

# Disciplinary Policy & Procedure

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Version Control Table			
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1.0	Human Resources	April 2019	<ul style="list-style-type: none"> <li>• Original policy</li> </ul>
Draft v0.1	HRBP Human Resources	July 2022	<ul style="list-style-type: none"> <li>• New template design with specific sections and headings to assist line managers/employees understanding when referring to the Disciplinary Policy &amp; Procedure</li> <li>• A complete full review has been undertaken, bringing the policy in line with ACAS Guidance, and employment legislation</li> <li>• Incorporated reference to Senior Postholders (member of the Executive) and relevant Hearing/Appeal Panel Members, and Articles of Association, removing the need for a separate standalone Disciplinary Procedure (Executive)</li> <li>• New 'LTU Core Values' wording</li> <li>• Removal of 'Stage 1 Disciplinary Meeting' and 'Stage 2 Hearing' to 'Disciplinary Hearing' where both Misconduct and Gross Misconduct allegations are heard</li> <li>• Removal of 'verbal warnings'</li> <li>• Inclusion of new headings to assist with clarity/finding the relevant information</li> <li>• Incorporated the 'right to appoint an independent, external investigator'</li> <li>• Creation of flowcharts (appendices)</li> </ul>

Version	Author/Owner	Date	Summary of Key Changes
Draft v0.2	HRBP Human Resources	September & October 2022	<ul style="list-style-type: none"> <li>• Policy Review Meeting feedback incorporated from the two Trade Unions <ul style="list-style-type: none"> <li>- (UCU - 28 September)</li> <li>- (UNISON - 5 October)</li> </ul> </li> <li>• No additional amendments confirmed at Policy Review Meeting with the Trade Unions on 26 October</li> </ul>
Final Draft v0.3	HRBP Human Resources	November 2022	<ul style="list-style-type: none"> <li>• Submitted to the Executive Team for approval. No revisions</li> <li>• Submitted to JCC for official sign-off</li> </ul>
Final v.2.0	HRBP Human Resources	November 2022	<ul style="list-style-type: none"> <li>• Revised policy</li> </ul>

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## **Policy Statement**

### **1. Purpose**

- 1.1 This policy is intended to help and encourage all employees to achieve and maintain satisfactory standards of conduct and to ensure consistent and fair treatment for all.
- 1.2 It is expected that managers will make every effort, through discussion, to resolve any alleged deficiencies in conduct before having recourse to this procedure.

### **2. Principles**

- 2.1 It is expected that all parties will demonstrate a commitment to observing the University's Core Values throughout the disciplinary process.
- 2.2 All reasonable efforts will be made to establish the substance of complaints or allegations against an employee before any of the steps envisaged in this procedure are implemented.
- 2.3 All parties involved in a disciplinary must maintain appropriate confidentiality and comply with data protection requirements in relation to any information and documentation.
- 2.4 No disciplinary sanction will be imposed on an employee until the allegations have been fully investigated.
- 2.5 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the sanction may be summary dismissal (i.e., dismissal without notice and without payment in lieu of notice).
- 2.6 No formal disciplinary action will be taken against a University branch union officer until the circumstances of the case have been discussed with the full-time official of the recognised union concerned.
- 2.7 An employee will have the right to appeal against any disciplinary penalty imposed under the procedure.
- 2.8 Where an allegation made against an employee under this policy is found to be unsubstantiated, then all references to such an allegation will be removed from their employment record.
- 2.9 The University has the right to conduct all stages of the Disciplinary procedure face-to-face or remotely. Wherever possible meetings/hearings will take place in person.
- 2.10 The University reserves the right to engage external third party assistance e.g., external person to investigate the disciplinary, where it is deemed necessary and appropriate, at any stage of the Disciplinary process.

