



Heythrop College

Disciplinary Procedure for Support Staff

Introduction

1. This procedural document does not apply to those academic-related staff who are mentioned in the College's Ordinance, namely the Librarian and the Registrar.
2. The procedure has been updated in light of the April 2009 ACAS Code of Practice on disciplinary and grievance procedures, which states that in order to deal with disciplinary (and grievance) issues fairly, the following should take place:
 - *Employers and employees should act consistently.*
 - *Employers should carry out any necessary investigations, to establish the facts of the case.*
 - *Employers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.*
 - *Employers should allow employees to be accompanied at any formal disciplinary or grievance meeting.*
 - *Employers should allow an employee to appeal against any formal decision made¹.*
3. The College has various policies about the standards of conduct and performance expected from members of staff. Managers need to ensure that their staff are made aware of the standards expected of them while carrying out their duties. The disciplinary procedure has been created so that staff will be encouraged to maintain satisfactory standards of conduct and job performance.
4. It is the responsibility of the line-manager to monitor staff performance and conduct and try to resolve any issues which might arise. The line-manager will decide what matters are likely to warrant disciplinary action being taken.
5. The effective use of the procedure will ensure that staff are warned at the earliest opportunity of any misconduct or failure in job performance and creates a fair process for dealing with disciplinary issues.
6. The Human Resources Manager will advise managers and staff at various stages of the disciplinary procedure. It is important that line-managers contact the Human Resources Manager before starting the formal disciplinary procedures. This will ensure that the correct procedure is followed and will also ensure that all relevant documentation is copied to the personnel files.
7. The Human Resources Manager will keep copies of documentation relating to each case and will assist in keeping track of important dates during the disciplinary

¹ ACAS Code of Practice 1: Disciplinary and Grievance Procedures, April 2009, page 4.

period (for instance, a date when a warning will be deleted from the member of staff's file).

8. The disciplinary procedure below does not extend to members of staff while they are on probation. Please refer to the *Probation Policy and Procedures* document for further details.

Informal Discussions

9. Where performance or conduct does not meet the required standards, the line-manager will arrange to have informal discussions with the member of staff. The line-manager will make it clear to the member of staff what the issue is, and offer any suggestions on how to improve performance or conduct.
10. The line-manager will keep a note of this discussion. This will include the matter of concern, the date of the discussion and any suggestion made to the member of staff. The note should be copied to the member of staff, and kept by the line-manager for a period of six months.

Formal Procedure

11. Where informal discussions or meetings do not bring about the desired improvement in performance or conduct, the line-manager will initiate the formal disciplinary procedure by writing to the member of staff in question; the letter would state the matter for which the formal disciplinary procedure is being started. The letter will state that the member of staff will be invited to a meeting with his/her line-manager and will state that the member of staff can be accompanied. The line-manager will arrange for the meeting to take place in a suitable meeting room where there will be no unnecessary interruptions.
12. The two main stages of the disciplinary procedure are as followed, with details of each stage on the pages below:
 - First stage of the formal procedure;
 - Final written warning.

Representation during the Formal Procedure

13. As noted above, at any stage of the formal disciplinary procedure, any member of staff involved in the interviews or hearing has the right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.
14. A fellow worker who has agreed to accompany a colleague to a disciplinary interview or hearing will be entitled to a reasonable amount of paid time off to carry out his/her duties. A lay trade union official will also be permitted to take paid time off to accompany a worker to an interview or a hearing, provided that the official works at the College.

Keeping Records of Disciplinary Proceedings

15. At each stage of the formal disciplinary procedure, written records will be kept by the line-manager and also in the Human Resources Office, in accordance with the principles of the Data Protection Act 1998, and will be treated as strictly confidential. Managers or supervisors should therefore ensure that copies of correspondence and records of meetings are sent to the Human Resources Office after each stage of the formal disciplinary process. It is important that these documents are sent promptly so that any annual increment payable can be suspended if necessary.

