



UK COLLEGE
OF BUSINESS AND COMPUTING

Disciplinary Policy and Procedure

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Disciplinary Policy and Procedure

Introduction

This document is a record of UKCBC's disciplinary policy and process. The details highlighted below are not part of your employment contract and it is not legally binding except where it is a statement of the law.

Purpose & Scope

The Purpose of this policy is to highlight the importance of the expectations of the college and that they are understood by both staff and UKCBC regarding the disciplinary rules and how to operate safely and lawfully. The college expects its staff to follow the rules of the policies. This policy is here to so that employees who breach the rules of conduct they are treated reasonably, fairly and within a consistent manner in every situation.

This policy is in line with ACAS code of conduct ensuring that staff are treated fairly and with respect and dignity. It applies to all employees working for UKCBC and does not apply to any self-employed people or those that are consulting with the college.

It is UKCBC's responsibilities to set reasonable standards in all aspects of your employment. You should be aware of and understand such standards and apply them to the best of your ability. The college aims to encourage improvement in individual conduct and performance, and if you do not achieve the required standards, it is hoped that normal working relationships will allow the matter to be resolved informally.

If you are not achieving the required standards of conduct or performance, this will be discussed with you by your line manager on an informal basis. Where it is appropriate you will be provided with the necessary guidance, support and training to help you to achieve the standards that the Company sets. Your progress and response to this will be monitored and regularly reviewed. Where appropriate, if it is considered that you would benefit from further support this will be provided.

Expectations

Of Employee:

- To comply with the Colleges rules, process, and procedures at all times
- To carry out your role to a high standard and to the expectations of your role
- To treat all visitors, colleagues, students and customers with respect and dignity. Whilst understanding the impact that your behaviour can have on others
- To obtain clarity on any expectations, rules or processes that you are unsure of from your manager or the HR team.
- To co-operate with those conducting any disciplinary that may concern you.
- To co-operate if you are asked to be involved in a disciplinary.
- To ensure that you treat those dealing with a disciplinary case with dignity and respect at all times.

Of College:

- Fair and reasonable treatment when dealing with disciplinary matters.
- Consistency in how all are treated.
- To act efficiently and within a timely manner

- To deal with minor breaches informally where possible
- To ensure a thorough investigation on the facts before actions under the formal procedure.
- to respond and advise in writing at all stages of the formal process.
- To allow you to provide/present evidence, witnesses and mitigating factors before a decision is reached.
- The right to be accompanied to all stage of the formal meetings by another employee or Trade union rep (please note that although they can accompany you the college does not recognise trade unions).
- For the meeting to be rearranged (on one occasion) if you or your companion cannot attend a disciplinary hearing for a reason that was not reasonably foreseeable at the time the meeting was arranged.
- Allowing you the right to appeal against the decision within 5 working days of receiving the outcome.
- Being provided with reasonable notice of any disciplinary hearings, inclusive of times, dates and location. Ensuring that all parties take all reasonable steps to attend the meeting.
- To record all disciplinary cases and actions taken under this procedure and to supply upon request copies of any such records relating to you.

Of Managers:

- Set an example to all staff on conduct and behaviour.
- Continually enforcing clear standards of conduct to all staff, ensuring that they manage and provide appropriate feedback to staff in a respectful manner regarding their conduct.
- Managing the conduct of their staff ensuring both them and their staff are adhering to this policy and procedure at all times.
- To seek advice and guidance from the HR team where necessary and where they are unsure on how to proceed.

Procedure

Informal Procedure

For minor transgressions of discipline where possible your line manager or supervisor will make every effort to resolve the matter informally. This may be through an informal discussion with those involved, following up in writing with what has been discussed or alternatively they may provide a verbal warning. With informal verbal warnings within this procedure your line manager will discuss this with you and explain the nature of the misconduct and present to you the suggested outcome and any timeframe or support that the misconduct should be rectified. No informal verbal warning under this procedure will be held on your personal file. If this initial informal stage does not resolve the situation or a repeat of the minor breach happens, the formal disciplinary procedure will be implemented.