### **3 Scope**

- 3.1 This policy does not include the routine guidance given by a line manager on a day-to-day basis and is to be distinguished from the Performance Management Procedure, which deals with an employee's ability to perform the duties of their post in terms of skill, aptitude, or abilities.
- 3.2 This policy covers all individuals employed directly by the University, including the Vice-Chancellor and members of the Executive Team. In accordance with the Articles of Association (incorporating Instrument and Articles of Government) of Leeds Trinity University, the Chair of the Board of Governors (or in the absence of the Chair, the Vice-Chair, or a majority of the members of the Board of Governors) may discipline, suspend or dismiss a Senior Postholder (i.e., member of the Executive) only.
- 3.3 It does not apply to individuals who are self-employed and/or otherwise provide a service without being directly employed by the University.

## Procedure

### 4. Right to be Accompanied

- 4.1 Employees have the right to be accompanied by a Trade Union Representative or work-based colleague at any stage during the Disciplinary procedure, should they wish. It is the responsibility of the employee to confirm to the University their choice of accompanying person and make the necessary arrangements for their attendance.
- 4.2 The University, may on occasion, need to advise that an alternative accompanying person must be sought, should it be deemed there to be a conflict of interest which may prohibit a full and fair investigation into the disciplinary itself. If the accompanying person is a Trade Union official, the University will discuss the potential conflict of interest directly with the relevant Trade Union.
- 4.3 Where an employee's chosen accompanying person is unavailable on the day scheduled for the meeting or appeal, the meeting will only normally be re-scheduled once unless there are extenuating circumstances e.g., a pandemic. As unnecessary delays can cause additional strain for all parties, any re-scheduled meeting will normally be proposed within five working days of the original date.
- 4.4 The University does not permit employees to be accompanied to meetings/Hearings by qualified legal advisers.

### 5. Support for Employees

- 5.1 All employees will have access to the following support during the Disciplinary process, should they wish. For example:
- **Employee Assistance Programme** (access to counselling and free confidential helpline, available 24-hours a day, seven days a week on 0800 028 0199).
  - **Thrive** (free Mental Wellbeing App).
  - **Mental Health First Aiders** (employees can contact a MHFA for confidential support and who will be able to signpost employees for further help).
  - **Trade Union** (employees are advised to contact their local representative for further information on the support available).
- 5.2 Where an employee does not have access to a University computer, or they have a disability or impairment which prevents them from being able to retrieve information or seek support, they should contact Human Resources or their Trade Union Representative.
- 5.3 Where an employee suffers ill health during the Disciplinary process, then the University may determine it is appropriate for them to be referred to the Occupational Health service to establish what steps may need to be taken to enable the University to progress with the procedure, whilst having due regard for the employee's health and wellbeing. The University will endeavour to expediate, where possible, an Occupational Health appointment so as not to unduly protract the Disciplinary procedure.

## **6. Suspension**

- 6.1 The University has the right to suspend an employee from work at any stage during the Disciplinary procedure. Suspension is a neutral act and is not considered a disciplinary sanction.
- 6.2 When contemplating suspending an employee the University will consider reasonable alternative options. A decision will be taken jointly by a member of the Executive and a senior member of Human Resources, or in the case of a Senior Postholder by the Chair of the Board of Governors. In circumstances where there are reasons to consider suspension, temporary adjustments to the employee's working arrangement may remove the need to suspend the employee.
- 6.3 In cases where a period of suspension is considered necessary, employees may be suspended for a period of up to 15 working days initially. All pay and terms and conditions, both contractual and non-contractual, will normally not be affected by suspension and will continue as if the employee was at work. Human Resources will confirm in writing the suspension of the employee on full pay.
- 6.4 However, where the University becomes aware of potential criminal investigations and the Police indicate that proceeding with disciplinary action may prejudice any criminal investigations pending, the University reserves the right to suspend the employee on nil pay where there is no clear end date to any criminal investigations.
- 6.5 Suspension is used as a precautionary measure to enable the allegation(s) of misconduct/gross misconduct to be investigated without the employee's continuing presence at work.
- 6.6 Steps will be taken for the Investigation and/or Disciplinary Hearing to be held as soon as practicable and the period of suspension will be kept under regular review i.e., every 15 working days and may be extended if the circumstances so warrant.

