



**FutureLearn  
Staff Disciplinary Procedure**

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# FutureLearn Staff Disciplinary Procedure

## 1.0 Principle

**1.1** At FutureLearn we strive to foster a culture of fairness and we require high standards of conduct and performance from everybody who works here. This procedure is designed to ensure that all colleagues are dealt with fairly and consistently if a concern arises over conduct.

**1.2** Although many concerns about conduct can be handled informally, there will be occasions when this has not worked or informal discussions are not appropriate. In these circumstances, this procedure will be used to support both the colleague and manager in conjunction with the People Team.

**1.3** For any concerns which are performance based, please refer to the Performance Improvement Policy for guidance.

## 2.0 Key Elements

**2.1** If there are concerns about your conduct which we decide to raise under this procedure the key elements of the procedure are that:

- a. We will set out the concerns about your conduct in writing.
- b. We will organise a meeting (which, under this procedure, is called a hearing) to discuss the concerns and listen to your response.
- c. If we decide a concern is justified, we will explain the action we have decided to take.
- d. You may appeal against any action we take.

## 3.0 Suspension

**3.1** If there are concerns about your conduct and we decide to carry out an investigation or hold a hearing under this procedure, we may suspend you. We will only do this if we think it appropriate in the circumstances, for example, where the concern relates to misconduct of a serious nature. Suspension does not imply we believe a concern is justified and is not disciplinary action under this procedure. Suspension is 'without prejudice' and you will continue to be paid.

**3.2** The People Team will give you a letter confirming the reason for suspension and the duration. This should be kept to a minimum, initially 5 days, if there is a need to extend this further, you will receive notification of a further 5-day suspension. This should only be used in extreme circumstances, for example the investigation and gathering of information is still ongoing.

**3.3** Suspension is exceptionally stressful and should be utilised only in extreme circumstances when there is a potential risk to the individual or the organisation. Long periods of extension are not permitted and the individual will be suspended 'without prejudice' (no guilt).

## 4.0 Investigation

**4.1** We will look into concerns about your conduct carefully. What is involved will depend very much on the circumstances.

**4.2** If there are concerns about your conduct, in some cases it will be clear straightaway that holding a hearing under this procedure is appropriate. In other cases, a preliminary investigation may be necessary before deciding whether to hold a hearing. A preliminary investigation may include interviewing colleagues at FutureLearn, clients or parties connected to the ongoing investigation and reviewing documents. You may be interviewed during such an investigation.

**4.3** No decision about whether a hearing should be held will be made until the end of the investigation. In cases of misconduct we would normally aim to keep the role of investigator and decision-maker separate, and appoint an impartial manager to oversee the investigation. The People Team will be available to support both parties.

## 5.0 Notification of Hearing

**5.1** Before holding a hearing, we will set out our concerns in writing. If statements have been taken from people at FutureLearn or others, or if there are important documents, we will normally give you copies before the hearing to give you a proper opportunity to respond. If we intend to call witnesses at the hearing we will tell you in advance.

**5.2** If we decide to hold a hearing under this procedure, we will give you a reasonable opportunity to consider your response to our concerns before the date of the hearing. In practice, we will try to tell you at least 3 working days before the date of the hearing. There are circumstances in which we might hold a hearing with less than 3 working days notice. For example, we might do this if you agree to us doing so or if it is clear that there is no dispute about whether or not a concern is justified.

**5.3** You must take all reasonable steps to attend the hearing. If, for any reason, you are not able to attend on the date or at the time fixed, you should tell us at once and explain why. If you cannot attend, having said that you would (for example because you become ill), you should tell us as soon as possible. If you are intending to call witnesses or to submit written evidence at the hearing you should supply this in advance (minimum 3 working days).

**5.4** You may choose to be accompanied at the hearing by one of our colleagues or a trade union representative. If the person you wish to attend the meeting with you is unavailable on the date we propose, you must suggest a reasonable alternative time within five days following the original date of the meeting.

