



Holden Knight Recruitment Ltd

Disciplinary Procedure

Human Resources v1.2

Review Date: November 2027



Disciplinary Procedure

1. INTRODUCTION

- 1.1 This procedure is intended to be an open, fair and transparent process. It sets out the course of action that will be followed in the event of disciplinary action being considered necessary.
- 1.2 The nature of engagement of Tutors is that their actual contract of employment may be of short duration. This procedure is intended to give tutors equivalent rights to those available to other members of staff if a complaint is made about them. However, not all aspects of the procedure which apply to permanent employees can apply to Tutors.
- 1.3 During the course of a Disciplinary investigation, Holden Knight reserves the right not to place Tutors. However, to reflect this absence of earning capacity we aim to apply the procedure speedily but without any reduction to the rights of the individual in respect of fairness or the right of representation.
- 1.4 Holden Knight reserves the right to vary or amend its disciplinary policy and procedure depending on the particular circumstances of the case. The Company also reserves the right not to follow the Disciplinary Policy and Procedure in respect of employees with short service.

2. SCOPE

- 2.1 This procedure applies to all tutors employed by Holden Knight. Any educational establishment in which a Tutor may be placed has no formal role in applying this procedure but does have a role in applying good management practices.

3. DE-REGISTRATION

- 3.1 One of the possible outcomes from a disciplinary investigation could be that the Tutor is de-registered, particularly in cases of serious or gross misconduct, or repeated/recurring misconduct. De-registration means that the Tutor will no longer be able to work for Holden Knight.

4. GROSS MISCONDUCT

Where Holden Knight Tutors are de-registered for a reason that constitutes gross misconduct, or if a Tutor resigns pending disciplinary action, the employee will be referred to the Disclosure and Barring Service.

5. CONTEXT

- 5.1 Good management practice includes ensuring a proper induction into Holden Knight and a welcome and introduction to the setting, giving appropriate support and guidance and recognising that in many cases the right word, at the right time, and in the right way may be all that is needed. This will often be a more satisfactory method of dealing with a minor breach of discipline or unsatisfactory conduct than taking action via a formal investigation and a formal hearing. This procedure should not be used in such circumstances.
- 5.2 Tutors are expected to undertake their role in line with the Behaviour Policy and the Employee Code of Conduct. In addition, they are encouraged to seek support and guidance to facilitate their role and contribution to the settings where they work.

6. INVESTIGATION

- 6.1 Holden Knight processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its data protection policy. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure.
- 6.2 No disciplinary action will be taken against any Tutor until the matter has been investigated, information has been collected by the Investigating Officer (normally the LTA Branch Manager) and the Tutor has had an opportunity to respond to the allegations. Details will be gathered promptly and will include any comments the Tutor concerned wishes to make at that stage. The Tutor will have the right to be accompanied by a trade union representative or work colleague at any disciplinary hearing.
- 6.3 Holden Knight reserves, at its absolute discretion, the right not to offer the Tutor any placements during the investigation process.

7. CONSIDERATION OF DISCIPLINARY ACTION

- 7.1 On completion of the investigation, the investigating officer's report will be considered by a Designated Officer (normally a senior Holden Knight Manager) who will determine, on the basis of the evidence collected, whether arrangements should be made for a formal Disciplinary Hearing to proceed.
- 7.2 If it is decided that there should not be a hearing the tutor may be given advice, guidance or a written instruction as appropriate. Where the alleged misconduct is potentially gross misconduct, or further misconduct following a 'live' final written warning, or where the circumstances of the case otherwise justify it, a Disciplinary Hearing will be arranged before a Holden Knight Head of Service.

8. FORMAL PROCEDURE

8.1 Notice of the hearing/rights to representation

The Tutor will be given 48 hours' notice of the Hearing in writing. This notice should outline the purpose of the Hearing, the nature of their alleged misconduct and the right to representation by a trade union representative or work colleague. The disciplinary report and any relevant documentation should be attached.

- 8.2 A mutually convenient date should be agreed with the Tutor and their representative if possible. Where this is not possible and the Tutor's chosen trade union representative is not available on the specified dates, the Tutor has a statutory right for the hearing to be postponed for up to five working days if they can provide a reasonable alternative time within this five day period. This statutory right relates only to the availability of the chosen trade union representative. It does not apply in relation to a work colleague.
- 8.3 Where the Tutor fails to attend or to be represented at a meeting, the matter may be considered in their absence.

8.4 Disciplinary Sanctions

The following disciplinary sanctions are not necessarily sequential and the level of sanction that is issued will be dependent upon the seriousness of the Tutor's alleged misconduct.

Sanction	Period of 'live' warning*
First written warning	6 months
Second written warning	12 months
Final written warning	2 years

- 8.5 In all cases where warnings are issued, the Tutor will be advised of the reason for the warning, of the areas in which improvement is required and of their right of appeal. The warning must be confirmed in writing and a copy of the letter placed on the Tutor's personal file.
- 8.6 A Final Written Warning should be issued if there is a failure to improve conduct during the duration of another live disciplinary warning, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal and/or de-registration (in effect both first and final warning). In such cases, in addition to being advised of the reason for the warning, the areas in which improvement is required and the right of appeal, the Tutor should also be warned that further misconduct, whether or not of a similar nature to the previous misconduct, may result in their dismissal or de-registration.

9. NON-PLACEMENT OF A TUTOR UNDER INVESTIGATION

- 9.1 Holden Knight reserves the right not to place a Tutor during the course of a Disciplinary Investigation. Non-placement is not a disciplinary measure and must not be viewed as a judgement of alleged, suspected or known misconduct. A Tutor shall be informed of the reasons for non-placement at the time and will be given confirmation of it in writing. The Tutor will not be paid during the course of their non-placement.
- 9.2 It is intended that any investigation and action will be pursued speedily. The need to continue with the non-placement of a Tutor shall be reviewed at not less than monthly intervals by the Company and, if non- placement is continued, the Tutor will be informed of this and the reasons for its continuation.

10. APPEALS AGAINST DISCIPLINARY ACTION

- 10.1 A Tutor will have the right of appeal against any disciplinary penalty imposed, including de-registration, within ten working days of receipt of the decision. The original decision may only be upheld at appeal or a lesser penalty imposed, the penalty may not be increased.
- 10.2 No officer hearing the case will have had any previous involvement in the case under consideration. There is no further right of appeal under this procedure.