

## Disciplinary & Staff Grievances Policy

Policy no:	tbc
Version no.	V23.3
Author	HR Manager
Last reviewed date	March 23
Next review due:	September 2024
Responsible:	SMT
V0.1 approved by	Audit Committee March 2022
Linked policies and documents	
<b>External reference points</b>	
Audience	OBC Stakeholders and Website users

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# 1 Introduction

The Disciplinary & Staff Grievances Policy has been established to ensure a fair, transparent, and consistent approach to addressing disciplinary matters and resolving staff grievances within the organisation. This policy outlines the procedures to be followed when managing disciplinary issues and handling employee grievances, with the aim of maintaining a positive and productive work environment that respects the rights and well-being of all employees.

## 2 Purpose

The purpose of the Disciplinary & Staff Grievances Policy is to:

- Establish a fair, transparent, and consistent framework for addressing disciplinary matters and resolving staff grievances within the organisation.
- Promote a positive and productive work environment that respects the rights and well-being of all employees, fostering open communication and mutual respect.
- Ensure that all employees are aware of the standards of conduct, behaviour, and performance expected of them, and the consequences of failing to meet these expectations.
- Provide clear guidelines and procedures for managing disciplinary issues, ensuring that all employees are treated fairly and consistently in the event of misconduct or underperformance.
- Encourage the amicable resolution of conflicts and grievances by promoting open dialogue and constructive feedback between employees and their line managers.
- Safeguard the organisation's legal and regulatory compliance by adhering to relevant employment laws and best practices in handling disciplinary and grievance matters

## 3 Scope

The Disciplinary & Staff Grievances Policy applies to all employees within the organisation, including full-time, part-time, temporary, and contract staff, across all departments and levels of seniority. The policy covers all aspects of employee conduct, behaviour, and performance in relation to their work responsibilities, interactions with colleagues, and representation of the organization.

## 4 Aims & Objectives

The aims and objectives of the Disciplinary & Staff Grievances Policy are to:

- Maintain a positive and harmonious work environment by addressing and resolving workplace issues promptly and fairly.
- Uphold the organisation's values, principles, and standards of conduct by effectively managing disciplinary matters and ensuring compliance with established policies and procedures.
- Provide a structured and consistent approach to handling disciplinary actions and staff grievances, ensuring transparency, fairness, and impartiality throughout the process.
- Encourage open communication and constructive feedback between employees and their line managers, fostering a culture of mutual respect, trust, and understanding.
- Support employee engagement, satisfaction, and retention by demonstrating the organisation's commitment to fairness, equality, and a supportive work environment.
- Minimise the risk of legal disputes and reputational damage by adhering to relevant employment laws, regulations, and best practices in handling disciplinary and grievance matters.
- Continuously improve the organisation's performance and employee relations by learning from and addressing any identified issues, enhancing policies, procedures, and practices as necessary.

## 5 Disciplinary Procedures

It is necessary to have a minimum number of rules in the interests of the whole College.

The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of Individuals. It is our aim that the rules and procedures should emphasis and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

The following rules and procedures should ensure that:

- The procedures outlined is used when requiring you to attend a disciplinary hearing, you are

fully aware of the standards of performance, action and behaviour required of you as outlined below.

Disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner; you will only be disciplined after careful investigation of the facts and the opportunity to present your 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, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
- you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct, and
- if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty as outlined below.

## **5.1 Disciplinary Rules**

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this policy, a breach of other specific conditions, procedures, rules etc, that are contained within this policy or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters,

## **5.2 Dismissal Without Notice (Summary Dismissal)**

Oxford Business College regards certain issues as serious enough to warrant 'summary dismissal' without prior warning. These issues would constitute gross misconduct, that is a single act of misconduct that is sufficiently serious to break the employment contract between us. Matters that may justify summary dismissal, include, but are not limited to:

- Actions which may harm the well-being of staff and students
- Acts of dishonesty where the employee's conduct affects their ability or suitability for continued employment, for example, theft, fraud, the deliberate falsification of records or expenses
- Deliberate damage to property

- Physical violence or aggressive behaviour
- Indecent or immoral acts
- Being under the influence of, or possessing, alcohol or illegal drugs during employment hours
- Any breaches of confidentiality requirements in the employee's contract of employment, other than minor breaches.
- Harassment or bullying, other than minor breaches

### 5.3 Other Disciplinary Matters

Matters which may justify invoking the disciplinary procedure but which do not amount to gross misconduct include, but are not limited to, the following:

- Refusal to obey a legitimate instruction
- Refusal to answer a question during the course of a properly constituted investigation
- One occasion of absence without permission, or persistent absence
- Poor timekeeping - persistent absenteeism and/or lateness
- unsatisfactory standards or output of work;
- rudeness towards clients, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- Failure to report damage to the property of Oxford Business College
- smoking in designated non-smoking areas;
- consumption of alcohol on the premises:
- failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- Breach of data protection or minor failure to adhere to the Data Protection and Confidentiality Policy and Procedure failure to abide by the general health and safety rules and procedures;
- Continued poor work performance, or a persistent failure to keep up to date with technical developments;
- Failure to carry out all reasonable instructions or follow our rules and procedures

- Gossiping with other members of staff and students whereby the College or other staff members reputation is compromised.

## **6 Investigation**

No disciplinary action will be taken against a member of staff until the college has investigated the circumstance of the matter complained of, having regard to the member of staff's response to allegations. Where there is a suspected breach of procedures or act of misconduct an investigation will be carried out by a member of Human Resources (HR) and a designated manager who will be known as the nominated "investigation officers". The Interview will be between at the line manager and employee who can be accompanied by a colleague or trade union representative to investigate and deal with an employee's misconduct or performance in a fair and consistent manner. The purpose of the investigation is to establish the facts promptly where possible and before memories fade, considering statements from any relevant witnesses. The college will inform the member of staff as soon as possible that an investigation is to be conducted and once the investigation has been concluded.

### **6.1 Suspension**

At any stage the Principal and the Managing Director and Student Services may consider whether the member of staff should be suspended on full pay pending further investigation. Examples of circumstances in which suspension may be appropriate, depending on the facts of the situation, include safeguarding allegations, possible gross misconduct cases, situations where there are risks to a staff member's or college's property; or where there are reasonable grounds regarding general safety, public relations or that evidence may be tampered with, destroyed or witnesses pressurised.

Suspension will only be imposed after the member of staff has had an opportunity to provide an initial response to the allegations made against them, it will be made clear to the member of staff suspension is not a disciplinary act. During suspension the member of staff will not contact any other staff member except HR and nominated management, as advised at suspension. The college reserves the right to suspend access to all electronic systems.

HR will provide written notification of the suspension without unreasonable delay, setting out the grounds on which the decision to suspend has been taken.

## 6.2 Outcomes

### **Stage 1: Verbal Warning/ Informal Warning**

Oxford Business College may consider that there is no need to resort to the formal procedure, and that it is sufficient to talk the matter over with the employee. A note of the informal warning may be kept on the employee's personnel file. However, the informal warning would not normally be considered in the event of subsequent disciplinary procedures. The purpose of an informal warning is to provide an opportunity for improvement or for the matter to be corrected without the necessity for formal disciplinary procedures to be enacted.

### **Stage 2: Written Warning**

If it is decided that the employee's conduct or performance is unsatisfactory, the Manager may give a written warning. This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that further disciplinary action will follow if the required standards are not met or if there is further misconduct. The employee will be informed of their right of appeal, and how and where this should be made. A record of the warning and related discussions will then be placed on their personnel file. It will normally cease to have effect after 12 months. If the employee's conduct is sufficiently serious, Oxford Business College may omit stage 1 and 2, and proceed straight to stage 3.

### **Stage 3: Final Written Warning**

For more serious matters, or where the employee has failed to meet the required standards after already receiving informal or/and formal warning which has not yet expired, they may be given a final written warning. This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that the employee will be dismissed if the standards are not met or if there is further misconduct. Again, the employee has the right to appeal. A record of the warning and a note of all related discussions will be placed on the personnel file. A final written warning will normally cease to have effect after 12 months.

### **Stage 4: Dismissal**

If there is still no improvement in the employee's conduct, where further misconduct occurs whilst the final written warning is active, or the employee's conduct amounts to gross misconduct, they may be dismissed. The employee will be invited to a stage 4 disciplinary hearing following which the Manager will consider a range of options including dismissal, redeployment, or extension of a final written warning. Where dismissal is appropriate, this will normally be on full notice and/or payment in lieu of



some or all of the employee's notice unless your conduct amounts to gross misconduct, in which circumstances, the employee will not be entitled to notice, or payment in lieu of notice. This will be confirmed in writing and will include details of the appeals procedure.

