



Humber UTC
A University Technical College

**Staff Disciplinary Procedure &
Policy
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Approved by the Humber UTC Board on **XXXX**

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INTRODUCTION

It is the intention of the Humber UTC to provide students, parents and the community with a highly efficient service. Each employee is, therefore, required to maintain a standard of work and conduct which does not lead to any questions related to the level of service being provided.

These procedures for dealing with discipline of staff employed by the UTC (including the Principal) are drawn up in accordance with relevant Education legislation and with regard to ACAS guidelines.

It is unlikely that any set of disciplinary procedures can cover all circumstances that may arise but it is the Humber UTC's wish that such procedures should not be viewed only as a means of imposing sanctions. The procedures are designed and should be implemented in such a way as to emphasise and encourage improvements in individual conduct and standards of work and the formal procedures should only be used when it is clear that informal means have been exhausted.

In cases where an employee's work or conduct fails to meet the required standard, each stage of the agreed procedure may be followed but in the event of more serious offences, stages may be omitted and the UTC may proceed to a stage which could involve dismissal.

DAY TO DAY SUPERVISION

The UTC expects a high level of quality supervision from Line Managers where staff are clear from the start of their employment as to the standards of work/conduct expected from them as employees. This should start with Induction where their job is fully discussed and explained to them and the main policies of the UTC are introduced to them. This should be brought out by reference to the following documents:

- Job Description
- Contract of Employment
- Code of Conduct.

Good Supervision should ensure regular feedback being provided to the employee about their day to day performance. This should be a positive experience but should ensure that any shortfalls are brought to the employee's attention immediately with clarity as to what should be happening with deadlines for improvement. It should be remembered that many aspects of unsatisfactory conduct will need to improve immediately but some may require training/briefing before an improvement can be expected.

After the Induction period is complete and the Line Manager is satisfied that the employee is clear of what knows and understands what is required but is not improving the informal procedure should be started.

1. INFORMAL PROCEDURE

- 1.1 The day-to-day contact between employees and their Line Manager within the UTC's organisational arrangements should mean that any possible deficiencies in an employee's conduct and standards of work can be brought to his/her attention at the earliest possible stage. The best way for this to be achieved is by issuing a Management Instruction which should be confirmed in writing by letter or email. Any support or advice can be given at this stage and the nature of the concerns can be brought to the employee's notice outside the formal disciplinary procedure. This should take the form of a two-way discussion, aimed at pointing out any shortcomings in conduct or performance and encouraging improvement. Criticism should be constructive and the emphasis should be on finding ways that shortcomings can be remedied.
- 1.2 Where improvement is required, the precise nature of the areas of concern should be highlighted along with details of what improvement is expected, the extent of support which will be provided, how the performance of duties or conduct will be reviewed, and over what periods. The employee should be told that if there is no improvement the next stage will be the formal disciplinary procedure.
- 1.3 This informal process may also be used to ascertain whether the FORMAL PROCEDURE needs to be implemented. If the employee's explanation is accepted, or if the required improvement has been made, this should be made clear to the employee. If the discussion or the investigation of particular concerns indicates that formal disciplinary action will be pursued, this should be made clear to the employee.
- 1.4 It should be clear that a Management Instruction is outside the formal disciplinary procedure and will not be referred to in external references but may be referred to in the event that subsequent disciplinary procedures have to be initiated.

2. FORMAL PROCEDURE

Before any action is taken by the Principal, or his/her nominated representative (or the Chair of the Board for the Humber UTC where the action involves the conduct or performance of the duties of the Principal) contact will be made with the Human Resources Adviser to the UTC in order that advice and guidance can be given as to the appropriate course of action. The Human Resources Adviser or his representative will attend, to give advice, at all disciplinary hearings beyond Stage One and may attend Stage One hearings if so requested.

2.1 Formal Stage One – Verbal/First Warning

- 2.1.1 The member of staff must be informed not less than 7 working days beforehand that the Principal or his/her representative wishes to meet him/her in accordance with the formal disciplinary procedures and prior to the meeting must be told of his/her alleged shortcomings relative to the Humber UTCs required standards. Any written statements which are to be produced must be given to the employee before the meeting. The notice period may be extended by the Principal at his/her discretion following a request by the employee's representative.

