



DISCIPLINARY POLICY

Disciplinary procedure

1. Disciplinary Stages

1.1 The Disciplinary procedure has the following stages:

- Informal Stage
- Formal
 - Investigation
 - Hearing
 - Appeal, as appropriate

1.2 Where misconduct is serious it may be appropriate to move to the formal stages of the disciplinary procedure without having first been through the informal stage. In these circumstances the manager must seek advice from Human Resources.

2. Informal Stage

2.1 In cases of minor misconduct, the manager should address any concerns regarding an employee's conduct informally, normally through a one-to-one meeting. At the informal meeting:

- the manager should outline the conduct causing concern and where possible provide times and dates of when the misconduct has occurred;
- the manager should explain why the conduct is unsatisfactory and ensure that the employee is aware of, and understands, the required standards of conduct;
- the employee should have the opportunity to explain their conduct or ask questions;
- the manager should ascertain whether the employee has any work-related difficulties which could cause, or contribute to the unsatisfactory conduct, or if there are any personal or health related problems.

2.2 The manager should keep a written record of the meeting. The length and format of the notes will depend on the nature of the conduct issue and the circumstances around each case. The note should be copied to the employee.

If the misconduct recurs within a reasonable period of time, these notes may be referred to when deciding the most appropriate action.

2.3 Where discussions at the informal stage indicate a more serious misconduct may have occurred, the manager should stop the meeting and advise the employee that further investigation may be appropriate, following which the manager should contact Human Resources for guidance.

3. Formal Stage 1 – Investigation

- 3.1 If it is suspected, or reasonably believed, that a matter contravenes any of the Colleges policies or standards of behaviour or may otherwise be a matter which should be subject to formal procedures, the employee or manager identifying the issue should promptly notify Human Resources.
- 3.2 It is important to carry out the necessary investigations in order to establish the full facts of the case. In some cases this will involve holding an investigatory meeting with the employee before any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.
- 3.3 Human Resources, in conjunction with relevant managers, will appoint a Disciplinary Manager who is responsible for ensuring the prompt progress of the investigation and for keeping all relevant parties informed as to progress.
- 3.4 The Disciplinary Manager will write to the employee informing them that the formal disciplinary procedure has been initiated and that an investigation will be carried out.
- 3.5 The investigation should be given high priority by all concerned in order that it may be expedited as quickly as possible. The investigation will usually consist of the following steps:
- meet with the disciplinary case originator;
 - meet with any other employee involved in the case, as a participant or witness;
 - meet with the employee who is the subject of the investigation;
 - invite the employee to identify any relevant witnesses;
 - review relevant documentation.
- 3.6 Investigation meetings are formal meetings which should be noted. There is no statutory right for the employee to be accompanied at a formal investigatory meeting, although the College may allow the employee to be accompanied in some circumstances.
- 3.7 On completion of the investigation, a report must be prepared; this report should provide thorough details of the investigation which has taken place and set out the facts of the investigation. The report is expected to identify: key pieces of evidence, areas where evidence is not available or cannot be substantiated and conflicting evidence.
- 3.8 Based on the investigation the report should indicate whether:
- the allegation has not been substantiated and there is no case to answer; or
 - there appears to be a case to answer and a formal Disciplinary Hearing should be convened.
- 3.9 The investigating Manager may also be the Hearing Manager.

4. Formal Stage 2 – Disciplinary Hearing

- 4.1 If it is decided that there is a disciplinary case to answer, the Hearing Manager should notify the employee of this in writing and invite them to a meeting. This communication

should contain sufficient information about the issue and its possible consequences to enable the employee to prepare to answer the case at the disciplinary meeting.

4.2 When planning the meeting, it should be held without unreasonable delay, but the employee should ideally be given at least 5 working days notice of the meeting and must be advised of their right to be accompanied.

4.3 At the Hearing the Hearing Manager should:

- explain how the Hearing will be conducted and ensure all participants are aware they can request an adjournment at any time during the proceedings;
- explain the complaint against the employee;
- go through the evidence;
- allow the employee to set out their case and answer any allegations that have been made;
- allow the employee to ask questions and present evidence;
- summarise the main points of the discussion after questioning is completed.

4.4 Before reaching a decision the meeting should adjourn for reflection and consideration as to whether disciplinary action is justified or not, and if so what level of disciplinary action is appropriate.

4.5 If practicable, the Hearing Manager will communicate the outcome of the Hearing to the employee by reconvening the Hearing but the Hearing Manager must always write to the employee advising the outcome, this letter will contain:

- the decision reached;
- the nature and duration of any penalty;
- details of other any actions agreed;
- a warning of potential action should further or other misconduct occur;
- confirmation of the right of appeal, including timescales and to whom an appeal should be sent.

5. Formal Disciplinary Sanctions

5.1 Disciplinary action taken will usually be based on the procedure set out below. However, the College reserves the right to initiate action at a higher level if it believes that the concerns warrant it.

