



Education & Skills
Funding Agency



European Union
European Social Fund
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DISCIPLINARY POLICY



Issued: November 2017

Disciplinary Policy

Terminology

The Term	Will hereinafter refer to...
Directors	The Directors of PAAH.
Funded Organisations	PAAH Funded Organisations
Personnel	Any personnel employed by PAAH and/or the Funded organisations and partner organisations that are responsible for deliver or support of PAAH Funded Learners.
Partner Organisations	Employers and work placement providers of PAAH Funded Learners.

Purpose

PAAH is fully committed to supporting the development of organisations funded by PAAH, including its personnel, learners and partner organisations. This will be achieved with the provision of guidance and training within a friendly environment. We oppose all forms of harassment or bullying and will ensure that early intervention, assistance and advice wherever possible are used to prevent any need for evoking formal disciplinary procedures.

This Policy has been produced to meet the statutory requirements of current legislation. It will provide a uniform approach to discipline or actions in the event of a breach of contract and ensure all matters are dealt with fairly and consistently.

Disciplinary action may be taken when individuals or organisations fail to meet their agreed terms and conditions laid down in their agreements, contractors their organisational codes unless a valid reason is provided.

Disciplinary action may be taken against any PAAH Funded Organisation, its personnel, a learner or partner organisation involved in the training, assessment and support of learners for breach of contract or agreement.

The policy of PAAH has been written to combat any form of prejudice or discrimination whilst dealing with disciplinary issues and to fulfil its statutory legal obligations under the:

Employment Act 2008 - covers aspects of UK employment law, including dealing with discipline and grievance issues, the enforcement of the national minimum wage, and the employment agency standards enforcement regime. Amended 2012 to include 2 years qualifying period after which an employee can bring an unfair dismissal claim.

<http://www.personneltoday.com/Articles/02/04/2012/58437/April-2012-employment-law-changes-six-things-employers-need-to.htm#.UAlFzWffEj0>

The statutory ACAS Code of Practice-which provides basic practical guidance on discipline and grievance handling in the workplace. The ACAS Code came into effect on 6 April 2009 and replaced the previous ACAS Code on discipline and grievance handling which was issued in 2004.It should be noted that employment tribunals would consider the code when considering relevant cases.

<http://www.acas.org.uk/CHttpHandler.ashx?id=1041>

Persons involved

Responsibility for the detailed implementation of this policy rests with the Directors of PAAH.

PAAH Directors

Breach of contract by a director of PAAH will be dealt with under this policy. **PAAH Funded Organisations**

Breach of contract by any organisation funded by PAAH will be dealt with under this policy.

PAAH Personnel

Discipline of personnel is the responsibility of each individual PAAH funded organisation. They will be expected to have a policy and procedures or information within a contract of employment, which complies with current legislation and follow the ethos of the PAAH Policy. PAAH may become involved if the matters impacts directly on its learners or any of the requirements of the subcontracting agreement.

Learners

Discipline of learners is the responsibility of each individually funded organisation, with final stages overseen by PAAH. Learners will be disciplined in line with the procedures described below. Where learners, who are under 18, are involved in disciplinary procedures their parent/guardian will be informed/involved throughout (unless they state they do not wish to be involved).

Partner Organisations

Breach of agreement by employers who provide a work environment for PAAH funded learners can also be dealt with under this policy. The responsibility for dealing with employers in breach of agreement rests ultimately with the PAAH Funded Organisation, supported by PAAH.

Time-scale

The time-scale of improvement to prevent further enforcement of disciplinary procedures will be clearly laid out and recorded at each stage of the procedure. A verbal warning will remain active on file for 6 months; a first written warning will remain active on file for 9 months. A final written warning will remain active on file for 12 months.

Related Documentation

PAAH and its funded organisations will ensure they maintain records for ...

