



## DISCIPLINARY POLICY

### POLICY STATEMENT

1. Jesus College expects its employees to maintain high standards of conduct and behaviour. Any failure to meet the appropriate standards will be dealt with promptly, decisively and fairly through action under this policy.

### PURPOSE AND SCOPE

2. This policy applies to all Jesus College employees. Its purpose is to:
  - enable employees to understand and maintain the standards of conduct required by Jesus College;
  - enable the College to manage conduct issues effectively;
  - ensure the correct procedure is used when inviting you to a disciplinary hearing; and
  - ensure that disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner.

### PRINCIPLES

3. The following principles apply:
  - the disciplinary process enables issues to be raised and dealt with promptly;
  - the process will be transparent, taking account of the requirement to maintain strict confidentiality throughout;
  - an investigation will be conducted to establish the facts of the case;
  - employees will be informed of the complaint against them and have the opportunity to have their say before a decision is reached;
  - decisions made will be fair, consistent and appropriate to the particular circumstances; and
  - employees will have the right to be accompanied by a fellow employee or a trade union official at formal meetings, where a disciplinary penalty may be the outcome.

### OUTCOMES

5. The intended outcomes of this policy are that:
  - the conduct of College employees is exemplary; and
  - the College acts in compliance with relevant statutory requirements, including the ACAS Code of Practice.

### MONITORING AND REVIEW

6. Human Resources will keep decisions reached under this policy under review and will monitor formal decisions made under the Disciplinary procedure for fairness and consistency.

## Disciplinary procedure

### 1. Disciplinary Stages

1.1 The Disciplinary procedure has the following stages:

- Informal Stage
- Formal
  - Investigation
  - Hearing
  - Appeal, as appropriate

1.2 In certain circumstances it may be appropriate to move to the formal stages of the disciplinary procedure without having first been through the informal stage. In these circumstances the manager must seek advice from Human Resources.

### 2. Informal Stage

2.1 In cases of minor misconduct, the manager should address any concerns regarding an employee's conduct informally, normally through a one-to-one meeting. At the informal meeting:

- the manager should outline the conduct causing concern and where possible provide times and dates of when the misconduct has occurred;
- the manager should explain why the conduct is unsatisfactory and ensure that the employee is aware of, and understands, the required standards of conduct;
- the employee should have the opportunity to explain their conduct or ask questions;
- the manager should ascertain whether the employee has any work-related difficulties which could cause, or contribute to the unsatisfactory conduct, or if there are any personal or health related problems.

2.2 The manager should keep a written record of the meeting. The length and format of the notes will depend on the nature of the conduct issue and the circumstances around each case. The note should be copied to the employee.

If the misconduct recurs within a reasonable period of time, these notes may be referred to when deciding the most appropriate action.

2.3 Where discussions at the informal stage indicate a more serious misconduct may have occurred, the manager should stop the meeting and advise the employee that further investigation may be appropriate, following which the manager should contact Human Resources for guidance.

2.4 If informal action has not resolved the issue, the managers should provide the employee with a clear signal of their dissatisfaction by taking formal action.

### 3. Establishing the Facts - Formal Stage

3.1 If it is suspected, or reasonably believed, that a matter contravenes any of the Colleges policies or standards of behaviour or may otherwise be a matter which should be subject to formal procedures, the employee or manager identifying the issue should promptly notify Human Resources.

3.2 In the first instance the facts of the case need to be established. This must be done without unreasonable delay and in some cases may require an investigatory meeting before a disciplinary hearing is held. In other cases the investigatory stage will be the collation of evidence by the employer which is then used at any disciplinary hearing.

3.3 Where it is practical to do so within College different people will carry out the investigation and disciplinary hearing. The Director of Human Resources, in conjunction with relevant managers, will

appoint the Investigatory Manager. Once appointed this manager is responsible for ensuring prompt progress and for keeping all relevant parties informed as to the progress.

