

Procedure 6.5 Discipline at Work

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Procedure Owner : Principal / CEO

- ❖ This procedure is shared with our students and/or can be obtained:
 - on our website <https://docklandsacademy.co.uk/policies-and-procedures>,
 - on the desktops of all computers in the library on the top floor,
 - by emailing us at info@docklandsacademy.co.uk.
- ❖ Also, our students are informed about the main aspects of the procedure in the Student Handbooks, Induction Seminar and Learning Agreement.
- ❖ The procedure is reviewed and monitored on a regular basis for currency and fitness as part of our 1.9 Annual Policy and Procedures Review.

1 Introduction

It is necessary to have a minimum number of rules in the interests of the whole organisation. These rules set standards of performance and behaviour and the procedures are designed to help promote fairness and order in the treatment of individuals. Rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be a means of punishment.

Every effort will be made to ensure that any action taken under this procedure is fair, with employees being given the opportunity to state their case and appeal against any decision that they consider to be unjust.

In cases of behaviour such as discrimination or that which may lead to radicalisation the Academy may be required to inform the police.

The following rules and procedures should ensure that:

- employees are fully aware of the standards of performance, action and behaviour required of them
- disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner
- employees will only be disciplined after careful investigation of the facts and the

opportunity to present their side of the case. On some occasions, temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind

- other than for an 'off the record' informal reprimand, employees have the right to be accompanied by a fellow employee, who may act as a witness or speak on their behalf, at all stages of the formal disciplinary process
- employees will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct
- if an employee is disciplined, they will receive an explanation of the penalty imposed and will have the right to appeal against the finding and the penalty

2 Disciplinary Rules

It is not practicable to provide an exhaustive list of all disciplinary offences which may result in disciplinary action, as they will vary according to circumstances and nature of work.

2.1 Rules relating to unsatisfactory conduct and misconduct

Employees will be liable to disciplinary action if found to have acted in any of the following ways (these are examples only and not an exhaustive list):

- failure to abide by Academy health and safety rules and procedures,
- smoking on the Academy premises,
- unauthorised consumption of alcohol on the premises
- persistent absenteeism and/or lateness,
- unsatisfactory standards or output of work,
- rudeness towards members of the Academy, and the general public or other employees
- objectionable or insulting/abusive behavior,
- behaviour that may lead to extremist radicalization,
- harassment, bullying or bad language,
- failure to devote the whole of their time, attention and abilities to our business and its affairs during normal working hours,
- inappropriate use of e-mail and Internet,
- failure to carry out all reasonable instructions or follow our rules and procedures,
- unauthorised use or negligent damage or loss of Academy property,
- failure to report immediately any damage to property or premises.

2.2 Serious Misconduct

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to an employee's extreme carelessness or has a serious or substantial effect upon our operation or reputation, the employee may be issued with a final written warning in the first instance.

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

2.3 Gross Misconduct

Employees will be liable to summary dismissal if found to have acted in any of the following ways (these are examples only and not an exhaustive list):

- grossly indecent or immoral behavior,
- deliberate acts of unlawful discrimination,
- serious acts of harassment,
- dangerous behaviour, fighting or physical assault,
- incapacity at work or poor performance caused by intoxicants or drugs,
- possession, supply or use of illicit drugs,
- deliberate falsification of any records (including time sheets, absence records, etc),
- undertaking private work on the premises and/or in working hours without express permission,
- taking part in activities which result in adverse publicity to ourselves,
- theft or unauthorised possession of money or property, whether belonging to the Academy, another employee, or a third party,
- destruction/sabotage of our property, or any property on the premises,
- serious breaches of the health and safety rules, which endangers the lives of employees, or any other person.

3 Zero Tolerance to Unreasonable Behaviour

The Academy promotes mutual respect. Members of Academy staff are committed to treating everyone with respect and we ask that you show them respect too.

We have a **zero tolerance approach** to any violence and aggression towards either staff or students.

If you are concerned about the behaviour of a member of Academy staff, or of a student, please speak to a manager or use our Complaints Logbook, located at reception. We are committed to creating a safe and inclusive environment in which everyone is able to participate freely.

Our **zero tolerance approach** supports anyone who has experienced or witnessed harassment, discrimination or violence. We promise to raise awareness of these issues and to respond appropriately to all reports.

If the incident you wish to report did not take place on Academy premises, it would not be something which we would be able to investigate in detail under our zero tolerance reporting procedure. However, we would still be very happy to offer you confidential advice about how best to obtain help and to take the matter forward.

4 Disciplinary Procedure

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

Offence	First instance	Second instance	Third instance	Fourth instance
Unsatisfactory conduct	Formal verbal warning	Written warning	Final written warning	Dismissal
Misconduct	Written warning	Final written warning	Dismissal	
Serious misconduct	Final written warning	Dismissal		
Gross misconduct	Dismissal			

The Academy retains discretion in respect of the disciplinary procedures to take account of an employee's length of service and to vary the procedures accordingly. If an employee has a short amount of service they may not be in receipt of any warnings before dismissal but will retain the right to a disciplinary hearing and will have the right of appeal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to the employee.

