

DISCIPLINARY, DISMISSAL & GRIEVANCE PROCEDURES

The following general principles will apply to the disciplinary, dismissal and grievance procedures.

- Each step and action will be taken without unreasonable delay.
- Whenever the employee is invited by Heart Teaching LTD to attend a meeting, the employee must take all reasonable steps to attend.
- At all stages of the procedure, the employee will have the right to be accompanied by a trade union representative or a work colleague of their choice. If the employee's companion is unable to attend any such meeting, the employee may suggest an alternative date, provided it is within 5 working days of the original date.
- Timing and location of meetings must be reasonable.
- Meetings will be conducted in a manner that enables both Heart Teaching LTD and the employee to explain their case.
- For appeal hearings following a decision Heart Teaching LTD will, as far as reasonably practicable be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).
- Whenever Heart Teaching LTD or the employee is required to send the other a statement, the original or a copy will suffice.

1. Grievance Procedure

A grievance is a problem or concern that you have which may relate to your work, your working environment or your working relationships. It may also relate to certain disciplinary action which Heart Teaching LTD has taken or is proposing to take against you, particularly warnings (this does not normally apply to dismissal or where Heart Teaching LTD has imposed a sanction short of dismissal where a separate appeal procedure applies).

Most problems that are encountered in the workplace can be resolved informally between you and your manager. Having said this, there is a formal procedure that can be followed if it cannot be resolved informally. Details of the procedure are set out below. Please note however, that this procedure does not form part of your Contract of Employment with Heart Teaching LTD and may be changed by Heart Teaching LTD at any time.

If your grievance is about a breach of our equal opportunities policy such as victimisation, bullying, harassment or discrimination, you should refer to our Equal Opportunities policy (which sets out additional information about the procedure you should follow.)

The Procedure

1. Informal stage

As most complaints and grievances can be resolved informally by discussion with your immediate line manager, the first stage in dealing with most problems is to book a meeting with them and talk about it. Dealing with problems in this way can often lead to a quick resolution, as your line manager may be able to resolve the matter directly.

Sometimes you may not be able to resolve your grievance informally. In these circumstances you should raise the matter in writing with a director at Heart Teaching LTD. You are likely to find it helpful to raise any grievance as soon as possible after the event giving rise to your grievance (we suggest that it should normally be raised within 2 weeks).

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Step 1 - Written Statement

The employee must set out their grievance in writing and send this statement to Heart Teaching LTD. This can be done via email or letter.

Step 2 - Meeting

Heart Teaching LTD will invite the employee to attend a meeting to discuss the grievance. The meeting will not take place unless or until:

- The employee has informed Heart Teaching LTD of the basis for the grievance set out in the statement under step 1; and
- Heart Teaching LTD has had a reasonable opportunity to consider its response to that information.

After the meeting, Heart Teaching LTD will inform the employee of its decision and Heart Teaching LTD will notify the employee of his/her right to appeal if s/he is not satisfied with the decision.

Step 3 – Appeal

If the employee does wish to appeal, s/he must inform Heart Teaching LTD within 5 working days of receiving the decision and on doing so Heart Teaching LTD will invite him/her to attend a further meeting. After the appeal meeting, Heart Teaching LTD will inform the employee of its final decision. All appeals must be sent to a director at Heart Teaching LTD.

At any stage of the grievance procedure, you may be accompanied at meetings by a fellow employee of your choice. You may confer with your companion during the course of the meeting and he/she may address the meeting but may not answer questions on your behalf. The person conducting the meeting on behalf of Heart Teaching LTD may also be accompanied by any member of staff. At each formal stage of the process records will be kept detailing any evidence collected, interviews conducted and decisions made.

Modified Grievance Procedure

In rare circumstances where an employee has already left the employment of Heart Teaching LTD and wishes to raise a grievance, he/she may do so provided that both parties agree that a modified procedure can be followed. The former employee must in this instance set out their grievance and the basis for it in writing and send their written statement to Heart Teaching LTD, which will set out its response in writing and send it to the former employee.

2. Disciplinary and Dismissal Procedures

The Disciplinary and Dismissal procedures are designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. Heart Teaching LTD's rules and these procedures apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- No disciplinary action will be taken against an employee until the case has been fully investigated.
- Heart Teaching LTD may suspend you with or without pay while an investigation takes place. Such a suspension will be reviewed as soon as possible and will normally not exceed 10 working days.
- An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct (when the penalty may be dismissal without either notice or payment in lieu of notice).

Misconduct will generally fall into two categories, namely:

- “General misconduct” (in respect of which the general disciplinary action procedure described below applies); and
- “Gross” misconduct”, which is of so serious a nature that it justifies instant dismissal for a first offence.

Misconduct

Listed below are examples, which would normally be considered to be either general misconduct or gross misconduct. However, it should be recognised that neither list can be regarded as complete to meet every case. Furthermore, an action described as general misconduct may amount to and be treated as gross misconduct if the circumstances or the manner of the misconduct are such as to warrant serious disciplinary action. These lists should be regarded therefore as being illustrative rather than exhaustive.

1. Gross Misconduct

Summary dismissal (dismissal without notice or pay in lieu of notice) may be necessary in cases of gross misconduct. For guidance, the following are examples of offences which may be regarded as gross misconduct and will normally result in summary dismissal. The list is not exhaustive but is an indication of Heart Teaching LTD’s view of what constitutes a serious offence:

- Flagrant disobedience of reasonable instructions from superiors or refusal to obey a lawful instruction in connection with the employment;
- Theft or fraudulent activity;
- Breaching, or causing Heart Teaching LTD, or assisting, procuring or facilitating any other person or company to breach any relevant legislation affecting the conduct of its business;
- Being under the influence of drink, drugs or other proscribed substances which impinge upon performance or conduct whilst at work;
- Serious breach of Heart Teaching LTD rules and procedures;
- Being convicted of any criminal offence (whether or not relating to employment) which in the opinion of Heart Teaching LTD seriously undermines Heart Teaching LTD’s confidence in you;
- Deliberate damage to any Heart Teaching LTD property or property which is not owned by Heart Teaching LTD but which is on premises occupied by Heart Teaching LTD or property of other employees, or of third parties;
- Disorderly or indecent conduct, including fighting on Heart Teaching LTD premises or threatening behaviour or using physical violence;
- Deliberate acts of discrimination or harassment in breach of our Equal Opportunities Policy or the Equality Act;
- Falsification of references;
- Acceptance of any bribe, secret profit or unauthorised commission, or any act that would be considered illegal under the Bribery Act;
- Making false statements about one’s own or another employee’s work, the falsification of working papers, or the making of any statements likely to be detrimental to the reputation of the Heart Teaching LTD;
- Misuse of the Whistleblowing Policy by deliberately raising false and/or malicious allegations;

- The use of the offices, property or reputation of Heart Teaching LTD, or the use of information obtained by virtue of employment by Heart Teaching LTD, to trade or carry on business on account of anyone other than Heart Teaching LTD;
- Serious misuse of any means of electronic communication at Heart Teaching LTD or any breach of Heart Teaching LTD's Information Technology and Telecommunications Policy
- Committing any act likely to bring Heart Teaching LTD into disrepute;
- Unauthorised absence or gross negligence in the performance of duties;
- Unauthorised use or disclosure of confidential information or business matters relating to Heart Teaching LTD, its clients, temporary workers or applicants;
- Collusion with Heart Teaching LTD's competitors in an attempt to limit competition, fix prices, or form a cartel, or any other action which would be considered illegal under the Competition Act.

2. General Misconduct

Examples of general misconduct include, but are not limited to the following:

- Failure to disclose that you are involved in a criminal or civil case (including County Court judgements);
- Unsatisfactory record of attendance or reliability;
- Persistent lateness;
- Persistent failure to meet targets;
- Poor job performance;
- Poor standards of personal hygiene;
- Breaches of the Heart Teaching LTD's rules and procedures not amounting to gross misconduct;
- Unauthorised and/or excessive personal use of any means of electronic communication at the Heart Teaching LTD;
- failing to work in a co-operative manner with colleagues or conduct which impairs the efficiency of management or colleagues;
- Failing to deal promptly, efficiently and politely with third parties with whom an employee has dealings on behalf of the Heart Teaching LTD.

The Procedure

The following is the disciplinary action that may be taken against an employee in cases of misconduct or unsatisfactory performance. Depending upon the reason as to why a disciplinary hearing is taking place, we reserve the right to initiate the process at any stage, including dismissal, or to jump stages if your conduct warrants it. You have the right to be accompanied by another employee or a trade union representative at any grievance or disciplinary hearing. The disciplinary procedure is not necessarily a progressive one.

Stage 1 – Informal Action: Oral Warning

If your conduct or performance is unsatisfactory, you may be given an oral warning. This is usually for minor offences.

Stage 2 – Formal Written Warning

If your conduct does not meet acceptable standards or there has been no improvement after an oral warning, or if there has been a further incident of misconduct, you may be given a formal written warning.

Stage 3 – Formal Final Written Warning

If your misconduct is sufficiently serious or if, following a formal written warning, there is a further incident of misconduct (whether or not of the same nature) or a failure to improve within the period specified, you may be issued with a final written warning that will result in dismissal or some other specific action if your conduct does not improve during a specified period that will be stated in the warning.

Stage 4 – Dismissal

If your misconduct is sufficiently serious or if your conduct is still unsatisfactory following a final written warning and you still fail to reach the required standards, you may be dismissed following a disciplinary interview. The decision to dismiss will be taken by a director at Heart Teaching LTD, following a review of the evidence.

The standard and modified dismissal and disciplinary procedures are set out below. The standard procedure will be used when Heart Teaching LTD contemplates dismissing or taking formal disciplinary action against an employee such as that set out in stage 4 above. The modified procedure will be used in the event that there has been a dismissal without notice for gross misconduct, in which case it will apply after such a dismissal.

1. Standard Procedure

Step 1 - Written Statement

Heart Teaching LTD will undertake all necessary investigations and subsequently set out in writing the employee's alleged conduct or characteristics or other circumstances, which lead Heart Teaching LTD to taking disciplinary action against the employee. Heart Teaching LTD will send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

Step 2 - Meeting

- 1) The meeting will take place before any action is taken, except in the case where the disciplinary action consists of a suspension on full pay, to consider and discuss the allegation.
- 2) The meeting will not take place unless:
 - Heart Teaching LTD has informed the employee of the grounds for contemplating disciplinary action or dismissal in the form of a written statement; and
 - The employee has had a reasonable opportunity to consider his response to that information.
- 3) The employee has the right to be accompanied at the meeting by a work colleague or a trade union representative.
- 4) After the meeting, Heart Teaching LTD will inform the employee in writing of its decision and notify him/her of the right to appeal against the decision if s/he is not satisfied with it.

Step 3 - Appeal

- 1) If the employee does wish to appeal, s/he must inform Heart Teaching LTD within 5 working days of receiving the decision and on doing so Heart Teaching LTD will invite him/her to attend a further meeting. All appeals must be addressed to a director at Heart Teaching LTD.
- 2) The appeal meeting may not necessarily take place before the dismissal or disciplinary action takes effect but it will be arranged within a reasonable period of time.
- 3) After the appeal meeting, Heart Teaching LTD will inform the employee of its final decision.

2. Modified Procedure

Step 1 - Written Statement

Heart Teaching LTD will:

- 1) Set out in writing:
 - The employee's alleged misconduct, which has led to the dismissal;
 - What the basis was for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct;
 - The employee's right to appeal against dismissal.
- 2) Send the statement to the employee.

Step 2 - Appeal

- 1) If the employee does wish to appeal, s/he must inform Heart Teaching LTD within 5 working days of receiving the statement. If s/he wishes to appeal, the Heart Teaching LTD will, after his/her notification, invite him/her to attend a meeting. The appeal must be addressed to Heart Teaching LTD.

After the appeal meeting, Heart Teaching LTD will inform the employee of its final decision.
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