



Disciplinary Procedure

Purpose of the Disciplinary Policy

The aim of Churchill House is to encourage professionalism and improvement in individual conduct and performance. This procedure sets out the action which will be taken when company rules are breached.

Our Principles

If you are subject to disciplinary action:

- 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 Minimum Three-Step Process

This process must be followed in the event of a dismissal or any disciplinary action:

- Put it in writing: the reasons for the disciplinary action or dismissal must be put to the employee in broad terms in writing.
- Meet and discuss: There must be a meeting between employer and employee. Both must be given time to consider the facts of the complaint prior to the meeting. The employee must be informed of the decision and of his/her right to appeal.
- Appeals: an appeal meeting if required. This may happen after sanctions have already been imposed. The employee must be informed of the outcome of the appeal.

Informal Discussions/Counselling

Before taking formal disciplinary action, your Line Manager may choose to attempt to resolve the matter by discussing it with you informally. Please note that records will be kept of informal discussions for reference.

Note: An informal discussion is not a disciplinary procedure and cannot develop into one, although a disciplinary procedure can be called as a result.

The Disciplinary Procedure

NOTE: The Disciplinary procedure below may be implemented at any stage depending on the seriousness of the issues.

Formal Verbal Warning

For minor offences or if, despite informal discussions, your conduct or performance does not meet acceptable standards, you will be given a formal verbal warning by your Line Manager. You will be told:

- The reason for the warning.
- That this warning is the first stage of the disciplinary procedure.
- That you have a right of appeal.

A brief note of the warning will be kept but it will lapse after 6 months, subject to satisfactory conduct and/or performance.

Written Warning

For more serious offences, if there is no improvement in standards, or if a further offence occurs, a written warning will be given. This will state the reason for the warning and a note that, if there is no improvement after 1 week, a final written warning will be given. A copy of this first written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

Final Written Warning

If your conduct or performance remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning, then a final written warning will be given making it clear that any recurrence of the offence or other serious misconduct within a period of 2 weeks will result in dismissal. A copy of the warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

Dismissal

For serious offences, if there is no satisfactory improvement or further serious misconduct occurs, you will be dismissed and required to leave the campus immediately.

Disciplinary Hearings

Whether a worker has a statutory right to be accompanied at a disciplinary hearing will depend on the nature of the hearing. Employers often choose to deal with disciplinary problems in the first instance by means of an informal interview or counselling session. So long as the informal interview or counselling session does not result in a formal warning or some other action it would not generally be good practice for the worker to be accompanied as matters at this informal stage are best resolved directly by the worker and manager concerned. Equally, employers should not allow an investigation into the facts surrounding a disciplinary case to extend into a disciplinary hearing. If it becomes clear during the course of the informal or investigative interview that formal disciplinary action may be needed then the interview should be terminated and a formal hearing convened at which the worker should be afforded the statutory right to be accompanied.

The Statutory Right to be Accompanied at Disciplinary Hearings

Workers have a statutory right to be accompanied by a fellow worker where they are required or invited by their employer to attend certain disciplinary or grievance hearings and when they make a reasonable request to be so accompanied. This right is additional to any contractual rights. The statutory right to be accompanied applies specifically to hearings which could result in:

- The administration of a formal warning to a worker by his employer (i.e., a warning, whether about conduct or capability, that will be placed on the worker's record).
- The taking of some other action in respect of a worker by his employer (e.g., suspension without pay, demotion or dismissal).
- The confirmation of a warning issued or some other action taken.

Appeals

If you wish to appeal against any disciplinary decision, you must appeal in writing within five working days of the decision being communicated to the Operations Manager for the summer staff and the Social/Academic Coordinator or DLS for the non-summer staff. Appeal hearings take the form of a review of statements/evidence submitted and is conducted by a company Head of Department who will decide whether it is appropriate to hold a formal meeting. The decision of the hearing is final.

Gross Misconduct

If, after investigation, it is deemed that you have committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal:

- Any inappropriate physical contact, communications, verbal interactions (use of swear words/abusive language), email/social network/media contact with students in our care
- Disregard of our Child Safeguarding Policies
- Fighting, assault on another person
- Bullying of any kind
- Deliberate or reckless damage to company property
- Sexual or racial harassment
- Being unfit for work through alcohol or illegal drugs
- Gross negligence
- Serious insubordination
- Theft, fraud, deliberate falsification of company documents
- Bringing the company into disrepute
- Serious misuse of company equipment/materials/IT
- Breaches of venue rules which result in being expelled from the campus

Any decision to dismiss will be taken only after a full investigation. If you are found to have committed an act of gross misconduct, you will be dismissed without notice or payment in lieu and you are required to leave the site immediately.

Suspension Pending Investigation

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid as normal. Such suspension is not to be regarded as a form of disciplinary action and will be for as short a period as possible.

Summer staff suspended pending investigation may be required to leave site until the disciplinary investigations are completed. No alternative accommodation will be offered by

Churchill House or expenses allowed. Staff allowed to stay on site will be subject to strict conditions.

Staff Grievance Procedure

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

Formal Grievances

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your manager. You should stick to the facts and avoid language that is insulting or abusive. Where your grievance is against your manager and you feel unable to approach him or her you should talk to another manager or the Operations Manager.

Grievance Hearing

Your manager will call you to a meeting, normally within five days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request. After the meeting the manager will give you a decision in writing, normally within 24 hours.

Appeal

If you are unhappy with your manager's decision and you wish to appeal you should let your manager know. You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by a more senior manager. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request. After the meeting the manager will give you a decision, normally within 24 hours. This decision is final.

NB: This procedure is based on an ACAS advisory guide.

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