

## Disciplinary Policy and Procedure

Policy Ref _ 008	Policy Owner _ Director of HR
Approving Body _ VCAG	Executive Lead _ Chief Operating Officer
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### Policy Statement

- 1.1 The RAU has a responsibility to maintain satisfactory standards of conduct from all employees in line with University values and behaviours and is committed to ensuring any allegations of inappropriate behaviour are managed fairly and consistently. Wherever possible, disciplinary matters should be managed informally and formal action should only be taken in cases of more serious and/or repeated misconduct.

### 2. Scope

- 2.1 This Policy and Procedure provide a framework to support the University's expected standards of conduct and applies to all employees with a contract of employment. It does not apply to the Vice Chancellor as a senior post holder appointed by the University Council.
- 2.2 The Disciplinary Policy and Procedure relates to cases of alleged misconduct. Matters relating to incapacity due to ill health or disability should be dealt with using the Sickness Absence Policy and Procedure. Matters relating to work performance should be managed under the Performance and Capability Policy and Procedure. In some circumstances Human Resources may need to determine the most appropriate procedure.

### 3. General Principles

- 3.1 The following principles will apply to the application of this Policy:
- Where appropriate, concerns will be resolved without recourse to a formal process.
  - The procedure will be applied consistently within a defined process.
  - All employees will be treated fairly and sensitively and supported during the process.
  - Employees are encouraged to identify any barriers or particular needs they may face during the disciplinary process so any reasonable adjustments can be made.
  - Formal disciplinary matters will be investigated promptly, thoroughly and considered in an impartial manner.
  - In the interests of natural justice and to avoid prejudicing the outcome of any disciplinary investigation, all parties are asked to respect confidentiality throughout proceedings.
  - The disciplinary outcome and details must remain confidential.

- Employees have the right to be accompanied at formal meetings by a workplace colleague or trade union representative if they are a member of a recognised union.
- Employees have a right of appeal against the outcome of a disciplinary hearing.
- Every endeavour will be made to comply with timescales but due to the complexity and/or specific circumstances of a case it may be necessary for timescales to be extended. In these cases the individuals concerned will be advised.
- A summary of all disciplinary outcomes and actions is maintained and general statistics reported for equality monitoring and management purposes. Records are maintained in accordance with the Data Protection Act 2018 and the University's record retention policies.
- The University recognises that disciplinary proceedings may be an anxious and distressing experience and employees are entitled to seek support through the Employee Assistance Programme which includes counselling support. Advice is available from Human Resources.

## 4. Conduct Warranting Disciplinary Action

4.1 Conduct under the University's Disciplinary Policy fall into two categories:

- Misconduct
- Gross misconduct

4.2 **Misconduct** is a less serious breach of the University's standards which would not normally result in dismissal for a first offence. The severity and frequency of the breach will be taken into account when determining the level of warning. The following list, which is neither exhaustive nor exclusive, gives some of the offences the University deems to be misconduct:

- Failure to disclose any potential conflicts of interest in personal life
- Unauthorised absences from work
- Minor breach of financial regulations
- Persistent minor breaches of University rules
- Repeated lateness

4.3 **Gross misconduct** is a serious breach of University policies and standards which amounts to a fundamental breach of trust and confidence between the individual and the University. A member of staff can be summarily dismissed without notice or payment in lieu of notice for a first offence which is considered to constitute gross misconduct.

This list includes offences the University considers to be gross misconduct; it is not exhaustive or exclusive:

- Any form of physical violence or repeated verbal abuse
- Theft, deliberate malpractice, deception or falsification of documents
- Serious breach of financial regulations
- Bringing the University into disrepute
- Unauthorised disclosure of confidential information or intellectual property
- Submission of falsified claims for overtime, expenses, advances or allowances or other fraudulent acts
- Act or acts of discrimination, bullying, harassment or victimisation of employees, students or visitors to the campus
- Serious breach of health and safety procedures
- Incapacity to work due to being under the influence of alcohol or illegal substances

## 5. Informal Action

- 5.1 Minor conduct issues can often be resolved informally by a line manager. Discussions should be held in private and without undue delay when the manager has cause for concern.
- 5.2 A note of informal discussions should be made and shared with the Human Resources (HR) team. In some cases, targets for improvement may be set or an informal verbal warning may be given, but these do not form part of an individual's disciplinary record. A warning may be given that a repetition of the issue may lead to formal action.
- 5.3 Formal steps will be taken under this procedure if the matter is not resolved, or if an informal discussion is not appropriate (for example, because of the seriousness of the allegation). Prior to commencing formal action, a manager should liaise with HR to ensure all appropriate and reasonable options for informal resolution have been considered, and the member of staff should be made aware that formal action is being considered.