### **Right to Appeal**

If the employee is not satisfied with a disciplinary decision, they may appeal, in writing, within five working days. All appeals must set out the grounds on which the appeal is being made. On receipt of an appeal, arrangements to hear the appeal will normally be made within five working days. If the decision being appealed was a decision to dismiss, the date of dismissal will not be delayed pending the outcome of an appeal. Oxford Business college will invite the employee to an appeal hearing and remind them of their right to be accompanied. The appeal hearing will, where possible, be held by someone other than the person who held the original hearing. The outcome of the appeal will be confirmed in writing and will take one of three forms:

The original decision will be upheld, in which case any disciplinary sanction will be confirmed

The original decision will be overruled, in which case any disciplinary sanction will be rescinded; or

The original decision will be substantially confirmed but a less severe sanction will be substituted for that originally imposed (usually in cases of appeals based on extenuating circumstances)

Once the appeal process has concluded, there is no further right of appeal. In the event that the appeal is successful and the decision to dismiss is revoked, the employee will suffer no loss of continuity or pay.

## **7 Communicating with others**

At Oxford Business College, courtesy, tact and consideration should guide each employee in relationships with fellow workers and the public. It is mandatory that each employee in this organisation show maximum respect to every other person in the organisation and other contacts in a business context. The purpose of communication should be to help others and to make our business run as effectively as possible, thereby gaining the respect of our colleagues and customers.

Courtesy, friendliness, and a spirit of helpfulness are important and guide the company's dealings with employees and customers.

Differences of opinion should be handled privately and discreetly. Gossip and backbiting are to be avoided. Communicate directly with the person or persons involved to resolve differences.

Conservative criticism -- that which will improve business by clarifying or instructing -- should be

welcomed when delivered with respect and tact. Destructive criticism -- that which is designed to harm business or another person -- is not to be practiced.

Employees should strive to maintain a civil work atmosphere at all times and refrain from shouting, yelling, using vulgarities or swearing at co-workers or customers.

The standard of company is a work environment free from disparaging remarks about religion, ethnicity, sexual preferences, appearance and other non-work related matters. Each employee has the responsibility to foster an understanding of others' differences in order to create an environment where those differences contribute to a better organisation.

Inappropriate remarks based on any of the following are not tolerated and such behaviour will result in immediate termination of employment: race, religion, ethnic origin, physical attributes, mental or physical disability, colour, ancestry, marital status, pregnancy, medical condition, citizenship and/or origin.

Inappropriate remarks include those that treat a group of people in a uniform way, assign a behaviour in a disparaging way, imply inferiority of a group, are supposedly funny at someone else's expense, and/or cause embarrassment or distress to others based on comments about a particular group of people.

## **8 Staff Grievances**

### **8.1 OBC's Approach to handling grievances in the workplace**

### **8.2 Let the college know the nature of the grievance.**

If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with their line manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance. Whilst the grievance matter is being investigated all employees still have the right to access the college counsellor facilities as and when they feel it necessary.

### **8.3 Hold a meeting with the employee to discuss the grievance.**

The College should arrange for a formal meeting to be held without unreasonable delay after a grievance is received. The meeting should be attended by the employee's line manager and at least

one other member of the Senior Management Team.

The College, employees and their companions should make every effort to attend the meeting. Employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

#### **8.4 Allow the employee to be accompanied at the meeting.**

Employees have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the College to the employee. This would apply where the complaint is, for example, that the college is not honouring the employee's contract, or is in breach of legislation.

The statutory right is to be accompanied by a fellow worker. They may also alter their choice of companion if they wish. As a matter of good practice, in making their choice workers should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

To exercise their statutory right to be accompanied, employees must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain time frame. However, an employee should provide enough time for the College to deal with the companion's attendance at the meeting. Employees should also consider how they make their request so that it is clearly understood, for instance by letting the College know in advance the name of the companion where possible and whether they are a fellow worker.

If an employee's chosen companion will not be available at the time proposed for the hearing by the College, the College must postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the College from explaining their case.

## **8.5 Decide on appropriate action.**

Following the meeting decide on what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action the College intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

## **8.6 Allow the employee to take the grievance further if not resolved.**

Where an employee feels that their grievance has not been satisfactorily resolved they can appeal. They should let the College know the grounds for their appeal without unreasonable delay and in writing.

Appeals should be heard by the most Senior members of staff at the College who have not previously been involved in the case without unreasonable delay and the employee should be notified of the time and place in advance.

The appeal should be dealt with impartially and wherever possible by. Employees have a statutory right to be accompanied at any such appeal hearing. The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

## **8.7 Overlapping grievance and disciplinary cases.**

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.