### **Suspension Restrictions**

- 6.7 At the time of suspension, the employee may be asked:
  - To relinquish their ID pass and any equipment that is considered by the Investigating Officer to be relevant to the investigation.
  - Not attend University premises whilst suspended, unless asked to do so for the purposes of the investigation.
- 6.8 Requests must be made for annual leave in the same way as if the employee was at work. As the employee may not be permitted to enter University premises, annual leave requests should be made through the Human Resources Point of Contact who will liaise directly with the employee's line manager to register on the HR system.
- 6.9 Employees must be available for work during their normal working pattern or to attend meetings/hearings during the suspension period to enable the University to contact them and also to attend disciplinary meetings/hearings as required.



- 6.10 The normal sickness reporting procedure must still be adhered to during the suspension period. Sickness absence does not necessarily restrict the employee from attending any disciplinary meetings/hearings and advice may be sought from Occupational Health to determine if they are fit to attend. The University will endeavour to expediate, where possible, an Occupational Health appointment so as not to unduly protract the Disciplinary procedure.
- 6.11 Human Resources will provide appropriate support to the employee on suspension and act as their Point of Contact for all matters.
- 6.12 Where a suspension is prolonged pending investigation, Human Resources, or in the case of a Senior Postholder, the Chair of the Board of Governors, will keep the employee informed at regular intervals i.e., every 15 working days, regarding the progress of the investigation.

## **7. Witnesses**

- 7.1 All employees are required to participate and co-operate with any investigation matter that they may be involved in or have witnessed. This is a reasonable expectation of anyone who may have information which could assist an investigation.
- 7.2 Witnesses may be asked by either party to:
- attend meetings/Hearings, and/or
  - provide a Witness Statement.
- 7.3 The Investigating Officer will typically invite a witness to a meeting to ascertain what they observed. Notes will be taken, and a copy issued afterwards for the witness to sign confirming:
- the notes are a true statement of the version of events, and
  - they understand that their statement may be shared with relevant parties.
- 7.4 If appropriate, witnesses will be expected to attend meetings however in some circumstances, it may be decided that a witness can give a statement or respond to written questions from the Investigating Officer/Chairperson, without having a meeting, if the witness
- is not an employee, or
  - only needs to give very simple information, or
  - is ill and cannot come to an investigation meeting.
- 7.5 If a large number of employees witnessed the same incident, the Investigating Officer may choose to talk to some of the witnesses and check whether they consistently corroborate. Where the Investigating Officer feels they're not getting enough information or there are significant differences in what the witnesses say, this should be extended to include more witnesses.
- 7.6 Where an employee unreasonably refuses a request to participate in an investigation without a legitimate reason in doing so, they may be subject to disciplinary action being taken against them.

## **8. Recording of Meetings/Hearings**

- 8.1 A written record of all meetings conducted under this procedure will be made, either by the Investigating Officer or by an alternative person arranged by the University specifically for the purpose of taking notes.
- 8.2 Employees or any person acting on their behalf, are not normally permitted to record electronically any meeting held under this procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, up to and including dismissal.
- 8.3 In certain limited circumstances, the University and confirming all parties agree may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability or impairment. Where permission is given for a meeting to be recorded electronically, the University will be responsible for arranging the recording.
- 8.4 In circumstances where it is not possible to hold a face-to-face meeting under this procedure, the University will conduct the process remotely, ensuring the employee and their representative have access to the necessary technology for participating. Employee rights will not be affected, and the University will ensure that the procedure remains fair and reasonable.

## **9. Dealing with a Grievance matter during the Disciplinary procedure**

- 9.1 Where an employee raises a grievance related to an ongoing Disciplinary process, the University will determine how to progress matters appropriately and in a way which maintains the integrity of the process(es) being followed and expedites a fair outcome.
- 9.2 In line with ACAS Guidance, the University will assess the exact nature of the grievance before considering whether to continue with the Disciplinary procedure, or run concurrently, or temporarily suspend in order to deal with the grievance.

