

Coast Tuition – Disciplinary Policy and Procedure

August 2025

Date	Version	Edit and Agreed	Staff
2020	1	Y	HE, LK
2021	2	Y	HE, LK
2022	3	Y	HE, LK
2023	4	Y	HE, LK
2024	5	Y	HE, LK
2025	6	Y	HE, LK

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1.0 Introduction

We work to ensure that we handle any issues concerning an employee's conduct promptly and fairly.

If we have any concerns about your conduct, we will usually attempt to talk to you about this on an informal basis. An early conversation may be enough to identify the issue and take steps to resolve it. Most minor conduct-related issues can be resolved informally.

However, where an informal approach is unsuccessful, or the allegations are so serious that an informal approach is inappropriate, we will follow a formal disciplinary procedure.

This policy outlines the disciplinary procedure, the roles of those involved and the support that is available to you.

We reserve the right for third parties to be involved at any stage of the process.

2.0 Fairness and Respect

We recognise that a disciplinary procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.

We will not tolerate abusive or insulting behaviour from anyone taking part in a disciplinary procedure and treat any such behaviour as further potential misconduct.

3.0 Recording of Meetings

We will take a written record of all meetings conducted under this procedure. This will be done either by the person holding the meeting or by an additional person arranged by us to take notes.

You, or any person acting on your behalf, are not permitted to record electronically any meeting that we hold under this procedure. Any breach of this provision may lead to further disciplinary action, which could include dismissal.

4.0 Conduct and Behaviour

Gross Misconduct

Gross misconduct is conduct that is so serious that it justifies dismissal without notice or payment in lieu of notice, although we will always consider the circumstances of any case before deciding on the appropriate sanction.

Examples of gross misconduct include (but are not limited to):

- theft and dishonesty;
- physical violence;
- serious instances of bullying or harassment (whether it takes place in person or online);
- acts of discrimination against fellow staff, learners, parents/ carers or other stakeholders;
- deliberate damage to Coast Tuition property;
- any conduct that negatively affects our reputation;
- unauthorised disclosure of confidential information;
- serious breach of our rules, including, but not restricted to, health and safety rules and rules on computer use;
- consuming alcohol or unlawful drugs during working hours or in the workplace;
- smoking (including the use of e-cigarettes) in any unauthorised area;
- unauthorised use of computer equipment;
- misuse of passwords or log-in details;
- deliberate breach of procedures on the handling of personal data;
- knowingly breaking a legal requirement in connection with employment;
- conviction of a criminal offence that is relevant to your employment;
- accessing obscene or pornographic material while at work or on equipment that we provide;
- falsifying documents;
- breach of requirements relating to safeguarding of children or vulnerable adults;
- serious carelessness or gross negligence that causes loss, damage or injury;
- wilful refusal to obey a reasonable management instruction or serious insubordination;
- deliberate breach of professional standards relevant to your employment; and
- offering or accepting a bribe within the meaning of the Bribery Act 2010.

Misconduct

Examples of misconduct for which disciplinary action is appropriate include (but are not limited to):

- failure to observe Coast Tuition policies and procedures;
- abusive behaviour;
- inappropriate relationships;
- persistent poor timekeeping;
- unauthorised absence;
- unreasonable refusal to follow a management instruction
- careless work;
- minor damage to Coast Tuition property;
- deliberate falsification of records;
- bribery offences;
- concerns regarding the quality of teaching and learning, practice or a complaint;

- disruptive behaviour; and
- insulting or offensive behaviour towards others, not amounting to serious harassment or bullying.

Actions Outside Work

We may consider your actions outside work (including your use of social media) to be gross misconduct, or misconduct, if they affect your ability to carry out your job or have a negative effect on our reputation.

5.0 Allegations of Misconduct

Where an allegation of misconduct is made against you that cannot be resolved informally, or it is not appropriate to do so, the allegation will be explained to you by your line manager (or, where appropriate, a different manager). The details of the allegation will also be confirmed to you in writing, together with a copy of this disciplinary procedure.

Safeguarding

Where any allegations relate to Safeguarding, it is our responsibility to report this to the Local Authority Designated Officer (LADO) who will determine whether the alleged conduct potentially meets the threshold for consideration under the Local Authority procedures.

Where allegations involve an immediate risk to a child or vulnerable adult or a safeguarding concern that requires an urgent response, it is our duty to report this to the police.

Where police are involved, this may delay our internal disciplinary procedures and we will work with the police in determining the timescales for internal action.

Suspension

In some cases, it may be appropriate to suspend you from work for a temporary period while the disciplinary matter is dealt with. This is in no way intended to indicate guilt on your part, but is an administrative measure designed to protect you, Coast Tuition, our learners and to ensure the smooth running of the disciplinary procedure. Any period of suspension will be regularly reviewed, kept as short as possible and will be paid as normal.

Investigation

We will investigate the allegations to decide whether there is sufficient evidence to justify taking the matter further.

The person appointed to conduct the investigation will usually talk to you at an early stage to hear your response to the allegations and will talk to anyone else who may have relevant information.

Where appropriate, the investigation may also include the examination of documents, including emails, work mobile phones and other forms of electronic communication. It is important that

you cooperate fully with the investigation process as this is the best way to ensure a fair outcome.

