

POL/HR0009: Employee Discipline Policy

Policy Title:	Employee Discipline Policy
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Version 1 Approved by:	Strategic Management Committee (SMC)
Current Version Approved by:	SVP HR and SVP – Legal (as per HR Policy Approval Matrix)

1. Purpose

- 1.1. The purpose of this policy is set out a clear framework and ensure all employees are aware of the standards of performance expected of them and to understand how employee disciplinary matters are managed.

2. Scope

- 2.1. The policy applies to all staff employed on a permanent or temporary contract with GEMS Education based in schools and SSC.
- 2.2. Volunteers and Consultants are excluded from this policy.
- 2.3. HR Policy cannot override the Board-approved Delegation of Authority (DOA) for GEMS. In the event of any conflict between the two, the DOA overrides HR Policy.

3. Policy Statement

- 3.1. GEMS Education expects all employees to conduct themselves in an appropriate manner in their day-to-day work, including their dealings with colleagues, students, parents, and external organisations, in relation to the GEMS Employee Code of Conduct (POLHR0008). The discipline framework outlined in this policy has been implemented with the goal of improving performance where possible.
- 3.2. Line Managers are responsible for monitoring performance and behaviour, providing constructive ongoing feedback and coaching individual employees within their department/school.

4. Procedure

- 4.1. The Company may update this policy at any time. It is the responsibility of every employee to be aware of and follow the policy currently in place.
- 4.2. Informal process for minor disciplinary matters
Where appropriate, minor instances of misconduct may be dealt with informally through the provision of advice, coaching or training by the Line Manager. Examples of such offences include isolated instances of:
- 4.2.1 Poor time keeping or reporting late to work
 - 4.2.2 Non-compliance with sickness notification rules
 - 4.2.3 Inappropriate comments or behaviour at work
 - 4.2.4 Minor breaches of Health & Safety regulations
- In these circumstances, the employee's Line Manager is responsible for bringing the matter to the employee's attention and engaging the employee in a discussion to correct the misconduct.
- The employee should be clearly advised of the specific standard of behaviour expected of them and should be warned that if there is no improvement, they may be subject to formal disciplinary action in the future. The discussion should be put in writing to the employee, regardless of the outcome and during the informal stage this can be done via email by the Line Manager also include setting out any agreed objectives, expectations and timescales or by issuing a letter of concern.
- 4.3. Formal process for serious disciplinary matters
For more serious matters or repeated offenses of breaches in conduct, the Department Head (SSC) or Principal/CEO (Schools) and HR should discuss the matter and arrive at an agreed approach for investigation. A preliminary investigation should be conducted to determine the facts and make an informed decision on how the matter should be addressed. The investigation can be conducted by a delegate of the Department Head (SSC) or Principal/CEO. The concerned employee must be informed of the formal disciplinary hearing and in standard investigations an allegation letter will be sent to the employee. The concerned employee will be invited to the disciplinary hearing where the disciplinary panel will consist of their Department Head (SSC) or Principal/CEO or another suitable member of SLT (Schools) and HR.
- If there are potential language problems then a neutral party, who can act as an interpreter and is acceptable to all parties, may also attend the meeting. The Interpreter's responsibility is translation only and they are not to make any statements or opinions of their own. Separate investigation meetings may be held with each individual if deemed suitable prior to a final disciplinary hearing.
- 4.4. Each matter should be dealt with on a case-by-case basis where the outcome will be agreed as one of the below actions:
- No action to be taken
 - Place on a Performance Improvement Plan (PIP)
 - A verbal warning
 - A first written warning
 - A final written warning
 - Termination of employment, with or without notice.
- It is not possible to list every behavioural or performance issue within the scope of this document however the sanctions listed above would normally be sequential unless the matter requires a more serious response. Refer to Appendix A for the Disciplinary Matrix as guideline only.
- 4.5. The employee will be advised of the outcome of the disciplinary hearing as soon as a decision has been made, and the appropriate documentation is issued. For all

outcomes and sanctions (including verbal warning), a record will be placed in the employee's file.

