

Disciplinary Procedure

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Issued by: Human Resources (HR)

Effective from: 31 January 2022

Introduction

The University is committed to being a fair employer and expects reasonable standards of conduct from staff members. We will support staff members to achieve acceptable standards of conduct through guidance, information, advice, training, and other suitable approaches. If a staff member's conduct falls below the standards expected it may be necessary to take disciplinary action. This procedure provides a framework to ensure that issues are managed fairly and consistently across the University. It applies to all current staff members (except those in their probationary period, where shortfalls will be addressed through the appropriate Probation procedure).

Misconduct matters relating to members of the Senior Leadership Team (SLT) will follow the same principles and spirit of this procedure, but the governance will differ as referenced under the [Senior Leaders Disciplinary and Grievance procedures](#).

1. Principles

This procedure aims to:

- follow the principles of fairness, equity, and reasonableness. Natural justice principles will apply at all stages.
- ensure issues raised are dealt with quickly and fairly.
- encourage early and informal resolution of minor breaches of conduct, where possible.
- support open communication and encourage all parties to act in good faith.
- establish the facts before taking any disciplinary action.
- deal with matters confidentially and sensitively and only share information with those who have a genuine need to receive it.
- follows the guiding principles of the Equality Act 2010 and the ACAS code of practice here <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

2. Freedom of Speech

The University regards freedom of speech and academic freedom to be fundamental to delivering its mission as the University of business, practice and the professions. Its values in this respect are set out in a code of practice on freedom of speech and academic freedom, which explains how the University will uphold, secure, and promote freedom of speech within the law. See:

<https://www.citystgeorges.ac.uk/about/governance/policies/code-of-practice-on-freedom-of-speech>.

Nothing in this Procedure should be interpreted in any way that would be inconsistent with the code of practice and – in the event of any inconsistency – the provisions of the code will prevail.

3. Definitions

The level of action taken will depend on the circumstances and the seriousness of the alleged conduct and behaviour. Categories that fall under this procedure include misconduct and gross misconduct (see [Toolkit](#)). Complaints raised by students about a staff member's conduct relating to their work, profession, or breaches of safeguarding will be managed initially via the General Student Regulations and section on [Complaints and Safeguarding Procedure](#). The matter may be referred to HR ([at stage 3 of the Student Complaints Procedure](#)) as necessary. Once referred, the complaint will be managed via this formal procedure.

4. Representation

As defined by the ACAS Code of Practice, staff members have the right to be accompanied by a 'companion' at investigatory, and formal meetings – namely a work colleague or a recognised trade union representative. A trade union representative who is not recognised by the University must be certified by their union and seek permission to attend meetings. There is no right to be accompanied at meetings under the informal stages of this procedure. If a staff member requires additional support or needs reasonable adjustments, contact HR for further advice.

5. Informal Stage

Depending on the seriousness of the allegations of misconduct, every effort will be made to resolve the matter informally before undertaking formal action. This will involve productive and prompt discussions led by line managers of whom the University will ensure have received appropriate training to hold productive and prompt informal conversations of concern when discussing all perceived shortfalls in conduct.

These conversations of concern are valuable in advising on what improvements are required in agreed timeframes and in signposting support and guidance from both HR and trade unions as and when this applies. Regular review meeting(s) will be held, and this will be followed up in writing. A verbal warning may be given to the staff member at this stage. Support or re-training should be offered where relevant. Matters that may be considered alleged gross misconduct may proceed directly to the formal stage.

6. Formal Stage

Where informal action has failed to bring about the necessary change in behaviour or where the breach is more serious, the formal stages will be implemented. The line manager will inform the staff member that the formal stage has been triggered and will advise them of the next steps, including the approach to investigation and with sufficient details in writing ([see Toolkit for further guidance and templates](#)).

