



Figure of Eight Education

# CODE OF CONDUCT (STAFF)POLICY

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2020-21 Academic Year

Reviewed September 2020 - To be reviewed August 2021

## **STAFF CODE OF CONDUCT**

### **THE GENERAL CODE OF CONDUCT**

The Company is committed to treating all employees with respect and as responsible adults and expects the same attitude from all employees of the Company, towards the Company's assets and property, towards other employees and their property, towards customers, suppliers and agents and their property and towards the public at all times.

Failure of employees to act in accordance with the principles set out above will almost inevitably lead to the employee being in breach of the rules of the Company and becoming subject to the Disciplinary Policy and Procedure.

For the further guidance of employees, certain rules and requirements have been codified and these are found in this Company Handbook.

### **SMOKING POLICY**

#### **PURPOSE**

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke in order to comply with the Health Act 2006.

Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Ventilation or separating smokers or non-smokers within the same airspace does not completely prevent dangerous exposures.

#### **SCOPE**

This procedure applies to all employees of Figure of Eight Education. This policy also applies to consultants, contractors, customers or members and visitors.

#### **SMOKING AT WORK**

The Company recognises that the provision of a working environment in which employees are relaxed and content, and where they feel safe, is conducive to good productivity and high morale.

In accordance with the Health Act 2006 and the new legislation smoking is strictly prohibited in all enclosed and substantially enclosed premises within the Company. This includes Company vehicles.

Employees wishing to smoke must do so only in the designated area outside the building and only during the employees' break times. The designated smoking area must be out of sight of the general public, in an area that is not enclosed or substantially enclosed, ideally to the rear of the building.

It is recognised that whilst some visitors will wish to smoke, they must comply with the same rules as employees as detailed above.

Where functions are arranged it must be made clear that if these are to be held on the Company's premises or at an external venue, the no smoking policy applies.

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Appropriate 'no-smoking' signs will be clearly displayed at the entrances to and within the Company premises, and in all smoke-free vehicles.

Failure to comply with the law will be a criminal offence and therefore any employee contravening the smoke-free law may be liable to a fixed penalty fine and possible prosecution, they will also be subject to disciplinary action.

### **HELP TO STOP SMOKING**

The NHS offers a range of free services to help smokers give up, visit [www.nhs.uk/smokefree](http://www.nhs.uk/smokefree) for more information.

## **STANDARDS OF APPEARANCE AND BEHAVIOUR**

### **PURPOSE**

This policy details the standards of appearance and behaviour required by all employees.

### **SCOPE**

This policy applies to all employees of Figure of Eight Education.

### **DRESS CODE**

The Company provides a high standard of service in order to satisfy its customers and to expand its operations and to continue to provide employment.

The company believes that it is important that every area of its activities should reflect this commitment to high standard, to which end the appearance and behaviour of its employees is no exception.

The purpose of our dress code is to establish basic guidelines on appropriate clothing and appearance at our workplace, so that we:

- promote a positive image and employees look professional;
- respect religious, racial and gender-specific clothing requirements and those of employees with disabilities where possible;
- take account of health and safety requirements; and
- help employees decide what clothing it is appropriate to wear to work.

Different departments may have specific requirements that result in particular clothing demands, for example, because their work raises health and safety risks. It is important that all employees dress in a manner appropriate to their working environment and the type of work they do.

We expect employees to take a common sense approach to the dress code. Any enquiries regarding the operation of our dress code (including whether an article of clothing is suitable to wear to work) should be made to your Line Manager.

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### **APPEARANCE**

While working for the Company you represent us with clients and the public. Your appearance contributes to our reputation and the development of our business.

It is important that you appear clean and smart at all times when at work, particularly when you may be in contact with clients, other business contacts or the general public.

Clothing should not be dirty, frayed or torn. Tops should not carry wording or pictures that might be offensive or cause damage to our reputation. It is inappropriate to wear clothing such as cut-off shorts, crop tops, see through material or clothes that expose areas of the body normally covered at work.

Footwear must be safe and clean and take account of health and safety considerations.

Where we provide safety clothing and equipment, including protective footwear, it should be worn or used as appropriate and directed.

Employees should not wear clothing or jewellery that could present a health and safety risk.

### **RELIGIOUS AND CULTURAL DRESS**

Employees may wear religious and cultural dress (including clerical collars, head scarves, skullcaps and turbans) unless it breaches this policy or compromises the health and safety of the wearer, their colleagues or any other person.

Where necessary your Line Manager can disseminate appropriate information explaining cultural dress and customs.