- 3.4 The Investigation Manager will carry out the necessary investigations in order to establish the full facts of the case. In some cases this will involve holding an investigatory meeting with the employee before any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the manager for use at any disciplinary hearing.
- 3.5 Based on the investigation an investigation report should indicate whether:
- the allegation has not been substantiated and there is no case to answer; or
  - there appears to be a case to answer and a formal Disciplinary Hearing should be convened.
- 3.6 Investigatory meetings should not in themselves result in any disciplinary action. Investigatory are informal and carry different accompanying right to a formal disciplinary meeting. (There is no statutory right for the employee to be accompanied at a formal investigatory meeting, although the College may allow the employee to be accompanied in some circumstances).
- 3.5 The investigation should be given high priority by all concerned in order that it may be expedited as quickly as possible. The investigation will usually consist of the following steps:
- meet with the disciplinary case originator;
  - meet with any other employee involved in the case, as a participant or witness;
  - meet with the employee who is the subject of the investigation;
  - invite the employee to identify any relevant witnesses;
  - review relevant documentation.
- 3.6 Investigation meetings are formal meetings which should be noted. There is no statutory right for the employee to be accompanied at a formal investigatory meeting, although the College may allow the employee to be accompanied in some circumstances.

#### **4. Informing the Employee – Formal Stage**

- 4.1 If following an investigation it is decided that there is a disciplinary case to answer the employee will be notified of this in writing. The notification will state:
- information about the alleged misconduct
  - the possible consequences
  - the time and venue of the Disciplinary meeting
  - the right to be accompanied
- 4.2 Where possible copies of written evidence will be included with the notification.

#### **5. The Disciplinary Meeting – Formal Stage**

- 5.1 The meeting should be given high priority by all concerned in order that it may be expedited as quickly as possible.
- 5.2 Employees and their companions are expected to make every effort to attend the meeting. At the meeting the employer must explain the complaint and go through the evidence gathered. The employee should be allowed to:
- set out their case;
  - to answer any allegations;
  - ask questions;
  - present evidence; and
  - call witnesses.

Where the employer or employee intends to call relevant witnesses they should give advance notice that they intend to do this.

## **6. Decide on Appropriate Action – Formal Stage**

- 6.1 Following the disciplinary meeting, the manager must decide whether or not disciplinary action is justified. Any action taken must be set out in writing.
- 6.2 The action taken will usually be based on the table set out below. However, the College reserves the right to initiate action at a higher level if it believes that the concerns warrant it.
- 6.3 If a first or final formal warning is issued the letter should set out the nature of the misconduct and the change in behaviour required (with a timescale). The letter must also include the validity of the warning and the consequences of further misconduct within the period of the warning.

OFFENCE	FIRST LEVEL	SECOND LEVEL	THIRD LEVEL
Unsatisfactory Performance/Conduct	First Formal Warning	Final Formal Warning	Dismissal
Serious Misconduct	Final Formal Warning	Dismissal	
Gross Misconduct	Dismissal		

- 6.4 Human Resources must be involved in all disciplinary matters where a formal outcome is possible.
- 6.5 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.

## **7. Period of Warnings**

- 7.1 First Formal warning - normally disregarded after a 6 month period.
- 7.2 Final Formal warning - normally disregarded after a 12 month period. In very exceptional circumstances and after discussion with the Director of Human Resources, a Final Written Warning may be extended.
- 7.3 A record of the warning stays on an employee's file after it is spent. If similar misconduct occurs within a short time of the warning being spent, the misconduct decision may take account of the previous warning.

## **8. Right to Appeal**

- 8.1 Where an employee feels that disciplinary action taken against them is wrong they have the right to appeal.
- 8.2 Any appeal should be submitted in writing within 10 working days of the date of the decision letter and should set out the full grounds of appeal as this will be the basis on which the appeal is considered.
- 8.3 The appeal should be impartial and wherever possible will be heard by a manager who has not previously been involved in the case.

## **9. Suspension from Work**

- 9.1 In certain circumstances an employee may be suspended from work. However, most disciplinary procedures will not require suspension. An employee will usually be able to continue doing their normal role while the matter is investigated. Suspension will usually only be considered if there is a serious allegation of misconduct and:

- the working relationships have severely broken down
- the employee could tamper with evidence, influence witnesses and/or sway the investigation into the allegation
- there is a risk to other employees, property or customers
- the College feels that the employee's continued presence at work is not possible/appropriate; and/or
- the employee is the subject of criminal proceedings which may affect whether they can do their job.

