

Disciplinary Policy

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1. Purpose and scope

- a. This policy applies to all employees within Kaplan International Pathways.
- b. This is a non-contractual document and may be amended from time to time.
- c. Line managers are encouraged to address conduct issues through informal routes where possible. However, a more formal approach will sometimes be necessary, for example where day to day management has failed to result in the required improvements, or the issue is serious enough to warrant invoking the formal procedure in the first instance, for example a serious breach of the Company Policies & Procedures or the Contract of Employment.
- d. The disciplinary procedure provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct.
- e. Where time frames are referred to in the course of this procedure they may be varied by agreement or where deemed necessary or appropriate by the

company.

2. Disciplinary or capability procedure?

- a. A failure on the part of the employee to perform to the standards of which they are capable will be treated under the Disciplinary Procedure as misconduct. In contrast the Capability and Performance Procedure is broadly for matters of job performance where the individual is unable to meet the standards required, despite a sincere wish to do so.
- b. It is recognised that a problem may appear at first to be a disciplinary issue, but later transpire to be one of capability, or vice versa. It may be necessary therefore to change from one procedure to the other if facts suggest that a different treatment is appropriate. In such cases it may not be appropriate to start from the beginning of the alternative procedure, and HR should be consulted.

3. Probation period

- a. We operate a probation period for all new employees, the terms of which are set out in the contract of employment.
- b. The aim of the probation period is to allow both the employee and the Company to assess the employee's suitability for the role.
- c. Failure to demonstrate the required standard during the probation period may lead to the probation period being extended or employment being terminated, without the application of any formal disciplinary or capability procedure or any formal warnings having been issued.

4. Conduct and behaviour

- a. Matters that the Company views as amounting to misconduct for which disciplinary action is appropriate include (but are not limited to) those listed in Appendix A.
- b. Gross misconduct is conduct and/or a breach of trust and confidence that is so serious that it justifies summary dismissal, i.e dismissal without notice or payment in lieu of notice, although we will always consider the circumstances of any case before deciding on the appropriate outcome. Matters that the company views as amounting to gross misconduct include (but are not limited to) those listed in Appendix B.

- c. A series of acts that collectively amount to a serious breach of trust and confidence may be deemed as gross misconduct, even if each individual act may not be considered gross misconduct on its own.
- d. We may consider your actions outside work (including your use of social media) to be misconduct, or even gross misconduct, for example if they affect your ability to carry out your job or have a negative effect on our reputation.

5. Suspension

- a. There may be instances where suspension from work on full pay is appropriate while the disciplinary matter is dealt with. The Company has the right to suspend with pay where there are reasonable grounds for concern that, by allowing the employee to remain in work, evidence may be tampered with, destroyed or witnesses pressurised before a disciplinary hearing; or there is a potential risk to the business; or it may hinder us fulfilling our duty of care to other employees, stakeholders, or third parties.
- b. Consideration will also be given to whether there is an alternative to suspension which could include alternative duties, working from a different location, or a partial suspension.
- c. Suspension is not, in itself, a form of disciplinary sanction and is in no way intended to indicate guilt on the part of the employee.
- d. In cases where periods of suspension with pay are considered necessary, the Company will aim to keep this period no longer than necessary and it will be kept under review.
- e. During any period of suspension you must comply with the company's instructions on reporting, attendance at our premises and making contact with other employees and stakeholders.

6. Investigation

- a. Alleged misconduct or any matter that is reasonably suspected or believed to contravene any of the Company's policies or rules or may otherwise be a disciplinary matter will be promptly and thoroughly investigated in line with the Company's Investigation Policy.
- b. The person appointed to conduct the investigation will determine what steps to take to gather information to establish the facts. This could include meeting with the employee, gathering statements from other employees, stakeholders or witnesses, and reviewing relevant documents.

- c. It is important that employees, witnesses and other individuals approached during the investigation, cooperate fully with the process as this is the best way to ensure a fair outcome.
- d. The employee will usually be informed as soon as a decision is made to open an investigation. However, in some circumstances, an employee may not be immediately informed, for example, where it is believed that there is a risk that the employee might tamper with evidence or influence witnesses.
- e. Where an employee is invited to an investigatory interview, they will be made aware at the outset that this is a fact-finding exercise and not a formal hearing. There is no right for employees to be accompanied at an investigatory interview. The company reserves the right to dispense with an investigatory interview and to proceed directly to a disciplinary hearing.
- f. Once the investigation is complete, a decision will be made whether to proceed to a formal disciplinary hearing or whether the matter can, in fact, be resolved informally or without any further action.

