

## Disciplinary Policy

### Purpose and Scope

#### a) Purpose

It is recognised that good conduct is essential for the efficient operation of the organisation, for the safety and well being of all employees and for the maintenance of an environment in which staff can gain satisfaction from their work. There will, however, be occasions when members of staff fail to meet the necessary standards of conduct or performance and a framework needs to be established which will provide staff with appropriate support and guidance in such circumstances. At the same time, it is important to understand that failure to reach the required standards of work and conduct or to follow rules and regulations may result in disciplinary action which may include dismissal.

The aims of the procedure are:

- to encourage improvements in conduct and performance of employees and to this end the procedure should not be seen primarily as a means of imposing disciplinary sanctions.
- To provide a means through which disciplinary matters can be dealt with in an equitable manner and resolved as quickly as possible.

#### b) Scope

The procedure will apply to all employees of Lancashire Global Education Centre.

### General Principles

- The organisation will seek to act fairly, promptly and consistently when administering discipline.
- No disciplinary action will be taken against an employee until the case has been fully investigated.
- An employee may be suspended with pay pending further investigation or to defuse potentially harmful situations.
- At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his/her case before any decision is made.
- At every stage the employee will have the right to be accompanied by a union representative, employee representative or work colleague. In exceptional circumstances where it is not possible for an employee to be represented by his/her Trade Union within the prescribed time constraints, then an extension of not more than 5 working days in total would be considered.

- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary procedure and against any disciplinary penalty imposed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action (see Appendix A).
- All records relating to the disciplinary procedure will remain confidential & will be retained in accordance with the Data Protection Act 1998.
- The disciplinary procedure may be temporarily suspended in the event of an employee raising a grievance about the behaviour of a manager during the course of that procedure. In this instance consideration will be given to bringing in an alternate manager to continue with the disciplinary procedure.
- In the first instance, the immediate line manager will usually deal with any disciplinary issues. Matters may be referred to the LGEC Chief Executive or management committee as appropriate.

# Lancashire Global Education Centre

## Disciplinary Procedure

### Pre-disciplinary process

Following investigation into the facts the employee's immediate Line Manager will decide whether to:-

a) Take the matter no further

or

b) Arrange Counselling and/or Issue an Informal Warning

After establishing the facts, it may be considered that it is sufficient for the manager to attempt to correct a situation informally and to prevent it getting worse without resorting to the formal disciplinary procedure. Such a reprimand or informal warning will not be recorded on the employees personal file.

c) Suspend the employee with full pay pending further investigation

d) Arrange a formal disciplinary interview. This will be necessary when the matter is considered more serious and it appears from the nature of the case and the facts gathered to date that there has been a disciplinary offence which requires appropriate disciplinary action.

### Suspension

a) The decision may be taken to suspend from duty, with full pay, any employee who is subject to this procedure for alleged misconduct or other good and urgent cause where this action is deemed appropriate to allow matters to be fully investigated.

b) Following the investigation, a disciplinary meeting will be arranged and will be heard by at least two representatives of LGEC, one of whom will be the immediate line manager or the LGEC Chief Executive and one of whom will be the LGEC Chair or other appropriate member of the management committee. The employee will be informed, in writing, the outcome of this meeting.

c) Where Gross Misconduct is suspected such suspension should normally take place without undue delay and in such circumstances a employee is believed to have committed a serious act of misconduct, the most senior manager present may require the employee to leave the premises forthwith. Written notification of suspension will be provided setting out the grounds on which the decision to suspend has been taken.

c) Ordinarily, the decision to suspend an employee will be made by the Chief Executive or by the most Senior Manager available in their absence. In the

case of the Chief Executive, the decision to suspend will be taken by the Chair of the Board.

## Gross Misconduct

Gross misconduct is seen as misconduct serious enough to destroy the employment contract between Lancashire Global Education Centre and the employee and make any further working relationship and trust impossible. Should the result of a thorough investigation conclude that Gross Misconduct has taken place, this will incur immediate dismissal without pay or notice. It is normally restricted to very serious offences but may be determined by the nature of the work undertaken by Lancashire Global Education Centre or other circumstances.