Once the investigation is complete, we will decide whether to proceed to a formal disciplinary hearing or whether the matter can, in fact, be resolved informally or without any further action.

6.0 Hearing your Disciplinary

Invitation to a Disciplinary Hearing

If we consider that it is necessary to hold a disciplinary hearing, we will confirm this to you in writing. You will be given a reasonable period of notice of any hearing, depending on the complexity of the case, to allow you to prepare and to arrange for a companion to accompany you.

You will be entitled to be accompanied by a fellow employee or a trade union official. The responsibility for finding a companion rests with you. If your chosen companion is not a fellow employee, we reserve the right to check their credentials as an accredited trade union representative.

We will give you a copy of any evidence collated during the investigation in advance of the disciplinary hearing, and you will be invited to submit any further evidence that you consider to be relevant.

The Disciplinary Hearing

The disciplinary hearing will be conducted by an appropriate representative of management plus other panel members as applicable and appointed by us. As far as possible, we will ensure that the disciplinary hearing is conducted by managers who have not previously been involved in the matter.

The evidence gathered during the investigation will be presented and you and your companion will be given an opportunity to confer and to respond. You may also call on witnesses to give evidence on your behalf, if they are willing, and their evidence is relevant to the issues being considered at the hearing.

The chair of the hearing may choose to adjourn at any point so that further evidence can be obtained. If this happens, the hearing will be reconvened once this is done, and you will be given an opportunity to respond to any new evidence. Before the hearing closes, you (or your companion) will be given an opportunity to make any comments or representations that you think are relevant and which may explain the situation.

The Outcome

The chair of the hearing will usually close the hearing and take some time to consider the information presented. The outcome will be communicated to you in writing as soon as possible after the hearing.

7.0 Disciplinary Sanctions

If the allegations are upheld to any extent, formal disciplinary action may be taken, we reserve the right to implement this procedure at any stage depending on the circumstances and misconduct.

A **first written warning** is appropriate for instances of misconduct that are sufficiently serious to warrant disciplinary action, but where there is no current warning in place. The warning will set out the nature of the misconduct and explain that any further misconduct (similar or otherwise) will be likely to result in further disciplinary action. A first written warning will remain live on your file for 6 months.

A **final written warning** is given in cases of serious misconduct or where there is a live first written warning in place and the circumstances justify it. It will set out the nature of the misconduct and make it clear that any further misconduct (similar or otherwise) will be likely to result in dismissal. A final written warning will remain live on your file for 12 months.

If you are found to have committed misconduct while subject to a live final written warning, the outcome may be that you are dismissed with notice.

If you are found to have committed gross misconduct, the outcome may result in your **dismissal** without notice. In these circumstances, your contract of employment will end immediately, although this will not affect your right of appeal.

In exceptional circumstances (for instances where you are likely to continue to commit misconduct even if subject to warning), you may be dismissed even if no warning of dismissal has been given. Depending on the terms of your contract, this may involve being given a payment in lieu of notice.

If you are dismissed with notice, we reserve the right to instruct you not to work for the duration of your notice period.

Where we find that the misconduct is sufficiently serious to justify dismissal, we may consider **alternative disciplinary action** such as suspension without pay, demotion, transfer to other work or a loss of seniority, where your terms and conditions of employment allow for this.

8.0 DBS Referral

It is our legal duty to refer any concerns which may have arisen during the disciplinary process which are deemed to be safeguarding related to the DBS.

You will be notified of any referral within the disciplinary outcome.

9.0 Appeal

Appealing Against the Outcome

If you believe that a disciplinary sanction is unfair, you are entitled to appeal. You should appeal in writing to the person responsible for Human Resources within five working days of receipt of the disciplinary outcome letter.

You should set out in writing the grounds on which you believe the outcome of the original hearing to have been unfair.

Appeal Hearing

Following receipt of your appeal, we will arrange an appeal hearing within a reasonable timeframe.

You are entitled to be accompanied at the appeal hearing by a fellow employee or a trade union official.

The appeal hearing will be conducted by an appropriate manager, who will consider the grounds that you have put forward and review the conclusion reached in the original disciplinary hearing. Where appropriate, the person responsible for Human Resources may also be present.

There may be occasions where it is not possible for someone to hear the appeal who has not been involved in the original disciplinary action. If this occurs the hearing manager will ensure they impartially adjudicate the case.

At the hearing you will be given the opportunity to explain why you feel the initial hearing reached the wrong conclusion.

Depending on the circumstances, the hearing may either solely consider the points that you have raised, or it may reconsider the whole case and reach its own conclusion on the correct outcome.

Outcome of Appeal

Following the appeal hearing, the relevant manager will inform you in writing, within a reasonable timeframe, of the outcome.

If the result of the appeal is that a decision to dismiss you is overturned, you will be reinstated with immediate effect. You will be reimbursed in full for any wages lost since your dismissal.

The outcome of the appeal is final.

10.0 Data Protection

Where there is an allegation of a child protection nature against a member of staff including where the allegation is unfounded the documentation will be retained on the employee file until the person's normal retirement age or 10 years from the date of the allegation, whichever is the longer then. If allegations are found to be malicious, they will be removed from employee files.