Investigation

The purpose of the investigation is for the line manager to establish a fair and balanced view of the facts surrounding the alleged misconduct. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay. The nature and depth of the investigation required will vary from case to case. In some cases, this will require the holding of an investigatory meeting with the staff member before proceeding to a disciplinary meeting. In others, the investigatory stage will be the collation of evidence for use at a disciplinary meeting.

In serious cases, the line manager may consider a more in-depth investigation to clearly outline the scope of the investigation. Independent investigator(s) may be appointed to carry out the investigation on the line manager's behalf. If an allegation could constitute an offence under criminal law, the University may refer the matter to the police. In most circumstances, the University will continue to carry out its own investigation into alleged misconduct ([see Toolkit for further guidance and templates](#)).

Suspension

Suspension may be considered in cases of alleged gross misconduct (including breaches of [Safeguarding](#)) and the line manager should discuss this with HR. A suspension must be carried out by a member of SLT. Guidance notes on Suspending a Staff Member and Alternatives to Suspension can be found in this procedure's Tool kit.

Formal Meeting

Once the investigation has taken place and the facts have been established, the staff member will be invited to a formal disciplinary meeting if it is considered there is a case to answer. The staff member under investigation has the right to be accompanied by a trade union representative or a workplace colleague at the formal meeting.

The purpose of this meeting is for the evidence to be presented and considered. The meeting will normally be chaired by an appropriate independent manager. A member of HR will be present.

In cases of alleged gross misconduct, the panel will consist of two independent members of SLG (which could include SLT) one of whom will be the Chair. A member of HR will be present.

The chair will be responsible for managing proceedings and ensure transparency and objectivity, with support from HR. Prior to the formal meeting the staff member will be provided with copies of any papers or witness statements at least 5 working days in advance.

At the formal meeting, the line manager/ investigator(s) present their case. The staff member can respond to the evidence presented and answer any allegations that have been made. The staff member will also be able to question any points raised or query information provided by the line manager or investigator(s).

Non-attendance (sick leave)

If the staff member or companion cannot attend the meeting due to unforeseen circumstances outside their control, they should inform the line manager as soon as possible in advance. Another meeting will be arranged within 5 working days of the originally planned date. However, failure to attend the re-arranged meeting, without good reason may result in a decision being taken in their absence.

The formal meeting will normally be re-arranged only once. If a staff member is unable to attend work owing to sickness absence, a referral to Occupational Health (OH) will be discussed to determine a staff member's fitness to attend work for the purpose of attending a meeting in accordance with agreed service level agreements with the OH provider.

Outcomes

Once the manager(s) conducting the meeting is satisfied that all relevant information has been gathered, the panel should adjourn to consider the facts, reach a conclusion, and agree the level of sanction to be applied. Sanctions include:

- No formal action
- First Written Warning
- Final Written Warning
- Dismissal / Summary Dismissal

Please see Sanctions and Panel Guidance for further information.

The staff member will be written to within 10 working days of the meeting and advised of the outcome.

7. Appeal against formal action

The staff member has the right to appeal against the outcome of any formal disciplinary action within 10 working days of receiving an outcome letter. An appeal should be submitted to the HR Director.

The right of appeal is essential to natural justice but is not a re-hearing. Grounds for appeal include:

- The appropriate procedure was not followed correctly which would have made a material difference to the outcome.
- The disciplinary penalty was too harsh given the evidence available.
- New evidence has come to light that could not reasonably have been known at the time of the formal disciplinary meeting which may have an impact on the decision and the sanction imposed.

Warning/Misconduct Appeal: A member of SLG will normally serve as the appeal chair and will be independent of the previous stages of the case.

Dismissal/Gross Misconduct Appeal: A panel comprising of two SLG members, which could include a member of SLT and will be independent of the previous stages of the case, with a Board of Governor or an externally sourced representative.

Independence can be achieved by approaching a member of SLT outside the faculty or directorate.

The staff member will be informed of the outcome as soon as is reasonably possible (but usually within 10 working days) following the appeal meeting. This is the final stage and there is no further right of appeal.

The line manager will be informed at all stages of the outcomes.