Examples of gross misconduct include:-

- Discriminatory practices/serious personal harassment
- Theft, fraud, deliberate falsification of records
- To be found to have provided false or misleading information or to have deliberately withheld information on the Job Application form which could materially affect an employee's suitability for the position
- Physical assault, violence or malicious treatment of any other person connected with Lancashire Global Education Centre or receiving services from it
- Deliberate damage to Lancashire Global Education Centre property or that of fellow employees, volunteers, trainees or clients
- Serious incapacity through alcohol or being under the influence of illegal drugs
- Gross negligence such as that which causes substantial detriment or injury to Lancashire Global Education Centre or fellow employees, volunteers or trainees or service users
- Serious acts of insubordination and disloyalty
- Serious breach of trust and confidence
- Any action which could seriously endanger the health and safety of service users of Lancashire Global Education Centre, fellow employees, volunteers or trainees
- Deliberate disregard of the organisation's policies and procedures
- Deliberate release of confidential information to unauthorised persons
- Persistent disregard of the organisation's Smoking Policy

- Deliberate disregard of the organisation's E. Communications Policy

This list is not exhaustive.

### Criminal Offences

- a) Upon suspicion that an employee may have committed a criminal offence connected with his/her employment, the matter will be reported to the appropriate disciplinary authority. Where sufficient grounds appear to exist, the police will be notified.  
If an employee is convicted of a criminal offence, whether or not connected with his/her employment, the matter may be the subject of disciplinary action under this procedure.
- b) Disciplinary action may be taken prior to any criminal proceedings provided the matter is thoroughly investigated and an honest and reasonable belief as to the facts is arrived at before disciplinary action is taken.
- c) Employees should not be the subject of disciplinary action solely because a charge against them is pending or because they are absent through having been remanded in custody. Such matters must always be subject to investigation and reasonable consideration.

### Investigation

#### General

- 1) In all cases allegations will be fully investigated. The purpose of the investigation is to establish whether or not a case exists for consideration. It is essential that the person responsible for the conduct of the investigation should not be involved in judging the case at any subsequent hearing and should be of sufficient seniority to judge whether or not a case exists. The person usually responsible for conducting the investigation will be the immediate line manager to the person against whom allegations have been made.

In the case of discipline and the Chief Officer the person responsible for conducting the investigation will be a designated trustee.

- 2) During the investigation all facts relevant to the alleged case will be gathered. The investigation will take place as soon as possible. A full investigation into the facts may include interviewing witnesses and taking written statements if necessary; gathering paperwork; video evidence or any other such material which may be relevant to the facts of the case.
- 3) Investigation interviews will be conducted in privacy and in confidence; however, witnesses should be warned that their statement may be used as evidence at any subsequent disciplinary hearing or that they may be requested to appear.

- 4) If the employee persistently fails, without valid reason, to attend the meetings arranged for the purpose of completing the investigation then the investigating manager may decide to proceed to the Disciplinary Hearing on the basis of the investigation made so far.

#### Investigating the Person against whom allegations have been made

- 1) Before the decision is made whether or not to enter into the formal Disciplinary procedure the person against whom allegations are made will be requested to attend a meeting and will be given the opportunity to offer an explanation.
- 2) The manager conducting the investigation will explain at the outset that the interview is an investigation into an alleged disciplinary matter.
- 3) The employee will have the right to be accompanied by their trade union representative, workplace representative or work colleague.
- 4) The person conducting the investigation may also be accompanied by another employee.
- 5) The employee will be told what allegations have been made and asked to explain what they know of the incident and make comments, provide an explanation or give an account of the events.
- 6) The manager may decide to adjourn the meeting if the matter is getting heated or they feel new evidence has come to light.
- 7) The employee will be informed what the next stage of the process will be.

#### Prior to Hearing (Disciplinary Interview)

- a) Once the decision has been made to proceed with a formal disciplinary hearing then arrangements will be made for the matter to be heard by the correct disciplinary authority.
- b) Except in cases of alleged gross misconduct where immediate action may be necessary, the employee will be given 5 working days written notice of the date, time and place of and reasons for the disciplinary hearing.
- c) Where supporting statements from either party or witnesses or any other written evidence is to be produced then it should be provided to the chair of the Disciplinary Hearing at least 48 hours prior to the Hearing date.
- d) In all cases where the outcome may result in the issue of a final written warning, or more serious action, the employee shall be informed in writing of the possibility of such an outcome.
- e) The employee will also be informed of their right to be accompanied by their trade union representative, employee representative or work colleague. Where the employee is unable to arrange to be accompanied by his/her Trade Union

representative within the prescribed time constraints, then an extension of not more than 5 working days in total will be considered.

