

1. Introduction

This disciplinary procedure is designed to help and encourage you to achieve and maintain standards of capability, conduct and job performance. The overall aim is to introduce consistent and fair treatment. All employees are required to meet the general expectations as shown at Appendix 1. Where these rules are breached disciplinary action may be considered.

Human Resources are available throughout the process to provide advice and assistance on the informal and formal aspects of this disciplinary procedure.

2. Scope

The procedure applies to all staff within the Operations and Facilities job family from the date of assimilation.

3. Informal Action

Wherever possible informal action should be taken in the first instance to resolve issues without recourse to the formal disciplinary procedures. Areas that could be treated informally include minor misconduct, performance and/or capability.

You will be notified of a meeting, which will take place on a one to one basis with a University representative, typically your supervisor/manager. This meeting will allow issues to be raised and discussed in an attempt to resolve the matter informally. These meetings will usually consist of informal advice, guidance and/or where appropriate counselling.

Any monitoring of progress that is required should be highlighted and reasonable timescales set to demonstrate improvements.

Where no improvement is evident from any monitoring or where informal action is deemed inappropriate or the incident is serious enough to warrant formal proceedings at the outset, the formal disciplinary procedures, Section 4, may be considered.

4. The Disciplinary Procedure

4.1 Investigation

No formal disciplinary action will be undertaken without an investigation to establish the facts. An investigating officer will be appointed, usually your supervisor/manager. Where your supervisor/manager has been involved in the case an alternative investigating officer will be appointed either within or external to the School/Department.

The investigating officer will inform you in writing that an investigation is being undertaken, detailing why and will invite you to attend a meeting. The investigating officer can use evidence including a wide range of documentation eg witness statements, security reports, time sheets, etc. You will be offered the right to be accompanied (see paragraph 4.3) as the outcome may lead to formal disciplinary proceedings.

- As a guideline investigating officer's should aim to complete the investigation within 10 working days of the incident or as soon as possible; the nature of the case will ultimately determine the length of the investigation.

Where there are compelling reasons there is the possibility that you may be suspended from work with pay. The Head of School/Department should consult with Human Resources prior to making this decision. The suspension should not be seen as a disciplinary penalty and does not involve any prejudgement. You will be sent written confirmation of reasons for the suspension.

On completion of the investigation you will be informed of the outcome in writing within five working days of the investigation decision being made. If the investigation decision is to proceed to formal disciplinary action Paragraph 4.2 onwards will apply.

4.2 Formal Disciplinary Procedures

The formal disciplinary procedures will consist of a formal meeting. This formal meeting will allow you to hear the disciplinary allegation and give you the opportunity to state your case. Details including reason/s for the formal meeting, date and time will be issued to you. The formal meeting will take place within **five working days**, or as soon as practicably possible, following the issue of the written investigation decision. You will also be sent any supporting documentation relating to the case **three working days** before the formal meeting or as soon as possible, if the formal meeting is to take place in less than three working days.

If in **exceptional cases** the University, individual or their representative needs to rearrange the proposed date of the formal meeting an alternative should be agreed within **five working days** of the original proposed date. The formal meeting should only be rearranged once.

The formal meeting will be conducted by a nominated manager (Chair) with support from a Human Resources representative. However, where gross misconduct is suspected or where a final written warning has already been issued, the Chair will be the Head of School/ Department. The investigating officer will present the case. Any witnesses can be called by either party. Having heard all the evidence an adjournment will be called so the evidence can be considered. An adjournment can be requested by any member during the formal meeting where deemed appropriate. The Chair will make the decision on whether or not disciplinary action is appropriate.

You will be informed of the decision verbally at the formal meeting, and written confirmation should be sent to you within **five working days** of the formal meeting. This letter will inform you of the right of appeal against the decision.

4.3 Right To Accompaniment

You have a right to be accompanied by a Trade Union representative, other official (certified to act as a companion as per Section 10 (3) of the Employment Relations Act 1999) or a work colleague. The representative can ask questions at the meeting but cannot answer questions on your behalf. You should inform the Chair or the Human Resources Department, in advance of the formal meeting to advise them whether you are to be accompanied or not.

4.4 Levels of Formal Disciplinary Action

If an investigation and formal meeting results in there being a disciplinary breach, the following action may be taken, you will be notified of this action in your disciplinary decision letter.

Formal oral warning - normally used in the first instance for breaches of the University's Disciplinary Rules (see Appendix 1 below) or similar offences which are deemed more serious than those for which the informal procedure is appropriate, or for poor performance. A record will be kept on the employee's personal file for a maximum period of 26 weeks. The employee will be informed by the HR Department when the record is removed from the employee's personal file.

First written warning

This may apply where informal action and a formal disciplinary meeting has proven unsuccessful or where following a disciplinary meeting, you are found guilty of misconduct. A written record will be kept on your personal file for a period of not less than six months but not more than one year. The timescale of the penalty will depend on the incident.

Final written warning

This warning may be used where there is a failure to improve following a first written warning or in more serious cases, where a first written warning is deemed inappropriate. A written record will be kept on your personal file for a period of not less than one year but not more than two years. The timescale of the penalty will depend on the incident.

