

**HEYTHROP COLLEGE  
University of London**

**Heythrop College HR-Related Ordinances  
– July 2009**

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## **Ordinance on Probation**

### **Introduction**

1. In accordance with the Revised Model Statutes, the purpose of this Ordinance is to set out the procedure in connection with probation for staff at Heythrop College. All staff who have contracts of three months or more are subject to a period of probation.
2. The procedure does not apply to temporary hourly paid employees who may be contracted to work at Heythrop for two or three terms.
3. Staff appointed at the College will be notified of the length of the probationary period when they are offered the post.
4. Full details of the College's probationary procedure can be obtained via the staff intranet or by contacting the Human Resources Manager. The College's policy and procedure contains the forms required to record details of the probationary interviews and outcome of the probationary period.

### **Period of Probation**

5. The length of academic staff probation is usually three years; this can be extended for a fourth year in any case of doubt about confirmation in post. The probation period can also be shortened to take account of previous lecturing appointments in other higher education institutions.
6. The length of period of probation for library, administration and other support staff in Heythrop Grade 1 to 7 is usually six months; for staff in Grades 8 and above, the probationary period would usually be one year.
7. All temporary/fixed-term appointments of between three and 17 months will be subject to a probationary period of one third of the total period of the initial appointment; staff with temporary/fixed-term contracts of 18 months or more will be subject to a six-month probationary period.

### **Probationary Review**

8. The line-manager has the responsibility of carrying out the probationary reviews; at the first probationary review interview, which should take place within the first month of appointment, the line-manager will set objectives which will be reviewed during the course of the probationary period.
9. Probationary reviews should then take place at regular intervals – for a three year probationary period, these will be six, 12 and 24 months after the employee's start date, with a final review just before the end of the period.
10. The line-manager will record objectives on the *PR1 Probation Plan* form and will record details of any probationary reviews on *the PR2 Probation Review*

form. These will be signed by both the line-manager and the member of staff who is on probation.

### **Confirmation of Appointment**

11. Once the member of staff on probation has successfully completed the probationary period, the line-manager will fill in the *Final Review Only* section of the PR2 form confirming the appointment of the member of staff.
12. Both the line-manager and the staff member will sign the PR2 form and this will be sent to the Human Resources Manager.

### **Extension of Probationary Period**

13. If the period of probation is to be extended due to unsatisfactory performance, the employee should be notified before the end of the original probationary period. The line-manager will send a copy of the PR2 form to the Human Resources Manager.
14. The line-manager will set appropriate review dates during the extension period and will inform the Human Resources Manager of these dates.
15. A probationary period cannot be extended more than once in any contract.

### **Non-Confirmation of Appointment**

16. If the member of staff does not successfully complete the probationary period, the line-manager will need to contact the Human Resources Manager before notifying the candidate of termination of employment.
17. Candidates should be informed of the decision to terminate employment before the end of the probationary period. Therefore, the final probationary review should take place before the end of the period.
18. The member of staff will receive notification in accordance with the statutory requirements; he/she will:
  - a) receive a written notification stating reasons for the dismissal,
  - b) be given the opportunity to have a meeting to discuss the reason for the decision to dismiss (to which he/she may be accompanied by a fellow worker or trade union representative).
  - c) have the right of appeal.
19. The appeals procedure is found in the College's procedure/ordinance on termination of contracts and appeals available on the intranet or from the Human Resources Manager.

## **Ordinance on Redundancy**

### **1 Introduction**

- 1.1 This ordinance on the College's redundancy procedure does not apply to staff whose fixed-term contract has come to an end, the completion of the task or the occurrence or non-occurrence of the specific event which defines the fixed term.
- 1.2 In this procedure, unless the context indicates otherwise, references to College postholders shall be construed to refer either to the postholder or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.
- 1.3 The College shall ensure security and continuity of employment for as many of its staff as is reasonably practicable. Every reasonable effort will be made to avoid redundancy situations arising and to avoid making individual members of staff redundant.

### **2 Definition of Redundancy**

- 2.1 For the purposes of this procedure, the legal definition of redundancy is used; this states that a redundancy occurs when:
  - a) the employer has ceased or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or
  - b) the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or diminish.

(Section 139 of the Employment Rights Act 1996)

### **3 Consultation**

- 3.1 The Finance and General Purposes Committee, on advice of the Senior Management Team, may decide that there may be the need for redundancies to take place. It will make recommendations to the Governing Body, who may then decide that redundancies are necessary. As soon as it is known, formal consultation shall take place between the College and the appropriate staff representatives. This will be done in accordance with current legislative practices (as required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992). Consultation may be done collectively or with specific individuals who are likely to be affected by the redundancy.

#### **4 Institution of Procedures**

- 4.1 The Governing Body, on advice from the Senior Management Team shall consider whether the circumstances are such that the redundancy procedures should be instituted, and if so, what group(s) of staff should be affected by the redundancy.

#### **5 Redundancy Panel**

- 5.1 The Principal shall appoint a Panel to oversee the procedures to make decisions. The panel shall consist of at least five members and shall include at least one lay member appointed by the Governing Body and at least one member of academic staff appointed by the Academic Management Team. The Principal will be the Chair of the Panel.
- 5.2 The Human Resources Manager shall be in attendance to provide information and advice and will act as Secretary.