- 4.6. Verbal and written warnings will be issued within 5 working days and will remain valid for a set period of time as follows, (though they will be filed indefinitely in the employee file). The validity of a warning means that if there are any repeated disciplinary issues (related or unrelated) within the timelines specified below, the previous warning will be used in consideration of further disciplinary action.
- Verbal Warning Three (3) months
 - First Written Warning Six (6) months
 - Final Written Warning Twelve (12) months
- 4.7. The following disciplinary outcomes may also be imposed:
- Removal of a management responsibility allowance or demotion
 - Suspension of any annual increments
 - Suspension of any annual cost of living increase
 - Redeployment to another post within the Company
 - Advice, counselling, guidance, and support
 - Any employee that has an active final warning is not eligible for promotional opportunities until the warning has expired with no further occurrences.
- 4.8. Where a warning has been issued to an employee, the Company may consider whether training, assistance or any other form of support is needed to support the employee, and if so, whether the company will provide the required support. Should the employee's behaviour not improve after the designated timeframe as per the Performance Improvement Plan, then a further warning may be issued (depending on the severity or number of prior warnings) or even termination.
- 4.9. The employee will have the right of appeal to the next level of management for all warnings or a termination for disciplinary reasons. This will be stipulated within the issued warning or termination letter. The appeal must be filed with the school HR Representative (or SSC HRBP) within 5 working days of the disciplinary hearing outcome.
- The appeal will be handled by the next level of management with support of the HR Business Partner. The appeal must not be reviewed by anyone who was previously involved in the case.
- 4.10. In serious cases, it may be necessary to suspend the employee on full pay while the investigation is conducted. Suspension does not imply guilt nor is it a means of sanction. A formal suspension letter must always be given to employee in writing.
- 4.11. If the employee is terminated without notice for an issue covered under applicable law, and has lodged an appeal against termination decision, they should be treated as if suspended without pay while the appeal process is ongoing. If a decision to re-instate the employee is agreed they will be eligible to receive their full pay for the suspension without pay period.
- 4.12. The HR Business Partner will involve the Legal and Risk & Compliance Departments on disciplinary matters connected to fraud, bribery and violations of applicable laws. Principal/CEOs must escalate any such cases to the HRBP to ensure the relevant SSC departments can advise to mitigate risk.
- 4.13. GEMS does not impose labour bans following disciplinary related terminations. This will only be approved should there be a material risk to the organisation that has been identified and will in all cases require the explicit approval of SSC HR and Legal Departments.
- 4.14. No action should be taken against any employee when the authorities are involved in the case (e.g. the Police) without involvement and guidance from the SSC HR and Legal Departments.

5. Safeguarding Allegations

- 5.1. When an allegation is made that a member of staff has potentially behaved in a way that has harmed a student, may have harmed a student or behaved in a way that indicates they may pose a risk of harm to students, an amended process will be followed.
- 5.2. The matter should be investigated in accordance with the process outlined in Section 4. The investigation should be led by a manager who is experienced in safeguarding matters and the member of staff should be notified that the matter is being dealt with as a safeguarding investigation.
- 5.3. Should the investigation determine that there may be a case to answer and that a disciplinary hearing should be convened to consider the matter, the disciplinary hearing should use the following determinations in their judgement of the matter.
 - The allegation is substantiated. This is where there is sufficient evidence to prove the allegation.
 - The allegation is malicious. This is where there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
 - The allegation is false. This is where there is sufficient evidence to disprove the allegation.
 - The allegation is unsubstantiated. This is where there is insufficient evidence to either prove or disprove the allegation.
 - The allegation is unfounded. This term should be used in cases where there is no evidence or proper basis which supports the allegation being made.
- 5.4. Where more than one safeguarding allegation is being considered at a disciplinary hearing, each allegation may be considered and judged individually.
- 5.5. Where an allegation is substantiated, a sanction as outlined in this policy will be issued and the member of staff concerned will be provided with a right of appeal against any action taken.
- 5.6. Where an allegation has been found to be malicious, all records should be removed from the employee's personnel file. However, for all other outcomes, records will be kept of the allegation made along with a note of the decision taken and the decision reached.
- 5.7. Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employment references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated, or malicious should also not be included in any reference
- 5.8. Per local law, the Company is generally obliged to report safeguarding allegations to the appropriate local authorities irrespective of the outcome of this internal disciplinary process.

