

# Disciplinary Procedure

Effective From: 02 September 2016

Review Date: 01 September 2019



## 1 INTRODUCTION

- 1.1 At all times during your employment you are expected to conduct yourself as a representative of the College, and to behave accordingly. Should there be any occasion on which you do not achieve the required standards, the College may need to apply formal disciplinary procedures.
- 1.2 This procedure applies to all employees who have completed their probationary period. For employees who are in their probationary period, please see the probationary procedure.
- 1.3 This policy does not form a part of your contract of employment and may be changed from time to time.

## 2 Informal Action

- 2.1 If your conduct falls below the expected standards and is of a relatively minor nature, your manager will bring this to your attention. Normally, no further action is required and the issue does not recur. However, if the conduct recurs, or is more serious, the formal disciplinary procedure may be invoked.

## 3 Reasons for disciplinary action

Below are examples of conduct which the College regards as misconduct or gross misconduct, which may lead to disciplinary action being taken against you. These examples are not exhaustive.

### 3.1 Misconduct

- 3.1.1 Lateness
- 3.1.2 Poor attitude at work
- 3.1.3 Poor timekeeping
- 3.1.4 Unauthorized absences from work
- 3.1.5 Disruptive or inappropriate behavior

### 3.2 Gross misconduct

- 3.2.1 Insubordination (failure to adhere to reasonable management instructions or authority)
- 3.2.2 Dishonesty, theft, fraud or falsification of records
- 3.2.3 Improper use of the College equipment or software
- 3.2.4 Bullying, harassment or any intimidating behavior
- 3.2.5 Non-compliance with safety regulations
- 3.2.6 Refusal to attend work or to comply with a reasonable work instruction
- 3.2.7 Discrimination

- 3.2.8 Failure to comply with any relevant current legislation such as Health and Safety,
  - 3.2.9 Data Protection, Disclosure and Barring Service checks
  - 3.2.10 Serious incapacity through use of alcohol, non-prescription drugs or solvent abuse
  - 3.2.11 Any behaviour that could be damaging to the College's reputation
- 3.3 This list is not exhaustive, nor does it imply that the College will not take action in accordance with its rights and duties under criminal or civil law.

#### 4 Disciplinary procedure

- 4.1 The rules and procedure outlined below are for the purpose of promoting fairness and consistency in the treatment of any employee whose conduct is unsatisfactory.
- 4.2 Disciplinary action takes the form of:
- 4.2.1 First written warning
  - 4.2.2 Final written warning
  - 4.2.3 Dismissal
- 4.3 The procedure may be implemented whenever an employee's conduct warrants it. The point at which the procedure is entered depends on the seriousness of the allegation against the employee. An employee will not be dismissed for a first conduct offence, other than in cases of gross misconduct.

#### Investigation

- 4.4 No disciplinary action will be taken until the matter in question has been thoroughly investigated. You, the complainant and any relevant witnesses will normally be interviewed; written notes will be kept of any interview.

#### Suspension

- 4.5 At any stage in the disciplinary process, you may be suspended from work on full pay while investigations are taking place. Suspension will last for no more than five days initially, but may be renewed or extended at the College's discretion. You will be notified in writing of any renewal/extension of suspension and its anticipated duration. During suspension you may not access any College premises or the IT network without permission, and the College may set conditions for any access.

#### Disciplinary hearing

- 4.6 If after investigation, it appears that there may be a case to answer, a disciplinary hearing will be held at which you can comment on the complaints against you. You will be sent written notice of the date, time and location of the disciplinary hearing, along with details of your alleged misconduct. You will be given copies of any relevant evidence in advance of the hearing. In some instances, witness statements will be confidential and may not be disclosed in full.
- 4.7 You must take all reasonable steps to attend the disciplinary hearing. Failure to do so without good reason may lead to the hearing being held and disciplinary action being taken in your absence.
- 4.8 In addition to the manager who is holding the hearing, the College will usually have

another person present who will take notes.

4.9 You may be accompanied at the hearing by another College employee, or by a trade union official who is certified by the union to act as a worker's companion at disciplinary hearings. Your chosen companion can act as a witness, take notes of the proceedings, address the hearing and confer with you, but may not answer questions on your behalf. You are responsible for ensuring that your chosen companion is willing to act in this way and is available to attend the hearing with you. If your chosen companion is unavailable on the proposed hearing date, the hearing may at your request be postponed subject to your proposing an alternative date which must be within five working days of the original date. After the disciplinary hearing, you will be informed of the outcome, which may be:

4.9.1 No disciplinary action

4.9.2 First written warning

4.9.3 Final written warning

4.9.4 Dismissal with notice

4.9.5 Summary dismissal (for cases of gross misconduct)

5 Recording of formal procedures

5.1 A note will be made of all formal disciplinary meetings and warnings given to you. A copy will be kept on your HR file: a verbal warning for six months; a first written warning for six months; a final written warning for twelve months. Recorded warnings which have expired will be disregarded for disciplinary purposes. If any decision is made in your absence, copies of any notes and of any written warning or dismissal decision will be sent to you.

6 Appeal procedures

6.1 You have the right to appeal against any disciplinary decision arising from the above procedures, whether formal or informal.

6.2 If you wish to appeal, you should write within five working days of the date of receiving confirmation of the disciplinary decision, addressing your letter to the Chief Executive (or if that is not appropriate, the Clerk) and telling them of your wish to appeal.

6.3 The CEO or the Clerk will arrange for the appeal to be heard by a manager or governor who has not been involved in the case to date. Where possible, the manager will be more senior than the manager who took the original disciplinary decision. The appeal will usually be heard within ten working days of receiving your request for appeal. Under the same terms as for the original disciplinary hearing, you have the right to be accompanied, and to postpone the hearing if necessary.

6.4 The outcome will either be:

6.4.1 Your appeal will be rejected and the original disciplinary action will be confirmed

6.4.2 Your appeal will be upheld and the original disciplinary action will be reduced or revoked

6.5 The result of the appeal will be confirmed in writing within ten days of the hearing. The decision at the appeal stage is final and cannot be further appealed.

6.6 Until the outcome of the appeal is known, any disciplinary sanction against you (including dismissal) will remain in force. If, following a successful appeal against dismissal, you are reinstated, you will be reimbursed in respect of lost salary for the period between the

dismissal and the date of reinstatement.

7 Gross misconduct

- 7.1 Where gross misconduct is alleged, an employee may be suspended immediately. Should dismissal be a possible outcome of a hearing, the employee will be informed in advance in writing that their future employment is at risk.
- 7.2 In the case of dismissal for gross misconduct, dismissal will be without notice (summary dismissal). The reasons for dismissal will be confirmed in writing within 14 days of the effective date of dismissal.