- 2.1.2 The employee who may be accompanied by a friend or other representative, must be given the opportunity to state his/her case and if the Principal or his/her representative is not satisfied with the explanation a verbal/first warning should normally be given, detailing a time limit within which the employee's work or conduct should have improved, having regard to any special circumstances involved.
- 2.1.3 The Principal or his/her representative will report the verbal/first warning to the Human Resources Adviser to the UTC who will confirm the warning in writing. Unless confirmed in writing to the employee verbal/first warnings will not form any part of the formal disciplinary procedure and will not be taken into account in any future disciplinary proceedings.
- 2.1.4 In the case of discipline of the Principal, the hearing will be held before the meeting of a Panel of the Humber UTC Board nominated for the purpose. The meeting will be arranged by the Human Resources Adviser to the UTC after consultation with the Chair of the Humber UTC Board.
The Principal, who may be accompanied by a friend or other representative, must be given the opportunity of making representations to the panel of the Humber UTC Board, including oral representations if he/she so wishes, and if Panel of the Humber UTC Board is not satisfied with the explanation an verbal/first warning should normally be given, detailing a time limit within which the employee's work or conduct should have improved, having regard to any special circumstances involved.
- 2.1.5 Where a Panel of the Humber UTC Board meets to hear a case as provided for in 2.1.4 above, those nominated members who would hear any subsequent appeal **must** be excluded from the original hearing.

2.2 Stage Two - Formal Written/Second Warning and/or Final Warning

- 2.2.1 In more serious cases or if at the end of a time limit given following a verbal/first warning an employee's work or conduct has not improved the case will be referred to the Principal or a Panel of the Humber UTC Board appointed for that purpose: the Human Resources Adviser to the UTC will attend to give advice.

In the case of discipline of the Principal, the hearing will be arranged by the Human Resources Adviser to the UTC after consultation with the Panel of the Humber UTC Board appointed for that purpose as appropriate. The arrangements and procedures for the hearing will be similar to those in 3.1.4 and 3.1.5 above.

- 2.2.2 At least seven working days' notice, in writing, of the date, time and place of the interview/meeting shall be given to the employee and he/she shall, at the same time, be supplied with any written statement(s) of his/her alleged shortcomings which are to be discussed/produced at the interview/meeting and informed of his/her right to be accompanied by a friend or other representative. The notice period may be extended by the Principal/the Panel of the Humber UTC Board as appropriate, at its discretion following a request by the employee's representative.

The employee will be given the opportunity of making representations at the interview/meeting to Principal or to the Panel of the Humber UTC Board, including oral representations if he/she wishes. If the explanation is unsatisfactory the employee will

be told that the explanation cannot be accepted and that a Written Warning or a Final Written Warning will be issued, if appropriate.

- 2.2.3 The Human Resources Adviser to the UTC will issue the appropriate warning letter. The letter will state the nature of the concern(s) and any implications there from and the fact that the employee had been previously notified of the warning. The employee's attention must be especially drawn to the issue of a Final Written Warning and the fact that further formal disciplinary action may result in dismissal. Written and Final Warning letters will detail the appropriate appeal provisions.
- 2.2.4 Stage 2 warnings will be confirmed in writing as soon as possible and the employee will be sent two copies of the letter, one for his/her representative if he/she so desires. Written and Final Warnings will be either handed personally to the employee or sent by recorded delivery.