Formal Procedure

Step 1 – Investigation

As soon as is reasonable possible after being informed of a potential breach of the college disciplinary rules. Either your Manager or a member of the HR Team will instigate an impartial

investigation. The purpose of this investigation is to obtain the facts. You will be informed of the meeting in writing as soon as possible this will include:

- when and where the investigation will take place
- typically, it will be provided no less than 48 hours' notice.
- If the breach of the college disciplinary rule constitutes as misconduct or gross misconduct.

You will normally be interviewed as part of this investigation, however on occasion the college, in exceptional circumstances proceed directly to the formal disciplinary.

If as part of the investigation an external from another organisation such as a regulatory body, required to be apart of the investigation you will be informed as soon as possible.

During the investigation you have the right to be accompanied by a trade union representative (please note that although they can accompany UKCBC does not recognise trade unions) or a college employee. If it is an external a member of College Management may also be present.

The College also may inform/involve the Police or any other relevant statutory body if necessary/required at the appropriate time of any formal disciplinary procedure.

Step 2 – Suspension

If it is deemed necessary or appropriate you may be suspended from your duties pending the investigation. This would normally take place in the following circumstances:

- There is a significant health and safety or business risk/potential risk.
- Your presence on the workplace may hinder the investigation.

The suspension may take place at the beginning or any time during the investigation depending on the circumstances. If you are suspended this will be done so in writing and will be done as a precautionary measure not as a punishment and will be pending the outcome of the disciplinary.

When suspended your contract of employment will remain in effect and you will receive your normal rate of pay and usual benefits (if any). During the suspension you will not be allowed on to the college campuses without prior consent and arrangement with your line manager or HR. When suspended you are required to be available for meetings and respond to requests under this procedure. You should also continue to report sickness as usual and request annual leave in accordance with the Colleges procedure.

Step 3 – Disciplinary Meeting/hearing

Once the facts have been established, if there is reasonable belief that you have committed a breach of the disciplinary rules/ disciplinary offence then you will be invited to a disciplinary meeting. The meeting will be chaired by either your line manager, a member of the HR Team or an external employment law consultant. Again, you have the right to be accompanied by a trade union representative or a college employee.

You will be sent an invite to the disciplinary meeting/hearing in writing which will have the following:

- Time and date of the meeting

- A copy of the evidence to be considered at the meeting.

You will be provided the opportunity to state your case fully, you should also provide any papers, witness statements that you intend to rely on during the meeting at least 2 working days prior to the meeting/hearing to the person dealing with the Disciplinary. Once informed of the meeting you and your representative must make every effort to attend the meeting/hearing. The meeting will only be rearranged once if you provide a valid reason as to why you and/or your representative are unable to attend.

If the meeting has been rearranged, at least 2 working days' notice of the rearrange date will be provided.

Your representative is entitled to address the meeting, ask questions, and confer with you quietly but they are not entitled to answer questions on your behalf or address the meeting if you do not wish them to or prevent the employer from explaining the case.

The hearing is held to establish the facts of the situation and decide an appropriate course of action. It will provide you with the opportunity to respond to the issues raised and provide your view of the situation. You should use the opportunity to present your evidence and any decision will be made on the information available. A member of HR maybe present to provide advice on the proceedings when it comes to the misconduct and will be present in the case of gross misconduct. A note taker will also be present in the meetings and a copy of the notes will be sent to you. Covert Recordings are prohibited and if undertaken it will be considered as an act of gross misconduct.

3.1 - Adjourning the disciplinary meeting

An adjournment may take place prior to any decisions being made so that all the information between the hearing and its conclusion. This will allow the facts to be considered an any clarifying to take place or to obtain any further information required. Following this adjournment, should any further investigation be required then the hearing can be re-convened at a future date. If any new information is gathered or clarified further happens you will be advised on this and provided reasonable time to consider the additional data prior to the meeting being reconvened.