OFFENCE	FIRST LEVEL	SECOND LEVEL	THIRD LEVEL
Unsatisfactory Performance/Conduct	First Formal Warning	Final Formal Warning	Dismissal
Serious Misconduct	Final Written Warning	Dismissal	
Gross Misconduct	Dismissal		

5.2 Human Resources must be involved in all disciplinary matters where a formal outcome is possible.

6. Period of Warnings

6.1 First Formal warning - normally disregarded after a 12 month period.

6.2 Final Formal warning - normally disregarded after a 12 month period. In very exceptional circumstances and after discussion with the Director of Human Resources, a Final Written Warning may be extended to 18 months or 24 months.

6.3 A record of the warning stays on an employee's file after it is spent. If similar misconduct occurs within a short time of the warning being spent, the misconduct decision may take account of the previous warning.

7. Formal Stage 3 - Appeal

7.1 An employee has the right to appeal against the outcome of the Disciplinary Hearing. Any appeal should be submitted in writing within 10 working days of the date of the disciplinary decision letter and should set out the full grounds of appeal as this will be the basis on which the appeal is considered.

7.2 An Appeal Manager will be appointed by the Director of Human Resources. They will write to invite the employee to an appeal meeting which will consider the representations made by the employee. The purpose of the appeal is not to re-hear the case but consider:

- whether the procedure has been followed;
- any new evidence that was not previously available;
- whether the decision was reasonable in the circumstances.

8. Suspension from Work

8.1 In certain circumstances an employee may be suspended from work. Other than in exceptional circumstances, suspension will be on full pay and should only be for a limited period of time to enable an investigation to be completed and for a hearing to determine the outcome of the allegations. A decision to suspend does not imply guilt and is not a disciplinary penalty.

8.2 Suspension may be the appropriate action where:

- the matter to be investigated may be gross misconduct; and/or
- the College feels that the employee's continued presence at work is not possible/appropriate; and/or
- there is a perceived threat to the safety or wellbeing of the employee concerned, or other employees, should they remain in the workplace.

8.3 In all instances advice must be sought from the Director of Human Resources.

9. Right to be accompanied

9.1 All employees who are subject to the formal stages of the Disciplinary procedure have a right to be accompanied to formal decision meetings by a College colleague or Trade Union representative (but not a solicitor, family member or friend outside the College).

9.2 During the meeting the colleague or Trade Union representative may:

- address the meeting but not answer questions on behalf of the employee;
- confer with the employee during the meeting, requesting an adjournment if necessary.

10. Criminal offences and convictions

10.1 Some acts of misconduct may constitute criminal offences; where this is the case, the College will involve the police. Internal procedures may run concurrently with criminal proceedings, Human Resources will take all steps to ensure that any internal action does not prejudice the employee's right to a fair trial.

10.2 Where an employee is charged or convicted of a criminal offence outside of College they must inform Human Resources immediately. Failure to report a conviction is regarded as serious misconduct and may result in disciplinary action regardless of any action arising from the conviction itself.

11. Grievance during Disciplinary procedure

11.1 If a grievance is raised in writing during a Disciplinary process, the aim will be to avoid an unnecessary duplication of procedures and to ensure that the matter is dealt with speedily. The issues will be dealt with as one process where it is appropriate to do so and where this will expedite matters.

11.2 In exceptional cases, where a complaint is made during the disciplinary process which impacts directly on the conduct of the process (specifically where the complaint is that disciplinary action is discriminatory or that the real cause of action is other than that specified by the manager), the process may be halted and the grievance may be considered separately.

12. UNSATISFACTORY CONDUCT AND MISCONDUCT

12.1 You will be liable to disciplinary action if you are found to have acted inappropriately (some examples are listed below but these do not form an exhaustive list):

- failure to abide by the general health and safety rules and procedures;
- smoking, except at designated areas;
- unauthorised consumption of alcohol on the premises;
- persistent absenteeism and /or lateness;
- unsatisfactory standards or output of work;
- inappropriate behaviour and/or rudeness towards members of the College, members of the public or other employees;

- failure to devote the whole of your time, attention and abilities to the College and its affairs during your normal working hours;
- failure to carry out all reasonable instructions or follow our rules and procedures;
- unauthorised use of, or negligent damage to, or loss of our property;
- unauthorised use of email and internet.

13. SERIOUS MISCONDUCT

13.1 Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

14. GROSS MISCONDUCT

14.1 An employee will be liable to dismissal without notice if found to have acted in a way deemed to be gross misconduct. Some examples are listed below but these do not form an exhaustive list.

- grossly indecent or immoral behaviour, deliberate acts of unlawful discrimination or serious acts of harassment;
- dangerous behaviour, fighting or physical assault;
- possession, supply or use of illicit drugs;
- deliberate falsification of any records (including time sheets, absence records and so on, in respect of yourself or any fellow employee);
- theft or unauthorised possession of money or property, whether belonging to us, another employee, or a third party;
- destruction/sabotage of our property, or any property on the premises;
- serious breaches of the rules which endanger lives;
- gross insubordination and/or continuing refusal to carry out legitimate instructions;
- abuse of the personal harassment policy.