



ETC International College

ETC Disciplinary Rules and Procedures

October 2024

It is the aim of ETC to encourage all employees to achieve and maintain the required standards of individual job performance and conduct. The prime objectives of the disciplinary procedure are to encourage improvements and to ensure that employees are treated both fairly and consistently.

A separate procedure is provided for managing performance.

This set of rules and procedures sets out the action that will normally be taken when disciplinary rules are breached. They come into effect once a member of staff has completed 12 months' service. Statutory procedures apply to staff with less than 12 months' service.

Step One

You will be asked in writing to attend a formal disciplinary meeting with your manager. You will be told whether the outcome of the meeting may result in a warning or dismissal, and given the details of the alleged misconduct or other circumstance that has led to this request. Around 1 – 3 days' notice will usually be given. You have the right to be accompanied by a colleague or an accredited Trade Union Representative.

Step Two

At the meeting you will be presented with all the management evidence including copies of all relevant documentation, and will have an opportunity to fully state your case. After the meeting the manager will inform you of the decision that has been reached. This will also be confirmed to you in writing.

Step Three

You have the right to appeal against the decision, which should be put in writing to your line manager within 5 days of receipt of the letter confirming the outcome of the disciplinary meeting.

An appeal hearing will usually be organised within 10 working days of receipt of your appeal. You will be given an opportunity to state your case, and may be accompanied by a colleague or an accredited Trade Union representative if you so wish.

You shall be informed of the final decision by your line manager, in writing, following the appeal. You should note that the appeal meeting does not have to take place before any dismissal or disciplinary action takes effect.

Principles:

1. The list of rules below supplement those detailed in the "ETC Handbook" and in the document "Notes for Teachers". The list below is not exhaustive.
2. 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.

3. At every stage, employees will have the opportunity to state their case and be accompanied by either a work colleague or an accredited Trade Union representative.
4. Only the Director, the Principal or the Director of Studies has the right to suspend or dismiss. An employee may, however, be given a verbal or written warning by their immediate superior.
5. An employee has the right to appeal against any disciplinary action.

Procedure:

Should ever the need for disciplinary action arise, either as a result of an act of misconduct or for reasons of poor performance, ETC has a 3-stage procedure, which applies to all employees who have completed more than 12 months' service.

1st Stage:	Verbal warning	- Kept on file 6 months.
2nd Stage:	First Written warning	- Kept on file 6 months.
3rd Stage:	Final Written warning	- Kept on file 6 months.
4 th Stage:	Dismissal.	

No disciplinary action will be taken before a proper investigation has been undertaken. In certain circumstances you may be suspended while a case is being investigated. The suspension is not disciplinary action but is intended to facilitate the fair and proper investigation of an allegation. During a period of suspension, providing you are otherwise available for work, you will receive your basic pay for a period of up to two weeks. If after two weeks it is considered necessary to continue the suspension, you will be informed of this and the reasons for the action in writing.

If appropriate, depending on the outcome of the investigation, you will be asked in writing to attend a formal disciplinary hearing with an appropriate senior representative of ETC. You will be told that the outcome of that meeting may result in a warning (the level of warning likely will be specified e.g. written/final written) or otherwise dismissal on grounds of misconduct / poor performance. You will be given copies of all relevant documents to ensure you are able to properly prepare for your meeting. Around 1 - 3 days' notice will usually be given of a disciplinary hearing depending on both the seriousness of the incident and the business situation.

At all formal disciplinary hearings you have the right to be accompanied by an employee of your choice or an accredited Trade Union representative. Your companion will have the right to address those present and may respond on your behalf to any views put forward during the hearing. However, your companion cannot answer questions on your behalf or otherwise represent you, but they will be able to confer with you throughout the hearing. Should your chosen companion not be available on the date or time designated by the Company, a further date and time will be arranged. No delay for a hearing to take place will normally be permitted in excess of 5 working days.