#### At The Hearing (Disciplinary Interview)

The Disciplinary Hearing will normally be chaired by the person deemed appropriate according to the nature of the case (see Appendix A) who will have disciplinary authority to take the appropriate action.

In the case of Disciplinary action against the Chief Executive the hearing will be chaired by the Chair of the Board of Trustees or the Disciplinary Hearing Committee (dependant on the seriousness of the offence) who will have full Disciplinary authority (see Appendix B).

The person conducting the hearing will ensure that the following rules of procedure apply.

- 1) The manager responsible for lodging the complaint, will make a statement outlining the grounds which support disciplinary action. He/she shall have the opportunity to call witnesses, or produce documents or other materials which support the allegations.
- 2) The employee and/or his/her representative will be given the opportunity to explain or defend himself/herself, and he/she may call witnesses, or produce documents relevant to the issues under consideration.
- 3) Both the manager and the employee, or his/her representative will have the opportunity to put questions to witnesses.
- 4) The person conducting the hearing or those accompanying him/her may ask questions of the manager, of the employee or of any witnesses.
- 5) Witnesses shall not be present in the room while other witnesses give evidence.
- 6) On completion of the formal evidence, the manager will be requested to submit any final observations. The employee and/or his/her representative will then make a final statement.
- 7) All parties shall withdraw from the hearing while the matter is being considered.
- 8) If an early decision is reached both parties may be asked to return to the hearing to receive the decision verbally, which will subsequently be confirmed in writing within 5 working days

It may be decided, however, to communicate the decision in writing, which will be done within 5 working days.

#### Failure to attend

Should the subject of the Disciplinary Hearing fail to attend without valid reason then the Chair of the Disciplinary Hearing may decide to proceed with the Hearing and make their decision based on the evidence available to them.

#### Action following Disciplinary Hearing

Following a Disciplinary Hearing a decision will be made to either:

1) Dismiss the allegation(s) in part or as a whole

OR

2) Take Formal Disciplinary Action

The type and severity of Disciplinary action taken subsequent to the Disciplinary hearing will be dependant on the nature of the case and the degree of seriousness of the incidents/offences. A series of minor incidents/offences or a repetition of one incident/offence may involve a series of disciplinary action whilst a serious incident /offence may lead directly to a final written warning, or even summary dismissal.

#### Stage 1

##### Oral Warning

For lesser offences or incidences relating to staff conduct or performance it may be deemed appropriate to issue an Oral Warning.

The oral warning will be issued by the Line Manager or Chief Executive. The employee will be advised in writing of:

- the reason for the warning
- that it is the first stage of the disciplinary procedure
- the improvements in either work performance or conduct required
- the time scale for improvement
- the likely consequences of further misconduct
- how long the warning will remain on his/her file.
- the right to appeal

An oral warning will normally remain on file for 6 months before being removed subject to satisfactory conduct and performance. The employee will be advised that he/she has the right to appeal (please see Appendix A). The appeal must be lodged in writing from the employee within 5 working days from the date of the decision. The decision of the appeal Hearing Committee will be final and will be made within 10 working days of receipt of appeal.

## Stage 2

### Written Warning

If there has been either a failure to improve or further breach of conduct or performance, or if the offence is a serious one, then a written warning will be given to the employee by the Line Manager or Chief Executive. The employee will be advised in writing of:

- the reason for the warning
- that it is the second stage of the disciplinary process
- the improvements in either work performance or conduct required
- the time scale for improvement
- the likely consequences of further misconduct
- how long the warning will remain on his/her file
- the right to appeal

A written warning will normally remain on file for 12 months before being removed subject to satisfactory conduct and performance. The employee will be informed that he/she has the right to appeal (please see Appendix A). Any such appeal must be submitted in writing from the employee within 5 working days of the warning being issued. A decision, which will be final, will be made as to the outcome of the appeal within 10 working days of receipt of the appeal.

## Stage 3

### Final Written Warning

If there is still a failure to improve, and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning (in effect both first and final written warning) a final written warning will normally be given to the employee by the Chief Executive plus the Chair of the Board. The employee will be advised in writing of:

- the reason for the warning
- that it is the third stage of the disciplinary process
- the improvements in either work performance or conduct required
- the time scale for improvement
- the likely consequences of further misconduct
- how long the warning will remain on his/her file
- the right to appeal

A final written warning will normally remain on file for twelve months and then be removed subject to satisfactory conduct and performance. The employee will be informed that he/she has the right to appeal (please see Appendix A). Any such appeal must be submitted in writing from the employee, within 5 working days of the warning being issued. A decision, which will be final, will be reached as to the outcome of the appeal within 10 working days of receipt of the appeal.

