

Procedure 6.5 Discipline at work					
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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 radicalisation
- 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 behaviour
- 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	Final written	Dismissal		

<i>misconduct</i>	warning			
<i>Gross misconduct</i>	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.