



Disciplinary and Grievances Policy

INTRODUCTION

It is important to have standards relating to how people behave and meet their responsibilities at work. All staff and students of European College of law and Business (ECLB) are expected to conduct themselves;

- With courtesy, respect and restraint in their dealings with other staff and student members, clients and visitors;
- With propriety, particularly in relation to finance and resources, and
- With all due regard to health and safety matters.

We should continually strive to achieve and maintain high standards of job performance, conduct and attendance and ensure consistent and fair treatment where such standards are not satisfactory.

This policy has been drawn up in line with the statutory provisions for disciplinary and dismissal. It does not replace day-to-day communication, coaching and counselling between manager, staff and students.

PROCEDURE

- Minor issues will be dealt with in an informal way in the first instance, as we believe that this is often all it takes to deal with a small problem
- Should an informal approach not be sufficient to rectify things or should the problem is a serious one, the formal procedure will be followed. When using this procedure our approach may vary, for example training and review periods are more likely to be appropriate where the concerns are performance based as opposed to conduct based.
- The individual will always be advised in writing, in advance, of the date and time of any disciplinary hearing. Within this letter ECLB will always set out the allegation/concern

that has led to contemplating disciplinary action and the basis for this. ECLB will confirm the employee's right to have a companion in attendance who can be either a colleague or trade union representative.

- At any hearing the employee or student will be given every opportunity to state their case before any decision is made.
- No employee will be dismissed for a first breach of conduct except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- If action is taken, the reasons for this will be explained to the employee or student and they will have the right to appeal against the decision.
- The procedure may be implemented at any stage if in the view of the College concern regarding misconduct or performance warrants such action.

INFORMAL MEETING

As soon as an employee's or student's performance or conduct comes into question, the person in charge should draw the issue to their attention informally. An informal chat is often sufficient to reaffirm the expected standards and nip any minor problems in the bud. The concerns should be outlined with expected standards and the shortfall that has been experienced. An opportunity will be given for the employee to explain the reasons for the gap in performance or conduct. It is then very important to agree any steps to rectify the issue and set a date to review this. For reference, it may be appropriate to maintain a record of the discussion and plan for improvement.

Employees or students do not need to be accompanied at this stage, as it is informal and does not form part of the formal disciplinary process. If the required improvement is not made through an informal approach or if the lack of performance or conduct is more serious, the formal disciplinary procedure would be followed.

FORMAL PROCEDURE

Examples of behaviour for which disciplinary warnings may be issued include:

- Lateness or absenteeism
- Failure to achieve an acceptable quality or rate of work
- Rudeness or inappropriate behaviour with managers, colleagues or clients
- Breach of the College policies and procedures

The above list is intended to provide examples and is not exhaustive. Depending on the seriousness of the misconduct or performance issue, the formal procedure may be implemented at any stage.

SUSPENSION

Suspension may be appropriate if a concern raised regarding an employee's misconduct is considered to be of a serious nature. Suspension will be on full pay and will last no longer than the conclusion of the hearings (including an appeal hearing under this procedure). In order to protect the integrity of potential evidence, the College may suspend the employee's remote access to their work email account or other computer facilities.

Suspension is not a disciplinary sanction and does not imply that the concern is justified. In appropriate cases an employee may be transferred temporarily to other duties, rather than suspended, to allow sensitive matters to be investigated.

INVESTIGATION

The College will look into concerns about conduct or performance carefully. If there are concerns about conduct the issues will be investigated by a manager and this may include interviewing staff and others and reviewing documents. Employees may be interviewed during this investigation (but not necessarily). If there are concerns about poor performance, it is less likely that an investigation will be appropriate in advance of the hearing, although this may be necessary. No decision about whether a hearing should be held will be made until the end of the investigation.

DISCIPLINARY PENALTIES AND LEVELS OF WARNING

If, as a result of the hearing and after considering the employees response, the manager feels the concerns regarding conduct or performance are justified the following levels of penalty may be issued:

Stage 1: Written Warning

If conduct or performance does not meet acceptable standards, the employee or student may be given a formal written warning which will remain on file for 6 months

Stage 2: Final Written Warning

If there is still a failure to improve, and conduct or performance remains unsatisfactory, or if misconduct or poor performance is sufficiently serious, a final written warning may be given to the individual and will remain on file for 12 months.

Stage 3: Dismissal

If after previous disciplinary action has been taken, conduct or performance is still unsatisfactory and the individual still fails to reach the prescribed standards, dismissal with notice will normally result.

TRAINING AND SUPPORT

Alongside disciplinary action, training or other support may be appropriate. These are most likely to be relevant in cases of poor performance.

ANNUAL SALARY REVIEW & BONUS PAYMENTS

Employees who have a current warning on file at the time of salary review will not be considered for a salary increase. Any bonus payments may be in jeopardy at any warning level but will not be paid to an employee who is under a final written warning.