Record	Purpose to record evidence of	Frequency
Informal Action	Mediation, Training, advice and guidance provided, prior to formal proceedings, in the case of learners this may be within their Individual Learning Agreement (formerly ILP) or Learner Review documentation.	When training, advice, guidance and mediation has occurred on issues, which could potentially result in formal disciplinary action.
Formal Disciplinary	Disciplinary actions taken with the resulting outcomes.	When formal disciplinary action is taken.
Policy awareness, acceptance and agreement.	Awareness, compliance and agreement to the Disciplinary Policy (this may be within another document e.g. agreement/contract).	On commencement of employment/working partnership/programme. With updates as appropriate.

Training and Induction to the Policy

PAAH Directors

PAAH Directors are responsible for the production of this policy and therefore will sign the policy to demonstrate their agreement and understanding of the content.

PAAH Funded Organisations

PAAH funded organisations will sign to accept the content of the policy and register their agreement to comply. Organisations delivering training to PAAH funded learners will choose whether to fully adopt this policy for use with PAAH learners within their organisation, with any necessary approved addendum added to personalise as required. Alternatively, they will produce their own disciplinary policy which will be in line with requirements of this policy and PAAH will approve it as suitable.

Personnel delivering or supporting PAAH Funded learners

All personnel delivering or supporting PAAH funded learners will receive a copy of the PAAH Disciplinary Policy (this could be an electronic version through a VLE) along with a thorough training/briefing, during their induction to post by an appropriate person – arranged by the subcontractor. Further training needs will be assessed on a continued basis, at an annual appraisal. Personnel will be asked to sign a declaration to register their understanding and agreement with this policy.

Learners

All learners will receive a “user friendly” version of the PAAH Disciplinary Policy and/or their own subcontractor’s provider policy, during their induction, at the commencement of their training programme. They will be shown where full policies can be located or how to access through a VLE. They will be asked to sign a declaration to register their understanding and agreement with the ethos of the policy.

Partner Organisations

Employers involved in the recruitment and work place provision for learners, will receive a thorough training/briefing and a copy of the PAAH Disciplinary Policy or access to the document through a VLE. They will be asked to sign a declaration to register their understanding and agreement with the ethos of the policy.

Procedure

PAAH Director Procedure

In the event a PAAH director is found to be in breach of their partnership agreement the following procedure will be adhered to..

- Informal warning from a link director with clear action plan and time frame for required improvement. Monitored by the link director. Improvement achieved – no further action. Warning to remain on file for 6 months. No improvement achieved or a re-occurrence within 6 months – move on to next stage.
- 1st formal written warning issued by link director with clear action plan and time frame for required improvement. Improvement achieved – no further action. Warning to remain on file for 9 months. No improvement achieved or a reoccurrence within 9 months – move on to next stage.
- 2nd written warning issued by link director and another director with clear action plan and time frame for required improvement. Improvement achieved – no further action. Remains on file for 12 months. No improvement achieved or reoccurrence within 12 months – move on to next stage.
- PAAH Directors meet to agree termination of director agreement. Termination instigated.

PAAH Funded Organisation Procedure

In the event a PAAH Funded Organisation is found to be in breach of their agreement the following procedure will be adhered to..

- Informal warning from a link director with clear action plan and time frame for required improvement. Monitored by the link director. Improvement achieved – no further action. Warning to remain on file for 6 months. No improvement achieved or a reoccurrence within 6 months – move on to next stage.
- 1st formal written warning issued by link director with clear action plan and time frame for required improvement. Improvement achieved – no further action. Warning to remain on file for 9 months. No improvement achieved or a reoccurrence within 9 months – move on to next stage.
- 2nd written warning issued by link director and another director with clear action plan and time frame for required improvement. Improvement achieved – no further action. Remains on file for 12 months. No improvement achieved or reoccurrence within 12 months – move on to next stage.
- PAAH Directors meet to decide termination of PAAH Funded Organisation agreement. Termination instigated.

PAAH Funded Organisation Misconduct

As an example, this could relate to a breach of the funding/subcontracting agreement. This could relate to, for example, poor performance leaving learners unsupervised, wilful neglect of laid down safety precautions, objectionable and/or insulting behaviour, bullying or harassment of learners or PAAH funded organisation personnel. Failure to comply with statutory requirements or funding requirements. Failure to provide evidence of learner progress and agreement in line with audit requirements. Misconduct can result in moving up the dismissal process without including all the steps and could result in an instant final written warning. The PAAH Directors, when necessary, will decide gross misconduct and the evoking of higher levels of discipline instantly.