## 6. Suspension

- 6.1 There may be instances of potential gross misconduct where suspension with pay is necessary while the investigation into the allegation is carried out. For example, this may be if there is a significant or potential risk to health and safety or a business risk, or if the potential continued presence of the individual in the workplace may be harmful to the individual or hinder an investigation.
- 6.2 Suspension with pay will be imposed with the authority, or delegated authority, of the Vice-Chancellor after careful consideration. Periods of suspension will be reviewed regularly to ensure that it does not become unnecessarily protracted. It is not an assumption of wrongdoing or a disciplinary penalty in itself. It will be used as a last resort and consideration will also be given to a partial suspension and whether or not the employee can continue with some of their duties or in a different location.

## 7. Responsibility of Staff and Managers

- 7.1 **All staff** have a responsibility to conduct themselves in a professional manner and with consideration for others. Staff are expected to understand the University's standards and familiarise themselves with, and adhere to, the University's Staff Charter, policies and procedures, available on the University intranet or from Human Resources.
- 7.2 **Line managers** are responsible for monitoring and reviewing employee performance and conduct and address problems as soon as they are detected.
- 7.3 **The Vice-Chancellor** and senior members of staff with the Vice-Chancellor's delegated authority are responsible for decisions relating to suspension and hearing outcomes including dismissal.
- 7.4 **Human Resources** is responsible for providing advice and guidance to staff and managers on the application of the Policy and Procedure, and support the formal stages of the Disciplinary Procedure.

## **8. Formal Disciplinary Procedure**

- 8.1 Line managers should discuss incidences of potential misconduct at the earliest opportunity with Human Resources who will advise on the best course of action. Instances of alleged misconduct will be investigated before any decision is made about progressing to a disciplinary hearing.

## **9. Disciplinary Investigations**

- 9.1 If an investigation is required, HR will appoint and support an investigating officer.
- 9.2 Investigations will be confined to ascertaining the facts through the collation of evidence including statements from interviews with witnesses or individuals relevant to the allegation.
- 9.3 Notification of investigation meetings including information about the matter to be considered will be provided to those interviewed. Statements given at investigatory meetings will be confidential during the course of an investigation but will be disclosed to appropriate parties if the matter proceeds to a disciplinary hearing.
- 9.4 A record of the meetings will be taken and shared with the individual who will be asked to confirm their agreement of the notes. If the individual disagrees then they should annotate the notes indicating the disputed areas; comments can only relate to the discussions during the investigation meeting.
- 9.5 When the investigation has concluded, the investigating manager will produce a report outlining the allegations; the process of investigation; key findings from the investigation; and their conclusions. The report will also contain a recommendation as to whether or not there are grounds to progress to a disciplinary hearing.
- 9.6 The investigation report will typically be sent to the employee's line manager, or to another appropriate manager, who will review the evidence and the recommendation(s) and will determine whether there is a case to answer. The manager receiving the report will discuss their decision with HR, and the employee will be informed of the decision regarding a potential disciplinary hearing. The employee will be informed within 15 working days from the manager receiving the report or as soon as is reasonably practicable.

## **10. Disciplinary Hearing Arrangements**

- 10.1 Every effort will be made to provide as much notice as possible to allow an employee, and where appropriate their trade union representative or University work colleague, sufficient time to prepare for the hearing, with a minimum notification of 5 working days. The employee will be given a copy of this procedure, details of the matter to be considered at the meeting, any supporting documentation that will be relied upon by the employer during the meeting and the names of any witnesses that the employer intends to call.
- 10.3 At least 3 working days before the hearing, the employee must submit any documentation they wish to be considered, the names of any witnesses they wish to call and confirmation that their witnesses are available to attend.

- 10.4 In the event that one of the parties is unexpectedly unable to attend the hearing at the notified time, there is one opportunity for the hearing to be postponed and rescheduled within a reasonable timescale after the date initially proposed.
- 10.5 If the employee fails to attend the hearing, there is one opportunity for the hearing to be rescheduled. The employee will be informed that should they fail to attend the rescheduled hearing, it will be held in their absence.

