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Disciplinary Procedure

Metanoia Institute

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Related policies
• Anti-Harassment & Anti-Bullying Policy • Whistleblowing Policy • Grievance Policy • Capability Policy • Dignity at Work and Study Policy • Health and Safety Policy • Equality, Diversity and Inclusion Policy
External Reference
1. <u>Code of Practice on disciplinary and grievance procedures</u> <u>Acas</u> UK Advisory, Conciliation and Arbitration Service. 2. The Equality act 2010

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Metanoia Institute Disciplinary Procedure

1. Policy Statement

Metanoia Institute expects satisfactory standards of behaviour, conduct and attendance from all its employees. This policy determines the procedures to be followed when standards of conduct give rise to problems which cannot be resolved by advice and encouragement, training, or increased support.

2. Purpose

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 emphasize 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. 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.

3. Scope

The Disciplinary Procedure applies to all staff employed by the Metanoia Institute and in all instances where formal disciplinary action is regarded as necessary.

4. Definitions

- In this policy “employees” are people who work for Metanoia institute under a contract of employment.
- In this policy "parties" refers to the employee against whom the disciplinary action is being considered, and the manager who initiates the procedure.
- The term ‘HR’ refers to any person within Human Resources who is providing advice.

5. Roles and Responsibilities

- Metanoia Managers: are responsible for ensuring that the process is followed and where appropriate referred to the Metanoia People Team to guarantee that all matters are resolved promptly and fairly.
- All staff are advised to familiarise themselves with this policy and the appropriate Metanoia Policies. Any issues related to this policy, please contact hr@metanoia.ac.uk

- Metanoia people department are responsible for ensuring that any **Disciplinary case is acknowledged** and investigated promptly, fairly, consistently, and without unreasonable delay. It will carry out necessary investigations, meet with the employees to discuss their grievance, and inform them of the outcome.

6. Principles

- a) the correct procedure is used when requiring you to attend a disciplinary hearing.
- b) you are fully aware of the standards of performance, action and behaviour required of you.
- c) disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner.
- d) you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions we may implement temporary measures in order that an uninterrupted investigation can take place. These measures may include, for example.

- working in a different department, or from a different office or site
- a change to your usual duties
- working with different customers/clients, or away from customers/clients
- working from home
- suspension on contractual pay.

This list is not exhaustive, and we may implement other measures which are appropriate to the circumstances. None of these measures are to be regarded as disciplinary action or a penalty of any kind.

Where an employee on temporary suspension tells us that they are sick, the employee will be considered to be on sickness absence, rather than suspension, until the employee notifies us that they are no longer sick, at which point suspension will resume where appropriate.

- e) 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.
- f) you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct, and
- g) 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.

7. Disciplinary Rules

7.1 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 handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

7.2 Rules Covering Unsatisfactory Conduct and Misconduct

You will be liable to disciplinary action if you are found to have acted in any of the following ways. (These are examples only and not an exhaustive list.)

- a) failure to abide by the general health and safety rules and procedures.
- b) smoking in designated non-smoking areas.
- c) consumption of alcohol on the premises.
- d) persistent absenteeism and/or lateness.
- e) bribery offences under the Bribery Act 2010.
- f) unsatisfactory standards or output of work.
- g) rudeness towards clients, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language.
- h) data protection breaches and misuse of the Institute's information;
- i) failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours.
- j) unauthorised use of e-mail and internet.
- k) failure to follow all reasonable instructions or follow our rules and procedures.
- l) unauthorised use or negligent damage or loss of our property; and
- m) failure to report immediately any damage to property or premises caused by you.

8. What is Gross Misconduct?

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- a) theft or fraud.
- b) physical violence, Abusive or threatening behaviour
- c) acts of discrimination, bullying, harassment or victimisation of employees, students or visitors to the campus or bullying.
- d) deliberate damage to property.
- e) deliberate acts of unlawful discrimination or harassment.
- f) possession, or being under the influence, of drugs* at work, and *For this purpose, the term 'drugs' is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.
- g) breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.
- h) Theft of either Metanoia Institute property or property belonging to members of staff
- i) Deliberate falsification of documents, for example timesheets or expense claims
- j) Bringing the Metanoia Institute into serious disrepute
- k) Deliberate and serious breach of financial regulations
- l) when the relationship has been broken between employee and Institute due to the continued wrongful, vexatious claims that when investigated have had no substance, evidence to support the claims.

The above examples are illustrative and do not form an exhaustive list.

9. Disciplinary Procedure

Stages of the Disciplinary Procedure

The stages of the disciplinary procedure are:

- a) Informal Resolution (where appropriate)
- b) Formal Disciplinary Action

- Suspension (where appropriate)
- Investigation
- Disciplinary Hearing

a) Appeal

Informal Resolution

Where minor instances of misconduct or initial concerns about performance are identified, it is the expectation that they will be dealt with informally, normally by the Line Manager. Examples may include:

- poor timekeeping.
- not following reporting procedures for absence.
- minor breaches of Metanoia Institute policies or procedures.