In all cases, warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the procedure 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.

5 Validity of Warnings

Formal verbal warning

Formal verbal warnings will normally be discharged after a 6 month period.

Written warning

Written warnings will normally be discharged after a 12 month period.

Final written warning

A final written warning will normally be discharged after a 2 year period.

For employees in supervisory or managerial position, demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal, except in cases of gross misconduct.

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

Gross misconduct offences will always result in dismissal without notice.

6 Disciplinary Appeal Procedure

The disciplinary rules and procedures which form part of each contract of employment incorporate the right to lodge an appeal in respect of any disciplinary action taken against an employee.

Employees who wish to exercise this right should apply, either orally or in writing, to the Principal.

Any appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.

The disciplinary appeal procedure will normally be conducted by the Managing Director or, if he is not available, by an appropriate person of his choosing. The employee may be accompanied at the appeal hearing by a fellow employee of their choice and the result of the appeal will be made known to the appellant in writing within five working days.

7. Related Documents

7.1 Policies

- 1 Governance
- 2 Academic Management
- 3 Teaching Learning Assessment
- 4 Student Admissions
- 5 Student Support, Engagement and Learning Resources
- 7 Information

7.2 Procedures

- 1.5 Equal Opportunities
- 1.7 Data Protection
- 1.9 Review and Revision of Policies and Procedures
- 2.6 Self-Assessment and Programme and Annual monitoring
- 2.10 Special Circumstances Affecting Study
- 2.11 Pearson Learner Registration
- 2.12 Contingency and Adverse Effects
- 3.1 Expectations from and Supporting Staff in Teaching Delivery
- 3.4 Tutorial Arrangements
- 3.5 Assessment Expectations
- 4.6 Student Induction
- 4.10 Refund of Tuition Fees and Compensation
- 4.11 Student Protection Plan
- 4.13 Transfers Suspensions Withdrawals Closure and Change of HE Provision
- 4.14 Fees Charges and Financial Support
- 5.2 Welfare Services and Pastoral Care

- 5.3 Equality, Diversity and Special Needs
- 5.7 Reviewing Learning Resources
- 6.1 Recruitment and Selection
- 6.2 New Starters and Induction
- 6.3 Equality and Diversity
- 6.4 Personal Development Review and Appraisal
- 6.6 Absenteeism and Lateness
- 6.7 Holiday and Leave Entitlement
- 6.8 Grievance and Complaints
- 6.9 Continuous Professional Development
- 6.10.1 HE Lesson Observation
- 6.10.2 Peer review
- 6.10.3 GE Lesson Observation
- 6.11 Requests for Training
- 6.12 Evaluation of Training
- 6.13 Staff Code of Conduct
- 6.14 Academic Misconduct by Staff
- 6.15 Safeguarding
- 6.16 Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour)
- 7.1 Review and Sign off PI
- 7.2 External Review of the Website and Printed Information
- 7.3 Social Media Protocols
- 7.4 HE Public Information Procedures
- 8.2 Recruitment Partner Selection and Monitoring
- 8.3 Links with Other Educational Institutions and Businesses
- 9.1 Access Procedures
- 9.2 Maintenance Procedure
- 9.3 Fire Plan and Strategy
- 9.4a Health and Safety Risk Assessment
- 9.5 First Aid and Accident Reporting
- 9.6 Business Continuity Plan

7.3 Terms and Conditions

7.4 External Reference Points

- **Office for Students (OfS) Requirements and Guidance** at <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/>
- **UK Quality Code Advice & Guidance – Admissions, Recruitment and Widening Access** at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access>
- **UK Quality Code Advice & Guidance – Concerns, Complaints and Appeals** at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>
- **Higher Education Code of Governance** (Committee of University Chairs, December 2014) at <https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf>
- **Association of Employment and Learning Providers (AELP) principles of Good Governance for**

- Independent Training Providers at <https://www.aelp.org.uk/media/2595/code-of-governance-final-sept-2018.pdf>
- OIA The Good Practice Framework: Handling Students Complaints and Academic Appeals at <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>
 - UKCISA Code of Ethics at <https://www.ukcisa.org.uk/Membership/Codes-of-practice/Code-of-ethics>
 - Equality Act – 2010 at <https://www.legislation.gov.uk/ukpga/2010/15/contents>
 - Keeping Children Safe in Education Jan 2021 Guidance at <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
 - MacPherson report (1999) (Racism) at <https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>
 - Sex Offences Act 2003 at <https://www.legislation.gov.uk/ukpga/2003/42/contents>
 - Terrorism Act 2006 at <https://www.legislation.gov.uk/ukpga/2006/11/contents>
 - Tower Hamlets LADO (Local Authority Designated Officer) at LADO@towerhamlets.gov.uk