## Stage 4

### Dismissal

Dismissal will normally result:-

- a) Where there are further incidences/offences or the conduct/performance of the employee still fails to reach the prescribed standards or
- b) Where gross misconduct has taken place

In either a) or b) above the Chief Executive or most Senior Manager available is entitled to suspend the employee concerned on full pay.

In the case of gross misconduct, dismissal will take place without notice. The decision to dismiss will be taken by the Chief Executive plus the Chair of the Management Committee.

The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the right and time limit of appeal. In cases of dismissal the employee has the right to appeal in writing, within 5 working days to the Chair of the Management Committee, who will make a decision within 10 working days. This decision will be final.

### Appeals

All employees subject to Disciplinary Action shall have the right to appeal against the decision made by the particular Disciplinary authority subsequent to the Disciplinary Hearing within the time constraints as above.

The Chief Executive will have the right to appeal to the Chair of the Management Committee should they be subject to Disciplinary action.

### Appeals Hearing

#### Conduct of Appeals Hearing

The procedure to be adopted in hearing all appeals is as follows:-

- 1) The Chairperson of the hearing committee will ensure that introductions are made.
- 2) She/he will invite the Chief Executive, or other appropriate Line Manager to present the case for confirmation of the disciplinary action taken. In the case of Discipline and the Chief Executive, this presentation will be made by their nominee.
- 3) The Chairperson will invite the employee to present the case for endorsement of the appeal and the subsequent abandonment of the disciplinary action.

If a written submission is made members of the hearing committee must have received it at least 48 hours before the time of the hearing.

- 4) Any members of the hearing committee will be able to ask questions for clarification and interpretation.
- 5) The Chief Executive or appropriate Line Manager and the employee will be entitled to put questions of clarification and interpretation to each other at the invitation of the Chairperson of the Hearing Committee.
- 6) The Chief Executive or the appropriate Line Manager will be entitled to call witnesses. Any such witnesses will present a statement to the Hearing Committee and may be questioned on its content by members of the Hearing Committee, the Chief Executive or other appropriate Line Manager and the employee or her/his representative.
- 7) The employee or her/his representatives will be entitled to call witnesses. Any such witnesses will present a statement to the Hearing Committee and may be questioned on its contents by members of the Hearing Committee, the employees and the Chief Executive or other appropriate Line Manager.
- 8) After all the relevant evidence has been heard, the Chairperson of the Hearing Committee will invite the Chief Executive or appropriate Line Manager and the employee, to make final statements after which they will be asked to leave the meeting while a decision is being made.
- 9) Following due consideration, the Chairperson of the Hearing Committee will invite all participants, less the witnesses, back into the Committee session so that they can either be informed of the Committee's decision on the appeal or notified of the date on which they can expect to receive such a decision.
- 10) A decision of any appeal Hearing Committee will be confirmed to the employee in writing within 10 working days or in the case of Dismissal, 14 working days.



## Disciplinary Procedure

### Disciplinary Action Involving Staff

Stage 1	Hearing	Appeal
Oral Warning	Line Manager or Chief Executive	Chief Executive or Chair of the Board
Stage 2		
Written Warning	Line Manager or Chief Officer	Chief Executive or Chair of the Board
Stage 3		
Final Written Warning	Chief Executive + Chair of the Board	Disciplinary Hearing Committee*
Stage 4		
Dismissal	Chief Executive + Chair of the Board	Disciplinary Hearing Committee

The Disciplinary Hearing Committee will consist of 3 named members of the Board of Trustees

## Disciplinary Action Involving the Chief Executive

Stage 1	Hearing	Appeal
Oral Warning	Chair of the Board	Disciplinary Hearing Committee*
Stage 2		
Written Warning	Chair of the Board	Disciplinary Hearing Committee
Stage 3		
Final Written Warning	Disciplinary Hearing Committee	Full Board
Stage 4		
Dismissal	Disciplinary Hearing Committee	Full Board

The Disciplinary Hearing Committee will consist of 3 named members of the Board of Trustees

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