Gross Misconduct

Gross misconduct can result in moving up the dismissal process without including all the steps and could result in instant dismissal – for reasons such as abusive or aggressive behaviour, fraud theft, illegal actions, significantly poor organisational performance, breaches in of safeguarding, health and safety or equality and diversity. The PAAH Directors, when necessary, will decide gross misconduct and the evoking of higher levels of discipline instantly.

PAAH Funded Organisation's Personnel Procedure

Each subcontractor funded by PAAH must ensure they have a suitable policy which covers the discipline of its personnel or they can choose to adopt this policy.

Personnel may be disciplined for failing (for example) to...

- Comply with their contract of employment
- Meet agreed organisational targets,
- Follow organisational code of conduct or other areas of conduct conducive with the roles and responsibilities of their job role.

An example of personnel unacceptable attendance triggers are...

- 6 working days in 6 consecutive months
- 3 spells of absence in 3 consecutive months
- 12 working days in a consecutive 12 month period
- Any pattern of absence more than twice in a year
- 4 separate absences lasting a working week or more within a 12 month period
- Where any unacceptable trend is identified (e.g. repeated absences linked to weekends or other breaks).

Organisations will take into account disability-related absence and maternity related absence, which will be excluded from the sickness absence triggers, and dealt with separately as disability/maternity leave.

Personnel Unsatisfactory Conduct

As a guideline, this could relate to an unsatisfactory attendance record, persistently bad time keeping, unauthorised absence, unsatisfactory work, poor attitude or inadequate performance of the job role or insufficient effort to meet targets.

Personnel Gross Misconduct

Gross misconduct can result in moving up the dismissal process without including all the steps and could result in instant dismissal. The relevant organisation company director, when necessary, will decide gross misconduct and the evoking of higher levels of discipline instantly. The process will be enforced (with a witness present) in line with the relevant stage of the dismissal process decided on below.

Verbal Warning

Initially, personnel will be requested to meet their own organisation's management and/or company director, to discuss concerns.

- Personnel are informed in writing of the process (date/time etc...)
- Personnel are asked if they wish to have representation at this stage of the discipline process.
- An outline of the Disciplinary Policy issued/revisited with the person for reference.
- Clear evidence of any incompetence will be provided.
- Necessary training, routes of support will be suggested, agreed and documented with mutually agreed improvement targets and a clear time frame.
- Verbal warning issued by the organisation's company director and/or manager and witnessed.
- A record of the disciplinary is completed, signed and dated by organisation's company director and/or manager and witness.
- A disciplinary record will be retained by the organisation's company director or manager in an appropriate personnel file.

The discipline of personnel will be notified to the appropriate PAAH link director.

Personnel progress towards the agreed targets will be followed up by organisation's management and/or company director, within the agreed timeline, to monitor improvement, or the need to enforce the next stage of a disciplinary procedure. In the event the required improvement is not achieved within the agreed timeline, the formal procedure described below will be commenced.

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

First Written Warning

- Person is informed in writing of the process (date/time etc.)
- Person asked if they wish to have representation at this stage of the discipline process. Outline of Disciplinary Policy issued/revisited with the person for reference
- Clear evidence of any incompetence will be provided.
- Necessary training, routes of support will be suggested, agreed and documented with mutually agreed improvement targets and a clear time frame.
- Written warning by letter sent by the organisation's company director and/or manager to the employee.
- A record of the disciplinary is completed, signed and dated by the organisation's company director and/or manager and witness.
- A disciplinary record will be retained by the organisation's company director and/or manager in an appropriate personnel file.
- Copy of letter attached to Disciplinary Record.
- Disciplinary action notified to the PAAH link director.

