Mr H Out of School Club

Staff Disciplinary

Purpose and Scope

This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance, and job performance. The company policies (a copy of which can be found in the main entrance hall) and this policy apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- Informal action will be considered, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated. For formal action, the employee will be advised of the nature of the complaint against him or her and given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of the disciplinary meeting.
- At all stages of the procedure, the employee will have the right to be accompanied by a trade union representative or a work colleague.
- No employee 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.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First Stage of Formal Procedure

This will normally be either:

- An improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given, and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for six months but will then be considered spent, subject to achieving and sustaining satisfactory performance.

Or

- A written warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct, the change in behaviour required, and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement.

Final Written Warning

If an employee's conduct fails to meet acceptable standards despite a prior written warning, or if the misconduct is of a more serious nature, a final written warning may be issued. This warning will clearly outline the nature of the misconduct, the corrective actions required, and the timeframe in which improvement must be demonstrated. The employee will also be informed that failure to comply with the required changes may result in dismissal or other severe disciplinary measures. A record of the final written warning will be retained on file for a period of 12 months, after which it may be disregarded for disciplinary purposes, provided there is sustained improvement. The employee will be granted the right to appeal against the final written warning, following the company’s appeals process.

Gross Misconduct

Gross misconduct refers to serious breaches of company policy or behaviour that fundamentally undermine the trust and confidence required for continued employment. Examples of gross misconduct include, but are not limited to, theft, fraud, violence, serious insubordination, deliberate damage to company property, or any act that endangers the safety of others. If an employee is accused of gross misconduct, they may be suspended from work on full pay while an investigation is conducted. If, following a full disciplinary process, it is determined that gross misconduct has occurred, the employee will face summary dismissal, meaning they will be dismissed without notice or payment in lieu of notice. The employee will have the right to appeal against the dismissal decision.

Dismissals or Other Sanctions

If an employee continues to demonstrate unsatisfactory performance or behaviour after receiving a final written warning, or if their misconduct is deemed sufficiently serious, the company may proceed with dismissal or impose other disciplinary measures. Other sanctions may include demotion, disciplinary suspension, or transfer to an alternative role within the company, where appropriate and permissible under the contract of employment. The decision to impose any of these sanctions will be communicated in writing, stating the reasons for the decision, the effective date of the action, and the employee's right to appeal. If dismissal is deemed necessary, it will be carried out by company policy and employment law.

Self-employed individuals engaged with the company operate under independent contracts and are not classified as employees. As such, the company reserves the right to terminate its engagement at any time, without prior notice, reason, or the right to dispute the decision. This termination may be immediate and without recourse. By accepting work with the company, self-employed individuals acknowledge and agree to these terms, waiving any claims to unfair dismissal or contractual obligations beyond what is explicitly stated in their agreement.