



## **DISCIPLINARY PROCEDURE**

### **1. Purpose and Principles**

1.1 The purpose of the disciplinary procedure is to help and encourage employees to achieve and maintain required standards of conduct and attendance.

1.2 Before any formal disciplinary sanction is applied, the employee will be advised of the nature of the complaint and given an opportunity, with reasonable notice, to state their case at a disciplinary hearing.

1.3 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct.

1.4 Although the usual disciplinary standards must apply to trade union representatives, no formal disciplinary sanction will be applied in respect of an employee who is an accredited Trade Union representative until the circumstances of the case have been discussed with the local senior representative of the Union concerned or a full-time official.

1.5 The Company will endeavour to deal with disciplinary matters promptly and without undue delay and expects the employee to co-operate to achieve that aim. Employees have the right to be accompanied by a workplace colleague or trade union representative at all the formal stages of this procedure. In addition, although not a legal right, the employee may also have a colleague or trade union representative in attendance at any investigatory meetings.

### **2. Scope**

2.1 This procedure does not apply to action or dismissals taken under the procedure for probation.

2.2 This procedure only applies to issues of conduct. For capability issues please refer to the Capability Procedure.

### **3. Informal Action**

#### **Stage 1**

3.1 In cases of minor conduct issues (e.g. lateness, careless mistakes, lack of attention to detail/instructions/procedures), the immediate supervisor should discuss these concerns informally with the employee.

3.2 The purpose of this discussion is to ensure that the employee:

- is aware of the concerns and any rules, procedures or standards that apply;
- knows what is required to meet expected standards of conduct;
- is made aware of the timescale over which an improvement is required;
- understands the consequences of not achieving the required standard.

3.3 In certain circumstances it will be necessary for the discussion and outcome to be confirmed in writing, but managers should always make a file note of the discussion.

## 4. Authority to take formal Disciplinary Action

4.1 A first written warning may be given by the appropriate line manager or supervisor in consultation with Human Resources.

4.3 All stages of disciplinary action, including dismissal, may be taken by the General Manager, Deputy Director - Operations and the Director of Campus Services in consultation with Human Resources. .

## 5. Investigation

5.1 Where the evidence is not clear or the case is complex, it may be necessary to undertake a formal investigation. The purpose of the investigation is to gather evidence and to enable a decision to be taken on whether the matter should proceed to a formal disciplinary hearing. The investigation should be undertaken by the line manager or another manager at a similar level in conjunction with Human Resources. During the investigation the following information may be gathered:

- witness statements;
- notes from investigation meetings;
- documentary evidence.

5.2 Only in exceptional circumstances where there is, for example, a genuine concern for personal safety, will statements be anonymised.

5.3 The Investigating Officer cannot conduct any subsequent disciplinary hearing.

5.4 When the investigation is concluded, the Investigating Officer should present his/her findings to the Senior Manager to enable him/her to decide whether there is no case to answer and therefore no action is necessary; or

- whether the matter should be dealt with informally outside the formal disciplinary procedure; or
- whether there is a case to answer and therefore it is necessary to consider the matter under the formal disciplinary procedure.

## 6. Suspension

6.1 An employee may be suspended on normal pay during an investigation or prior to a disciplinary hearing when the alleged behaviour constitutes gross misconduct or if there is a significant risk from the employee being on site. Suspension may also be necessary where the presence of the employee may hinder the investigation.

- suspension from duty is not a pre-judgement of guilt and is not a disciplinary penalty;
- the decision to suspend can only be taken (and lifted) by a manager authorised to take disciplinary action, following consultation with Human Resources;
- the reasons for the suspension must be stated clearly to the employee in writing;
- the period of suspension will be as brief as possible and must be kept under review;
- whilst suspended, the employee must not contact fellow workers, visit their place of work or access work facilities including email and databases without first obtaining authority from their manager;
- during suspension the employee will be required to attend meetings and must ensure availability.

## 7. Formal Stages in the Disciplinary Procedure

Following the investigation, the appropriate manager, in consultation with Human Resources is responsible for deciding at what stage within the procedure action should be taken. Action may be taken at either stage 1 or stage 2 depending on the circumstances of the case.

Where formal action is being considered, the employee must be advised in writing at least one week before the disciplinary meeting:

- that there will be a disciplinary meeting under the disciplinary procedure;
- of the date, time and venue of the disciplinary meeting;
- of the allegations- enclosing a copy of any statements from witnesses and other relevant evidence;
- of the possible outcomes under the disciplinary procedure;
- of their right to be accompanied by a workplace colleague or trade union representative.

### Stage Two

7.1 Where informal action has failed to bring about the necessary change in behaviour or where the behaviour/incident may warrant action at the first stage of formal disciplinary action a disciplinary meeting will be arranged.

7.2 The purpose of the disciplinary hearing is to give the employee an opportunity to state their case and to answer the allegations that have been made.

