



DISCIPLINARY AND DISMISSAL POLICY AND PROCEDURE

1. Introduction

It is important that all Conservatoire staff are aware of the requirement to abide by all the Conservatoire's policies and this policy links in to other Conservatoire policies, including the Performance Improvement Policy and also outlines the process if it is necessary to discipline and ultimately to dismiss staff.

2. Purpose

This policy is designed to help and encourage you to achieve and maintain standards of conduct, attendance and job performance. This policy outlines the process that will be used if you fail to achieve and maintain the required standards.

3. Scope

The Conservatoire's Disciplinary and Dismissal Policy applies to all staff. The aim of this policy is to ensure consistent and fair treatment for all at the Conservatoire.

4. Principles

Informal action will be considered, where appropriate, to resolve problems. No disciplinary action will be taken against you until the case has been fully investigated. For formal action you will be advised of the nature of the complaint against you and will be given the opportunity to state your case before any decision is made at a disciplinary meeting. You will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. At all stages of the procedure you will have the right to be accompanied by a trade union representative, or work colleague. You will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice. You will have the right to appeal against any disciplinary action. The procedure may be implemented at any stage if your alleged misconduct warrants this.

5. The Procedure

The Conservatoire's Disciplinary and Dismissal Procedure can result in the following actions being taken. The decision as to the appropriate action will depend on the circumstances of individual cases, and will be decided once a full investigation has taken place.

The Informal Stage³

If it is agreed that the unsatisfactory performance or misconduct is minimal, or it is the first occurrence, you may be given an Informal Improvement Note. This informal improvement notes will identify the change in behaviour or the improvement in performance required in writing, and will provide a timescale for the change or improvement. The informal warning will explain the potential consequences of failure to change your behaviour or improve your performance. This will be recorded by your line manager for a period of 6 months.

The First Formal Stage This will normally be either:

☒ An Improvement Note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. You will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept on your personal file for 12 months, but will then be considered spent by the Human Resources Department –subject to achieving and sustaining satisfactory performance

Or

☒ A First Written Warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform you that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept on your personal file, but it will be disregarded by the Human Resources Department for disciplinary purposes after a specified period (e.g. 12 months).

The Second Formal Stage

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a Final Written Warning may be given to you. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to your right of appeal.

A copy of this written warning will be kept on your personal file but will be disregarded by the Human Resources Department for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance. The Third Formal Stage If there is still further misconduct or failure to improve performance the final step in the procedure may be Dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment).⁴

Dismissal decisions can only be taken by the appropriate senior manager, and you will be provided in writing with reasons for dismissal, the date on which your employment will terminate, and your right of appeal. If some sanction short of dismissal is imposed, you will receive details of the complaint, you will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of your right of appeal. A copy of the warning and details action short of dismissal will be kept in your personal file but will be disregarded by the Human Resources Department for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance. If you are accused of an act of gross misconduct, you may be suspended

from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the Conservatoire is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

6. Appeals

If you wish to appeal against a disciplinary decision, you must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed. Please see Appendix B for details of to whom you should address your appeal.

7. Review

This policy may be subject to change as necessary. The Director of Human Resources will review the policy and make recommendations on any future developments to this Policy.

Reviewed: November 2018 - Next Review: November 2019