

# Disciplinary Policy for Staff

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## Purpose

1. Under UK employment law, the University must have disciplinary rules and procedures for employees to follow and refer to.
2. This policy provides a framework for managers to work with employees to maintain good conduct, encourage improvement where necessary and address concerns fairly and consistently.

## Scope

3. This policy applies only to employees and workers. It does not apply to agency workers, consultants, self-employed contractors, volunteers, interns or students.

## Introduction and definitions

4. The term “disciplinary” refers to the processes the University should follow when an employee might need to be reprimanded, warned or dismissed.
5. All staff have a responsibility to learn about the University’s policies, procedures and standards of behaviour. All managers have a duty to ensure staff are aware of and follow them, taking appropriate action when necessary.
6. Disciplinary action could be a formal written warning or could mean an employee is dismissed from their employment. This could be appropriate if an employee does something they should not, such as steal from the University, or will not do what they should, such as follow rules and procedures or take reasonable care when doing their work.
7. Informal action for a minor issue, involving a quiet word in a private place, is often all that is necessary. This could be appropriate in cases where, for example, an employee is late for an important meeting or takes a personal phone call during it. HR can advise on when an issue can be dealt with informally or when a formal approach is more appropriate.
8. For matters thought more serious, an investigation must take place to find out the facts.
9. Should the investigation conclude that disciplinary action may be required, a disciplinary meeting must then take place to review the investigation and

discuss its contents. The employee should attend that meeting, must be allowed to have their say and has the legal right to bring a companion with them to help them make their case.

10. In exercising their legal right to bring a companion to a disciplinary meeting, the employee can choose someone they work with or a workplace trade union representative certified by their union to act as a companion or an official employed by a trade union. The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.
11. It may be possible to use mediation to resolve conflict or to rebuild relationships after a disciplinary meeting has concluded.
12. Examples of misconduct which could result in an employee being given a written warning include (but are not limited to)
  - behaviour where informal disciplinary action has been taken but has not worked
  - persistent bad timekeeping or unauthorised absence
  - careless work that leads to mistakes affecting other people or University assets, finances, property or reputation
  - refusing to do work that is part of the job
  - not following University policies or procedures, causing harm or damage affecting other people or University assets, finances, property or reputation.
13. Gross misconduct is behaviour that seriously undermines the contractual relationship between the University and the employee, which is built on trust and confidence. This could result in the employee's dismissal from their employment. Examples of gross misconduct include (but are not limited to):
  - threatening or aggressive behaviour or violence at work

- theft, fraud or other forms of dishonesty
- discrimination, bullying, harassment or sexual misconduct
- engaging in a sexual relationship with a student (please see the [Personal Relationships policy](#) for further guidance)
- breaking criminal or civil laws while at work or being convicted for an offence relevant to employment by the University
- not following or deliberately breaking University policies, procedures or rules, with potentially or actually serious consequences
- negligence with potentially or actually serious consequences for the health and safety of other people or loss or damage to University assets, finances, property or reputation
- repeated acts of misconduct.

14. “Working days” refers to those of a full-time worker, working Monday to Friday.

## Guiding principles

15. The University aims to ensure that concerns about an employee’s conduct are addressed promptly, fairly and consistently.
16. Where possible and appropriate, managers should raise such concerns informally.
17. If an informal approach is either unsuccessful or inappropriate, then a formal approach should be followed.
18. All approaches and decisions should be in accordance with our Diversity, Equity & Inclusion and Respect for the Rights and Dignity of Others policies.
19. Confidentiality must always be respected.
20. An employee or a manager can seek advice from the HR department at any point.
21. While notes will be taken of formal disciplinary meetings, including appeals, the University will not normally allow them to be audio or video recorded. An exception would be if it were a reasonable adjustment for an employee with a particular disability. In such cases, the University will take responsibility for

making the recording and obtain consent from participants in line with our Data Protection policy.

22. Notes taken should be shared with the employee. If the employee believes the notes are not an accurate representation of what was said, they can amend them. If the manager agrees that the employee's version is accurate, the amendments can be agreed. If not, both versions should be kept on record.

## Resolving disciplinary issues informally

23. Often a quiet word is all that is needed to resolve an issue. A manager who has concerns that an employee's behaviour could be a minor issue should speak to them informally about it. This must be done in a private place.
24. The manager should explain what the problem is, and what the relevant standards are. Any criticism should be constructive, with the aim being to encourage improvement.
25. The discussion should be two-way, and the manager should listen to and take account of what the employee has to say.
26. If it becomes clear that there is in fact no problem to be solved, the manager should say so.
27. If improvements are required, then the manager should explain to the employee what changes they need to make, how the situation will be monitored and for how long. No formal warning may be given by the manager when dealing with a disciplinary issue informally. However, the manager should write a brief note of the meeting, the points discussed and the outcome. The manager should provide a copy to the employee. HR can advise on the content of that note, which should be placed on the employee's file on the HR system.
28. If it becomes clear during the discussion that the matter is in fact more than a minor issue, the manager should stop the informal meeting and advise the employee that it will have to be dealt with formally.