7.3 Following the disciplinary meeting one of the following courses of action will be taken, according to the circumstances of the case:

- take no formal disciplinary action.
- give a first written warning if there has been either a repeated minor breach in conduct following informal disciplinary discussions, or a first but more serious breach of discipline.

### Stage Three/Four

7.4. Where a formal written warning has failed to bring about the necessary change in behaviour or where the behaviour/incident may warrant action at this stage of formal disciplinary action a disciplinary meeting will be arranged;

7.5 The purpose of the disciplinary hearing is to give the employee an opportunity to state their case and to answer the allegations that have been made.

7.6 At the disciplinary hearing, evidence will be reviewed from any investigation, including documentary evidence, witness statements and minutes of meetings.

7.7 Once the employee has put their case forward, the hearing will be adjourned to enable the Senior Manager or Deputy Director to reflect on the information provided and fully consider the outcome. In some circumstances, particularly if the allegations are complex or serious, further time may be needed before a decision is reached. In these circumstances the hearing will be adjourned and a decision will be communicated in writing to the employee within one week of the hearing.

7.8 Following the disciplinary hearing one of the following courses of action will be taken, according to the circumstances of the case:

- take no formal disciplinary action.
- give a final written warning if there has been an insufficient response to previous warnings and conduct is still unsatisfactory, or in the case of a first but sufficiently serious breach of discipline.
- give the employee notice of dismissal if, following a final written warning, conduct remains unsatisfactory and the employee still fails to reach or maintain the prescribed standards.
- dismiss the employee summarily without notice and without there having been any previous disciplinary warnings when there has been gross misconduct.

## 8. Written Confirmation and Time Limits

8.1 The outcome of a disciplinary hearing must be confirmed in writing to the employee within one week.

8.2 First or final written warnings will be held on file for twelve months, but will be disregarded for disciplinary purposes after this time.

8.2 Records of formal disciplinary action will be held by Human Resources and by the relevant area.

## 9. Appeals

9.1 Employees have the right of appeal against any formal action under the formal Disciplinary Procedure. The appeal must be submitted in writing to the Human Resources Manager within two weeks of the date of the letter of confirmation of disciplinary action.

9.2 An appeal will be heard by a Senior Manager who has had no previous involvement in the case.

9.3 The appeal will normally be heard within four weeks of the appeal being lodged, unless otherwise agreed between the parties.

9.4 The Appeal Panel may:

- uphold the disciplinary action taken; or
- withdraw the disciplinary action taken; or
- reduce the level of disciplinary action taken.

## Appendix 1

The following lists are not comprehensive or exhaustive, but indicate the kind of misconduct that might result in formal disciplinary action.

### Examples of misconduct

The following examples of behaviour may, within this procedure, lead to a formal written warning:

- shortfalls in timekeeping and attendance;
- misuse of Company property;
- inappropriate behaviour.
- breach of confidence;
- refusal to follow a reasonable instruction;
- failure to comply with Company policies, procedures or standards;
- behaviour bringing disrepute to the Company or to the University;

## Examples of gross misconduct

The following examples of behaviour at work may be regarded as gross misconduct, and, if judged as such within this procedure, may lead to summary dismissal:

- dishonesty, theft, fraud, or serious misuse of Company property, including malicious damage;
- theft from or violence to other members of the Company, the University or members of the public including malicious damage to their property;
- obscene or indecent behaviour or sexual misconduct or the circulation of offensive material;
- serious bullying or harassment;
- serious breach of security or of financial procedures;
- serious breach of confidence;
- serious incapability whilst at work brought on by misuse of substances e.g. alcohol or drugs;
- being in the possession of illegal drugs;
- serious breach of health and safety, fire or environmental legislation, or acting in a manner dangerous to themselves or others (whether intentionally or through neglect);
- behaviour bringing the Company or the University into serious disrepute;
- serious insubordination;
- professional incompetence or gross negligence;
- serious intentional unlawful discrimination;
- severe breaches of the Guidelines for the use of IT facilities;
- where the employee has stopped attending work without authority and reasonable explanation.

Note: Serious misconduct outside of work may need to be dealt with under the formal disciplinary procedure where it is considered there is an effect upon the employment relationship and may, in appropriate circumstances, be regarded as gross misconduct.

## Appendix 2

Table of disciplinary stages

<b>Stage</b>	<b>Action</b>	<b>Reason</b>
1 - Informal	Verbal warning	Minor misconduct
2 - Formal	Formal Meeting followed by first written warning	Repeated minor misconduct following verbal warning or more serious misconduct
3 - Formal	Formal Meeting followed by final written warning	Repeated misconduct since first written warning or more serious misconduct
4 - Formal	Formal Meeting followed by Dismissal	Repeated misconduct since final written warning (dismissal with notice) or gross misconduct (summary dismissal without notice)