3.2 Confirmation of Outcome

Following the adjournment and once the chair is satisfied that all relevant information and evidence gathered has been properly considered, you will be informed of the decision and what if any the disciplinary action will be/ whether the allegation has been upheld or not.

Any decisions/actions will be provided to you verbally in the meeting and then following the meeting in writing along with a copy of the meeting notes. If you do not consider that the notes to be an accurate reflection of what was discussed then you have the right to propose amendments, if the proposed amendments are not agreed your notes they will be added to the record, and you will be advised of your right to appeal the decision.

We will ensure that we do our best to ensure that there isn't a delay in finalising the disciplinary process and that it will be kept to a minimum to avoid any undue stress, and this should not affect the procedure.

3.3 Levels of Disciplinary action

The College reserves the right to take disciplinary action at a level appropriate to the circumstances taking into account the seriousness of the misconduct or poor performance, and impact on the business. All the levels of disciplinary action listed below will only be implemented after applying the above procedure.

Formal warnings

- Written Warning, if after the meeting it is decided that your conduct falls below the college standards you will be informed in writing of the reasons and provided the actions or improvements that you require to make, along with a time scale. This warning will be held on record for 6 months following the date of the letter and failure to meet the requirements/ improvements within this timeframe may lead to further misconduct.
- Final Written Warning, this level of warning will be implemented where the chair of the disciplinary decides based on the facts/ evidence presented, if the improvements details in the previous warning have not been met within the timescale, further misconduct or poor performance takes place during a current warning, whether or not involving a repetition of conduct or poor performance which was the subject of a previous warning; or the seriousness of the misconduct or poor performance merits it. You will be informed in writing of the disciplinary reasons, improvement or actions you are required to make, the timescale for implementing such actions, the consequences of failing to make the necessary improvements or of further misconduct, when the warning will cease to have effect (normally after 12 months, but this may be varied), and the right of appeal.

Step 4 - Dismissal

Dismissal will take place following a meeting where it has been confirmed that the required improvements have not been met within the timescale stated in a Final warning, further misconduct or poor performance has taken place during the 12 months of receiving a second warning, if you repeat the conduct or poor performance which was the subject of a previous warning or if it is reasonable belief that an act of gross misconduct.

In the cases of repeat misconduct, the college may dismiss you with notice or payment in Lieu.

In cases where it has been concluded that gross misconduct has occurred the college may summarily dismiss you without notice or payment in lieu of notice.

The decision to dismiss will be taken at a senior level, the college will confirm the decision to dismiss in writing to you, again explaining the nature of the misconduct/ gross misconduct and highlighting the right to appeal the dismissal.

Alternatives to Dismissal

Where Gross misconduct has taken place, it may not always result in dismissal depending on the circumstances of the case and any potential mitigating factors, in these circumstances the College may issue one of the following:

- Monetary payments for any damages caused by you.
- Final Written warning
- Other appropriate actions that would aid in preventing any repetition of the misconduct.

Retention of Active Warnings and documentation

Being under an active warning means that should you commit further misconduct or gross misconduct during this time, the College will take the current warning into account when deciding the appropriate action to take. Once the warning has expired, it will not be considered for disciplinary purposes. But will remain filed in your personnel file for the duration of your employment.

Active Warning periods:

First written warning: 6 months

Final written warning: 12 months

Following the completion of the disciplinary outcome all related documentation will be stored confidentially with the HR Department and in line with Data Protection/GDPR requirements.

Step 5 - Appeal

You have the right to appeal against any formal decision under the Disciplinary procedure other than a decision following an appeal hearing.

If you wish to make an appeal this you must appeal in writing, stating the grounds of your appeal and within the timeframe specified in your letter following your meeting. This letter should be addressed to the HR department. But the hearing will be conducted by either the HR Manager, an appropriate senior member of the college who has had no prior involvement with the case or an external 3rd party if required.