## **11. Disciplinary Hearing**

- 11.1 The hearing will be chaired by a senior manager and HR will attend in an advisory capacity. To support inclusion, the RAU usually avoids single sex panels. The employee and any trade union representative or University work colleague will be present throughout the hearing.
- 11.2 The aim of the hearing is to review the findings in the investigation report and establish the facts, taking into account any documentation submitted in advance by the employee and additional relevant information provided by witnesses, in order to determine what, if any, disciplinary action is appropriate.
- 11.3 The investigating manager will normally attend the hearing to present their findings and answer questions if requested.
- 11.4 The employee will be allowed to state their case and answer any allegations that have been made; pose questions to the investigating manager and witnesses; and make reference to any documentation they have submitted in advance of the hearing.
- 11.5 Witnesses are expected to make themselves available during the time of the disciplinary hearing where clarification is necessary regarding evidence they have already provided, or in light of further information becoming available
- 11.6 Following the disciplinary hearing, an adjournment will normally take place to allow the manager to consider all of the relevant information before reaching a decision as to whether or not disciplinary action is to be taken and if so, what action is appropriate.
- 11.7 The manager will normally inform the employee of the decision or the need to make further investigations by reconvening the hearing but if a longer period is required to reach a decision, the hearing will be reconvened within a reasonable timescale. If further investigations are undertaken the employee will have the opportunity to consider any new information before the hearing is reconvened.
- 11.8 The decision will be followed up in writing as soon as possible, and no longer than 5 working days from the date of the hearing or reconvened hearing and a copy will be placed on the employee's file.

## **12. Disciplinary Outcomes**

### **12.1 Written Warning**

If the manager has determined the employee has not met the required standard of conduct or behaviour they can issue a first written warning. The warning remains active for 6 months (or up to a maximum of 1 year in exceptional circumstances) from the date of the hearing.

## **12.2 Final Written Warning**

Where a written warning fails to bring about the required standard of conduct or behaviour, or any other act of misconduct occurs, or where the situation is serious enough to warrant stronger action than a first written warning, the manager can issue a final written warning. The warning remains active for 1 year (or up to a maximum of 2 years in exceptional circumstances) from the date of the hearing.

## **12.4 Dismissal**

Where a final written warning fails to bring about the required standard of conduct or behaviour, or any other act of misconduct occurs, or the situation constitutes gross misconduct, the employee may be dismissed. In cases of gross misconduct, dismissal will be without notice.

## **12.5 Other Disciplinary Action**

Dependent on operational business requirements/availability, the manager may determine it is appropriate to transfer the employee to a different role, typically at a lower grade. This is a permanent change in role and the employee will not be eligible to apply for a higher graded role for a period of 52 weeks from the commencement of the transfer.

# **13. Right of Appeal**

13.1 The employee may appeal against the disciplinary outcome in writing, outlining the grounds for the appeal. An appeal must be made to the Director of Human Resources within 10 working days of the receipt of the outcome. It will be heard by a panel independent of the parties to the original decision, normally within 10 working days of receipt of the appeal.

13.2 The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed in writing within ten working days of the hearing. Any recommendations for further action will be clearly stated in the letter.

13.3 This decision is final and there is no other appeal process under the Disciplinary Policy Procedure.

# **14. Equality and Diversity**

14.1 The RAU aims to uphold the principles of fairness and equality of treatment. The University is committed to monitoring disciplinary actions on a regular basis.

# **15. Policy Review**

15.1 It is expected that the RAU Disciplinary Policy and Procedure will normally be reviewed on a three yearly cycle.

## Relevant Legislation/Guidance

Employment Rights Act 1996

Employment Relations Act 1999

Equality Act 2010

Data Protection Act 2018

General Data Protection Regulation 2016

[Acas code of practice on disciplinary and grievance procedures](#) and [accompanying guidance](#).

Conducting workplace investigations: Guide

Version	Purpose/change	Name and job title	Date
V.1	Policy revision/update	Director of Human Resources	02/02/2020
V.2	Policy revision/update	Director of Human Resources	07/03/2023

## Appendix 1

### Disciplinary Policy and Procedure – Flow Chart

To be used in conjunction with the Disciplinary Policy and Procedure