## Resolving disciplinary issues formally

29. If the informal approach has not succeeded or is not appropriate, then a formal approach will be needed.
30. A senior manager not involved in the case will oversee the process and chair any subsequent disciplinary meeting, with support from HR.

31. It will be necessary to investigate the issue to establish the facts of the case.  
HR will help the manager appoint an Investigating Officer to carry out the investigation. To avoid any suggestion of bias, that person should not be connected in any way to the allegations or persons being investigated.
32. In exceptional circumstances, it may be appropriate for someone from the HR department or an external third party to carry out the investigation.
33. The manager should, with support from HR, inform the employee that an investigation is about to start. The employee should be told
- why the investigation is taking place
  - who will be carrying it out
  - what the Investigating Officer is going to do
  - how long the investigation is expected to take
  - what will happen next, for example, an investigation meeting
  - that everything will be kept confidential
  - that the employee must keep things confidential
  - whether suspension is being considered (see the section below).
34. The manager should be mindful that being investigated could be very stressful for the employee. This could be mitigated by explaining that the investigation is to establish the facts of the case to see if a disciplinary meeting is needed, and that no decision will be made without full consideration of all the information gathered, which the employee will be able to see and respond to. Reminding the employee that the University has a confidential Employee Assistance Programme service could help too.

## Suspension

35. There may be cases where suspension is thought necessary during the investigation process. This means that the employee is told to stay at home and not do any work or contact any employee connected with the investigation without the Investigating Officer's permission.
36. Suspension or alternatives to it should only take place in exceptional circumstances and with the approval of the HR Director.
37. Suspension is not a punishment and does not mean the University is prejudging the employee or the outcome of the investigation.

38. The manager should only consider suspension if it is reasonably believed that is necessary to protect the interests of the following:
- the law - if the allegations are about a potential criminal offence, such as theft or bribery, which affects the employee's ability to do their job
  - the investigation – for example, if there are concerns the employee might tamper with evidence or influence witnesses
  - the University – for example, if there is a risk to students, guests, visitors, property or business interests
  - other staff - for example, where the allegations concern violence
  - the employee being investigated - for example, if it would protect their health and safety.
39. Alternatives to suspension include directing the employee under investigation to temporarily:
- change their working hours or days
  - work in a different University office or building or from home
  - work under close supervision
  - stop doing part of their job – for example, not to handle stock if the investigation is about allegations that stock is going missing
  - stop working with a particular student or any students – for example, if investigating a serious complaint from a student
  - stop using a specific system – for example, removing access to the University's finance system if investigating missing money.
40. Before suspending the employee, the manager and a representative from HR should ideally meet the employee, put the allegations to them, and allow them to respond.
41. It is important for the manager to stress to the employee that suspension is not a disciplinary penalty, will be for a short period of time, will be kept under regular review by the manager and HR Director and does not prejudice the outcome of the investigation or any disciplinary meeting that might follow.
42. During the suspension, the employee will be on full pay and all their terms and conditions of employment remain in place.

## Investigation

43. The purpose of an investigation is for the University to find out what happened, if anything. This involves finding out the facts of the case.
44. This information is then used to decide whether to proceed to a disciplinary meeting. No decision on disciplinary action can be taken until after a disciplinary meeting has been held.
45. The Investigating Officer's job is to investigate the allegations and prepare a report for the manager who will oversee the case. It is important that they keep an open mind and look for evidence which supports the employee's case as well as evidence against.
46. The amount of investigation required will depend on the allegations and will vary from case to case.
47. A preliminary investigation can help by gathering limited evidence that is readily available, such as checking electronic records, to see whether a more detailed investigation is necessary or if the matter can be resolved informally.
48. A detailed investigation may involve interviewing and taking statements from the employee, other staff and any witnesses, reviewing relevant documents, data and email correspondence and checking CCTV or other video recordings. It may be necessary for the Investigating Officer to hold more than one meeting with an employee.
49. The investigation should be carried out promptly. Unnecessary delay may cause memories to fade or give the perception of an unfair process. However, the length of time it will take depends on the complexities of the case, and could range from a day or two to several weeks.
50. The investigation will normally begin when the Investigating Officer invites the employee to an investigation meeting. While there is no legal right to bring a companion - a work colleague or a trade union representative - to an investigation meeting, the University may allow the employee to be accompanied to help reduce their stress, as a reasonable adjustment if they have a disability or if they have difficulty in understanding English.
51. The Investigating Officer may need to interview other staff, or ask them for information or help. This could include being supplied with relevant data, documents or CCTV footage, and asking witnesses to sign statements.