## 6.0 The Hearing

**6.1** What happens at a hearing will vary depending on the circumstances, but normally:

- a. The manager conducting the hearing will ensure that you understand the concerns raised, a member of the People Team will also be present;

- b. Witnesses may be asked to attend by us if the manager conducting the hearing thinks it appropriate, and you may also call your own witnesses. If witnesses attend, the manager will normally conduct any questioning;
- c. You will be given an opportunity to respond to the concerns raised, for example by referring to any documents or statements or other evidence from witnesses;
- d. If you choose to be accompanied, your colleague or trade union representative may address us at the meeting and you will be allowed to confer with each other, but they will not be allowed to answer questions on your behalf.
- e. Either party may ask for a short adjournment to consider responses or discuss confidential matters.

**6.2** At the end of the hearing or shortly afterwards, the manager will decide:

- a. what, on balance, they think happened;
- b. if it is not possible to reach a decision, what further investigation is necessary;
- c. whether or not your conduct is below the level required; and
- d. whether or not to take any action.

**6.3** If a decision is made to take action, we will tell you in writing and give you written reasons. We will also tell you of your right to appeal if you are not satisfied with the decision.

**6.4** The manager who conducts the hearing will usually be your manager, unless this is inappropriate.

## **7.0 Further Investigations**

**7.1** If, in the light of what is said at the hearing, the manager conducting the meeting thinks it appropriate to look into matters further before making a decision, they will tell you and may adjourn the hearing. The task of looking into matters further may be handed back to the investigator (who should be impartial). If the results of further investigations are particularly significant, before deciding whether or not the concerns are justified, the manager will normally give you an opportunity to comment on the results of the investigations either at a reconvened hearing or in writing.

## **8.0 The Role of the People Team**

**8.1** The People Team will be involved throughout the process, possibly as investigator, but more usually to advise and support the investigator and decision-makers. The People Team are also responsible for ensuring that the appropriate procedure is followed. Should you require advice or support about, or dealing with the procedures taking place, we will allocate you a contact person from the People Team.

## **9.0 Use of Recording Devices in Disciplinary Meetings**

**9.1** You must not make any recordings (whether on your own device or on a Company device) of any meetings or conversations under this policy, without the express consent of the person or people being recorded and your manager. This consent must be obtained in advance of making any recording.

**9.2** Making a recording without the consent of the person or people being recorded and your manager, and in particular, covert recording, is strictly prohibited and will be treated as gross misconduct under this disciplinary policy and may lead to summary termination of employment.

## **10. Action under this Procedure**

**10.1** If disciplinary action is taken, it will normally take one of the following forms. Taking of action will normally be progressive, but in appropriate cases one or more of the levels may be omitted or repeated.

**10.1.1** Oral warning;

**10.1.2** First written warning;

**10.1.3** Final written warning;

**10.1.4** Dismissal (which may be with or without notice).

**10.2** Performance and misconduct will normally be treated as separate issues and, unless there is a good reason to do otherwise, a warning for one will not justify a higher level of warning for the other.

## **11.0 Review Periods**

**11.1** In addition to taking any disciplinary action, the manager will consider whether or not to have a review period. A review period is likely to be appropriate in cases of repetitive misconduct such as lateness. During a review period, targets for improvement may be set. Failure to improve adequately during or by the end of a review period may result in further disciplinary action.

**11.2** There may also be circumstances where it is appropriate to transfer or demote you as an alternative disciplinary penalty to dismissal.

## **12.0 How long does a warning last?**

**12.1** Once a warning is given, we hope there will be an improvement. Unless the warning sets a shorter or longer period, it will normally be disregarded for disciplinary purposes as follows:

- a. Oral warning – 6 months;
- b. First written warning – 12 months;
- c. Final written warning – 18 months.

**12.2** Although this is the normal rule, a warning may be taken into account after the period set for the warning has ended, if it is reasonable in all the circumstances to do so.