7. Disciplinary procedure

- a. Where, upon completion of an investigation, there are reasonable grounds to believe that there is a disciplinary case to answer, the employee will be invited to attend a disciplinary hearing.
- b. In the event of a disciplinary hearing taking place, the company will:
 - i. give the employee reasonable notice, at least 2 days, of the hearing, unless both parties agree sooner;
 - ii. tell the employee the purpose of the hearing, its possible consequences and that it will be held under the Company's disciplinary procedure;
 - iii. inform the employee of the right to be accompanied at the hearing;
 - iv. give the employee written details of the nature of their alleged misconduct; and
 - v. provide to the employee all relevant information (including statements taken from any fellow employees or other persons) that the company intends to rely upon. Where confidentiality, e.g. of the identity of a witness, is necessary, an appropriate summary of the evidence gathered will be provided.

- c. The meeting will be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case and arrange for a suitable companion to accompany them.
- d. Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the time and/or date of the hearing will be rearranged. The company will comply with (b)(i) above in respect of giving notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, a decision may be taken to conduct the hearing in the employee's absence.
- e. Where the chosen companion is unavailable on the day scheduled for the hearing, the employee may request that the hearing be rescheduled to an alternative time that is reasonable and within five working days of the scheduled date unless there are extenuating circumstances which prevent this.

8. Role of the companion

- a. Employees have the right to be accompanied at a disciplinary hearing by: a fellow worker; a trade union official employed by the union; or a trade union official who is certified in writing by the union as having the necessary experience or training to act as a companion.
- b. The employee's companion has the right to address the hearing to put the employee's case, sum up the case and respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing. However, the companion is not permitted to answer questions on behalf of the employee.

9. Recording of meetings

- a. Save where agreed in advance as a reasonable adjustment, the manager, the employee, or any person acting on their behalf, is not permitted to record electronically by any means, including the use of transcribing software, any meeting held by the Company as part of the disciplinary process. Instead, written notes will be taken and a final version made available upon request. Additionally, the employee or any person acting on their behalf may wish to take their own set of notes.
- b. Any covert recording of meetings may lead to disciplinary action, up to and including dismissal.

10. Remote proceedings

- a. Reflecting the geographical spread and/or hybrid nature of our workforce, meetings under this procedure may be held remotely.
- b. Remote proceedings will usually be held via video call and all parties will be expected to have their camera turned on, wherever possible.
- c. All parties should ensure that they are in a private space for reasons of confidentiality and to avoid disruptions, and that they have good internet connection.

11. The disciplinary hearing

- a. The employee will be given an explanation of the case against them and presented with any relevant facts including the content of any statements provided by witnesses and other relevant evidence gathered during an investigation
- b. The employee will be permitted to set out their case and answer any allegations. They will be given a reasonable opportunity to ask questions and present evidence. They will also be given the opportunity to raise points about any information provided by witnesses.
- c. Identifying and interviewing pertinent witnesses would usually occur during the investigation stage, prior to a hearing. Should an employee wish to bring a witness to the hearing to support their case, they should make a request, in advance, to the hearing manager who will consider whether it is appropriate. Note, the Company will not allow the calling of witnesses for the purposes of cross-examination.
- d. The company may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). The employee will be informed of the likely period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with their companion, to consider the new information prior to the reconvening of the disciplinary proceedings.
- e. As soon as is reasonably possible after the conclusion of the disciplinary proceedings, the hearing manager will convey the decision to the employee and will also inform the employee what disciplinary action, if any, is to be taken. The decision will be confirmed in writing.
- f. The employee will be notified of their right of appeal under this procedure.

12. Disciplinary warnings & sanctions

- a. Where, following a disciplinary hearing, the company reasonably believes that the employee has committed a disciplinary offence, the following disciplinary action may be taken dependent on the length of service with the Company:

Under 2 years' service	2 years' service and over
Stage 1 Written warning	Stage 1 Written warning
Stage 2 Dismissal or other sanction	Stage 2 Final written warning
	Stage 3 Dismissal or other sanction

- b. Depending upon the nature and seriousness of the offence, stages may be skipped, for example in cases of serious misconduct where a final written warning may be the most appropriate sanction (even where there have been no prior warnings)
- c. Written warnings will usually remain active on an employee's record for the following periods before they expire:

Written warning - 6 months

Final written warning - 12 months

The Company may rely on such a warning and move to the next stage of the procedure if, while the warning is unexpired, further misconduct on the part of the employee occurs.

- d. When the warning is issued, it will:
- set out the nature of the offence committed
 - inform the employee that further misconduct is liable to result in further disciplinary action and possibly the next stage of warning e.g. final written warning or dismissal.
 - specify the period for which the warning will remain live, after such period the warning will automatically expire
 - state that the employee may appeal against the warning.

- e. In conjunction with formal disciplinary action, or as an alternative to dismissal, it may be decided that it is appropriate to impose alternative or additional sanctions, such as demotion or re-deployment. Additional measures e.g. training, may also be identified.
- f. Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning, the Company may elect to dismiss with notice or payment in lieu of notice.
- g. Where the Company reasonably believes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed without notice.
- h. In exceptional circumstances (for instances where an employee is likely to continue to commit misconduct even if subject to warning), the employee may be dismissed even if no warning of dismissal has been given. This may involve being given a payment in lieu of notice.