At the formal disciplinary hearing you will be presented with all the management evidence including copies of all relevant documentation (if not previously given to you) and you will have an opportunity to fully state your case. If necessary, further investigation may take place after the hearing, prior to a decision being made.

A decision will be made as soon as is reasonable after the hearing to allow appropriate consideration of the facts presented. This decision will be confirmed to you in writing.

In all cases where a warning has been given for misconduct, you will be informed that if a further act of misconduct occurs, further disciplinary action will be taken, and the consequences thereof. In all instances of misconduct ETC reserves the right to start disciplinary proceedings at an appropriate level based, for example, on the seriousness of the act of misconduct, the adverse effect of the act on the school or the level of responsibility and length of service of the person concerned. Examples of different types of misconduct and how seriously they will be viewed are given at the end of this Procedure.

Examples of Misconduct – First Stage Warning (Verbal)

The following are likely to result, if a first instance of misconduct, in a first stage warning:

- Lateness / Poor timekeeping / time-wasting.
- Short periods of unauthorised absence.
- Repeated failure to provide appropriate sickness absence documentation.
- Minor violation of safety / hygiene rules.
- Unacceptable personal hygiene at work.
- Poor attitude demonstrated towards work.
- Refusal to obey a reasonable instruction.
- Failure to follow clear Company guidelines, rules or policies.

Examples of Misconduct – Second Stage Warning (First Written)

The following are likely to result, if a first instance of misconduct, in a second stage warning:

- Serious breach of safety / hygiene rules.
- Unauthorised absence of between 1 day and 4 working days.

- Persistent refusal to obey reasonable instructions.
- Smoking in prohibited areas.
- Abuse of Company facilities.
- Misuse of power or position.
- Minor breach of confidentiality, data protection, E-mail or Misuse of Company equipment policies.
- Repeated failure to provide appropriate sickness absence documentation.
- Rudeness to a client, supplier, colleague, manager or student.
- Conduct which could be prejudicial to the good name of the Company or the relationship with a student.
- Persistent or more serious failure to follow clear Company guidelines, rules or policies.

These lists give examples only and are by no means exhaustive. Repeated occurrences of the above offences may lead to a Third Stage Warning (Final Written).

In all cases of misconduct, ETC reserves the right to start disciplinary proceedings at an appropriate level. (Appropriateness will be determined by any relevant or mitigating factors including, for example, seniority/responsibility of the employee, seriousness of the offence or whether the misconduct is just one of a number of acts of misconduct for which the employee is being disciplined).

Gross misconduct.

There are certain actions by employees, which may constitute misconduct serious enough to justify dismissal without notice or pay in lieu of notice. This may be in the event of gross misconduct or persistent misconduct by the employee. If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive) the normal consequence will be dismissal, however ETC reserves the right in each situation to decide what constitutes gross misconduct.

In any event, gross misconduct is defined as “behaviour which materially injures or threatens to injure persons or the Company’s premises, equipment, products, information, data sources, records, finance, security, operation or reputation”. Examples of what might be seen to be gross misconduct include:

- Deliberately damaging or destroying ETC property or failing to return property when requested to do so.
- Failure to disclose information relating to a conflict of interest.
- Contravention of ETC’s rules regarding cash handling procedure.
- Misappropriation or consumption of ETC owned products, funds or property.
- Theft from the Company, its employees, clients or contractors.
- Unauthorised possession of cash or property belonging to ETC, other employees, students or clients of ETC.
- Being unfit for work as a result of alcohol, illegal drugs or other substances.
- Criminal offences against the Company or against another employee.
- Serious or persistent acts of unlawful discrimination or harassment of any kind.
- Conviction of a criminal charge if relevant to the employee’s employment.
- Conduct outside of work which has a direct bearing on your job or which affects employee or client relations or amounts to a breach of trust, or brings the Company’s name into disrepute.
- Use of violent, threatening or insulting behaviour towards other persons or use of obscene language.
- Disorderly behaviour likely to cause damage, injury or waste of resources.
- Fighting or assaulting any other person during the course of employment.
- Deliberate and serious contravention of Health and Safety procedures.
- Dangerous working practices or serious breach of safety rules potentially involving loss of life or limb.
- Failure to report and/or record a notifiable accident.
- Gambling on Company premises.
- Possession, sale, transfer or use of any illegal drugs or other prohibited materials on Company property and / or during any Company activities.
- Deliberate harassment (including sexual and racial harassment) or deliberate discrimination against any other member of staff, supplier or client.
- Deliberate contravention of statutory regulations.