GROSS MISCONDUCT

The following list provides examples of issues, which are normally regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records (including submitting a false claim for expenses, overtime or other forms of additional remuneration and/or benefits)
- Refusal or gross neglect of duty
- Serious breaches of the terms and conditions of employment
- Unauthorised spending of College money
- Unauthorised absence
- Receiving bribes or inducements to place business with a supplier of goods or services
- Receiving bribes or inducements to favour students in any way
- Violent, abusive or intimidating conduct, including behaviour that may be regarded as offensive
- Fighting or assault on another person
- Allowing an unauthorised person access to the College's facilities
- Deliberate damage to property owned, leased or used by the College
- Being under the influence of alcohol or illegal drugs whilst on duty

- Disregard for health and safety regulations, the safety of others and endangering life whilst at the College
- Intimidation of potential witnesses to any incident subject to disciplinary or grievance procedures
- Action deemed likely to bring the College into disrepute
- Deliberately accessing another colleague's mail or files without authority
- Breach of confidentiality, including unauthorised use or disclosure of confidential information
- Violation of the College Equal Opportunity Policy including unfair discrimination or harassment on the grounds of their race, creed, colour, nationality, ethnic origin, age, disability, gender, gender status, religion, marital status, sexual orientation or trade union membership
- Making a false allegation of discrimination or harassment
- Misuse of the College's computer systems including e-mail and Internet access
- Viewing, downloading or forwarding material that may be regarded as offensive

NB. The above list is intended to provide examples but is not exhaustive.

GRIEVANCES

The formal procedure through which employees and students may raise grievances about matters affecting employment and study European College of Law ensure that they are treated fairly and consistently.

The College aims to avoid formal grievances by trying to manage employees and students concerns, problems and complaints effectively at an informal stage. However, this may not always be possible and staff and students may wish to take matters further by following the formal procedure outlined below. This procedure, however, should not be used for grievances relating to disciplinary decisions. The appeals procedure, outlined in ECLB's Disciplinary Policy, should be used in such circumstances.

All parties must maintain confidentiality throughout both the informal and formal stages of this policy.

This procedure is also designed to deal with allegations of discrimination, bullying or harassment arising from day to day working. In cases of discrimination, bullying or harassment on the grounds

of gender or gender status, race, nationality, ethnic origin, colour, disability, marital status, age, sexual orientation, religion or any other grounds the matter should immediately be notified in writing to the appropriate senior management.

This procedure does not apply to:

- Collective disputes;
- Employees subject to warnings \ reprimands;
- Employees subject to disciplinary proceedings;
- Any matters over which the College has no control.

This policy has been drawn up in line with the statutory procedure for managing grievance and may be reviewed from time to time to ensure that it remains as effective as possible. It does not replace day-to-day communication, coaching and counselling between managers, staff and students.

INFORMAL PROCEDURE

In line with good practice, employees should endeavour to resolve any issues they have with fellow employees or their manager without the need to escalate to the formal stage of this procedure. Only after informal attempts have failed should formal procedures be invoked, unless such attempts are not possible or inappropriate.

FORMAL PROCEDURE

If an employee has discussed their complaint with their line manager and feels the issue remains unresolved to their satisfaction, or if they feel their complaint is too serious to be dealt with informally they should follow the formal procedure outlined below.

FORMAL GRIEVANCES PROCEDURE

Employees should make grievances application with appropriate reasoning and give this to their line manager. If the complaint is against their line manager, employees are advised to give their application to the Principal.

Once the Line Manager/Principal considers the complaint, the employee will be invited to a hearing meeting at an agreeable time and date to discuss their grievance. The employee will have the right to be accompanied by a work colleague or trade union representative. The meeting may

be postponed to allow time for any necessary investigations to be undertaken and/or witness statements to be obtained.

The employee must take all reasonable steps to attend the meeting. At the meeting the employee will be asked to explain their complaint and how they feel it should be settled. The Line Manager/Principal will then consider their explanation and requested remedy.

Further meetings may need to be held in case additional investigation is required as a result of the deliberations of the hearing.

APPEALS PROCEDURE

If a staff member wishes to appeal against a decision, he/she must follow the appeals procedure. The appeal must be lodged **within 28 days** from the date of issuing the formal letter notifying the decision.

On receipt of an appeal letter, the employee will then be invited to an appeal meeting with senior managers and will have the right to be accompanied by a work colleague or trade union representative. The employee must take all reasonable steps to attend this meeting. In the meeting the grounds for the employee's appeal against the decision will be reviewed and discussed.

After conclusion of the hearing of appeal, the employee will be sent a letter **within 5 working days** confirming the decision regarding their appeal. The appeal decision will be final. Employees will also receive a record of the meeting.