



Staff Discipline, conduct and grievance Policy

(Taken from FPS Employee Handbook)

1. DISCIPLINARY POLICY AND PROCEDURE

Purpose and scope

- 1.1 This policy is designed to help and encourage all employees to achieve and maintain standards of conduct and attendance. The School rules in this Policy/Procedure apply to all employees/workers. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- 1.2 Informal action will be considered, where appropriate, to resolve problems.
- 1.3 No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.
- 1.4 You will be advised of the nature of the complaint against you and will be given the opportunity to state your case before any decision is made at a disciplinary meeting.
- 1.5 You will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. Witness statements may be, in appropriate circumstances, anonymised.
- 1.6 At all meetings that may result in a disciplinary sanction being imposed, you will have the right to be accompanied by a trade union representative or work colleague.
- 1.7 No employee with over 12 months' service 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.

- 1.8 You will have the right to appeal against any disciplinary action.
- 1.9 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First stage of formal procedure

- 1.10 This will normally be a *first warning for misconduct* if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform you that a final written warning may be considered if there is no sustained satisfactory improvement or change. A copy of this written warning will be kept on your Human Resources file but will be disregarded for disciplinary purposes after 6 months subject to achieving and sustaining satisfactory conduct.

Final written warning

- 1.11 If the offence is sufficiently serious, or if there is further misconduct during the currency of a prior warning, a final written warning may be given to you. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on your Human Resources file but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct.

Dismissal or other sanction

- 1.12 If there is still further misconduct the final step in the procedure may be dismissal or, in appropriate cases, some other action short of dismissal such as demotion, deduction of pay or transfer. Dismissal decisions can only be taken by the appropriate manager, and you will be provided in writing an outline of the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.
- 1.13 If some sanction short of dismissal is imposed, you will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement in the future, and will be advised of the right of appeal.

Gross misconduct

- 1.14 The following list provides some examples of offences which are normally regarded as gross misconduct:
- 1.14.1 theft, dishonesty, falsification of documents or fraud
 - 1.14.2 physical violence/intimidation/aggressive behaviour or bullying
 - 1.14.3 deliberate/wilful damage to property or serious negligence causing substantial loss or damage to property
 - 1.14.4 serious negligence causing loss, damage or injury
 - 1.14.5 deliberately accessing internet sites containing pornographic, inappropriate, offensive or obscene material
 - 1.14.6 serious insubordination

- 1.14.7 unauthorised absence
 - 1.14.8 failing to follow a reasonable management instruction
 - 1.14.9 unlawful discrimination or harassment
 - 1.14.10 bringing the organisation into serious disrepute
 - 1.14.11 serious incapability at work brought on by alcohol or illegal drugs
 - 1.14.12 a serious breach of health and safety rules
 - 1.14.13 a serious breach of trust and confidence.
- 1.15 If you are accused of an act of gross misconduct, you may be suspended from work on full pay, whilst the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the School is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

- 1.16 If you wish to appeal against a disciplinary decision you must do so within five working days. A nominated senior manager will hear the appeal and his/her decision is final.

GRIEVANCE POLICY

Dealing with grievances informally

- 4.1 If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

Formal grievance

- 4.2 If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your manager. You should stick to the facts and avoid language that is insulting or abusive. Where your grievance is against your manager and you feel unable to approach him or her you should talk to another manager or the owner.

Grievance hearing

- 4.3 Your manager will call you to a meeting, normally within 5 days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request. After the meeting the manager will give you a decision in writing, without reasonable delay.

Appeal

- 4.4 If you are unhappy with your manager's decision and you wish to appeal you should let your manager know. You will be invited to an appeal meeting, normally within 5 days, and your appeal will be heard by a more senior manager (or the School owner). You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.
- 4.5 After the meeting the manager (or owner) will give you a decision, without reasonable delay. The manager's (or owner's) decision is final.

Mediation

- 4.6 In addition, where appropriate and at any stage of the process, either party can request that the matter is subject to mediation, including the use of external third party mediators in an attempt to reach a mutually agreeable outcome.