13. Expired warnings

- a. Expired warnings will be retained on an employee's personnel record as it may be necessary to take account of the warning when considering future conduct, for example establishing a pattern of behaviour or an awareness of the relevant rules.

14. Appeal

- a. An employee may appeal against any disciplinary sanction imposed against them. Wherever possible, the appeal will be heard by a manager of sufficient seniority to be capable of overriding the original decision (if necessary) who has not been involved in making the decision to impose the disciplinary sanction on the employee.
- b. When lodging an appeal, the employee should state:
 - i. the grounds of appeal; and
 - ii. whether they are appealing against the finding that they committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.
- c. The employee must provide written notice of the appeal within 7 calendar days of being informed in writing of the disciplinary sanction being imposed against them.

- d. Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.
- e. Should any new evidence be introduced on appeal, the employee will be given the opportunity to consider it and raise comments. Once the relevant issues have been thoroughly explored, the appeal manager will decide whether or not to uphold the disciplinary sanction.
- f. Upon completion of the appeal, the appeal manager will convey their decision to the employee. The decision will be confirmed in writing usually within one week. The Company's decision at the appeal is final.
- g. Where there is an appeal against a dismissal, an employee will not be entitled to be paid or reinstated (unless they are entitled to notice) between the date of dismissal and the conclusion of the appeal process. In the event however that the decision to dismiss is overturned on appeal, the employee will be reinstated with immediate effect and they will be paid for any period between the date of the original dismissal and the successful appeal decision. Their continuous service will not be affected.

15. Levels of authority

- a. Decisions to dismiss, under the disciplinary policy, will usually be taken by a member of the senior management team, or by someone agreed by an HR manager as having the appropriate level of authority.
- b. The hearing manager should seek advice from Human Resources wherever dismissal is considered to be a possible outcome.

16. Policy review & contacts

- a. If you have any questions about this policy, your line manager or the HR team can help.
- b. Our policies are reviewed and (if required) updated at least every two years in line with legal obligations, business objectives, and operational needs. We will notify staff of some key changes, but it is not practical to notify of every change that occurs so it is everyone's responsibility to keep themselves up to date with the current versions of policies as made available via our intranet. Please revisit employment policies at regular intervals, and refer to specific relevant policies when the need arises.

Appendix A - Misconduct

Matters that the company views as amounting to misconduct include (but are not limited to):

- i. persistent poor timekeeping, unauthorised absence or poor attendance;
- ii. breach of our absence reporting procedures;
- iii. absences that are not genuine or not for the reason provided;
- iv. damage to Company property;
- v. failure to observe, and any breach of, Company policies and procedures;
- vi. abusive or disruptive behaviour;
- vii. insulting or offensive behaviour towards others, not amounting to serious harassment or bullying;
- viii. unreasonable refusal to follow an instruction issued by a manager or supervisor;
- ix. data protection breaches or misuse of the Company's information;
- x. smoking in non-designated areas of the Company's premises;

Appendix B - Gross misconduct

Matters that the company views as amounting to gross misconduct include (but are not limited to):

- i. theft or fraud;
- ii. falsification of timesheets
- iii. other offences of dishonesty;
- iv. persistent absence without leave and unauthorised absence;
- v. falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
- vi. falsification of records including reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- vii. data protection breaches, disclosure of company documents, trade secrets and other confidential information to unauthorised third parties;
- viii. indecency;
- ix. sexual misconduct;
- x. accessing obscene, offensive or pornographic material while at work or on equipment that we provide
- xi. physical violence;
- xii. deliberate damage to or misuse of property;
- xiii. insubordination or refusal to follow reasonable instructions;
- xiv. the use or distribution of illegal drugs while at work;
- xv. serious incapability at work brought on by alcohol;
- xvi. possession, custody or control of illegal drugs on the company's premises;
- xvii. serious breach of the company's rules, including, but not restricted to, Graham Holdings Company Code of Conduct, health and safety rules, and rules on computer use;
- xviii. gross negligence;

- xix. conviction of a criminal offence that, in the opinion of the Company, affects the employee's ability to discharge their duties or destroys the Company's trust and confidence in the employee.;
- xx. serious instances of bullying or harassment
- xxi. breach of requirements relating to safeguarding of children or vulnerable adults;
- xxii. misuse or abuse of social media in and outside work;
- xxiii. making covert recordings of colleagues or managers;
- xxiv. conduct that brings the company's name into disrepute;
- xxv. unlawful discrimination or harassment.
- xxvi. bribery offences under the Bribery Act 2010;
- xxvii. inappropriate contact or relations with a student
- xxviii. deliberate breach of professional standards relevant to your employment
- xxix. Unauthorised entry to computer or other records
- xxx. Serious breach of an obligation contained in your contract of employment
- xxxi. Serious misuse of Company's information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet)
- xxxii. Accessing extremist and/or terrorist material on Company computers, networks and personal devices for non-academic purposes