## **10. Disciplinary Investigation**

- 10.1 In all cases where disciplinary rules appear to have been breached, then the line manager or designated person will carry out an initial fact find, to establish whether there is a prima facie case to answer under the formal procedures. This may include meeting with the employee to gather further facts and information, obtaining surveillance technology and CCTV evidence before deciding on next steps.
- 10.2 CCTV evidence may be used against an employee in disciplinary proceedings only where such evidence tends to show, in the reasonable belief of the University, that they have been guilty of serious/gross misconduct. The employee will be given a chance to see and respond to the images in these circumstances.
- 10.3 If it appears, having established the basic facts, that there may be a case to answer, then Human Resources will write to the individual to notify them that the University intends to conduct a formal disciplinary investigation, who will carry out that investigation (the Investigating Officer) and an outline of the issues to be investigated as they are known at that time.

- 10.4 In normal circumstances, the Investigating Officer will be someone other than the individual's line manager, in order to preserve the independence of the investigation.
- 10.5 The Investigating Officer will conduct a thorough and objective investigation to establish the facts of the case. This will include collating any relevant documentation, interviewing the employee concerned, interviewing witnesses as appropriate and reviewing relevant policies, regulations or procedures.
- 10.6 Once the investigation has been completed, the Investigating Officer will produce a written Investigation Report setting out their findings of fact and their recommendations.
- 10.7 If it is determined following the investigation, that there is no case to answer, then Human Resources will formally notify the employee of this and ensure that no information relating to the investigation is held on their employment record.
- 10.8 If it is determined following the investigation, that informal intervention is required e.g., training, rather than proceed with the formal procedure, then Human Resources will formally notify the employee accordingly.
- 10.9 If the Investigating Officer determines that there is a case to answer, a Disciplinary Hearing will be convened to consider the allegation(s) at the next stage of this procedure.

## **11. Disciplinary Hearing**

- 11.1 Human Resources will write to the employee giving at least 5 working days' prior notice of the Disciplinary Hearing, informing them of the date, time and venue of the Disciplinary Hearing, and providing them with all relevant information. This will include the Investigating Officer's report, full details of all allegations to be considered, and statements of any witnesses to be called by the University. The employee will also be provided with an indication of the potential disciplinary sanction which may be applied in the event that the allegation(s) were to be upheld.
- 11.2 The employee will be advised of their right to be accompanied by a work colleague or Trade Union representative. The University will seek to arrange a meeting which the work colleague or the Trade Union representative can attend. If this causes an unreasonable delay (i.e., longer than 15 working days) every opportunity will be taken to gauge prior availability then the University reserves the right to hold the meeting with the employee only.

11.3 Panels convened under this stage of the procedure will be constituted as follows:

	<b>Misconduct</b>	<b>Gross Misconduct</b>
<b>Employees</b>	<b>Hearing Officer</b> <ul style="list-style-type: none"> <li>• Head of School/Service will chair the Hearing</li> </ul> <b>Hearing Panel Member</b> <ul style="list-style-type: none"> <li>• An HR representative will provide advice</li> <li>• Note Taker</li> </ul>	<b>Hearing Officer</b> <ul style="list-style-type: none"> <li>• A member of the Leadership Team will chair the Hearing</li> </ul> <b>Hearing Panel Members</b> <ul style="list-style-type: none"> <li>• One additional Leadership Team member</li> <li>• Senior HR representative</li> <li>• Note Taker</li> </ul>
<b>Leadership Team</b>	<b>Hearing Officer</b> <ul style="list-style-type: none"> <li>• One member of the Executive Team will chair the Hearing</li> </ul> <b>Hearing Panel Member</b> <ul style="list-style-type: none"> <li>• Director of Human Resources or designate</li> <li>• Note Taker</li> </ul>	<b>Hearing Officer</b> <ul style="list-style-type: none"> <li>• The Vice-Chancellor or nominated Deputy will chair the Hearing</li> </ul> <b>Hearing Panel Member</b> <ul style="list-style-type: none"> <li>• One additional Executive Team member</li> <li>• Director of Human Resources or designate</li> <li>• Note Taker</li> </ul>
<b>Executive Team / Vice-Chancellor</b>	<b>Hearing Officer</b> <ul style="list-style-type: none"> <li>• Chair of the Board of Governors or nominated Deputy</li> </ul> <b>Hearing Panel Members</b> <ul style="list-style-type: none"> <li>• 2 Governors</li> <li>• Note Taker</li> </ul>	<b>Hearing Officer</b> <ul style="list-style-type: none"> <li>• Chair of the Board of Governors or nominated Deputy</li> </ul> <b>Hearing Panel Members</b> <ul style="list-style-type: none"> <li>• 2 Governors</li> <li>• Note Taker</li> </ul>

