South Eastern School of Martial Arts SESMA
Employee Disciplinary & Grievance Procedure

Disciplinary Policy

Part I: Policy details

1. What does this policy cover and who is covered?

This policy covers SESMA South Eastern School of Martial Arts UK's procedure when a disciplinary matter arises, usually where there is reasonable concern or suspicion that an employee has engaged in one or more actions that can be classified as 'misconduct'.

Although this is not an exhaustive list, we tend to treat 'misconduct' as comprising one or more of the following activities:

- Minor breaches of our policies
- Minor breaches of your employment contract
- Unauthorised use, or damage to, our property and equipment
- Absence from work that has not been authorised
- Poor attendance and timekeeping
- Refusing to follow instructions, where it is not serious enough to be gross misconduct
- Misuse of the internet or your work email for personal purposes, including sending and receiving an excessive number of personal emails
- Misuse of SESMA South Eastern School of Martial Arts UK's devices or SESMA South Eastern School of Martial Arts UK's communication accounts, including making an excessive number of personal calls using SESMA South Eastern School of Martial Arts UK's phones
- Behaving offensively, including making lewd gestures and using obscene language (verbally or otherwise)
- Being careless in the performance of your work duties
- Time-wasting during your contracted working hours
- Smoking where smoking is not allowed

By contrast, and again, not an exhaustive list, we treat 'gross misconduct' as typically comprising one or more of the following activities:

- Malicious misuse of any of our procedures, for example if you make up allegations when taking out a grievance against someone
- Negligence, recklessness or carelessness, particularly if it leads to SESMA South Eastern School of Martial Arts UK's and its management losing trust and confidence in you
- Serious breach of all data privacy and data protection legislation applicable to our business
- Serious health and safety breaches

- Unlawful harassment or discrimination
- Any Safeguarding issues
- Viewing, receiving, or sending anything that breaches [SESMA South Eastern School of Martial Arts UK's Harassment and Bullying Policy or our Equal Opportunities Policy
- Bullying or physical violence
- Fraud, theft, or any act of dishonesty
- Being under the influence of, or possessing, illegal drugs
- Being under the influence of alcohol, unless this is with your manager's express knowledge and permission – for example, where you are involved in entertaining on the Company's behalf
- Serious and intentional damage to Company property
- Knowingly accessing websites containing offensive, obscene or pornographic material
- Serious insubordination or refusal to obey management instructions
- Serious breaches of confidence (such as disclosing SESMA South Eastern School of Martial Arts UK's confidential information without authorisation and/or putting SESMA South Eastern School of Martial Arts UK's IP or trade secrets at risk)
- Conduct that breaches common decency or brings the Company into disrepute

Part III of our guide sets out our approach in relation to gross misconduct, which is not the same as the way in which we handle allegations of misconduct.

There's a third category of misconduct that falls inbetween these two: 'serious misconduct'. We define this as misconduct that falls short of gross misconduct but that, taken with any previous and non-expired written warning(s) on an employee's record, would justify the imposition of a final written warning. (We cover this in context at Part II, Stage 3 of the formal disciplinary process, below.)

We will normally follow this policy in a disciplinary situation, but we are not obliged to do so (particularly if you are in your probationary period).

2. Who does it apply to?

All employees. It does not apply to self-employed contractors, workers and agency workers.

3. It is not part of your employment contract

This policy is not part of your employment contract. We, SESMA South Eastern School of Martial Arts UK's may amend this policy at any time.

4. Your right to be accompanied at disciplinary meetings

During any meeting that takes place under this policy, you may bring someone with you. That person is generally a colleague or, if relevant, a trade union representative.

We will remind you of this entitlement when we send you a meeting invite. You must then let us know if you intend to invite someone to accompany you and who that person is, as well as their relationship to you if this is not known to us. You will be responsible for making their attendance (including any travel) arrangements and costs.