Priority is at all times given to health and safety requirements. Where necessary, advice will be taken.

### **IMPLEMENTING AND REVIEWING OUR DRESS CODE**

Managers are responsible for ensuring that employees observe the standards set by this dress code.

Failure to comply with the dress code may result in action under our Disciplinary Procedure.

### **PERSONAL HYGIENE**

The Company expects its employees to pay particular attention to matters relating to personal hygiene. Every effort should be made to ensure that unpleasant body odour is prevented, that fingernails and hair are tidy and clean.

### **STANDARDS OF BEHAVIOUR**

The Company strives at all times to present a professional image and this can only be achieved through the attainment of high standards of behaviour by its employees.

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### **DISCIPLINARY PROCEDURE**

#### **PURPOSE**

This policy outlines the Company's disciplinary and appeals procedure and has been written in line with the ACAS Code of Practice on disciplinary and grievance procedures. The policy should be read in conjunction with your Main Terms and Conditions of Employment.

#### **SCOPE**

This policy applies to all employees of Figure of Eight Education.

### **DISCIPLINARY PROCEDURE**

The purpose of the Disciplinary Procedure is to provide a recognised and consistent system for dealing with breaches or alleged breaches of the rules or otherwise unacceptable behaviour.

During the probationary period, should the employee fail to meet the required standard of performance or conduct they will be invited to a meeting to discuss the issues raised. The disciplinary procedures do not apply. Probationary employees can be dismissed or be subject to an extension of the probationary period without reference to these procedures. In cases of dismissal, the employee will be given the opportunity to appeal against the outcome.

### **INVESTIGATIONS**

It is important to ensure that a prompt and full investigation of the facts has been carried out before any disciplinary meeting is convened.

In most cases it will be advisable to carry out an investigatory meeting with the employee against whom allegations may be made. Wherever possible, investigatory meetings will be carried out by a different person to the person who might conduct any subsequent disciplinary meeting.

It may also be necessary to conduct investigatory meetings with other employees who may be witnesses to events surrounding the allegations or to gather other evidence such as documents, CCTV footage etc. Should an investigation result in a disciplinary meeting, the employee will be supplied with copies of all relevant supporting evidence, which may include witness statements.

No disciplinary action will result from an investigatory meeting and not all investigations will result in a disciplinary meeting. The purpose of the investigation is to establish whether the employee has a case to answer in relation to any allegation of wrongdoing. Therefore, no further action, informal action or mediation may be recommended as an outcome of an investigation.

### **SUSPENSIONS**

On occasions it may be necessary to suspend the employee with pay whilst the investigations are being carried out, depending on the nature of the allegation. Suspension is undertaken as a precautionary

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measure, for as short a time period as possible, is not disciplinary action in itself, and no inference of guilt should be drawn from it.

### **INFORMAL ACTION**

It is recognised that in cases of minor misconduct, informal action may be all that is required to rectify the matter. However, where informal measures may not have brought about the desired changes or improvements or where the misconduct is more serious, formal action may be required.

Notes of informal action taken will be retained on the employee's file for reference purposes, for a period of six months.

### **DISCIPLINARY MEETINGS**

Formal disciplinary warnings will only be issued following a formal disciplinary meeting with the employee, who will always be given the opportunity to be accompanied by a fellow employee or Trade Union representative.

Disciplinary meetings must be held without unreasonable delay but before a formal disciplinary meeting is conducted, the employee will be informed of the date and time of the meeting, together with the allegations that have been made against him/her, as well as copies of any supporting evidence. The meeting will be held with not less than 5 working days notice. The employee will be given the opportunity to challenge the allegations and evidence at the meeting, before any decision is made.

Once the Disciplinary Procedure has begun, all correspondence and discussions relating to the matter must be kept confidential by all parties, and only those directly involved in the process shall be permitted to have sight of documentation.

Employees must make every effort to attend meetings and whilst the Company will take reasonable steps to reschedule meetings where it is genuinely not possible for the employee or their representative to attend, employees will be made aware where failure to attend may result in decisions being reached in their absence. In such an event as described above, the re-scheduled meeting should normally be held within 48 hours of the originally intended time.

### **GRIEVANCE ISSUES**

Should a grievance issue arise during the course of a disciplinary investigation or meeting the Company will normally, if appropriate consider suspending the disciplinary matter in order to deal with the grievance issue, particularly if the two matters are connected.

### **DISCIPLINARY WARNINGS**

A formal warning given under this procedure may also be taken into account if any warnings have been issued under the Capability Procedure while the warning is still valid. Similarly, any current capability warning can be taken into account at the final stage of the Disciplinary Procedure.