2.3 Stage Three - Dismissal

- 2.3.1 The Humber UTC Board may consider that the employee should cease to work at the school in cases where previous warnings have been ineffective or the seriousness of the case so demands. The effect of such a decision is that the employee will be dismissed.
- 2.3.2 The case will be heard by the Principal or a panel of the Humber UTC Board and the employee will be told why his/her services are unsatisfactory. The case will be presented by a member of SLT for all other staff, the Principal for Assistant Principal/SLT, the Chair of the Board for the UTC Principal. The employee must be given the opportunity to make representations to the persons appointed to hear the case, including oral representations if he/she so wishes.
- 2.3.3 At least seven working days' notice in writing of the date, time and place of such a disciplinary hearing shall be given to the employee and he/she shall, at the same time, be supplied with any written statement(s) of the alleged shortcomings which are to be discussed/produced at the meeting and informed of his/her right to be accompanied by a trade union or other representative. The notice period may be extended by the Principal or the Panel of the Humber UTC Board at its discretion following a request by the employee's representative.
- 2.3.4 It may be appropriate to defer a meeting where there is clear medical advice that the employee is not fit to attend. Medical circumstances cannot, however, be a reason for deferring a meeting indefinitely and it may be necessary, in exceptional circumstances, for a meeting to take place in the absence of the employee. Where this is the case the disciplinary process must be both fair and consistently applied and the employee's representative must be fully and properly consulted and must be issued with any supporting documentation prior to the meeting taking place.
- 2.3.5 Normally the employee will be informed orally of the outcome by the person(s) appointed to hear the case at the end of the meeting and if the decision is that the employee shall cease to work at the UTC, the Human Resources Adviser to the UTC will issue, within 3 calendar days after the decision the notice of dismissal together

with the rights of appeal. However, before the decision to dismiss is actioned, the member of staff must be given the opportunity to appeal to the Humber UTC Board against the decision. (See the Appeals Section below).

- 2.3.6 The dismissal letter will state the grounds for the decision and will be handed to the employee or sent by recorded delivery. Two copies of the letter will be sent, one for the employee's trade union or other representative. Appropriate notice of the termination of employment will be given.

2.4 Summary Dismissal

- 2.4.1 Certain types of gross misconduct may, in very exceptional circumstances, lead to summary dismissal without notice.

- 2.4.2 The following are examples where summary dismissal may apply having regard to the individual circumstances of each case:

- (a) Deliberate damage or theft of the UTC's or other person's property in the performance of their employment.
- (b) Immoral conduct in the performance of their employment. This will include sexual harassment (see paragraph 2.8 below) or conduct which is indecent and accordingly constitutes 'gross misconduct'.
- (c) Assault on any other person at work.
- (d) Deception or fraud in the performance of their employment.
- (e) Alcohol and/or drug abuse or drunkenness (see paragraph 2.4.5 below).
- (f) Racial Harassment
- (g) Homophobic harassment
- (h) Child protection
- (i) Behaviour which brings the UTC into disrepute

- 2.4.3 This list is not exhaustive but merely intended to be illustrative.

- 2.4.4 The procedural steps for dealing with summary dismissal are the same as those set out in "Stage 3 - Dismissal" above.

- 2.4.5 Alcohol and/or drug abuse may not always constitute grounds for instigating disciplinary action unless the employees actions or performance reach an unacceptable level, particularly where such actions are deemed to have an adverse effect on the health, safety and welfare of other employees and children.

General misconduct related to alcohol and/or drug abuse, however, should be dealt with under the usual disciplinary procedures, but, obviously, if alcohol abuse is recognised then this may be accepted in mitigation. In these circumstances it would be expected that the employee would have, or be in the process of, seeking professional help either through the UTC's Human Resources Team or through other means.

2.5 Suspension from Duty

2.5.1 An employee may be suspended by the Principal or the Chair of the Board to enable investigations to be made where:

- the possibility of dismissal may arise where there are grounds for doubts as to the suitability of the employee to continue work.
- where the property or processes of the UTC may be at risk
- where there is concern that the presence of the employee may inhibit the investigation

The Human Resources Adviser to the UTC must be informed of such cases.

Before arriving at such a decision the Principal or Chair of the Board take into account any risk to other employees, pupils or equipment.

2.5.2 The employee shall be informed, in writing, by the Human Resources Adviser to the UTC on behalf of the Principal or Chair of the Board of the suspension and this letter should include details of the alleged misconduct and the reason(s) why the Principal/Chair of the Board decided that suspension was an appropriate course of action.

2.5.3 Suspension from duty must be for as short a time as possible and during the period of suspension the employee shall be paid full pay. In the event of the employee being dismissed he/she shall be allowed to retain any sum already paid during the period of suspension.