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

Second Written Warning

- Person is informed in writing of the process (date/time etc.).
- Person is asked if they wish to have representation at this stage of the discipline process. Outline of Disciplinary Policy issued/revisited with the person for reference
- Written warning in letter sent by the organisation's company director and/or manager to the employee.
- Clear evidence of any incompetence will be provided.
- Necessary training, routes of support will be suggested, agreed and documented with mutually agreed improvement targets and a clear time frame.
- A record of the disciplinary is completed, signed and dated by the organisation's company director and/or manager and witness.
- A disciplinary record will be retained by the organisation's company director and/or manager in an appropriate personnel file.
- Copy of letter attached to Disciplinary Record
- Disciplinary action notified to a PAAH link director.

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

Dismissal

- Prior to formal dismissal – the PAAH link director should be verbally notified of the dismissal intention.
- Written letter of dismissal sent by the organisation to the personnel.
- Disciplinary Record completed, signed and dated by the company director and witness.
- A record of the dismissal is completed, signed and dated by the company director
- Copy of letter attached to Disciplinary Record
- Dismissal action notified to PAAH link director.

Learners Procedure

In the event a learner is found to be failing to meet their codes of conduct or terms and conditions within their apprenticeship agreement the following procedures will be adhered to...

Informal Caution - initially carried out by their trainer/appropriate organisational personnel to point out the issues for concern. Where extenuating circumstances exist, routes of mediation, training and support will be suggested and agreed. Involvement of others may also be agreed e.g. parent/guardians (for under 18 year old learners) or employers. Clear targets for improvement and timelines will be documented, with a shared understanding of the possibility of formal disciplinary action resulting from failure to meet the required agreed outcomes.

Learner progress will be followed up by the trainer within the agreed timeline, to monitor improvement, or the need to enforce the first stage of a disciplinary procedure. In the event the required improvement is not achieved within the agreed timeline, the formal procedure described below will be commenced.

Verbal Warning

- Employer is informed of the process to be carried out and asked to be a witness (if WBL).
- Parent/Guardian is informed of the process to be carried out and asked to be a witness (if under 18).
- Learner asked if they wish to have representation at this stage of the discipline process (if no employer/parent guardian appropriate or available).
- Outline of Disciplinary Policy issued/ revisited with the learner for reference
- Verbal warning issued by organisational Trainer/Assessor (and/or Manager) and witnessed (preferably by the employer for WBL/parent or guardian).
- A record of the disciplinary completed, signed and dated by Learner, PAAH Funded Organisation's Trainer/Assessor, Employer or Parent/Guardian (and Witness if not employer/parent/guardian).
- Record of the disciplinary given to learner
- Record of the disciplinary given to employer (where appropriate)
- Record of the disciplinary given to parent/guardian (under 18), if they have been involved in the process.
- Record of the disciplinary retained by organisation
- Record of Disciplinary sent to PAAH link director.
- Learner progress will be followed up by the trainer within the agreed timeline, to monitor improvement, or the need to enforce the second stage of a disciplinary procedure.

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

First Written Warning

- Employer is informed of the process to be carried out and asked to be a witness (if WBL).
- Parent/Guardian is informed of the process to be carried out and asked to be a witness (if under 18 NES).
- Learner asked if they wish to have representation at this stage of the discipline process (if no employer/parent guardian appropriate or available).
- Outline of Disciplinary Policy issued/revisited with the learner for reference
- Written warning in letter issued by organisational Company Director or Manager to the learner in person witnessed (preferably by the employer for WBL/parent or guardian for under 18 NES)
- A record of the disciplinary completed, signed and dated by Learner, organisational Trainer/Assessor, Employer or Parent/Guardian (and Witness if not employer/parent/guardian).
- Record of the disciplinary given to learner
- Record of the disciplinary given to employer (where appropriate)
- Record of the disciplinary given to parent/guardian (under 18), if they have been involved in the process.
- Record of the disciplinary retained by organisation
- Record of Disciplinary sent to PAAH link director.
- Learner progress will be followed up by the Company Director/ Manager within the agreed timeline, to monitor improvement, or the need to enforce the second stage of a disciplinary procedure.
- Copy of letter attached to Disciplinary Record

