



## **Staff Disciplinary Procedure**

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# Green Templeton College University of Oxford

## Staff Disciplinary Policy

### A. Policy Statement

The purpose of Green Templeton College's Staff Disciplinary Procedure is to help and encourage all employees to achieve and maintain required standards of conduct and work performance and to ensure that a fair and consistent approach is taken.

The aim is also to ensure that the College's services are maintained and effective while all staff are treated fairly and equitably.

This procedure sets out the action that will be taken in response to alleged misconduct or poor work performance. Line managers must ensure that their staff are aware of general and specific rules, standards and procedures covering work and conduct. Employees must familiarise themselves with these standards and procedures and follow them. In appropriate cases of minor misconduct or unacceptable performance or behaviour, managers should use informal action before formal disciplinary action is taken. This may include setting clear targets and expectations, monitoring progress over a reasonable time period and providing additional coaching or training.

The College will work to avoid the need for formal disciplinary action, through the provision of clear guidance on the standards required

### B. Key Principles

1. The day to day supervision of employees is part of the normal managerial process and is outside the scope of this procedure.
2. All disciplinary action, whether informal or formal, will be carried out promptly.
3. No formal disciplinary action will be taken until the matter has been fully investigated and any mitigating circumstances have been taken into consideration.
4. If the formal disciplinary procedure is to be implemented, an employee will be given advanced notification in writing, to attend a disciplinary interview.
5. The written notification will advise the employee of the nature of the complaint against them and of the existence of any supporting evidence.
6. The employee will be given the opportunity during the disciplinary interview to state their case.

7. At every stage of the formal procedure an employee has the right to be accompanied by a fellow employee of their choice or a Trade Union official.
8. The decision on the action to be taken will be made by the manager hearing the case, who may choose to adjourn the meeting before reaching this decision.
9. Details of any disciplinary action will be confirmed in writing (with the exception of oral warnings) and the written notification will state clearly:
  - i) the conduct concerned
  - ii) the improvement required and the time limit for this,
  - iii) the nature of further disciplinary action in the event of failure to improve or further offences,
  - iv) the method of appeal.
10. An employee has the right to appeal against any disciplinary action taken against them.
11. Disciplinary warnings will normally progress from verbal warning to written warning, to final written warning or more severe penalties. However, there could be occasions when this progression will not be followed if the circumstances of a case warrant such

### **C. Scope of the Disciplinary Procedure**

There are three areas of conduct or work performance which could require the use of the procedure:

- Incompetence or Inefficiency
- Misconduct
- Gross Misconduct

Incompetence or Inefficiency. The disciplinary procedure should not be used to deal with cases of incompetence or inefficiency unless there is evidence that some fault lies with the employee or that the employee is incapable of maintaining a satisfactory level of performance. It is not envisaged that the formal procedure will be used in case of temporary or isolated difficulty.

A manager should not consider taking formal disciplinary action against an employee before:

- the employee's attention has been drawn informally to the ways in which their performance is considered to be deficient by the immediate supervisor, who will maintain a note of the discussion.
- the employee has been given any appropriate additional assistance including training.
- The employee has had appropriate direct supervision.

It is in the interests of all concerned that these issues are addressed as quickly as is reasonably practicable. The employee will be advised that if, after these steps have been taken, their standard of performance is still considered to be inadequate the formal disciplinary procedure will be brought into use.

Misconduct. Misconduct could cover any failure to comply with the accepted standards at work to be expected of an employee. Misconduct includes, but is not limited to, the following:

- persistent absenteeism and/or lateness;
- unauthorised absence;
- minor damage to College property;
- failure to observe College rules and procedures;
- failure to devote the whole of your time, attention and abilities to College business and its affairs during normal working hours;
- objectionable or insulting behaviour, harassment, bullying or bad language, rudeness towards the College's members, members of the public or other employees;
- unsatisfactory standards or output of work;
- unreasonable refusal to follow an instruction issued by a manager or supervisor;
- smoking on College premises.

This list is not exhaustive and in some circumstances these examples could be serious enough to be regarded as gross misconduct. Breaches of discipline by an employee which are not of a similar nature may be added together and result in progression through the disciplinary procedure.