The warnings are issued in the following stages:

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### Verbal Warning

A verbal or informal warning is given to the employee in the first instance or instances of minor offences. The employee's immediate Manager administers the warning.

A written record of the warning will be placed on the employee's personnel file and will be disregarded for the purposes of further disciplinary action after six months, provided that problem has been rectified.

The employee is required to read the record of the warning and has the right to appeal to a higher level of management where possible, if he or she believes the warning to be unjustified.

### First Written Warning

A written formal warning is given to the employee in the first instance of more serious offences or after repeated instances of minor offences.

Ordinarily the employee's immediate Manager administers the warning and states the exact nature of the offence, the change in behaviour or improvement required, and indicates any future disciplinary action which will be taken against the employee should the offence be repeated within a specified time limit.

A copy of the written warning is placed in the employee's personnel file and is disregarded for the purposes of further disciplinary action 12 months after the date on which it was given provided that the problem has been rectified.

The employee is required to read the formal warning and has the right to appeal to a higher level of management if he or she believes the warning to be unjustified.

### Final Written Warning

A final written warning may be given to the employee in the first instance of a serious offence or may follow the formal warning above. This is the last stage in the procedure before dismissal.

The warning is administered by a Proprietor and states the exact nature of the offence, the change in behaviour or improvement required, and indicates any future disciplinary action which will be taken against the employee should the offence be repeated within a specified time limit. Specifically, the employee will be advised that any repetition of the offence or other breach of Company rules **may** result in dismissal.

A copy of the final written warning will be placed in the employee's personnel file and disregarded for the purposes of further disciplinary action 24 months after the date on which it was given, or at the end of any other period specified on the date on which the warning was issued. The employee is required to read the final written warning and has the right of appeal to the Proprietor, if he or she thinks the warning is unjustified.

### Further Disciplinary Action/Dismissal



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If, despite, previous warnings, an employee still fails to reach the required standards in a reasonable period of time, it may become necessary to consider further disciplinary action. Further action may constitute demotion, or dismissal.

Further disciplinary action or dismissal is administered by the Proprietor.

All disciplinary actions as a result of a hearing will be confirmed in writing and will state:

- the nature of the misconduct or omission;
- the stage reached in the procedure;
- the expectation for the future, concerning both management and the employee and the period over which improvements must take place;
- what might happen if the matter proceeds to the next stage;
- the appeal rights, the suggested time limit, and how the appeal should be made.

### SUMMARY DISMISSAL

An employee may be summarily dismissed (i.e. given instant dismissal without notice) only in the event of gross misconduct, as defined below.

The authority to dismiss summarily rests exclusively with the Proprietor.

### RESPONSIBILITY FOR DISCIPLINE

- Verbal warning - Line Manager/Proprietor
- First written warning - Line Manager/Proprietor
- Final written warning - Proprietor
- Further disciplinary action - Proprietor
- Summary dismissal - Proprietor

Full records will be kept of all formal disciplinary matters including interview and hearings.

### GROSS MISCONDUCT

The following acts are examples of gross misconduct offences and as such will render employees liable to summary dismissal (i.e. dismissal without notice). This list is illustrative rather than exhaustive.

- Fighting, physical assault or the playing of practical jokes etc where the health and safety of any individual(s) is/are compromised.

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- Failure to carry out a reasonable and lawful direct instruction given by a superior during working hours.
- Gross insubordination or the use of aggressive behaviour or excessive bad language.
- Theft, or any other act of dishonesty.
- Wilful damage or negligence which leads to damage to property belonging to the Company or other employees.
- Fraud or any other offence committed against the Company, or any individual which would be a breach of the Theft Act 1968 or any other legislation relating to criminal offences.
- Intoxication at work brought about by alcohol or illegal drug abuse.
- Serious misuse of the Company's property or name.
- Acts of gross negligence or misconduct involving careless or reckless driving.
- Loss of driving licence on conviction when driving is all or an essential part of the job requirements.
- Conduct liable to bring the business into disrepute, whether committed during working hours or otherwise.
- Breach of health and safety legislation of regulations and/or any action which seriously endangers or compromises the health or safety of another person whilst at work.
- Deliberately or recklessly making a false entry or declaration in the written records of the Company.
- Knowingly or recklessly giving false information or deliberately omitting relevant information on the job application form or curriculum vitae.
- Contravening the smoking legislation and Company Smoking Policy.
- A serious breach of the Company's Health and Safety policy.
- Breach of the Equality Act 2010.
- Bullying or harassment.
- A breach of the Bribery Act 2010 which includes the offences of offering/promising/giving a bribe or accepting/requesting/agreeing to receive a bribe to unlawfully gain or facilitate a business deal or transaction and/or failing to prevent an act of bribery in order to obtain or retain business or an advantage in business.
- Inaccurate or fraudulent recording of financial transactions.