2.6 Records

2.6.1 Full details of all disciplinary action taken will be kept on personal files held by the UTC/UTC. All disciplinary letters must contain specific reference to this agreed disciplinary procedure.

2.6.2 It is not intended that records of warnings shall remain on file for an indefinite period and in the case of:

A verbal/first warning- the time limit will be six months

A written/second warning- the time limit will be twelve months

A final warning - the time limit will be twelve months*

* this may be varied by Principal or the Panel of the Humber UTC Board in consultation with the Human Resources Adviser to the UTC, in the case of very serious offences, up to a maximum of 24 months, with the right of the employee to have the decision reviewed by the Principal or the Panel of the Humber UTC Board after twelve months. There will be no appeal against the Humber UTC Board decision following the review.

- 2.6.3 After the appropriate time limit, details of warnings will be expunged from the employee's records, provided there have been no further breaches of the disciplinary procedure during the time limits set. No reference to any expunged warnings should be made at any subsequent disciplinary hearings.
- 2.6.4 Consideration may be given to the expunging of warnings within the above time limits following representation to the Principal or the Panel of the Humber UTC.
- 2.6.5 However, there are certain serious misdemeanours records of which should never be expunged and about which the individual employee will be advised.
- 2.6.6 Cases involving child protection would never be expunged from the record and this would be made clear when the decision was reached and confirmed in writing to the employee

2.7 Appeals

- 2.7.1 If at any time in this procedure the employee wishes to exercise his/her right of appeal against any form of disciplinary action, he/she must do so within 14 calendar days of the date of the letter giving notice of the decision. The decision will normally be given orally at the end of the disciplinary hearing but circumstances may dictate that it will be given at a later date.
- 2.7.2 In any event, where the Principal or the Panel of the Humber UTC Board decision is that the employee shall cease to work at the UTC, the employee will be given the opportunity to appeal prior to the decision being actioned. Principal or the Panel of the Humber UTC Board.
- 2.7.3 Appeals at all stages in the disciplinary procedure must be submitted in writing to the Human Resources Adviser to the UTC stating briefly the grounds for the appeal.
- 2.7.4 Appeals will be heard by the Chair of the Board or a panel of the Humber UTC Board comprising of persons who were not involved in the original decision and the employee shall have the same opportunity to make representations to the appeal panel as apply to the original hearing.
- 2.7.5 The person(s) hearing the appeal will have the right to uphold, dismiss or to impose a lesser sanction than the one originally imposed by the Principal the Panel of the Humber UTC Board. Where a lesser sanction is imposed by the person(s) hearing the appeal the appropriate time limit for expunging the warning will commence from the date of the original meeting of the Principal or Panel of the Humber UTC Board.
- 2.7.6 The number of person(s) hearing an appeal should be comprised of exactly the same number as heard the original case. In the event that one or more members of the panel fail to attend, the appeal must not be heard unless the express permission of the employee and/or their representative has been obtained.

- 2.7.7 Normally the employee will be informed orally of the outcome at the end of the meeting and this decision will be confirmed, in writing, by the Human Resources Adviser to the UTC. Two copies of this letter, one for the employee's representative, will be handed to the employee or sent by recorded delivery within 5 calendar days of the decision.
- 2.7.8 The decision of the Chair/Panel of the Humber UTC Board in respect of an appeal against any formal disciplinary action taken will be final and there is no further appeal procedure which may be followed.

2.8 Personal Harassment

The Humber UTC Board is committed to both preventing and dealing with personal harassment under its document entitled "Dignity at work". The procedure outlined in that document is separate from the Humber UTC Disciplinary and Grievance Procedures but, arising out of its operation, a grievance or disciplinary action could ensue.

Where an allegation of personal harassment is well founded under the procedure appropriate disciplinary action will be taken in accordance with the UTC Disciplinary Procedure. The level of any disciplinary action will be determined after taking into account the seriousness of the offence, but may involve any of the disciplinary stages including dismissal.

2.9 Trade Union Officials

Although normal disciplinary standards should apply to their conduct as employees, no disciplinary action should be taken against a Trade Union official until the circumstances have been discussed with a full-time official of the union concerned.