**12.3** Warnings will be kept on your employment file after the period set for the warning has ended.

## 13.0 Gross Misconduct

**13.1** Gross misconduct normally results in immediate dismissal without any notice or payment in lieu of notice. The following are some examples of conduct often falling within this category:

- a. theft or fraud or other dishonesty including deliberate falsification of records;
- b. violence, threats of violence or fighting;
- c. bullying, harassment or victimisation of people at FutureLearn or others;
- d. deliberate damage to property;
- e. unreasonable failure to follow instructions, insubordination;
- f. offering, promising, giving, requesting, agreeing to receive or accepting a bribe or inappropriate inducement;
- g. bringing the company into serious disrepute;
- h. being incapable of working properly during working hours due to the influence of drink or non-prescribed drugs;
- i. serious negligence which causes or might cause unacceptable loss, damage or injury;
- j. giving misleading or untrue information during the recruitment process;
- k. disorderly or indecent conduct;
- l. serious breach of health and safety rules;
- m. serious breach of our policies in regard to the use of computers and software or the use of e-mail and the internet;
- n. engaging in unauthorised employment during hours when contracted to work for us or during sick leave;
- o. serious failure to follow policies or procedures;
- p. making a recording (including taking photographs, videos and voice recordings) of colleagues or others connected with your work without their express consent and the consent of your manager (including covert recordings); and
- q. unauthorised disclosure of confidential information.

**13.2** This list is not exhaustive.

## 14.0 Misconduct (General)

**14.1** The following are examples of conduct which may lead to disciplinary action short of immediate dismissal:

- a. poor time-keeping;
- b. unauthorised absence;
- c. abusive/offensive language;
- d. failure to conduct yourself in our best interests;
- e. breach of any policy or term in your contract of employment.

**14.2** Serious or repeated cases of conduct such as the above may, however, result in immediate dismissal.

## 15.0 Appeals

**15.1** If you wish to appeal against any disciplinary decision, you must tell your department's SLT representative. Appeals must be made without unreasonable delay, which will normally mean no longer than five working days after you were told of the decision.

**15.2** It would be helpful if you set out in writing:

- a. whether you are appealing against the decision that your conduct is below the level required or against the level of disciplinary penalty (or both); and
- b. what your grounds are for an appeal.

**15.3** Appeals against disciplinary action will normally be heard by a person senior to the manager taking disciplinary action.

## 16.0 Appeal Hearing

**16.1** You must take all reasonable steps to attend the hearing. If, for any reason, you are not able to attend on the date or at the time fixed, you should tell us at once and explain why. If you cannot attend, having said that you would (for example, because you become ill), you should tell us as soon as possible.

**16.2** As at the first hearing, you may choose to be accompanied by a colleague or a trade union representative at the appeal hearing.

**16.3** The procedure to be followed at the appeal hearing will be determined by the person hearing the appeal. It may vary according to the nature of the appeal. A member of the People Team will be in attendance.

**16.4** Appeal hearings will not normally repeat the factual investigation of any preliminary investigation and disciplinary hearing.

**16.5** At the end of the hearing, the person hearing the appeal will normally adjourn to consider the decision. They may:

- a. overrule the original decision that the concerns (or some of them) were justified; and/or
- b. decide that no action should be taken; or
- c. reduce the level of action taken; or
- d. increase the level of action taken in which case you will have a further right of appeal against the increase.

**16.6** You will be told of the decision in writing.

## 17.0 Grievances and Other Matters

**17.1** There may be circumstances where there is an overlap or connection between matters raised under this procedure and matters raised under the grievance procedure. How we handle this will depend on the circumstances. We may decide to deal with the disciplinary

matter first, with the grievance first or with both matters at the same time. In the interests of fairness, we may need to modify this procedure or the grievance procedure.

**17.2** You will be kept fully informed of procedures and timeline.

### **18.0 Status of this Policy**

**18.1** This policy is not part of your contract of employment and does not create contractual rights or obligations. It may be amended by us at any time.