52. Employees have a duty to co-operate fully and promptly with the investigation process. This includes, among other things, attending investigation meetings, answering all questions fully and honestly, saying what they witnessed and providing information such as data and documents. Failure to cooperate with the investigation could itself be investigated as a disciplinary issue.
53. At the conclusion of the investigation, the Investigating Officer should produce a report detailing their findings and give it to the manager.
54. The manager should consider the report and take advice from HR before deciding on whether to proceed to a disciplinary meeting.
55. If the manager concludes that no disciplinary meeting is required, they should inform the employee and the employee's manager. If they feel that the matter should be considered at a disciplinary meeting, then they should prepare as detailed below.

## Preparing for the disciplinary meeting

56. In preparing for the meeting, the manager should:
- book a private meeting room
  - liaise with HR to arrange for a notetaker and HR Advisor to attend the meeting
  - consider the need for reasonable adjustments if anyone coming to the meeting has a disability.
57. The manager should write to the employee, normally giving them at least five working days' notice so that they have time to prepare. The email or letter should let them know the time, date and place of the meeting and state that they have a legal right to bring a companion. The manager should state the allegations and their possible consequences, provide the employee with a copy of the Investigating Officer's report including any witness statements and invite them to submit any further evidence they think relevant.
58. The employee should in turn let the manager know if they are bringing a companion or want to call in any witnesses with information relevant to the allegations and, if so, name them.
59. The manager must read the Investigating Officer's report and other relevant material, such as any information provided by the employee, before the disciplinary meeting takes place.

## Disciplinary meeting

60. The manager will chair the meeting, and should state its purpose is to establish the facts and then consider whether any form of disciplinary action should be taken in line with this policy and procedure.
61. The Chair should then make introductions, briefly explaining the roles of those present, including the rights of the companion (if the employee has brought one), as set out in the ACAS Code of Practice on disciplinary and grievance procedures.
62. The Investigating Officer should then present the key facts, figures and findings of their investigation.
63. The Chair, the employee, their companion and the HR Advisor can in turn ask the Investigating Officer questions about their report and their presentation.
64. If the Investigating Officer has decided to bring in witnesses, they will individually join the meeting when called, answer questions put to them by those present and then leave.
65. Once the Investigating Officer has completed their presentation, the employee can then make theirs, and answer the allegations made against them, and ask their companion to speak on their behalf.
66. If the employee wants to call any witnesses, they should individually join the meeting when called, answer questions put to them by those present and then leave.
67. The Chair, the Investigating Officer, the employee's companion and HR Advisor can in turn ask the employee questions about their presentation.
68. If new facts emerge during the meeting, it may be necessary to adjourn it to investigate them properly.
69. At the end of the meeting, the Chair should ask the Investigating Officer, the employee and their companion to sum up their main points.
70. The Chair should then adjourn or close the meeting before making a decision.

## Disciplinary action

71. Before making a decision, the Chair should take time to consider the Investigating Officer's report and presentation, the employee's response, the

statements of any witnesses and all the questions asked and answers given at the disciplinary meeting.

72. In making a decision, the Chair should carefully weigh up the following points:

- do they genuinely believe the employee did what they are alleged to have done, and
- are there reasonable grounds for believing that, and
- are they satisfied that the investigation and discussion at the disciplinary meeting has been sufficiently thorough and detailed.

73. If the Chair decides that the employee has not in fact done what they were alleged to, they will explain this to the employee and the Investigating Officer and confirm this in writing.

74. If the Chair believes the employee did what they were alleged to have done, they will need to decide what action to take.

75. Before doing so, they should take account of the following factors:

- the employee's record - is this the first offence or part of a pattern of disciplinary warnings?
- the employee's job - are they in a role where they are expected to lead other staff or work with students or the public?
- their length of service - have they been working for the University for a matter of months or for many years?
- could health or personal circumstances explain their behaviour and actions, and should that be taken into account?
- what disciplinary action has been taken against other employees in similar cases?
- taking everything into account, what is a fair and reasonable decision?

The options then available to the Chair are explained below.

76. First written warning - usually appropriate for a first act of misconduct when there are no live warnings against the employee - which will stay in place for six months from the date it was issued. The warning should describe the nature of the misconduct and the change in behaviour required and warn of the consequences of further misconduct.

77. Final written warning - usually appropriate for misconduct where there are live warnings in place against the employee, for repeated acts of misconduct or as an alternative to dismissal for gross misconduct - which will stay in place for

twelve months from the date it was issued. The warning should describe the nature of the misconduct and the change in behaviour required and warn of the consequences of further misconduct.