Annual Increments and Formal Disciplinary

16. If a member of staff who is on the 51-point pay scales has formal disciplinary proceedings against him/her, he/she will not be receive an annual increment, if one is due; this does not affect any annual cost of living increases applied to the pay structure.
17. When it is established that performance or conduct is satisfactory, the line-manager will meet with the member of staff to inform him/her that his performance and conduct is now satisfactory. The line-manager will then notify the Human Resources Manager.
18. The Human Resources Manager will notify staff that their annual increment has been suspended or reinstated. Reinstatement will be from the date of the meeting at which the member of staff was informed of his/her satisfactory performance. If the line-manager can confirm satisfactory performance from an earlier date, back-dating on the increment will be allowed to that date.

First stage of the formal procedure

19. The line-manager will arrange an interview with the member of staff, giving at least five working days' notice for him/her to attend, and letting him/her know that it is a disciplinary meeting.
20. If the issue is based on a specific incident, the interview should, if reasonably possible, take place within five working days of the incident.
21. The official notification for the interview will also state that the member of staff has the right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.
22. At the meeting, the line-manager will state the member of staff is being given a first stage written warning for unsatisfactory conduct or job performance. In a case of unsatisfactory conduct, the written warning will state the nature of the misconduct, the change of behaviour required, and the right to appeal. The warning will also state that a final written warning may be considered if there is no sustained satisfactory improvement or change in conduct with a specified period of time.

23. In a case of unsatisfactory job performance, the warning will state the performance problem, the improvement required, the timescale within which performance must be improved, any assistance which may be given and the right to appeal. The warning will also state that a final written warning may be considered if performance is not improved within the given timescale.
24. A record of warning will be kept for six months by the line-manager and a copy sent to the Human Resources Office.

Final Written Warning

25. If the member of staff's conduct or performance is still unsatisfactory within the period which was specified in the previous warning, a final formal written warning will be issued.
26. The member of staff will be sent notification asking him/her to attend a disciplinary meeting, stating what he/she is alleged to have done; the notification will also state that he/she may be accompanied by a fellow colleague or a union representative if he/she wishes to be.
27. At the meeting, the line-manager will state that there has been no improvement in conduct or performance since the second warning had been given. The member of staff will be allowed to give reasons for his conduct or performance.
28. The line-manager will then state that a final formal warning is being given and will give a specific period of time within which the member of staff will be expected to improve his/her performance or conduct.
29. The line-manager will clearly state that failure to improve or rectify the situation will result in a recommendation for dismissal.
30. The line-manager will inform the member of staff that he/she has the right to appeal against the third formal warning decision by writing to the Director of Administration and Clerk to the Governing Body, and may do so within five working days of being issued the warning. Refer to the section on appeals, below.
31. The final formal warning will be written up after the meeting has taken place, and must state clearly that failure to comply will result in recommendation for dismissal.
32. A copy will given to the member of staff and a copy kept on file for a period of one year, and copy will be sent to the Human Resources Manager.

Dismissal

33. If, after the final formal warning has been issued, there is no change in the conduct or job performance in a specified period, the line-manager will recommend to the Chair of the Staffing Committee that the member of staff be dismissed.

34. The Staffing Committee, or some members of the Committee nominated by the Chair, will consider all the information relevant to the case; it may request further information from the line-manager.
35. If it is necessary, the Staffing Committee might ask for the member of staff to be suspended with full pay pending the conclusion of their enquiries. The Human Resources Manager will notify the member of staff if this is to take place.
36. Once the Staffing Committee has made decision to dismiss a member of staff, the Human Resources Manager will write to the member of staff informing him/her of the dismissal and stating clearly the reason for dismissal and the date from which employment will terminate.
37. The letter will also state that the member of staff can appeal against the dismissal by writing to the Director of Administration and Clerk to the Governing Body. He/she has ten working days from the date of receipt of the dismissal letter within which to make the appeal.
38. The members of staff dismissed will be given notice according to his/her contract, but will be suspended from duties until the date of termination of employment.

