



## SOAR VALLEY MUSIC CENTRE POLICY DOCUMENT

### STAFF CODE OF DISCIPLINE

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#### **1. General Policy Aims**

This procedure is designed to help employees feel valued and able to work to the best of their ability.

Soar Valley Music Centre wishes to promote clear working practices for all staff enabling them to achieve their potential within the aims and requirements of the organisation. This procedure sets out the action which will be taken when the Organisation's Rules of Employment are breached.

This procedure applies to all staff employed by Soar Valley Music Centre whether paid through the PAYE scheme on either a fulltime or variable hours contract or paid as self employed teachers.

The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.

At every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and be represented or accompanied by a fellow employee of your choice.

You will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice. You have a right to appeal against any disciplinary action taken against you.

The procedure may be implemented at any stage if your alleged misconduct warrants such action. If you request, you have the right to be accompanied at a disciplinary hearing by a fellow worker or trade union official.

#### **2. Disciplinary Action and Authority**

The responsibility for administering the disciplinary process is as follows:

- Line Manager.

Your Line manager can, after discussion with the Senior Management Team initiate a disciplinary procedure and issue a verbal warning.

- Director.

The Director will have the authority to initiate the disciplinary process and follow it through up to and including the final written warning.

- The Trustees.

The Board of Trustees have the authority to initiate the disciplinary process and follow it through up to and including dismissal or action short of dismissal.

### **3. Procedure**

#### **3.1. Informal discussions**

Before taking formal disciplinary action your line manager and/or the Director in their role as staff manager, will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

In all disciplinary cases the following procedure will be followed:

#### **3.2. Oral Warning**

Where it is considered that the behaviour or discharge of duties of a member of staff is unsatisfactory, and informal procedures have failed to resolve the matter or the seriousness of the alleged unsatisfactory behaviour/discharge of duties is such as to make informal procedures inappropriate, a disciplinary interview will be arranged. The interview will be conducted by the person having authority to issue oral warnings and the member of staff will be informed of the nature of the complaint. The member of staff will have the opportunity to state his/her case. If it is considered that the complaint is substantiated, an oral warning will be given to the member of staff. The employee should be advised of the reason for the warning that it constitutes the first part of the disciplinary procedure and of their right to appeal. The employee should be advised that any repetition of the misconduct may merit further disciplinary action. Oral warnings will be recorded in the employee's personal file, but will be disregarded after 3 months of satisfactory service.

#### **3.3. First Warning**

Where an oral warning has failed to rectify matters in the way stipulated, or if similar or more serious unsatisfactory behaviour/discharge of duties allegedly occurs within the next three months or the seriousness of the alleged unsatisfactory behaviour/discharge of duties is such as to make an oral warning inappropriate, then an interview with the person with authority to issue written warnings will take place. At this interview the member of staff will be informed of the nature of the complaint and will be given the opportunity to state his/her case. If it is considered that the complaint is substantiated, then a written warning will be given, setting out the matters which are considered to be unsatisfactory and the action which the member of staff is required to take in order to remedy them. The employee should be advised that any repetition of the misconduct within six months may result in further disciplinary action. A record of the fact that a written warning has been given and of the content of that warning shall be placed on the employee's personal file for a period not exceeding six months, after which it shall be expunged from the record and the member of staff so advised.

#### **3.4. Final written warning**

Where a written warning has failed to rectify matters in the way stipulated, or if similar or more serious unsatisfactory behaviour/discharge of duties allegedly occurs within the next six months or the seriousness of the alleged unsatisfactory behaviour/discharge of duties is such as to make a written warning inappropriate, then an interview with the person with authority to issue final written warnings will take place. At this interview the member of staff will be informed of the nature of the complaint and will be given the opportunity to state his/her case.

If it is considered that the complaint is substantiated, then a final written warning will be given setting out the matters which are considered to be unsatisfactory and the action which the member of staff is required to take in order to remedy them. The employee should be advised that any repetition of the misconduct within 12 months may result in further disciplinary action.

A record of the fact that such a final written warning has been given and of the content of that final written warning shall be placed in the employee's personal file for a period not exceeding twelve months.

### ***3.5. Further Disciplinary Action***

Where a final written warning has failed to rectify matters in the way stipulated, or if similar or more serious unsatisfactory behaviour/ discharge of duties allegedly occurs within the next twelve months or the seriousness of the alleged unsatisfactory behaviour/ discharge of duties is such as to make a final written warning inappropriate or in the event of other good and sufficient cause, the Director shall immediately submit a full report in writing to the Board of Trustees and give a copy of this report to the member of staff.