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- Using Company database for personal use and gain or any other purpose inconsistent with your employment.
- Falsification of Company documents e.g. timesheets, Company mileage record forms.
- Deliberately accessing and/or downloading of pornographic or other obscene material from the Internet, which in the view of the directors may cause offence to any other person.
- Unauthorised use of e-mail or the Internet e.g. offensive or obscene emails, discriminatory, vindictive, defamatory, harassing, sexist or racist comment or criticism of any individual (e.g. the employer, another employee or third party) either within the Company or when communicating with another Company, customer, client or supplier.
- The sending of messages or posting of information (including pictures or videos), on social networking sites that could be deemed to be derogatory, defamatory, discriminatory, tantamount to bullying or harassment or damaging in any way, to employees, the business, customers, clients, suppliers or other third party.
- Serious breach of confidentiality.
- Unauthorised absence.
- Actions that have resulted in bringing the Company into disrepute.
- Undertaking additional employment which would counter the interest of the Company or would conflict with the employee's own position.
- Making unauthorised statements to the press or news media relating to the Company's business.

### RIGHT OF ACCOMPANIMENT

Employees have the right to be accompanied at all formal disciplinary meetings, although not necessarily at any investigatory interviews.

The chosen companion, (who can refuse to accompany) who must either be an employee of the Company or a trade union representative, has no legal right to answer questions on the employee's behalf but, with the agreement of the Company, will be allowed to participate as fully as possible and respond to any views expressed at the hearing. The companion may put and summarise the employee's case and reasonable time will be given for the employee and companion to confer privately either in the meeting room or outside.

Where the chosen companion is not available to attend on the date proposed for the meeting with good reason, the employee will be permitted to offer an alternative date and time so long as it is reasonable and usually within 48 hours of the original proposed meeting.

### APPEALS

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Employees have a right of appeal against any disciplinary decision and the appeal should be made within 7 days from the date of the notification of the outcome working days. The main grounds for appeal are likely to be:

- undue severity or inconsistency of the penalty;
- if new evidence, that was not available at the hearing, becomes available;
- if an alleged lack of fairness or a defect in the original hearing is claimed.

The appeal must be conducted without unreasonable delay by the Proprietor. The employee may be accompanied at the appeal by a work colleague or Trade Union representative of his/her choice.

If any employee wishes to exercise this right the appeal should be lodged as follows:

- in writing, and ideally within five working days of receipt of formal notification of the disciplinary action specifying the reasons for appeal;

The outcome of this appeal will be binding on all involved and will be confirmed following the meeting.

Where the outcome of the disciplinary hearing is dismissal, and in cases where summary dismissal has been ordered, in cases where the appeal is upheld, the employee will be reinstated with their benefits restored without any break in continuity

### **MEDIATION**

In some circumstances where disciplinary issues concern workplace disputes between two or more colleagues, mediation can provide a means of resolving differences outside the formal process. It is impartial, voluntary and confidential and usually involves the assistance of an external qualified mediator. Although the Company is not obliged to offer this service, the option may be considered by the Company in some circumstances. Mediation can be used at any point before, during or following the formal disciplinary process.

### **DISMISSALS PROCEDURE**

#### **PURPOSE**

This policy outlines the Company's procedure for dismissals for the termination of employment which have come about for reasons other than disciplinary or capability issues.

#### **SCOPE**

This policy applies to all employees of Figure of Eight Education.

#### **APPLICATION**

This procedure applies in the following situations:

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- dismissals during an employee's probationary period;
- the non renewal of a fixed term contract;
- termination of a temporary appointment where the reason for termination is that the requirement for the employee's service has ceased or diminished;
- termination of employment by reason of redundancy unless collective redundancy rules apply (where the employer envisages 20 or more dismissals). Refer to Shortage of Work and Redundancy Policy.

### THE PROCEDURE

For alternative dismissals a standard 3-stage procedure should apply as follows:

- **Stage 1 – Statement of grounds for action and invitation to meeting**

A letter must be sent to the employee inviting them to a meeting to discuss the potential dismissal and the grounds for the action.

- **Stage 2 – The meeting**

A meeting must be held with the employee before the action is taken.

- **Stage 3 – The appeal**

The employee must be given the right to appeal against dismissal.