on the following procedure:

1. Future Facing
2. Achievement through quality
3. Supporting a global community
4. Commitment to the individual



OFFENCE	1 <sup>ST</sup> OCCASSION	2 <sup>ND</sup> OCCASSION	3 <sup>RD</sup> OCCASSION	4 <sup>TH</sup> OCCASSION
<b>UNSATISFACTORY CONDUCT</b>	Formal verbal warning	Written warning	Final written warning	Dismissal
<b>MISCONDUCT</b>	Written warning	Final written warning	Dismissal	
<b>SERIOUS MISCONDUCT</b>	Final written warning	Dismissal		
<b>GROSS MISCONDUCT</b>	Dismissal			

UKCE retains discretion in respect of the disciplinary procedures to take account of the staff member's length of employment and to vary the procedures accordingly. Where a staff member has only been employed at UKCE for a period of less than six months, he/she may not be in receipt of any warnings before dismissal. However, he/she will retain the right to a disciplinary hearing and the right of appeal.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

### PERIOD OF WARNINGS

- A formal verbal warning will normally be disregarded for disciplinary purposes after a three month period.
- A written warning will normally be disregarded for disciplinary purposes after a six month period.
- A final written warning will normally be disregarded for disciplinary purposes after a twelve month period.

### SUSPENSION

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the Chief Executive.

### DISMISSAL

In cases where dismissal is the outcome decided by the Chief Executive, the employee may be dismissed with pay in lieu of notice, or summarily without notice if the circumstances of the case are sufficiently serious to warrant it. Employees will not normally be dismissed for a first offence unless their actions amount to gross misconduct.



## DISCIPLINARY PROCEDURE APPEAL

- Employees have the right of appeal against any disciplinary action taken.
- Should employees wish to exercise this right, he/she should apply either verbally or in writing to the Chief Executive as indicated in the Statement of Main Terms of Employment.
- All appeals are heard by the Chief Executive.
- Appeals are required to give details of why the penalty imposed was too severe, inappropriate or unfair in the circumstances.
- Staff members may be accompanied at the appeal hearing by a colleague of their choice.
- The result of the appeal will be made known in writing, normally within five working days after the hearing.
- This is the final stage of the appeal process.

## CRIMINAL OFFENCES OUTSIDE EMPLOYMENT

There is no automatic application of the Disciplinary Policy and Procedures if an employee becomes the subject of police enquiries or charges relating to a criminal offence outside employment or if they are absent from work because they have been detained. This applies regardless of whether the offence has any direct relevance to the employee's duties.

In determining whether or not it is appropriate to apply the Disciplinary Procedure in this context, the Chief Executive will discuss the matter with the parent organisation, the UK College of Business and Computing (UKCBC) and take into consideration the nature of the offence.

If, on conviction for any offence, an employee is sentenced to a period of imprisonment, this will not automatically be treated as a reason for dismissal. However, after discussion with UKCBC, the Chief Executive will need to consider the effect of the employee's enforced absence, and if any further action is required before making a decision.

*Reviewed in October 2019*

*Reviewed annually or more often if required*