Once appeal has been received you will be invited to attend a further meeting which you must make every effort to attend. As before you have the right to accompanied at the appeal meeting by another employee or worker, (or staff/trade union representative). The College will aim for an appeal to be heard within 4 weeks of the appeal being lodged, unless otherwise agreed between parties.

After the appeal meeting, the Company will inform you in writing of their final decision.

List of misconduct or poor performance that could lead to a formal disciplinary.

This list contains some, but not all, examples of problems which individuals can expect to progress through warnings to dismissal if immediate and sustained improvement is not apparent.

- Underperformance in their work.
- Poor behaviour towards management, colleagues, customers, clients, visitors and any other stakeholders, or breaching of expected standards of conduct
- Failing or refusing to perform a duty that has been requested, including the keeping of appropriate records
- Negligence
- Ignoring safety/hygiene/security risks
- Misuse of Company property or resources, or wilful or excessive wastage of material
- Excessive time away from the job or place of work
- Failure to wear protective or Company clothing provided, or to meet Company dress standards
- Breach of data protection standards

- Unacceptable conduct at Company functions or events, including those out of normal working hours and off-site.
- Unacceptable level of attendance, failure to report absence properly, or poor timekeeping
- Smoking in prohibited areas.
- Use of foul or offensive language
- Harassment or other breach of equal opportunities standards
- Consumption of alcohol on Company premises
- Gambling on the premises
- Breaching Company IT systems concerning the use and security of computer equipment and/or software, including the installation or use of unlicensed software
- Driving a vehicle (irrespective of whether a Company vehicle or privately owned) while using a mobile phone without compliant hands-free equipment

List of Gross misconduct

The following are examples of conduct falling within the definition of "Gross misconduct" and which would entitle the Company to dismiss without notice. The list is not exhaustive, but illustrates the type of conduct that normally merits dismissal for a first offence.

- Theft, fraud, deception or other dishonesty affecting the Company, fellow employees or stakeholders.
- Wilful falsification of records or reports.
- Misuse of the time recording system or recording the time of a fellow employee.
- Malicious damage to property, facilities or name of the Company, or the removal, without permission, from Company premises of property which does not belong to the employee.
- Wilful corruption of computer software or electronic records. This includes the introduction, without express permission, of personal software on to a Company computer.
- Serious breach of the Company rules relating to electronic communications and computers including misuse of computers and the Internet
- Serious acts of insubordination
- Sexual misconduct at work
- Persistent or seriously negligent failure to comply with relevant statutory or regulatory requirements
- Unauthorised disclosure of information, including that relating to the Company's staff and customers, or their dealings.
- Failure to comply with Health and Safety procedures, as a result of which life or property is put at serious risk.
- Conduct likely to bring the Company into disrepute - (whether this happens at work or elsewhere).
- Fighting, physically assaulting or other violent behaviour against any person whilst at work
- Serious acts of discrimination, including acts of incitement or actual acts of discrimination on the grounds of age, disability, sex, marital status, sexual orientation, gender reassignment, race, religion or belief, colour or ethnic origin.
- Serious harassment or bullying of any employee.
- Attendance at work whilst under the adverse influence of illegal substances or alcohol.
- Use or possession or purchase/sale of prohibited substances while at work
- Serious negligence or wilful damage which causes unacceptable loss, damage or injury.
- Aggressive behaviour towards or serious verbal abuse to stakeholders
- Reckless or serious misuse of a Company vehicle
- Falsification of qualifications which are a stated requirement of employment or which result in

Financial gain

- Accepting a gift which could be construed as a bribe
- Serious breach of confidence or the Data Protection Act 1998 and GDPR 2018 (subject to the Public Interest Disclosure Act 1998)
- Conviction of any serious criminal offence while an employee of the Company
- Extending holidays without permission, or taking holidays previously refused
- Where a court orders detention as a punishment

If gross misconduct is alleged against you, the Company may suspend you on full pay pending investigation of the matter, or transfer you to alternative duties at its discretion, pending any investigation and resulting disciplinary hearing. This does not imply an assumption of guilt.

Flow Chart of Disciplinary Process:

