



# Disciplinary and Grievance Policy

Approved by TCES Operational Board on behalf of  
Thomas Keaney, CEO and Schools' Proprietor

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This policy applies to the TCES National Online School

## Contents

Disciplinary and Grievance .....	3
Disciplinary procedure .....	3
General.....	4
Disciplinary appeal procedure.....	5
Conduct.....	5
Gross misconduct.....	6
Grievance procedure .....	6

# **Disciplinary and Grievance**

## **Disciplinary procedure**

### **Purpose**

The Company firmly believes that the fairest way to resolve any problems relating to conduct or performance is to have a well-structured disciplinary procedure. The procedure is designed to help and encourage all employees to achieve and maintain the Company's standards of conduct, attendance and performance and should be looked upon as a corrective process.

Please read the following principles and procedures carefully as they form an important part of your Terms and Conditions of Employment:

### **Principles**

Apart from an informal verbal warning, you have the following rights in relation to disciplinary action:

- To be informed of the allegations of misconduct or poor performance to be addressed at any disciplinary hearing.
- To be accompanied by a work colleague or by a trade union official.
- To appeal against any disciplinary action.

### **The procedure**

Any disciplinary action will only be taken after a full investigation of the facts. You will always be given as much information as possible regarding the allegations of misconduct, or any documentation detailing the shortfall in performance or capability that will form the basis of the disciplinary hearing. You will also be given fair and reasonable notice of the date and time of the hearing and whenever possible the disciplinary hearing will be held during your normal working hours.

### **Suspension**

During any investigation and disciplinary proceedings, it may be necessary to suspend you for this period of time. In situations where this is necessary you will receive your normal rate of pay and will be expected to be available for any required meetings or hearings that you are asked to attend within your normal working hours where appropriate. Whilst on suspension you should refrain from contacting colleagues and address any communications to the HR department or Senior Management Team.

### **Formal verbal warning**

In the case of conduct, attendance or performance not reaching the required standard, the problem will be discussed with you at a disciplinary hearing where you will be given the opportunity to offer a satisfactory explanation. If the explanation is unsatisfactory, you will be issued with a formal verbal warning. The topics discussed at the meeting will be confirmed in writing to you and the verbal warning will remain on your file for six months.

## **Written Warning**

A written warning will be issued following a disciplinary hearing where there is a current formal verbal warning on your file and sufficient improvement has not been made or where the misconduct or poor performance is serious enough to warrant the Company bypassing the formal verbal warning stage. A written warning will remain on file for 12 months.

## **Final written warning**

If there is still insufficient improvement in your conduct, or if your performance is still unsatisfactory, you will be asked to attend a further disciplinary hearing. If no satisfactory explanation is offered for the lack of improvement, you will be issued with a final written warning that will remain on file for 12 months.

If the misconduct is sufficiently serious to warrant only one warning but is not sufficiently serious to justify dismissal, a final written warning will be issued. You will be informed in your final written warning that any further misconduct or failure to meet the required standard will result in your dismissal.

## **Dismissal**

Dismissal will normally result if you still fail to achieve the standard of conduct or performance required by the Company. You will be given every opportunity to offer an explanation, for your failure to meet the required standards at a final disciplinary hearing. As with all previous stages of the disciplinary procedure you will be offered the right of a witness and the right to appeal against the decision.

If you are dismissed, you will be provided, as soon as is reasonably practicable, with the reasons for dismissal, the date on which your employment will terminate and details of how you may appeal.

In exceptional circumstances, the Company reserves the right, as an alternative to dismissal, to impose a penalty of suspension without pay for up to a maximum of five working days, together with a final written warning that will remain on file for 12 months.

## **General**

The Company reserves the right to vary the disciplinary procedure dependent on either the severity of the allegations of misconduct or capability to be addressed, or if you only have a short amount of service.

If you are a short service employee or are still within the probationary period, you may not be issued with any warnings before dismissal.

**NB** The Company reserves the right to deduct from pay the cost of any damage or loss to property or goods, which after a disciplinary hearing was found to have been caused by your negligence or vandalism.

## Disciplinary Appeal Procedure

At each stage of the disciplinary procedure, you will be given the right of appeal. If you wish to exercise your right of appeal, you should put your reasons in writing to the Designated Appeal Director within five working days of receiving written confirmation of the disciplinary decision taken against you. You will need to explain why you feel the decision is unfair, or inappropriate in relation to the matters addressed at the disciplinary hearing.