Appeals

39. Appeals against formal warnings and against dismissals can be made in writing to the Director of Administration and Clerk to the Governing Body.
40. A member of staff wishing to appeal against a formal warning should do so within five working days of receipt of the written notice of warning. While appeals against dismissal should be made within ten working days of receiving the written notification of the dismissal. The appeal notice must specify the reason(s) for the appeal.
41. The Director of Administration and Clerk to the Governing Body, will appoint an Appeals Committee comprising of up to three lay members of the Governing Body who have not been previously involved in the case.
42. The Director of Administration and Clerk to the Governing Body, who will act as secretary to the appeal, will invite the member of staff to a hearing, giving at least five working days' notice, and informing him/her of the right to have a trade union representative or fellow worker present at the hearing.
43. Where disciplinary action has taken the form of dismissal, the appeal should be heard during the period of notice. In the case of summary dismissal or dismissal with pay in lieu of notice, the period would be that which otherwise constituted the period of notice for the individual concerned.
44. The member of staff will be informed of the Appeals Committee members in the invitation to the hearing, along with the time and date and venue of the hearing.

The member of staff may object to any or all of the Committee members on just cause.

45. The member of staff will be able to call witnesses and produce documents relevant to his/her defense at the hearing.
46. In a case of alleged physical or mental incapacity, the College shall and the member of staff may call medical evidence.
47. The member of staff and/or the representative shall have the right, in reasonable time before the hearing, to inspect any documents to be produced by the College, except medical reports, subject to the provisions of the Access to Medical Reports Act 1988, and to be informed of any witnesses who may be called by the College.
48. The College shall have a reciprocal right to ask for disclosure of any relevant documentary evidence prior to the appeal hearing.
49. If, at any stage, an appeal against dismissal or other disciplinary action is upheld, reference to such dismissal or disciplinary action shall be deleted from the member of staff's records, and the member of staff will be notified in writing accordingly.
50. If a lesser sanction is substituted for dismissal, the member of staff will be notified in writing.
51. The right of appeal under this disciplinary procedure applies only to termination of employment for disciplinary reasons and not to termination of employment:
 - of employees over normal retirement age;
 - on grounds of redundancy;
 - at the expiry of a fixed-term contract.

52. Gross Misconduct

53. Offences which are considered as matters of gross misconduct will lead to instant dismissal.
54. There is no exhaustive list of offences which are considered acts of gross misconduct, however a few of such offences are listed below.
 - theft, fraud, deliberate falsification of College documents
 - criminal activities;
 - fighting, assault on another person;
 - sexual or racial harassment;
 - deliberate damage to or misuse of College property;
 - alcohol or drug abuse;
 - gross negligence;
 - gross insubordination.

55. In cases of gross misconduct, the member of staff will be suspended prior to the dismissal, with normal remuneration, while an investigation takes place. The Staffing Committee, or members of the Committee, will be responsible for conducting the investigation. The member of staff will be given a letter stating the reasons for the suspension.
56. The investigation should not normally last for more than ten working days. Only after a full investigation of the incident will the member of staff be dismissed.
57. If appropriate, the member of staff will be given the opportunity to state the reasons for his/her actions and may be asked to attend a meeting with (members of) the Staffing Committee. The member of staff would be notified in written to attend the meeting and will be informed that he/she may be accompanied by a union representative or a fellow worker if he/she wishes to do so.
58. Dismissal on the grounds of gross misconduct is without notice, and the member of staff will be given payment in lieu of notice.
59. The Staffing Committee, or members of the Committee, will make the decision to dismiss the member of staff after considering all the information relevant to the case.
60. The Human Resources Manager will write to the member of staff stating that he/she has been dismissed, giving the reason for dismissal. The letter will also state the date of termination of employment and that the member of staff has the right to appeal against the dismissal.
61. The member of staff can appeal against the dismissal by writing to the Director of Administration and Clerk to the Governing Body. He/she has ten working days from the date of receipt of the dismissal letter within which to make the appeal.