*\*None of the above will have had any prior involvement in the procedure.*

11.4 At the Hearing, the employee will be given the opportunity to state their case and ask any questions in relation to the report or its findings. The Investigating Officer will be present to respond to questions or provide clarification on any aspect of the Investigation Report.

11.5 If the employee wishes to submit any additional documentation or bring new witnesses, then this information should be submitted at least 2 working days in advance to the Chair and Human Resources.

11.6 At the Disciplinary Hearing, the allegation(s) will be stated and the employee and/or their representative will have the opportunity to state their case fully, to present factors in mitigation, and to present documentary evidence and/or evidence from witnesses.

11.7 Where the Disciplinary Hearing Panel considers that the case has been substantiated, the panel will determine appropriate disciplinary action. In doing so, they may consider evidence, the seriousness of the offence, any mitigating factors, and the employee's previous conduct.

11.8 Where the allegation(s) is a straightforward matter and the allegation(s) is proven, the Disciplinary Hearing Panel may choose to adjourn the meeting to discuss the findings and take into consideration all the facts presented. The Panel will then recommence the Hearing and verbally communicate the outcome of their decision to the employee and advise them that they will also receive a written response within 5 working days of the Hearing.

- 11.9 However, where this is considered not to be appropriate, the Chair of the Panel will write to the employee within 5 working days of the Disciplinary Hearing, informing them of the outcome of the Disciplinary Hearing and of their right to appeal. The employee will also be informed of the sanction, the reason for any such sanction being imposed, and if relevant, the improvement required, and any training or development to be undertaken.

## 12. Disciplinary Action

- 12.1 The following disciplinary actions may be taken as a result of a Disciplinary Hearing:

Misconduct Sanctions	Gross Misconduct Sanctions
<ul style="list-style-type: none"> <li>No sanction (where the allegation[s] is not upheld)</li> <li>Written Warning (6 or 12 months)</li> <li>Final Written Warning (12 months)</li> <li>Dismissal – with Notice</li> </ul> <p><b>Additional Sanctions</b> (depending on the circumstances of the case, one or more of the following options may be issued alongside a Formal Warning)</p> <ul style="list-style-type: none"> <li>Withholding of Pay Increment(s)</li> <li>Demotion to a Lower Grade</li> <li>Transfer to another Department or Location</li> </ul>	<ul style="list-style-type: none"> <li>No sanction (where the allegation[s] is not upheld)</li> <li>Final Written Warning (12 months)</li> <li>Summary Dismissal – without Notice</li> </ul> <p><b>Additional Sanctions</b> (depending on the circumstances of the case, one or more of the following options may be issued alongside a Formal Warning)</p> <ul style="list-style-type: none"> <li>Withholding of Pay Increment(s)</li> <li>Demotion to a Lower Grade</li> <li>Transfer to another Department or Location</li> </ul>
<p style="text-align: center;"><b>Exceptional Circumstances</b></p> <p style="text-align: center;">The Hearing Panel will have discretion to consider if any reduction to the sanction period timescale should be applied where there has been a substantial impact in not being able to relay the disciplinary outcome through no fault of the University (i.e., a pandemic)</p>	