Gross Misconduct. The consequence of Gross Misconduct is normally summary dismissal; that is dismissal without notice or payment in lieu of notice following a disciplinary hearing. Gross Misconduct can be a single act or omission, or short course of conduct, or an accumulation of those things which taken individually would not amount to Gross Misconduct. Gross Misconduct includes, but is not limited to, the following:

- stealing from the College or its members;
- other offences of dishonesty;
- falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
- falsification of records, reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- sexual misconduct at work;
- fighting with or physical assault on members of staff or the public;
- deliberate damage to or misuse of the College's property;
- serious damage to the College's property;
- drunkenness or being under the influence of illegal drugs while at work;
- possession, custody or control of illegal drugs on the College's premises;
- serious breach of the College's rules, including, but not restricted to, health and safety rules and rules on computer use;
- gross negligence;
- conviction of a criminal offence that is relevant to the employee's employment;
- conduct that brings the College's name into disrepute; and
- discrimination or harassment of a fellow worker on the grounds of sex, sexual orientation, race, disability, age or religion or belief.
- Serious bullying or harassment

There could be mitigating circumstances which might allow the above examples to be treated less seriously than Gross Misconduct.

In addition, if your work involves driving for the College, the following amount to disciplinary offences:

- use of the College's vehicles without approval or private use without authorisation;
- failure to report any incident whilst driving our vehicles, whether or not personal injury or damage occurs;
- failure to report any driving conviction, or any summons which may lead to your conviction;
- carrying unauthorised goods or passengers in the College's vehicles or the use of our vehicles for personal gain; and
- loss of driving license where driving on public roads forms an essential part of the duties of the post.

#### **D. Suspension**

An employee may be suspended on full pay for a reasonable period for purposes of investigation, or for the protection of individuals. Suspension should take place as soon as possible following the alleged incident and should be carried out by the line manager or in their absence the most senior person available at the time. The employee should be advised of the principal reason for the suspension and that the action does not in itself constitute a disciplinary sanction.

#### **E. Investigation**

The line manager, or another manager with suitable experience or training, will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the College's policies or rules or may otherwise be a disciplinary matter. However, there may be occasions when it is appropriate for the College to appoint an alternative 'Investigating Officer' externally to the College. The employee will be informed as soon as possible as to the fact of an investigation, the name of the Investigating Officer and when it has been concluded.

Depending on the circumstances of the case, the employee may be invited to attend an investigatory interview. If an employee is invited to attend an investigatory interview, the College will allow them to be accompanied by a colleague or a trade union official, even though this is not a statutory right. The College reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing.

#### **F. Formal Procedure**

The formal disciplinary procedure will be implemented only where there appears to be a serious problem of conduct or performance, or where an informal approach does not improve or rectify matters. Wherever formal disciplinary action is being considered the procedure follows a 3-step process as detailed below:-

##### **Step 1 – The Disciplinary letter**

Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct, the employee will be invited to attend a

disciplinary hearing before their line manager or another suitably experienced or trained manager.

In the event of poor performance by an employee, disciplinary hearings will usually be undertaken only where counselling of the employee, further training (if appropriate) and oral warnings have failed to produce a satisfactory improvement to performance.

In the event of a disciplinary hearing taking place the College will:

- a. give the employee a minimum of 48 hours' advance notice of the hearing;
- b. tell the employee the purpose of the hearing and that it will be held under the College's disciplinary procedure;
- c. explain the employee's right to be accompanied at the hearing by a fellow worker or trade union official;
- d. give the employee written details of the nature of his/her alleged misconduct; and
- e. provide to the employee all relevant information (which should include statements taken from any fellow employees or other persons that the College intends to rely upon against the employee) not less than two working days in advance of the hearing.

Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. The College will comply with (a) above in respect of giving notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence.

Where the chosen companion is unavailable on the day scheduled for the meeting, it will be rescheduled, provided that the employee proposes an alternative time within five working days of the scheduled date.

## **Step 2 - Disciplinary Hearing**

A disciplinary hearing will normally be conducted by the line manager or another suitably experienced or trained manager, together with the College's HR Manager who will attend for the purpose of noting the meeting and providing advice as to the College's HR procedures. The Principal will always be notified about any disciplinary hearing. Any member of management responsible for the investigation of the disciplinary offence(s) shall not be a member of the panel, although such managers may present any supporting facts and material to the disciplinary hearing. The employee will be entitled to be given a full explanation of the case against him/her and be informed of the content of any statements provided by witnesses.