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

Second Written Warning

- Employer is informed of the process to be carried out and asked to be a witness (if WBL).
- Parent/Guardian is informed of the process to be carried out and asked to be a witness (if under 18 NES).
- Learner asked if they wish to have representation at this stage of the discipline process (if no employer/parent guardian appropriate or available).
- Outline of Disciplinary Policy issued/revisited with the learner for reference
- Written warning in letter issued by Company Director/Manager (or appropriate designated person) to the learner in person witnessed (preferably by the employer for WBL/parent or guardian for under 18 NES)
- A record of the disciplinary completed, signed and dated by Learner, organisation Trainer/Assessor, Employer or Parent/Guardian (and Witness if not employer/parent/guardian).
- Record of the disciplinary given to learner
- Record of the disciplinary given to employer (where appropriate)
- Record of the disciplinary given to parent/guardian (under 18), if they have been involved in the process.
- Record of the disciplinary retained by the organisation.
- Record of Disciplinary sent to PAAH link director.
- Learner progress will be followed up by the Company Director/Manager within the agreed timeline, to monitor improvement, or the need to enforce the second stage of a disciplinary procedure.
- Copy of letter attached to Disciplinary Record

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

Dismissal

- Final dismissal of a PAAH Learner must be sanctioned by the PAAH link director.
- If sanctioned a written letter of dismissal issued by organisation's Company Director/ Manager to the learner in person.
- Written letter sent to employer informing them of learner's dismissal (WBL).
- Written letter sent to parent guardian informing them of learner's dismissal (under 18).
- Copy of letter sent for filing by the PAAH link director.
- Learner removed from training program

Terms

Misconduct

As a guideline, this could relate to:

- Unsatisfactory attendance record,
- Persistently bad time keeping,
- Unauthorised absence,
- Unsatisfactory or insufficient work,
- Inadequate provision of necessary resources,
- Insufficient effort to meet targets,
- Inappropriate use of electronic communications,
- Insulting or inappropriate behaviour
- Incapacity to work due to alcohol or other substances
- Reluctance to follow reasonable instructions
- Neglect for laid down safety procedures
- Insulting behaviour
- False evidence of incapacity to train
- Bullying, harassment or inappropriate comments

Misconduct can result in moving up the dismissal process without including all the steps and could result in an instant final written warning.

Gross misconduct

As a guideline, this could relate to

- Serious failure to follow reasonable instructions
- Acceptance of bribes,
- Theft from PAAH, subcontractor or colleagues
- Fraud or falsifying work documents
- Failure to whistle blow/collusion with any of the listed activities
- Indecent or immoral behaviour,
- Wilful destruction of company property,
- Abusive or violent behaviour
- Endangering the lives of others,
- Serious negligence
- Breach of health and safety,
- Discrimination, harassment, bullying, abuse
- Misusing confidential information
- Wilfully downloading software which damages company property
- Accessing and/or distributing inappropriate materials via electronic communications
- Other illegal acts not included above.
- Bringing PAAH and/or subcontractor into serious disrepute
- Consuming drugs or alcohol on the premises

Gross misconduct can result in moving up the dismissal process without including all the steps and could result in instant dismissal.

Prior to instant dismissal of a learner the organisation must ensure that the PAAH link director has been verbally informed of this intention and the reason for this action. The relevant PAAH link director, when absolutely necessary, will decide gross misconduct and the evoking of higher levels of discipline instantly.

Partner Organisations' Procedure

Any partner organisations, such as an employer or their personnel (if condoned by the employer) can be found to be in breach of their training or employer agreement the following procedure will be used. Initially an informal meeting will be held in order to attempt to resolve the issue/s.

Verbal Warning

- Employer is informed in writing of the process (date/time etc.) by the relevant organisation.
- Employer asked if they wish to have representation at this stage of the process.
- Employer informed of the breach in agreement.
- An outline of the Disciplinary Policy issued/revisited with the employer, for reference.
- Verbal warning issued by an organisation's company director and/or manager and witnessed.
- A record of the disciplinary is completed, signed and dated by a company director or manager and witness.
- A disciplinary record will be retained by the company director or manager in an appropriate personnel file.
- Record of Disciplinary sent to the PAAH link director.