Normally a Line Manager will review concerns which may include speaking with appropriate individuals to ascertain the background to the situation. If further action is required following this initial review, a Line Manager will normally address concerns via discussion with the staff members, advising them of the standards expected with the objective of facilitating improvement. This may include identifying support mechanisms such as training, coaching; work shadowing; or the use of mediation and/or facilitated meetings. On occasion, invoking other Institute policies and procedures (such as the Capability Procedure) may be appropriate. If there is no improvement, if improvement is not sustained, or if the alleged misconduct is more serious or persistent, formal action may be taken.

Formal Disciplinary Action

Where informal action does not lead to improved behaviour, or where the alleged misconduct is more serious or where persistent incidents have been identified, the formal process should be initiated.

Disciplinary offences which are dealt with under the Metanoia Institute's disciplinary policy and procedure fall into two categories:

- Misconduct and
- Gross Misconduct

A record of the warning will be placed on the employee's personnel file and will remain active for three months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings.

Suspension

In certain circumstances it may be necessary to suspend an employee from work whilst an investigation is carried out, such as:

- a) The allegations are potential gross misconduct.
- b) Where it is perceived that the employee's continued presence in the workplace would hinder or compromise an investigation.
- c) Where it is perceived that the employee's continued attendance in work poses a threat to security, a risk to evidence or to their safety, the safety of others or damage to Metanoia Institute property.

Where the line manager identifies that suspension is necessary, they must contact HR to discuss the reason for suspension. Where it is agreed that it is necessary to suspend the employee, the employee's line manager will inform the employee and where it is necessary, ensure that the employee is accompanied from the Metanoia Institute premises. The suspension will be as brief as possible and no longer than is necessary to investigate the allegations and arrangements will be confirmed in writing to the employee.

The decision to suspend is not a disciplinary penalty and does not imply that any decision has been made about the allegations. Alternatives to suspension, such as moving the employee to another location or job or by limiting their duties, will be considered while an investigation takes place. Whilst suspended, the employee should not visit any Metanoia Institute premises, perform any usual duties, or discuss the matter with any other Metanoia Institute employees, customers, or contractors unless authorised to do so.

Investigation

An investigation will be undertaken in the first instance to ascertain the facts of the case.

Every allegation of misconduct will be investigated before formal disciplinary proceedings are started. HR will assist in this, and the investigation will include a meeting with the members of staff in order to establish the full facts of the matter and allow the members of staff to comment on the case against them.

The purpose of the investigation is to:

- establish the nature of the allegations.
- gather evidence to enable a decision to be taken on whether there is a disciplinary case to answer.
- consider if the matter should proceed to a formal hearing.

Each investigation is different, but it will most likely include interviewing and taking statements from the employee who is the subject of the investigation and any witnesses, including witnesses suggested by the employee.

Any investigation should be completed as quickly as possible and within a reasonable timescale dependent upon the complexity of the case.

Disciplinary Hearing

- Where, following an investigation report, the investigation officer will meet with HR to discuss the findings a full report of decision made, following investigation will be reported on.
- Members of Staff Under Investigation will usually receive the outcome of the Hearing within 5 working days. Disciplinary penalties will be considered after the time specified or as otherwise notified at the time of the warning or other penalty being given.
- You will be given details of the complaint against you in a written statement, normally at least 5 working days before any such disciplinary hearing.
- At any disciplinary hearing you will be given a full opportunity to state your case and to respond to the allegations.

10. Disciplinary Penalties

Offence	First Occasion	Second Occasion	Third Occasion
Misconduct	Written Warning	Final Written Warning	Dismissal
Serious Misconduct	Final Written Warning	Dismissal	
Gross Misconduct	Dismissal		

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

11. Appeal

Members of Staff Under Investigation are entitled to appeal against any disciplinary penalty issued (up to and including dismissal). Notification of an intention to appeal, together with the detailed grounds of appeal must be made in writing within 5 working days from the date of issue of the decision of the Disciplinary Hearing.

In the case of dismissal with notice, the Appeal Hearing should be heard, wherever possible within the contractual notice period applicable from the date of the dismissal.

The employee should submit any additional documentary evidence they wish to be considered no later than 5 working days before the meeting to hear the appeal.

12. Period of Warnings

Written warning

A written warning will normally be disregarded for disciplinary purposes after a six-month period.

Final written warning

A final written warning will normally be disregarded for disciplinary purposes after a twelve-month period.

13. Monitoring and Review

The HR department will undertake annual equality monitoring to keep the fair operation of this policy under review.

Annex 1 FLOWCHART

Metanoia Disciplinary Procedure