78. Dismissal - usually appropriate for gross misconduct, regardless of whether any live warnings are in place. This means the employee's employment is ended immediately without any contractual notice or payment in lieu of notice.
79. Warnings will remain on an employee's file, but will not normally be considered in any future disciplinary decisions after the warning date has expired.
80. Once the Chair has decided what action to take, they should confirm this to the employee without delay, and normally no later than five working days after the disciplinary meeting. This can be done in person at a reconvened meeting or by correspondence alone. HR will help the Chair write the email or letter, which should give reasons for the decision and must advise the employee of their right to appeal.
81. If the Chair has observations or recommendations about matters related to the disciplinary allegations, such as the effectiveness of University policies, procedures or working methods, they should raise this in confidence with the HR Director.
82. All correspondence and information about the disciplinary process, from the initial allegations to the written decision, will be stored on the employee's file on the HR system.

## Appeal

83. If the employee wishes to appeal against a disciplinary decision, they must write to the HR Director within five working days of being notified of the decision of the Chair of the disciplinary meeting.
84. The employee should give their reasons for appealing, which will normally be that
  - the decision was too harsh and/or
  - the disciplinary process was wrong or unfair and/or
  - new evidence has only just been found.
85. An HR Advisor will then arrange an appeal meeting, which will be chaired by a more senior manager than the previous chair and is someone who was not

involved in the original disciplinary process. That meeting will normally be held no more than ten working days after the appeal was received.

86. Other practical preparations necessary for the appeal will be similar to those set out in the section above, "Preparing for the disciplinary meeting".
87. Depending on the reasons for the employee's appeal, the appeal meeting may either consider specific points raised or reconsider the whole matter.
88. If the Chair or the employee wish to recall witnesses rather than rely on their statements and the notes of the disciplinary meeting, that should be raised with the HR Advisor before the appeal meeting takes place.
89. The manager who chaired the disciplinary meeting that took the original decision will attend the appeal.
90. If new evidence is part of the employee's appeal, it may be necessary to appoint a new Investigating Officer to investigate it. If that happens, the date of the appeal may need to be extended. The employee will be given a copy of the report on this additional investigation.
91. As with the Disciplinary Meeting, the employee will have the legal right to bring a companion.
92. The information to be considered at the appeal will include all correspondence and information about the original disciplinary process, from the initial allegations to the written decision.
93. At the start of the appeal meeting, the Chair should make introductions, explain what options they have to review the previous decision and then ask the employee to explain why they feel the disciplinary action taken against them should be reconsidered. All present should have the opportunity to ask the employee questions.
94. The manager who took the original decision should be given the opportunity to explain why they took their decision and all present should have the opportunity to ask that person questions.
95. If an additional investigation was needed, the Investigating Officer who carried that out should present it and answer questions about it.
96. Once the relevant issues have been thoroughly explored, the Chair should ask the manager and the employee to sum up, and then adjourn or close the appeal meeting.

97. The Chair should then consider the employee's written appeal, the information presented and questions and answers given at the meeting, before reaching a decision. The options available are as follows:
- Keep the original decision - if satisfied that the appeal process has not given sound reasons to change it.
  - Overturn the original decision - for example, remove a warning completely or reinstate a dismissed employee, if it becomes apparent that the previous decision was not soundly based.
  - Make a different decision - for example, replace a final written warning with a first written warning (but cannot impose a higher level warning or dismissal).
98. The Chair has no power to replace a first written warning with a final written warning, or change a final written warning to dismissal.
99. Once the Chair has decided what action to take, they should confirm this to the employee without delay, and should normally be no later than five working days after the appeal meeting. This can be done in person at a reconvened meeting or by correspondence alone. HR will help the Chair write the email or letter, which should give reasons for the decision and must advise the employee that there is no further right of appeal.
100. All correspondence and information about the appeal process, from the initial correspondence to the written decision, will be stored on the employee's file on the HR system.

## Version History

<b>Title: Disciplinary policy for Staff</b> <b>Approved by: Executive Committee</b> <b>Location: SharePoint</b>				
Version number	Date approved	Date published	Owner	Next review date
24.1.0	02/10/24	28/10/24	HR Director	One year after publication
Related documents	<a href="#">Data Protection policy</a> <a href="#">Diversity, Equity &amp; Inclusion policy</a> Respect for the Rights and Dignity of Others policy <a href="#">Policy on Disciplinary Action</a>			
External Reference Point(s)	<a href="#">Acas Code of Practice on disciplinary and grievance procedures</a> <a href="#">Acas guide to discipline and grievances at work</a> <a href="#">Acas guidance on Conducting workplace investigations</a>			