9.2 When considering suspending an employee the College will think carefully and consider all other practical options, including:

- being moved to a different area of the workplace
- working from home
- changing their working hours
- being placed on restricted duties
- working under supervision.

9.3 Other than in exceptional circumstances, suspension will be on full pay and will only be for a limited period of time to enable an investigation to be completed and for a hearing to determine the outcome of the allegations. The College will not make an assumption of guilt should a suspension take place and suspension must not be used as a disciplinary sanction. Therefore, if a suspension is necessary, the suspension and the reason for it should be kept confidential, where possible. If it is necessary to explain the employee's absence, an employer should discuss with the employee how they would like it to be explained to colleagues and/or customers.

Other considerations could include whether it is necessary to:

- escort the employee from the workplace
- remove the employee's workplace pass and/or IT access
- ask the employee to not contact other employees during the investigation.

9.4 In all instances advice must be sought from the Director of Human Resources.

## **10. Right to be accompanied**

10.1 All employees who are subject to the formal stages of the Disciplinary procedure have a right to be accompanied to formal decision meetings by a college colleague or trade union representative (but not a solicitor, family member or friend outside the College).

10.2 During the meeting the colleague or trade union representative may:

- address the meeting but not answer questions on behalf of the employee;
- confer with the employee during the meeting, requesting an adjournment if necessary.

## **11. Criminal offences and convictions**

11.1 Some acts of misconduct may constitute criminal offences; where this is the case, the College will involve the police. Internal procedures may run concurrently with criminal proceedings, Human Resources will take all steps to ensure that any internal action does not prejudice the employee's right to a fair trial.

11.2 Where an employee is charged or convicted of a criminal offence outside of College they must inform Human Resources immediately. Failure to report a conviction is regarded as serious misconduct and may result in disciplinary action regardless of any action arising from the conviction itself.

**12. Grievance during disciplinary procedure**

- 12.1 If a grievance is raised in writing during a disciplinary process, the aim will be to avoid an unnecessary duplication of procedures and to ensure that the matter is dealt with speedily. The issues will be dealt with as one process where it is appropriate to do so and where this will expedite matters.
- 12.2 In exceptional cases, where a complaint is made during the disciplinary process which impacts directly on the conduct of the process (specifically where the complaint is that disciplinary action is discriminatory or that the real cause of action is other than that specified by the manager), the process may be halted and the grievance may be considered separately.

**13. Unsatisfactory Conduct and Misconduct**

- 13.1 An employee will be liable to disciplinary action if they are found to have acted inappropriately (some examples are listed below but these do not form an exhaustive list):
- failure to abide by the general health and safety rules and procedures;
  - smoking, except at designated areas;
  - unauthorised consumption of alcohol on the premises;
  - persistent absenteeism and /or lateness;
  - unsatisfactory standards or output of work;
  - inappropriate behaviour and/or rudeness towards members of the College, members of the public or other employees;
  - failure to devote the whole of your time, attention and abilities to the College and its affairs during your normal working hours;
  - failure to carry out all reasonable instructions or follow our rules and procedures;
  - unauthorised use of, or negligent damage to, or loss of our property;
  - unauthorised use of email and internet.

**14. Serious Misconduct**

- 14.1 Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to the employees extreme carelessness or has a serious or substantial effect upon the College's operation or reputation, the employee may be issued with a final written warning in the first instance.

**15. Gross Misconduct**

- 15.1 An employee will be liable to dismissal without notice if found to have acted in a way deemed to be gross misconduct. Some examples are listed below but these do not form an exhaustive list.
- grossly indecent or immoral behaviour, deliberate acts of unlawful discrimination or serious acts of harassment;
  - dangerous behaviour, fighting or physical assault;
  - possession, supply or use of illicit drugs;
  - deliberate falsification of any records (including time sheets, absence records and so on, in respect of yourself or any fellow employee);
  - theft or unauthorised possession of money or property, whether belonging to us, another employee, or a third party;
  - destruction/sabotage of our property, or any property on the premises;
  - serious breaches of the rules which endanger lives;
  - gross insubordination and/or continuing refusal to carry out legitimate instructions;
  - covert recordings of meetings or exchanges in the workplace;
  - abuse of the personal harassment policy.