The Board of Trustees shall meet to consider the report normally not more than ten working days after the date of the receipt of the report by the member of staff and shall summon the member of staff to this meeting. Refusal of the member of staff to attend the meeting of the Trustees shall not invalidate the proceedings.

The Trustees shall, normally within three working days of the meeting, give the member of staff a written statement of its decision and of any penalty imposed. Except in the case where the penalty imposed is dismissal, a record of the fact that further disciplinary action has been taken, and of the nature of that further disciplinary action, shall be placed in the member of staff's personal file for a period not exceeding twenty four months, after which it shall be expunged from the record and the member of staff so advised. This penalty may include demotion, loss of seniority or dismissal.

Where the penalty imposed is dismissal, the individual will be informed of the reasons for dismissal, the date on which their contract will end, the appropriate period of notice (or pay in lieu of notice) and information on the Right of Appeal and how to exercise that right.

## ***4. Gross Misconduct***

If after investigation, it is confirmed that an employee has committed an offence of gross misconduct as set out in the rules of employment, the normal consequence will be dismissal without notice or payment in lieu of notice. While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the Trustees only after full investigation.

## ***5. Appeals***

All members of staff have the right to appeal against disciplinary decisions.

If you wish to appeal against any disciplinary decision you must appeal in writing within five working days of the decision being communicated to you to the Trustees of Soar Valley Music Centre. If possible a Trustee who was not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.

At any appeal hearing a member of staff has the right to be accompanied by a Trade Union official or by a work colleague.

All appeals must normally be heard within five working days of the receipt of the written notice of appeal from the member of staff, unless this period is extended by mutual agreement.

The decision of an appeal hearing shall be notified in writing to the member of staff normally within three working days.

In the event that an appeal is upheld, all records of the alleged offence and of the warning shall be destroyed and the member of staff so advised.

## **6. Example Offences**

All members of staff need to be aware of the likely consequences of breaking disciplinary rules or failing to meet performance standards. The details of any individual case will be considered in the event of an alleged offence in order to determine how serious the alleged misconduct is. It is unlikely that any set of specimen offences could cover all circumstances that may arise. However, the following outline is provided to give some illustration of the different categories within which certain types of offences may fall. Please note that these lists are not intended to be exhaustive, but are examples only.

### **6.1. Minor Misconduct**

- Regular Absenteeism
- Regular Lateness
- Failure to comply with the Absence Notification
- Certification Procedure
- Careless work and poor effort at work
- Ignoring safety/ hygiene/ security rules
- Extended tea and meal breaks
- Failure to maintain a safe working environment
- Misuse of telephone and/ or computer
- Excessive time away from the job
- Failure to wear any protective clothing provided
- Failure to complete leave sheets as instructed
- Performance of duties below an acceptable standard.

## **6.2. Serious Misconduct**

- Dangerous physical horseplay
- Neglect causing damage to or loss of property of the College, students, other employees or visitors
- Serious neglect of safety/ hygiene/ security rules
- Persistent Smoking in prohibited areas
- Bringing intoxicants into the premises without permission or consuming intoxicants during working hours
- Entry into any unauthorised areas
- Serious misuse of telephone and/or computer
- Serious neglect of duty
- Wilful or excessive wastage of material
- Repeated use of foul language
- Gambling on the premises
- Engaging in paid employment without authorisation whilst on sick leave.

## **6.3. Gross Misconduct**

The College also wishes to give a clear indication of the type of conduct (i.e., gross misconduct) which may warrant summary dismissal. Summary dismissal is not necessarily synonymous with instant dismissal and incidents of gross misconduct will usually still need to be investigated as part of a formal procedure.

- Theft
- Physically violent behaviour or serious verbally abusive language
- Serious bullying or harassment
- Unauthorised absence
- Refusal to carry out a reasonable work instruction
- Deliberately ignoring safety/ hygiene/ security rules and thereby endangering one's own or another's physical well-being or safety
- Obscene behaviour
- Intoxication induced by alcohol or drugs
- Fraud
- Disclosing confidential business information to a third party
- Wilful damage to or gross negligence of property of the College, student, other employees or visitors
- Falsification of records
- Unauthorised use of vehicles, property or supplies of the College
- Accessing pornographic internet sites through College computers
- Engaging in the sexual, racial or sectarian harassment of colleagues or students.
- Misuse of College property or name