



Oxford Prospects Programmes

Discipline Policy (staff)

Oxford Prospects Programmes (OPP) expects high standards of professionalism from its staff. We will conduct any disciplinary procedures in a professional, fair and impartial way.

General

1. Misconduct includes breach of your contract of employment, breach of OPP policies or other clearly unprofessional conduct.
2. In accordance with our Performance Review and Appraisal Policy, the disciplinary process may potentially also be invoked if there is a sustained period of under-performance and the employee is not responsive to constructive criticism and appropriate support.
3. Where possible and appropriate, OPP will seek to resolve disciplinary issues informally. This will normally be the case for minor misconduct.
4. Informal resolution of a disciplinary matter will take place through a confidential discussion between the employee and their line manager. The employee will not have the right to be represented. The focus will be formative rather than punitive, i.e. the principal aim will be to improve future performance through constructive criticism and support rather than to sanction wrongdoing.

Formal hearings

5. Misconduct that cannot immediately be dealt with informally will trigger a formal investigation into the allegation(s), which will take into account any statements from witnesses as appropriate. The purpose of the investigation is to determine whether there is a case to answer at a formal disciplinary hearing.
 - b) The investigation will normally be carried out by the employee's line manager. There may be times when this will be inappropriate, for example if the line manager initiated the complaint. In this case an alternative senior staff member will conduct the investigation.
6. OPP reserves the right to suspend an employee on full pay during the investigation process. Suspension on full pay is not a penalty and carries no implications as to the employee's guilt or otherwise.

8. At the end of the investigation, a determination will be made as to whether:

- No further action is needed
- The matter should be dealt with informally
- A formal hearing should take place

The employee will be informed promptly of this decision. If the employee believes a formal hearing is needed to resolve the issue, the investigator must take account of this request in reaching their decision

9. If a formal hearing is to take place, OPP will appoint a chair. We recognise that, given our small size, all our own senior staff are likely to be aware of any disciplinary matter. We also recognise that it is in the interests of justice for the chair of a disciplinary panel to have no prior knowledge of the case. OPP will therefore endeavour to draw upon people external to OPP to chair disciplinary panels. If the employee facing disciplinary action has a legitimate concern about the partiality of the chair, they should raise this with the Director or a senior staff member.

10. The chair will convene a disciplinary hearing and write to the employee, giving them at least 5 working days' notice of the hearing, unless an earlier date is mutually agreed. The written notification will include the following information:

- The specific nature of the allegation, including details of what contractual or policy term the employee is suspected of contravening
- The time and place of the hearing
- That the employee may be accompanied by a trade union representative or workplace colleague. Legal representation is only permitted within the scope of s10 of the Employment Relations Act 1999
- The names of all those who will attend the hearing, including any witnesses
- That the employee may submit evidence or call witnesses and that witnesses will respect the need for confidentiality

11. All relevant documentation from OPP and from the employee must be submitted to the chair at least 48 hours before the hearing.

12. The employee should make an effort to attend the hearing. If the employee is unable to attend for a good reason, the chair will make reasonable efforts to reschedule the hearing for a mutually convenient time. If the employee fails to attend the hearing without good cause, the hearing may take place and reach a decision in their absence.

13. The hearing will review the evidence on both sides, including any mitigating factors, impartially, fairly and without discrimination as understood in the harassment and equality policies.

14. The hearing will be strictly confidential. No audio or video recording will be permitted except as a reasonable adjustment for a participant who has a disability.

15. Following the hearing, the chair will recommend one of the following outcomes:

- No further action
- Written warning
- Final warning
- Dismissal

OPP will generally follow the chair's recommendations but may exceptionally and at its sole discretion impose a lesser penalty

Outcomes

16. A written warning will state that unless there is sustained improvement in the employee's conduct a final warning will be considered. Written warnings will be kept on file but will be disregarded for disciplinary purposes after six months of sustained satisfactory conduct.

17. A final warning will state that unless there is sustained improvement in the employee's conduct dismissal will be considered. A final warning will be given if the misconduct is sufficiently serious, if there is already an unspent written warning on file, or if there is a pattern of repeated misconduct.

18. Dismissal will take place with the contractual notice period except in the case of gross misconduct. Gross misconduct is a fundamental breach of contract or of professional standards such that OPP cannot reasonably continue to employ the employee. In cases of gross misconduct OPP reserves the right to dismiss an employee without notice.

Appeal

19. The employee may appeal the decision of the disciplinary panel. If the employee wishes to appeal, they must notify the panel chair of the specific grounds for appeal within five working days of being told the outcome of the panel.

20. An appeal will have the same procedures and format as an initial hearing. So far as reasonably practicable, OPP will endeavour to find a new chair for the appeal who has no prior knowledge of the case.

21. An appeal must first consider whether the disciplinary hearing was flawed on the grounds of procedural impropriety, error or manifestly irrational decision-making. If not, the appeal will be dismissed and the initial decision will stand.

22. If the appeal finds that the disciplinary hearing was flawed, it should set aside the decision and reconsider all the evidence afresh, sitting as a disciplinary panel. The chair will

then recommend one of the same four outcomes available to an initial hearing and outcomes will proceed therefrom.