You are entirely free to choose a work colleague to accompany you. If you do choose a work colleague, please be aware that, on occasion, we may need to adjust scheduled meeting timings to ensure that we can ensure your colleague's attendance (and absence from their usual work duties) does not cause any operational challenges.

Speaking on your behalf

If you would prefer them to do so, your companion may present the key points of your grievance and they may also speak openly on your behalf at the meeting. You should feel free to seek their views and confer with the during the meeting and you are entitled to leave the room for reasonable periods of time to do so.

Your companion is not permitted, however, to answer questions put directly to you or try to prevent the Company asking questions or outlining its views.

Part II: Our procedure when disciplinary matters arise

This sets out the steps that we take when a disciplinary concern first arises, with the exception of where an allegation of gross misconduct arises. (Please see Part III of this policy for information on our approach where gross misconduct has been identified.)

1. Before formal action is taken: informal discussions

Where we feel it's appropriate to do so, we will aim to talk through a concern about your conduct or performance with you, including where this raises a disciplinary element.

Following that chat, we may send you what's called a Letter Of Concern, recording what we have discussed during that informal meeting.

If we can't resolve matters during this chat, or we consider that the circumstances in which our concerns have arisen make an informal discussion inappropriate, we will typically follow the formal procedure described below.

2. Stage 1a: formal disciplinary action – formal meeting

a. We will not take disciplinary action without first having invited you to a formal meeting to discuss the concerns that have been identified. This may, however, be the only meeting that we invite you to. You may not be invited to attend any subsequent meetings that take place during any investigatory or disciplinary decision-making stages.
b. We will write to you to invite you to this formal meeting and to provide you with the key details that you need to know, including when and where the meeting will take place, details of misconduct allegations that you may face, and the potential ramifications of these allegations being proven, or not. Unless we believe there is a good reason not to do so, we will also provide you with copies of any documents relevant to the facts, and any witness statements that we have taken.
c. Your attendance at this meeting is really important and you're responsible for ensuring that you can make it. We will usually agree to reschedule the meeting once if, for good reason, you are unable to make the first time that we propose. But we will not allow interactions about when you can make this meeting to unreasonably delay it. If after rescheduling it once, we remain unable to schedule your attendance at this meeting, and we do not consider that your requests for other times are reasonably made, we may be forced to proceed without you being present.
d. You are entitled to be accompanied at the meeting. See Part 1 section 4 for the rules on how this works.
e. If you want to bring your own witnesses to the meeting and/or you have documents or other evidence you want to present, you must let us know as soon as possible in advance of the meeting taking place.
f. During the meeting, we will go through all the details of the allegations against you, and we will outline the information, documentation and witness statements that comprise the evidence we have. We will ask you to confirm that you understand all that we have presented to you and you will be given sufficient opportunity to respond and to ask questions of us, as well as to put forward your own evidence for us to further consider. You may also invite your own witnesses to speak on your behalf at this meeting. If you want to ask questions of our witnesses, please let us know in advance and (unless we believe there is good reason not to) we will ensure that they are asked those questions,

respond and that we share their responses with you in a suitable manner.

g. We may record this meeting, but we will not do so without telling you. You may of course record the meeting if you wish to do so; but please tell us beforehand if you intend to do so, as it would be discourteous to make a covert recording.

Stage 1b: formal disciplinary action – suspension for misconduct

(For how we handle gross misconduct, please see Part III of this policy.)

It is possible that we may suspend you from work, if you're accused of misconduct. This is not a prejudgment of any decision that we may ultimately reach – we will not have made any decisions at this stage. Suspension is typically driven by the disciplinary concerns that have been raised and all the factors that we have so far considered. So, if we suspend you, it will be in order to cause the least disruption to the business while we investigate.