Human Resources will be consulted for advice when determining the length of the above sanctions so there is consistency.

Dismissal

Dismissal will take place where formal written warning have been issued or the offence is serious enough to warrant a dismissal e.g. gross misconduct cases (see paragraph 4.5 and Appendix 2). If you are dismissed, with the exception of gross misconduct you will be entitled to the contracted period of notice or payment in lieu of notice.

Other sanctions

In conjunction with a formal warning supplementary sanctions may also be imposed including redeployment to another department/post/grade with or without loss of earnings. The Head of School/Department will make this decision with guidance from Human Resources.

4.5 Gross Misconduct

In cases of suspected gross misconduct (see also Appendix 2) the formal disciplinary procedures should be undertaken without delay. If, at the conclusion of the disciplinary meeting a decision is reached that the matter constitutes gross misconduct, the normal penalty will be to summarily/instantly dismiss without prior notice whether or not previous warnings have been given. You will not receive payment in lieu of the notice period, however you will receive any accrued holiday entitlement up to the date of your dismissal.

4.6 Appeals

You have the right to appeal against the disciplinary decision. A written statement detailing the reason for the appeal should be sent to the Chair (nominated manager) who undertook the formal meeting and issued the disciplinary penalty, within **five working days** of receiving the written disciplinary decision.

You will be notified of the appeal date, time and venue as soon as possible and the appeal hearing will, wherever possible take place within **10 working days**, following written receipt of your request for an appeal.

The appeal will be heard by an appeal panel consisting of:

- a manager independent from the School/Department who is senior to the Chair of the original disciplinary hearing and who will have not previously been involved in the case;
- a Human Resources representative will be present throughout the appeal hearing to provide advice and assistance but will not be part of the final decision making.

The nominated manager will be responsible for referring all relevant documentation to the appeal panel, as stated above prior to the appeal hearing.

The decision will be based on the facts presented and the appeal will be viewed as a new case, which could result in a revision of the original disciplinary decision.

You will usually be informed of the decision on the day of the appeal hearing. Written confirmation from Human Resources will also be sent within 5 working days, wherever possible, of the appeal outcome.

The disciplinary sanction already imposed will remain in force unless the appeal overturns the original disciplinary decision.

Where the appeal is successful you will be informed and any records, relating to the particular disciplinary penalty will be deleted from your personal file. Where the appeal was against a dismissal you will be informed of reinstatement, paid from date of dismissal and continuity of service will be maintained.

Endorsed by People & HR Committee, December 2022

GENERAL RULES

The following list is neither exhaustive nor exclusive, but together with Departmental and University guidelines provides guidance on standards of conduct and performance. **Breaches of these rules are likely to lead to disciplinary action.**

All staff are expected to:

- Meet acceptable standards of work performance either both in terms of quality and/or quantity, and acceptable standards of professional competence;
- Attend work on a regular and continuous basis and where hours are stated in their contract of employment maintain good time-keeping;
- Comply with Health & Safety at work Rules and Regulations including both University and Departmental safety rules, Health & Safety executive reporting of injuries, Diseases and dangerous occurrences regulations;
- Comply with the University's Equal Opportunities and harassment policies and practices;
- Comply with the University's Financial Regulations;
- Comply with the University's rules on reporting sickness absence as set out in the Conditions of Employment;
- Comply with all reasonable instructions given with proper authority;
- Comply with the University's procedures on use of Information Technology;

Report to the Head of School/Department convictions for criminal offences other than minor motoring offences, except where a clean driving licence is a requirement of the job.

BREACHES OF DISCIPLINARY RULES AMOUNTING TO GROSS MISCONDUCT

Breaches of disciplinary rules amounting to gross misconduct are shown below. This list is not exhaustive or exclusive, but sets out examples that are likely to be regarded as gross misconduct.

- Any act of theft or attempted theft from the University, fellow employees, students or any person on University property or premises elsewhere;
- Unauthorised use of University property or facilities for private purposes or personal gain;
- Any deliberate attempt to defraud the University including abuse of official time or false claims for payment whether in the form of pay, expenses or benefit derived under Conditions of Employment;
- Any physical aggression or assault whilst on duty, whether or not this takes place on University property or premises;
- Grossly anti social behaviour, using foul or abusive language or indecent acts;
- Negligence or any deliberate act which causes or could cause a substantial safety hazard;
- Malicious, deliberate or reckless damage to University property or premises or to property of members of staff or others on University premises;
- Gross insubordination or a deliberate or wilful disregard of reasonable instructions given with proper authority;
- Being unfit for work whilst on duty through alcohol or illegal drugs;
- Being in possession of or supplying illegal drugs whilst at work;
- Breaching confidentiality of information gained, whether directly or indirectly in the course of University employment, except where this has otherwise come into the public domain;
- Racial or sexual harassment at work;
- Inappropriate use of University Computing Facilities, the Code of Practice for Users of the University Computing Facilities or the Information Security Policy
- Breaching any Professional Codes of Conduct or statutory requirements.