



Disciplinary and Disciplinary Dismissal Procedures

It is necessary to have a minimum number of rules in the interests of the whole organisation.

The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen as a means of punishment.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

The following rules and procedures should ensure that:

- the correct procedure is used when inviting you to a disciplinary hearing;
- you are fully aware of the standards of performance, action and behaviour required of you;
- disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
- other than for an "off the record" or trade union official informal reprimand, you have the right to be accompanied by a trade union representative or fellow employee, who may act as a witness or speak on your behalf, at all stages of the formal disciplinary process. The employee may ask for this meeting to be postponed if the person who they wish to accompany them is not available on the date proposed.
- you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
- if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

Disciplinary Rules

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other conditions, procedures, rules etc. within this handbook will also result in the disciplinary procedure being used to deal with such matters.

Rules Covering Unsatisfactory Conduct and Misconduct

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- failure to abide by the general health and safety rules and procedures;
- smoking in designated non smoking areas;
- unauthorised consumption of alcohol on the premises;
- persistent absenteeism and/or lateness;
- unsatisfactory standards or output of work;
- rudeness towards members of College, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- unauthorised use of email and Internet;
- failure to carry out all reasonable instructions or follow the College rules and procedures;
- unauthorised use or negligent damage or loss of our property;
- failure to report immediately any damage to property or premises caused by you;
- use of our vehicles without approval or the private use of the College vehicles without authorisation;
- failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
- if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
- carrying unauthorised goods or passengers in the College vehicles or the use of our vehicles for personal gain; and
- loss of driving licence where driving on public roads forms an essential part of the duties of the post.

Serious Misconduct

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.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

Rules Covering Gross Misconduct

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- theft or fraud;
- physical violence or bullying;
- deliberate damage to property;
- deliberate acts of unlawful discrimination or harassment;
- possession, or being under the influence, of illegal drugs at work; and
- breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

(The above examples are illustrative and do not form an exhaustive list.)

Disciplinary Procedure

Disciplinary action taken against you will be based on the following procedure:-

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATISFACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Dismissal

MISCONDUCT	Written warning	Final written warning	Dismissal	
SERIOUS MISCONDUCT	Final written warning	Dismissal		
GROSS MISCONDUCT	Dismissal			

We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal.

In all cases warnings will be issued for misconduct and full details will be given to you. Any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

Disciplinary Authority

The operation of the disciplinary procedure contained, in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher or lower level of seniority, in the event of the appropriate level not being available, or suitable, progressing any action at whatever stage of the disciplinary process.

Formal verbal warning	Line Manager/Head of Department/Domestic Operations Manager/Bursar
Written warning	Line Manager/Head of Department/Domestic Operations Manager/Bursar
Final written warning	Head of Department/Domestic Operations Manager/Bursar
Dismissal	Domestic Operations Manager/Bursar/Rector

Period of Warnings

1. Formal verbal warning

A formal verbal warning will normally be disregarded after a six month period.

2. Written warning

A written warning will normally be disregarded after a twelve month period.

3. Final written warning

A final written warning will normally be disregarded after a twelve month period.

General Notes

If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.

Gross misconduct offences will result in dismissal without notice.

Appeal

The appeal should be made in writing to the individual named in the outcome letter. The employee should clearly state the grounds of appeal, i.e. the basis on which they say that the decision taken was wrong. This should be done within 10 working days after the written notification of the outcome. An appeal meeting will be arranged to take place normally within 10 working days of the submission of the formal appeal, unless an extension to the appeal hearing date has been agreed.

The employee should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform their line manager of this as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The appeal hearing will be conducted by the individual named in the outcome letter. This may be a panel of the Governing Body chaired by the Rector or by an alternate acting on his or her authority. In the case of an appeal panel, the appeal chairperson will be assisted by two Governing Body Fellows appointed by the Chairperson. The appeal panel or individual will consider the grounds that have been put forward and assess whether or not the decision reached was appropriate.

Following the appeal meeting, the employee will be informed of the outcome normally within 10 working days. The outcome of this meeting will be final.

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