## 13. Gross Misconduct

- 13.1 An employee who commits an act of Gross Misconduct may be liable to summary dismissal (i.e., dismissal without notice and without payment in lieu of notice).
- 13.2 The following are examples of breaches of discipline which are considered by the University to constitute gross misconduct, and which may warrant summary dismissal. This list is not intended to be exclusive or exhaustive:
- Bullying, harassment, discrimination or any serious breach of the University's Dignity at Work and Study Policy.
  - Engaging in inappropriate personal or sexual relationships with students (*refer to the Personal Relationships Policy*).
  - Safeguarding allegations or concerns.
  - Theft of or deliberate damage to University property, facilities or equipment.
  - Fraud, deliberate falsification of records, making false declarations or financial claims.
  - Physical assault whilst on duty.
  - Incapacity due to substance or alcohol misuse.
  - Being in possession of or supplying illegal drugs whilst at work.
  - Posting on social media any content which may damage the University's reputation.

- Accessing Internet sites at work, or using University's equipment, which contain pornographic, offensive, or obscene material, where such usage is unrelated to research or other legitimate interests.
- Serious breach of Health & Safety regulations.
- Serious breach of the University's Data Protection or Information Security policies.
- Serious breach of the University's IT Acceptable Usage Policy.
- Deliberate breach of confidentiality or confidence (subject to the Public Interest Disclosure Act 1998).
- Acts or omissions which may damage the University's operations and/or which bring the University into disrepute.
- Negligence which causes unacceptable loss, damage or injury.
- Offering or accepting bribes.
- Serious and deliberate breaches of University Regulations, Policies or Procedures which damage the University's operations and/or which bring the University into disrepute.

#### **14. Mitigating Circumstances**

- 14.1 Where the allegation(s) is/are substantiated, the Disciplinary Hearing Panel will take into account any mitigating factors, including the employee's record of service and conduct and any evidence of mitigating circumstances provided by the employee before a decision on an appropriate sanction is reached.

#### **15. Examples of Offences which may warrant Disciplinary Action other than Summary Dismissal**

- 15.1 The following are examples of breaches of discipline which are considered by the University as sufficiently serious to render the employee liable to disciplinary action; this list is not intended to be exclusive or exhaustive:
- Persistent lateness.
  - Unauthorised absence.
  - Failure to follow or comply with the University's Health Related Absence Policy.
  - Failure to follow University regulations, procedures or departmental practices where these are reasonably and properly requested.
  - Refusal or failure to carry out a reasonable management instruction.
  - Misuse of the Internet, email, or other University IT facilities.
  - Actions whilst on University business which would constitute a risk to the health or safety of the member of staff concerned or of any other person.

#### **16. Criminal Offences Committed Outside Work**

- 16.1 Where a criminal offence is committed outside an employee's normal employment with the University, consideration will be given as to whether the nature of the offence is such that it may consequently render the employee unsuitable for their job.
- 16.2 Where the Police indicate that proceeding with disciplinary action may prejudice any criminal investigations pending, the University will consider as a precautionary measure to pause the disciplinary process. However, the University reserves the right to continue with disciplinary proceedings where there is no clear end date to any criminal investigations and/or to suspend the employee on nil pay.



## 17. Time Limits for Live and Spent Warnings

- 17.1 Written/Final Written Warnings will remain live on the employee's employment record for a period of 12 months from the date the Warning was given (6 months for a formal Written Warning for a first/less serious offence), if during this period there has been no cause for further disciplinary action. After such time, the Warning will be considered as spent.
- 17.2 Any future misconduct following a Written Warning that is live, may result in a Final Written Warning being issued.
- 17.3 Any future misconduct following a Final Written Warning that is live, may result in dismissal.
- 17.4 Warnings which are live at the time of a subsequent discipline offence or where it is evident there is a pattern of behaviour with the issuance of live/spent Warnings, will be taken into account by the Disciplinary/Appeal Hearing Panel in determining the appropriate level of discipline sanction.

