



**Oxford International Study Centre**  
individually designed study programmes in the heart of Oxford

## **STAFF DISCIPLINARY AND GRIEVANCE PROCEDURES**

### **Disciplinary Procedure**

#### **Purpose and scope**

The Company's aim is to encourage improvement in individual conduct and performance. The aim is to ensure consistent and fair treatment for all in the organisation. This procedure sets out the action which will be taken when disciplinary rules are breached or when an employee's performance is unsatisfactory. **However, depending on the seriousness of the misconduct or unsatisfactory performance, the Company reserves the right to invoke any stage of the procedure, including dismissal where absolutely necessary and appropriate, as an initial step.**

#### **Principles**

- (a) 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 and a disciplinary meeting has taken place.
- (b) Informal action will be considered, where appropriate, to resolve matters swiftly and amicably.
- (c) The Company reserves the right to suspend employees on full pay for a maximum of 5 working days (or such longer period as in the circumstances may be reasonable) whilst the investigation takes place. Suspension in itself is not a disciplinary measure.
- (d) Employees will be given advance notice of the disciplinary meeting. They will be supplied with details of the allegations or complaints and, unless there is good reason not to, will also be supplied with copies of all documents and witness statements that will be referred to at the disciplinary meeting.

- (e) At every stage employees will have the opportunity to state their case and be represented, if they wish, at the hearings by a fellow employee or by a full-time or duly certified trade union official. If the chosen representative cannot attend on the proposed date of the disciplinary meeting, employees can offer an alternative date and time so long as it is reasonable and falls within 5 working days following the date which was proposed by the Company.
- (f) An employee has the right to appeal against any disciplinary penalty.
- (g) As far as possible, disciplinary proceedings (including witness statements and records created during such proceedings) will be kept confidential.

## **The Formal Procedure**

### **Stage 1 – Oral warning/Improvement note**

If an employee's conduct is unsatisfactory, the employee will be given a formal ORAL WARNING, a note of which will be kept on the employee's personnel file. The employee will be advised as to the reason for the oral warning, the change in behaviour that is required and that the oral warning constitutes the first step of the disciplinary procedure.

If an employee's performance does not meet acceptable standards, the employee will be given a formal IMPROVEMENT NOTE. The improvement note will set out details of the performance problems, the improvement that is required, the timescale for when the improvement must be made and any help that may be given. A copy of the improvement note will be kept on the employee's personnel file for a period of 6 months after which it will be disregarded, subject to achieving and sustaining satisfactory performance.

### **Stage 2 - Written Warning**

If the disciplinary offence or poor performance is serious, if there is no improvement made, or if further offences occur, a WRITTEN WARNING will be given which will include details of the reasons for the written warning, the improvement or change in behaviour or performance that is required, the timescale for the improvement and a note that, if there is no sustained improvement or change by the specified time, a FINAL WRITTEN WARNING may be given. The written warning will be kept on the employee's personnel file for a period of up to 12 months after which time it will be disregarded, subject to satisfactory service.

### **Stage 3 – Final Written Warning**

If the employee's conduct or performance is still unsatisfactory or where the offence or poor performance is sufficiently serious, a FINAL WRITTEN WARNING will be given making it clear that any recurrence of the offence or other serious misconduct or failure to improve within a further specified period of time may result in dismissal or some action short of dismissal. The final written warning will be kept on the employee's personnel file for a period of 12 months after which time it will be disregarded, subject to satisfactory service.

### **Stage 4 - Dismissal**

If there is no satisfactory improvement or if further serious misconduct occurs, the employee may be DISMISSED. As an alternative to dismissal, the employee might be asked to consent to a disciplinary transfer, demotion or loss of seniority/increment.

### **Gross Misconduct**

If, after an investigation and a disciplinary meeting, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive) or if the Company has reasonable grounds for believing that such an offence has been committed, the normal consequence will be dismissal without notice or pay in lieu of notice:

Theft, fraud or other dishonesty; deliberate falsification of records; physical violence or bullying; unlawful discrimination or harassment; deliberate and serious damage to property; serious insubordination; misuse of the Company's property or name including serious breach of the Company's communications or equality policy, not limited to sending or deliberately accessing material that is malicious, untrue, obscene or defamatory; bringing the Company into serious disrepute; serious incapability whilst on duty brought on by alcohol or illegal drugs; serious negligence which causes or might cause unacceptable loss, damage or injury; serious infringement of health and safety rules; serious breach of confidence (subject to an employee's right to "whistleblow" under the Public Interest (Disclosure) Act 1998).

### **Appeals**

An employee may wish to appeal because, for example, s/he thinks a finding or the penalty is unfair, new evidence comes to light or s/he thinks the disciplinary procedure was not used correctly.

An employee who wishes to appeal against any disciplinary decision may do so by informing Judge Terence Maher or Dr Maggie Faulkner within 5 working days of receiving notification of the decision, in writing and setting out the reasons for the appeal. There will then be an appeal meeting. Where practicable, the person conducting the appeal meeting will be more senior than the person who imposed the disciplinary sanction being appealed against. After the appeal meeting, the person conducting the meeting will write to the employee with his/her decision. That decision will be final.

## **Grievance Procedure**

### **The Procedure**

Issues that are appropriate to be dealt with under this procedure might include terms and conditions of employment, health and safety, relationships at work, new working practices, working environment, organisational change, discrimination, bullying and harassment. The Company intends that where an employee has a complaint about an action that the Company has taken or is contemplating taking in relation to that employee, such a complaint will fall within this procedure.

If an employee has any questions or grievances relating to his/her employment, they should be raised in accordance with the procedure set out below.

### **Informal procedure**

In the first instance an employee should discuss the issue informally with Ben Llewelyn, the Principal. In appropriate cases, the Company and the employee may agree to use the services of an independent, impartial workplace mediator in an attempt to resolve matters swiftly and amicably.

### **Formal procedure**

#### **Stage 1**

Where the grievance cannot be resolved informally, it should be referred in writing to Ben Llewelyn, the Principal. Ben Llewelyn will arrange a meeting, normally within 5 working days. They will carry out any further investigation that may be necessary and decide the case based on all the evidence as impartially as possible. They will then confirm the decision of

the grievance in writing, normally within 24 hours but, depending on the extent of further investigations that may be required, at the latest within 10 working days of the meeting.

### **Stage 2 – Appeal Meeting**

If the grievance is not resolved or if the employee considers that s/he has not been fairly treated, the matter should be referred in writing to one of the college's independent adjudicators, Judge Terence Maher or Dr Maggie Faulkner within 5 working days of the grievance meeting decision. The adjudicator hearing the grievance will arrange a meeting usually within 5 working days and decide the case based on all the evidence as impartially as possible. S/he will confirm the decision in writing, normally within 24 hours but, depending on the extent of further investigations that may be required, up to 10 working days following the appeal meeting. That decision will be final.

### **Representation**

At any stage of the grievance procedure, an employee may be accompanied or represented by a fellow employee or by a full-time or duly certified trade union official.