If you are suspended from work, the following factors will apply:

h. You will be prohibited from coming in to your normal workplace, or any other premises from which we conduct our business

i. Unless we give you written authorisation to do so, you must not contact any staff, clients, customers or suppliers – unless your need to contact a particular individual arises from your intention to request them to act as a witness for you (in which case, you do not need to ask us first)

j. Provided that your contract terms do not contradict this, we will continue to pay you your full entitlement. If you fall sick during this suspension period and are unfit to work, you will be paid according to our Sickness Policy, which might mean you do not receive your full pay (i.e. if you are only entitled to statutory sick pay under your contract terms)

k. If pre-approved holidays fall during a period of suspension, they will still count as holiday leave and will be deducted from your holiday entitlement as normal

3. Stage 1c: formal disciplinary action – if you raise a grievance

Our disciplinary process will usually continue uninterrupted, even where you may raise a grievance while we are conducting our disciplinary investigation. If your grievance is linked to the matters that we're investigating under the disciplinary process, we will normally consider the matters you raise as part of the disciplinary process and not start a separate grievance process.

4. Stage 2: formal disciplinary action – SESMA South Eastern School of Martial Arts UK's decision

Normally within 2 weeks of the formal meeting, we will provide you with SESMA South Eastern School of Martial Arts UK's written decision, outlining our conclusions and what we have decided.

5. Stage 3: formal disciplinary action – disciplinary action and our dismissal process

Where our decision identifies misconduct by you, we generally take the approach set out immediately below. If we have identified gross misconduct by you, our approach is different. Please see Part III of this policy for how we handle gross misconduct.

a. **Step 1:**You will receive a written warning from us, which will normally remain on your work record for 12 months from the date you receive our decision. It will then be removed from your record.The only exceptions to this position will be if:

    a. you already have one or more non-expired written warnings on your work record, or

    b. your misconduct was serious (but not gross) misconduct.

    in which case, we will move straight to Step 2 below. (And in the case of gross misconduct, see Part III below.)

b. **Step 2:**Where one (or both) of the exceptions in Step 1 have been met, we will issue you with a final written warning that will also go on to your work record alongside any existing, still active, written warning(s).That final written warning will also stay 'active' on your work record and only expire 12 months from the date that you receive our written decision. After that 12-month period, it will be removed.
c. **Step 3:**If Step 2 has already been met and you are involved in further misconduct, you may be dismissed.You may also be dismissed for a serious case of misconduct, or if you are involved in gross misconduct.Occasionally at this point, although we are not obliged to do so, we may be prepared to consider other actions besides your dismissal. This might include, for example:
    a. extending your final written warning period, to provide additional time for you to convince us that your behaviour can reliably be improved,
    b. moving you into a different role within our business, or
    c. demoting you from your current position.

    Either of the actions at (ii) or (iii) above can result in reduced pay to you.

6. Stage 4: formal disciplinary action – appeals

You are entitled to appeal against any of the decisions we take under this process. If you want to appeal, you must:

a. Write to us within a week of receiving our decision. You should address your letter to the person whom we will have identified in our decision communication and you will need to give clear grounds for why you are appealing the decision.
b. Once we have received your appeal letter, we will invite you to an appeal meeting. We will aim to hold this appeal meeting within 2–3 weeks of receiving your appeal letter.
c. Wherever we can reasonably organise this, the appeal meeting will be led by someone other than the person who led and made decisions relating to earlier disciplinary meetings about this instance of misconduct.
d. You are entitled to invite someone to accompany you at this meeting. (The rules outlined in Part I, section 4, apply here.)

7. Stage 5: formal disciplinary action – final decision, after an appeal

Our final decision will be sent to you in writing, normally within 2 weeks of the appeal meeting. You

do not have any further right to appeal against our decision.

Part III: How we handle cases of gross misconduct

You will usually be dismissed without warning, without notice, and without payment in lieu of notice, if we find you have committed an act of gross misconduct.

This is known as summary dismissal.

You have the same rights of appeal as set out above in our misconduct process (see Part II above).