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

First Written Warning

- Employer is informed in writing of the continued breach in agreement, the process that will be followed (date/time etc.).
- Employer asked if they wish to have representation at this stage of the process.
- Outline of Disciplinary Policy issued/revisited with the Employer for reference
- Written warning in letter sent by the company director or manager to the Employer.
- A meeting is held and a record of the disciplinary is completed, signed and dated by the company director or manager and witness.
- A disciplinary record will be retained by the company director or manager in an appropriate personnel file.
- Copy of letter attached to Disciplinary Record
- Record of Disciplinary sent to the PAAH link director.

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

Second Written Warning

- Employer is informed in writing of the continued breach in agreement, the process that will be followed (date/time etc.).
- Employer asked if they wish to have representation at this stage of the process.
- Outline of Disciplinary Policy issued/revisited with the Employer for reference
- Written warning in letter sent by the company director or manager of the relevant organisation
- A meeting is held and a record of the disciplinary is completed, signed and dated by company director or manager and witness.
- A disciplinary record will be retained by the company director or manager in an appropriate personnel file.
- Copy of letter attached to Disciplinary Record
- Record of Disciplinary sent to the PAAH link director.

Failure to meet required improvement agreed within stated time scale or failure to maintain improvement.

Dismissal

- Prior to termination of an employer agreement the action must be sanctioned by the PAAH link director
- Written letter of dismissal sent by company director or manager to employer.
- A record of the disciplinary will be completed, signed and dated by all PAAH Directors.
- A record of the dismissal will be retained by the company director or manager in an appropriate personnel file.
- Copy of letter attached to Disciplinary Record
- Any necessary parties informed of dismissal.
- Record of Disciplinary sent to the PAAH link director.

Employer Misconduct

As an example, this could relate to a breach of the employer agreement. This could relate to leaving learners unsupervised in the workplace, wilful neglect of laid down safety precautions, objectionable and/or insulting behaviour, bullying or harassment of learners or PAAH Funded Organisation personnel of failure to comply with statutory employment rights. Misconduct can result in moving up the dismissal process without including all the steps and could result in an instant final written warning.

Gross Misconduct

Gross misconduct can result in moving up the dismissal process without including all the steps and could result in instant dismissal – for reasons such as abusive or aggressive behaviour, severe forms of bullying or harassment. The PAAH link director, when necessary, will decide gross misconduct and the evoking of higher levels of discipline instantly. The process will be enforced by the organisation’s company director in the case of an employer.

Monitoring, Review and Evaluation

Monitoring of Process and Information

Company directors will monitor the disciplinary procedure. In the case of learners, the individual organisation will monitor the process. The PAAH link director should be kept informed. The individual organisation is responsible for retaining records related to discipline and these will be forwarded to PAAH in line with the procedures stated in this policy.

Monitoring of Documentation and Policy

The Quality Team reviews the policy and documentation annually (or earlier if required).

Communications, either written or electronic, will notify funded organisations, learners and employers of all reviews and any outcomes from the reviews. The updated policy will be submitted to PAAH Directors meetings for approval/ratification. The completed policy will be displayed in all training rooms and be available on a VLE where possible.

Impact Assessment

This policy will be impact assessed for equality and diversity and records will be maintained.

Safeguarding

This policy will be reviewed to ensure it fully safeguards learners, personnel and other partners in relation to their levels of safety, health, achievement, enjoyment, contribution and wellbeing.

Grievance or Complaints in Relation to the Discipline Policy

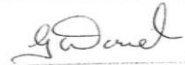
Directors, Personnel, PAAH Funded Organisations, its personnel, learners or partner organisations have the right to lodge a complaint or grievance about the process or outcome of the disciplinary procedure. Grievances or complaints in relation to this policy are dealt with under the Grievances and Complaints Policy.

Personnel, learners, employers or PAAH Funded Organisations who are not satisfied with the action taken by PAAH and feels it right to question the matter further, may consider the following possible contact points:

- Skills Funding Agency
- The Equality and Human Rights Commission
- ACAS
- The employee's Trade Union
- The Citizens Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations

Approved by the Directors of PAAH on 1st November 2017

Signed:



G. Daniels