## 18. Disciplinary Appeal

- 18.1 The Appeal Hearing is generally not a re-hearing of the original Disciplinary, but rather a consideration of the areas which the employee is dissatisfied with in relation to the original Disciplinary Hearing. The Appeal Chair may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 18.2 Where an employee wishes to appeal against a disciplinary decision, they should do so in writing within 10 working days of receipt of the decision. The appeal should be made to Human Resources, or in the case of a Senior Postholder the Chair of the Board of Governors, who will make appropriate arrangements for the appeal to be held.
- 18.3 Appeal Panels convened under this stage of the procedure will be constituted as follows:

	<b>Written Warning (first offence only)</b>	<b>Written/Final Written Warnings and Dismissals</b>
<b>Employees</b>	<b>Appeal Chair</b> <ul style="list-style-type: none"> <li>The relevant Executive member of the Disciplinary Hearing Officer (i.e., their line manager)</li> </ul> <b>Appeal Panel</b> <ul style="list-style-type: none"> <li>Senior HR Representative</li> <li>Note Taker</li> </ul>	<b>Appeal Chair</b> <ul style="list-style-type: none"> <li>Relevant member of the Executive will chair the Appeal Hearing</li> </ul> <b>Appeal Panel</b> <ul style="list-style-type: none"> <li>Senior HR Representative</li> <li>Note Taker</li> </ul>
<b>Leadership Team</b>	<b>Appeal Chair</b> <ul style="list-style-type: none"> <li>The relevant Executive member of the Disciplinary Hearing Officer (i.e., their line manager)</li> </ul> <b>Appeal Panel</b> <ul style="list-style-type: none"> <li>Director of Human Resources or nominee</li> <li>Note Taker</li> </ul>	<b>Appeal Chair</b> <ul style="list-style-type: none"> <li>Vice-Chancellor will chair the Appeal Hearing</li> </ul> <b>Appeal Panel</b> <ul style="list-style-type: none"> <li>Member of the Executive not previously involved</li> <li>Director of Human Resources or nominee</li> <li>Note Taker</li> </ul>

	<b>Written Warning (first offence only)</b>	<b>Written/Final Written Warnings and Dismissals</b>
<b>Executive Team</b>		<b>Appeal Chair</b> • Governor  <b>Appeal Panel</b> • 2 Governors • Note Taker
<b>Vice-Chancellor</b>		<b>Appeal Chair</b> • Chair of the Board of Governors  <b>Appeal Panel</b> • 2 Governors • Note Taker

*\*None of the above will have had any prior involvement in the procedure.*

- 18.4 The Appeal Panel should, if practicable, be convened within 15 working days of notification by the employee. No member of the Appeal Panel will have been involved in any earlier Disciplinary Hearing relating to the specific case.
- 18.5 Human Resources, or in the case of a Senior Postholder the Clerk to the Board of Governors, will write to the employee stating the date, time and venue of the Appeal Hearing. The employee will be given at least 7 working days' prior notice of the Hearing.
- 18.6 The Chair of the Appeal Panel will inform the employee in writing of the Appeal Panel's decision, within 5 working days of the Appeal Hearing.
- 18.7 The Appeal Panel reserve the right to impose a higher-level sanction than was originally issued should they deem the Disciplinary Hearing Panel's decision to be inappropriate.
- 18.8 Where an employee was dismissed following the Disciplinary Hearing, the original decision will stand, and the employee will be reinstated if the Appeal Panel overturn the dismissal.
- 18.9 The decision of the Appeal Panel is final.