The College may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information). The employee will be informed of the period of any adjournment.

As soon as possible after the conclusion of the disciplinary proceedings, the disciplining manager will convey the decision to the employee and will also inform the employee what disciplinary action, if any, is to be taken. The decision will be confirmed in writing. The employee will be notified of his/her right of appeal under this procedure.

## **Disciplinary Action**

### **STAGE ONE Formal Verbal Warning**

In the case of minor or first shortcomings in an employee's conduct or performance, a formal verbal warning will be given. A file note of the warning will be recorded on the employee's personal file for six months, to be disregarded for disciplinary purposes after this time. A further file note will be made following the review meeting at the six month stage.

### **STAGE TWO Written Warning**

For more serious matters or where there have been further problems with performance and/or conduct following an oral warning, a written warning will be given. The warning will specify the reason for which it is given, the improvement to conduct or performance required and the time scale in which it must occur and will notify the employee that failure to improve will result in the issue of a final written warning. The warning will be disregarded for disciplinary purposes after twelve months satisfactory conduct or performance.

### **STAGE THREE Final Written Warning**

In cases of further breach of previously identified standards, or first offence of serious misconduct, a final written warning will be given. The warning will clearly explain that any repetition of the offence or other serious misconduct within a period of twelve months will result in further action which may include dismissal. The warning will be disregarded for disciplinary purposes after twelve months satisfactory conduct or performance.

### **STAGE FOUR Dismissal**

In cases of gross misconduct, further serious misconduct or if there is no satisfactory improvement the decision to dismiss will normally be taken. The alternatives to dismissal will include demotion if a more suitable post is available or transfer to another department. The employee will be given written notification of the reasons for dismissal and information regarding the right of appeal, within seven days.

## **PERIOD OF WARNINGS**

### *1. Formal verbal warning*

A formal verbal warning will normally be disregarded after a six month period.

### *2. Written warning*

A written warning will normally be disregarded after a twelve month period.

### *3. Final written warning*

A final written warning will normally be disregarded after a twelve month period.

### **Step 3 - Appeal**

1. You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.
2. If you wish to exercise this right you should write to the line manager senior to the manager who heard the case previously, within 14 days of the disciplinary/capability decision being taken.
3. An appeal against a formal warning or dismissal should give details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.
4. The appeal procedure will normally be conducted by at least one College Officer, not previously connected with the process, so that an independent decision into the severity and appropriateness of the action taken can be made.

The College Officers are as follows:-

Principal

Bursar

Senior Tutor

Dean

Tutor for Admissions

Vice Principal

Tutor for Admissions

Secretary to the Governing Body

5. If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.
6. You may be accompanied at any stage of the appeal hearing by a fellow employee or a Trade Union official. The result of the appeal will be made known to you in writing within five working days after the hearing.
7. The appeal must decide on the basis of both sets of representations, together with any subsequent facts that may have come to light, whether or not to uphold the disciplinary sanction. In the event that the appeal finds for the employee, the appeal shall be allowed and all records of the disciplinary sanction shall be removed from the employee's record. In the event that the appeal does not accept the representations made by or on behalf of the employee, the appeal must uphold the disciplinary sanction.
8. Where an appeal lies against a dismissal, the decision to dismiss will have had immediate effect and, therefore, if the dismissal is by notice, the period of notice will already have commenced on the date that the decision was given. If the decision was to dismiss the employee summarily without notice, the College will be under no obligation to reinstate or pay the employee for any period between the date of the original dismissal and the appeal decision and the original date of termination will stand. In the event that the decision to dismiss is overturned, the employee will be reinstated with immediate effect and he/she will be paid for any period between the date of the original dismissal and the successful appeal decision. His/her continuous service will not be affected.
9. The appeal decision will be final.

### **G. Review of the Disciplinary Procedure**

This procedure will be periodically reviewed. Any amendment to it will be notified to employees in writing by the College's HR Manager and such written advice will inform employees as to the date when any amendment comes into effect.