If you have any new information or evidence to support your appeal, please give details in full and include the names of any witnesses you may wish to call to support you in your appeal. This is in order that there will be sufficient time to investigate any additional information before the appeal hearing. You are entitled to be accompanied at the appeal hearing by a work colleague or by a trade union official.

Although the purpose of the appeal is to review any disciplinary penalty imposed, it cannot increase the disciplinary penalty.

The decision of the person dealing with your appeal is final.

## Conduct

### Conduct at work

The Company expects all employees to behave in a normal and reasonable manner. The following list provides examples of the type of conduct that the Company would expect:

- To be punctual for the start of work and to keep within the break times.
- To give regular attendance at work and to minimise all absenteeism.
- To be courteous, helpful, and polite to all those with whom you have contact.
- To devote all your time and attention, whilst at work, to the Company and ensure that all its property including confidential information, records, equipment, information technology, etc., is kept safe and used correctly.
- To comply with all the Company's rules and regulations and to observe and perform all the terms of your employment as set out or referred to in your Contract of Employment.
- Not to be involved with any company, client or agent who is in direct competition with this Company. You are expected to devote all your loyalty to this Company.

### Conduct outside working hours

Normally the Company has no jurisdiction over employee activity outside working hours. Behaviour outside working hours will only become an issue if the activities adversely affect the Company.

Adverse publicity, bringing the Company name into disrepute, or actions that result in loss of faith in the Company, resulting in loss of business, or loss of faith in the integrity of the individual, will result in the disciplinary procedure being instigated.

The detriment suffered by the Company will determine the level of misconduct and it will also determine which disciplinary stage is most appropriate to suit the circumstances.

If the actions cause extreme embarrassment or serious damage to the Company's reputation or image, a decision may be taken to terminate the individual's employment.

The Company's procedures covering disciplinary hearings and appeals still apply.

## **Gross misconduct**

Gross misconduct will result in summary dismissal, which means you lose your right to notice or pay in lieu of notice. Here is a list of offences that are normally regarded as "gross misconduct". It is not exhaustive, but it describes the kind of offence that can result in summary dismissal:

- Deliberate failure to comply with the published rules of the Company, including those covering cash handling, security, health and safety, equal opportunities, the Internet, etc.
- Deliberate falsification of records.
- The committing of offences against current discrimination legislation whilst acting on behalf of the Company.
- Fighting or assaulting another person.
- Using threatening or offensive language towards customers or other employees.
- Making yourself unfit to work by solvent abuse, drinking alcohol, taking of illegal substances, or failing to follow medical instructions on prescribed drugs.
- Being in unauthorised possession of the Company's property.
- Being in possession of illegal drugs and substances or alcohol whilst on Company premises.
- Obscene behaviour.
- Behaviour likely to bring the Company into disrepute.
- Willful and deliberate damage to or misuse of Company property.
- Refusal to carry out reasonable duties or instructions.
- Conviction on a criminal charge that is relevant to your employment with the Company.
- The misuse including use for personal gain, of confidential information in the course of working for the Company.
- Undertaking private work on the premises without permission.

## **Grievance procedure**

A grievance procedure is quite simply a way for all employees to discuss any problems, or air their views on any dissatisfaction that relates to their work. An informal discussion can often resolve matters, but if you wish to raise the grievance formally, it should be done in the following way.

Submit your formal written grievance to your Line Manager who will make every effort to hear your grievance within five working days. If you feel that you need help in putting your point of view across, you may ask a work colleague or trade union official to be present to help you explain the issue you are raising.

Should your grievance be about your Line Manager, please submit your formal written grievance to an HR Advisor who will make every effort to have your grievance heard within five working days. If you feel that you need help in putting your point of view across, you may ask a work colleague or trade union official to be present to help you explain the issue you are raising.

If you are not satisfied with the outcome of your meeting, tell the person who dealt with your grievance that you wish to take the matter further and intend to appeal against the outcome.

Submit your formal written appeal to an HR Advisor, including an explanation of why you are dissatisfied with the original decision. Every effort will be made to hear your appeal within five working days, and you may ask a work colleague or trade union official to be present to help you. Although the Company will always be willing to try to resolve your grievance as amicably as possible, a decision reached at the appeal stage is final.

### **Disability Equality Scheme**

In reviewing this policy, we have taken into account consideration of any potential implications of the Disability Equality Scheme.