- Any act of fraud, e.g. working whilst claiming Company sick pay, making false statements on the application form, falsification of legal or Company documentation, including falsification of time sheets / holiday forms / expenses claims, student attendance records, etc.
- Deliberate (or serious) breach of confidentiality, data protection or misuse of Company equipment policies.
- Unauthorised entry to computer records or use of computer equipment or serious misuse of computer facilities including email, internet and the deliberate importation of a computer virus.
- Deliberate or negligent disclosure of confidential information to competitors or other third parties.
- Unauthorised absence of more than 5 working days.
- Downloading and / or circulating pornographic or inappropriate material which would be considered immoral or cause offence or harassment.
- Private trading on Company premises or engaging in any business or activity harmful to the Company.
- Sleeping whilst on duty.
- Loss of driving licence where driving is an essential part of the job.
- A significant breach of the implied trust and confidence that must exist between the Company and employee.
- Significant (or persistent) failure to follow clear Company guidelines, rules or policies. Eg. Failure to record student attendance and absence accurately.

In all instances of gross misconduct, or where gross misconduct is suspected, you will have the same rights as an employee facing a warning for misconduct. You will therefore have the right to be told what act of misconduct you are thought to have committed, the right to prepare before the disciplinary hearing, the right to be accompanied and the right to appeal following a decision being made.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid the normal hourly rate. Any decision taken to dismiss will be taken by the employer only after a full investigation.

Right to Appeal.

An employee who wishes to appeal against any disciplinary decision must do so to the Director, Mr Kambiz Parandian, or as otherwise directed, within five working days of receipt of the letter confirming the outcome of the disciplinary action. The employer will hear the appeal, usually within 10 working days, and decide the case as impartially as possible. In the event that an appeal is lodged by an employee who has been dismissed, and this appeal is upheld, there will be no interruption in the employee's pay or continuity of service. Should it not be upheld, the date of dismissal will be the original date and not the date of the appeal.

Sickness Absence at the Time of a Hearing

If you are required to attend a disciplinary interview and you are absent for reasons of sickness at the time when the meeting is due to be held, the meeting will be postponed to a date within the next 5 working days. If you are still absent for sickness reasons at the time when the postponed meeting is due to be held, indefinite postponement should be avoided. If it is clear that you will be fit to return to work within the next 5 working days the meeting should be postponed to the date of your return. However, if your return date is not clear, a hearing will be arranged within the next 5 working days which you may choose to attend, if you are well enough, or otherwise you may submit a written representation and, if you so wish, appoint a representative in possession of the full facts to attend on your behalf. This should be a colleague or accredited Trade Union representative. If you do not attend, or submit written representation, the hearing will go ahead in your absence and a decision will be made on the basis of the information available. Your right to appeal is not affected.

Notice

If you are dismissed as a result of disciplinary action but not as a result of Gross Misconduct you will receive notice from ETC in accordance with your contract. If you are dismissed as a result of Gross Misconduct you are not entitled to notice.

Alternatives to Disciplinary Action

As an alternative to disciplinary action or dismissal, ETC reserves the right to take any or all of the following

actions:

- A change of duties within the job role and / or
- A demotion to another role and / or
- A reduction in salary / benefits commensurate with a revised role, duties or an entirely new position.

This document to be read in conjunction with Sexual Harassment Prevention Policy

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Next update due November 2027