## **19. Related Policies & References**

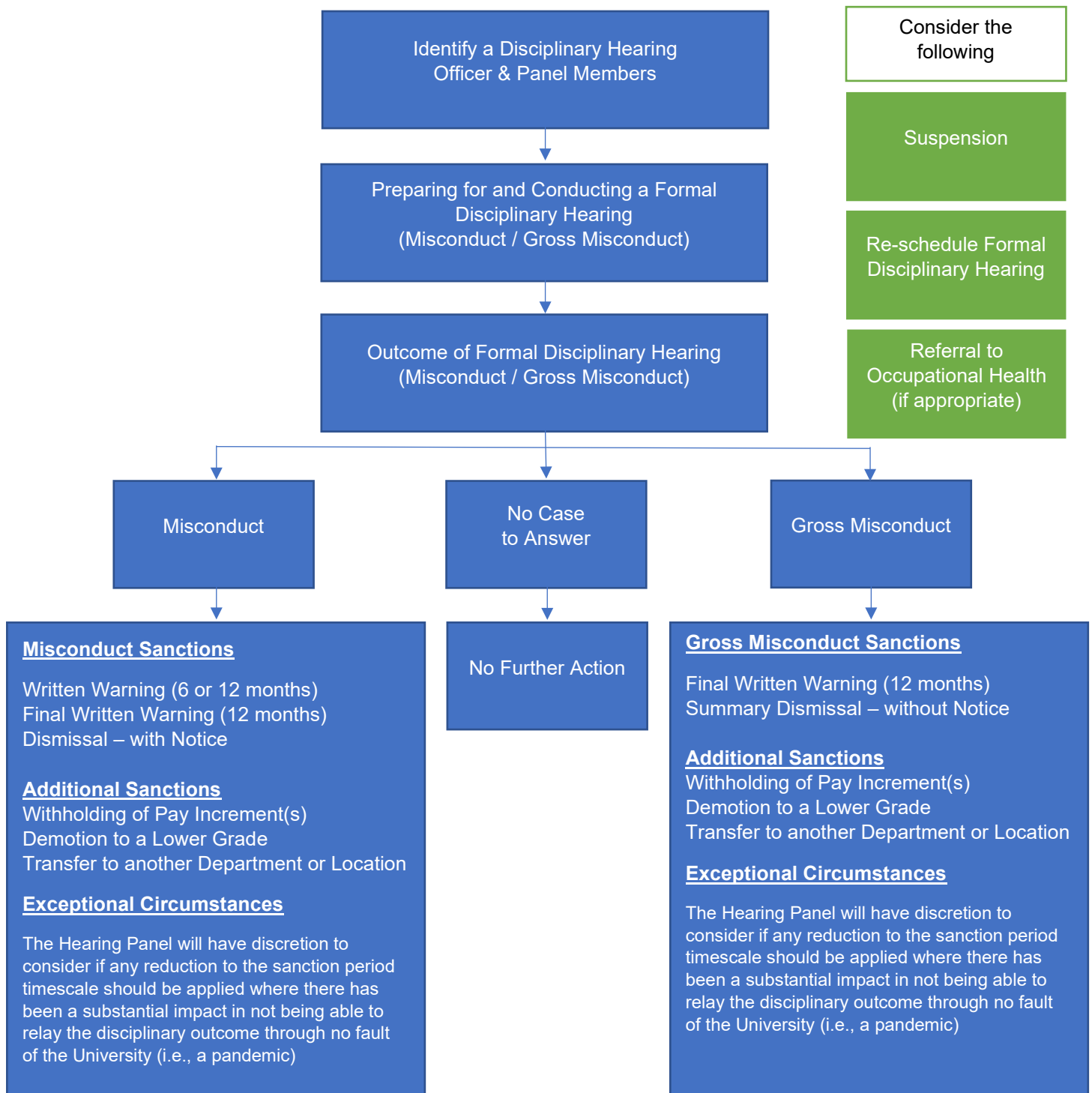
- 19.1 This policy should be considered in conjunction with, but not limited to the following policies and procedures:
- Articles of Association (incorporating Instrument and Articles of Government)
  - Dignity at Work and Study Policy
  - Equality, Diversity & Inclusion Policy
  - Performing & Developing Policy
  - ACAS Code of Practice on disciplinary and grievance procedures
  - ACAS Guide – disciplinary and grievances at work
  - Data Protection Act 2018
  - Equality Act 2010
  - Employment Act 2008
  - Employment Relations Act 1999
  - Employment Rights Act 1996



## Appendix 1 - Initial Factfind and Formal Disciplinary Investigation Flowchart



## Appendix 2 - Formal Disciplinary Hearing Flowchart



### Appendix 3 - Disciplinary Appeal Flowchart