6. Responsibilities

- 6.1. The Company may update this policy at any time. It is the responsibility of every employee to be aware of and follow the policy currently in place.
- 6.2. All employees are responsible for adhering to an acceptable standard of behaviour and discipline as per the rules and regulations of the organization and in line with the Employee Code of Conduct (POL/HR0008).
- 6.3. Line Managers are responsible for creating, documenting and tracking Performance Improvement Plans with support from HR.
- 6.4. Line Managers are responsible for providing constructive ongoing feedback and

- supporting employees to meet expected standards of behaviour and performance.
- 6.5 Within the Schools, the Line Manager and/or the Principal/CEO or suitable SLT delegate can investigate and conduct disciplinary hearing along with the School HR in advance of a disciplinary process commencing, the HR Business Partner can be consulted for any appropriate advice and guidance. HR Business Partners will only support them with conducting the investigation or hearing in exceptional or serious cases, in order to retain their objectivity in case of appeal.
- 6.6 In School Support Centre (SSC), it is the responsibility of the SSC HR to partner with the Department Head or Line Manager to investigate and conduct disciplinary hearings.

7. Exceptions

- 7.1 Any exceptions to this policy require the approval of the SVP-HR

8. References

- 8.1 See the Employee Code of Conduct (POL/HR0008) (English and Arabic versions) for further information regarding conduct and behavioural expectations of all employees.

Appendix A

Important Information	For any cases that will result in dismissal under Article 44, legal advice must be gained before termination is served. This includes any criminal activities by law. For any cases that may result in a UAE National being terminated ,the HR Business Partner , Head of Emiratization and Government Relations Team must be notified before commencement of the process. Any disputes that are raised with MOHRE and are unlikely to be solved through mediation and will therefore result in a court case are to be raised to the SSC HR and Legal Team immediately. Disciplinary sanctions should be issued within 5 working days of the disciplinary hearing. If there is any delay to the disciplinary outcome, the employee should be notified of the delay in writing along with the reasons for the delay. All safeguarding cases involving a member of staff should be reported as per the Safeguarding Policy. The Designated Safeguarding Lead should notify School HR of all cases against an employee and the School HR will update the HR Business Partners of any major or substantiated cases. School HR is responsible for ensuring that the matrix below is followed and will consult with HR Business Partner as needed. All documents to be kept in the employee file and details to be captured in Employee Relations Portal in DAX.
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Area of Discipline	Examples	1st offence	2nd offence	3rd offence	Final outcome
Non-compliance with the GEMS Employee Code of Conduct (criminal element- legal)	- Sharing confidential information with another colleague. - Deliberate concealment of any potential conflict of interest.	Verbal warning (valid for 3 months)	1 st written warning (valid for 6 months)	Final written warning (valid for 12 months)	Dismissal
Non-compliance with GEMS policies	- Smoking on school grounds including within any school buildings. - Giving/Receiving a gift to an external vendor during a tender process.	(Line Manager & School HR)	(Principal/CEO & School HR)	(Principal/CEO & School HR)	(Principal/CEO & School HR)
Found guilty of carrying out an action or behaviour with a negative impact upon other colleagues, students, the school, or the company.	- Presenting factually incorrect information about the company to a GEMS stakeholder. - Using culturally inappropriate language during staff, student or parent communications.	1 st written warning (valid for 6 months) (Principal/CEO & School HR)	Final written warning (valid for 12 months) (Principal/CEO & School HR)	Dismissal (Principal/CEO & School HR)	Dismissal (Principal/CEO & School HR)

Area of Discipline	Examples	1st offence	2nd offence	3rd offence	Final outcome
Found guilty of carrying out an act of gross-misconduct during working hours or during any work events or activities associated with the company outside normal working hours.	1. Consumption of alcohol in company premises 2. Carrying out any form of physical abuse to any staff, students or the parents.	Dismissal (Principal/CEO & School HR) (Legal and HRBP for Article 44)	n/a	n/a	Dismissal (Principal/CEO & School HR) (Legal and HRBP for Article 44)
Breach of Confidentiality	1. Guilty of breach of contract 2. Guilty of leak of Intellectual Property	Final written warning/Dismissal (depending on severity) (Principal/CEO & School HR) (Legal and HRBP for Article 44)	Dismissal	n/a	Dismissal (Principal/CEO & School HR) (Legal and HRBP for Article 44)