#### **6 Selection for Redundancy and Representations**

- 6.1 The Panel will decide on whether to invite applications for voluntary redundancy, and on what basis these would be accepted. If there are insufficient agreed voluntary redundancies, the Panel shall decide on which members of staff fall within the pool of selection.
- 6.2 The Panel will also decide, following consultation with the appropriate representatives, on the selection criteria for redundancy to be employed.
- 6.3 The Panel will then inform those members of staff falling within the pool of selection, in writing, of the selection criteria to be used.
- 6.4 Any member of staff (or groups of staff) selected to be in the pool of staff for redundancy shall be invited to make representations to the panel, either in writing or orally. The member of staff may be accompanied to the meeting with the Panel by a fellow worker or trade union representative.

#### **7 Decisions**

- 7.1 Within ten working days of the last of the representations, and after all information and advice have been considered, the Panel will then decide on who will be made redundant. The staff who will be made redundant shall then be informed in writing of the College's decision to dismiss on the grounds of redundancy, the selection criteria used and why they have been chosen for redundancy.
- 7.2 Staff who have not been selected for redundancy will also be notified within 10 days of the last representation.

- 7.3 The staff to be dismissed will be asked to attend a meeting with the Panel, to which they may be accompanied by a fellow worker or trade union representative.
- 7.4 At the meeting with the Panel, the Principal will state the reason for the redundancy and how the selection criteria had been used. The dismissal will be effective from the date of this meeting; the Secretary will therefore notify the member of staff of the decision to dismiss on this day.
- 7.5 The member of staff (or representative) will be allowed to appeal against the decision to dismiss.

## **8 Appeals**

- 8.1 Staff selected for redundancy may appeal to the Governing Body on any matter apart from the decision to institute the redundancy procedures. All appeals must be in writing to the Clerk to the Governing Body within 20 working days of the date of the letter to dismiss.
- 8.2 The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission.
- 8.3 Subject to # 8.1 above, an appeal may be made under this procedure after a member of staff has left the College following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application
- 8.4 The Chair of the Governing Body shall appoint a Committee of at least three to consider the appeal, none of whom shall have had any prior involvement in the case. The Committee shall include a lay member of Council as chairman, and a member of the academic staff appointed by Academic Management Team.
- 8.5 The Clerk to the Governing Body will act as Secretary to the Appeal Committee. The procedure shall be determined by the Committee, and guidelines on procedure shall be issued from time-to-time.
- 8.6 The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The College may be represented by a member of staff or lawyer. The Committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward.
- 8.7 The member of staff and College representative may call witnesses. Where witnesses are called in person, they may be questioned by the appellant and by the College representative, as well as by the committee. The Committee may accept a witness's written statement in evidence where it is impracticable

for the witness to attend or where in the opinion of the committee it is for some other reason in the interests of justice to do so.

- 8.8 The committee shall have power to reach a final decision on the matter, or it may decide to remit the matter for further consideration by the original redundancy panel. In either case, the Committee shall give a reasoned decision in writing, which shall be sent to the member of staff and reported to the Governing Body.
- 8.9 Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

## **9 Notice Periods**

- 9.1 Notice periods for all staff who have been dismissed due to redundancy will be in accordance with notice periods stated in their contract of employment - currently three months' notice for academic staff and for staff on Grade 8 of the College's salary scales.

## **10 Redundancy Pay**

- 10.1 The Panel, in consultation with the Finance and General Purpose Committee and the Staffing Committee, will determine what the redundancy pay will be for each member of staff or groups of staff to be made redundant.

## **Ordinance on Discipline**

### **1 Introduction**

- 1.1 In accordance with the Revised Model Statutes, this Ordinance sets out the procedure to be taken when disciplinary action is required. Details of what will warrant disciplinary action is found in the Revised Model Statutes.
- 1.2 Where the line-manager is the Head of Department, appeals against decisions would go to the Principal, in the first instance. If the line-manager is the Principal, then appeals would go to the Chair of the Governing Body, in the first instance.

### **2 Informal Discussions**

- 2.1 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.
- 2.2 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.

### **3 Formal Procedure**

- 3.1 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 by a fellow colleague or a trade union worker. The line-manager will arrange for the meeting to take place in a suitable meeting room where there will be no unnecessary interruptions.
- 3.2 There are three stages in the formal disciplinary procedure:
  - First formal warning (oral)
  - Second formal warning (written)
  - Third formal warning (written)
- 3.3 However, if it is felt that the situation warrants it, the College can start at any stage of the procedure.

### **4 ACAS Code of Practice**

- 4.1 In accordance with the ACAS Code of Practice 2009, in order to deal with any issues fairly:

- Heythrop managers and their staff will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions;
- all managers and members of staff concerned are expected to act consistently;
- the College will carry out any necessary investigations, to establish the facts of the case;
- the member of staff concerned will be informed of the basis of the problem and will be given the opportunity to put his/her case forward before any decisions are made;
- any member of staff involved will be allowed to be accompanied at the formal disciplinary meeting by a fellow employee or a union representative;
- the member of staff facing disciplinary action will be given the right to appeal against any formal decision made.

## **5 Representation and Attendance During the Formal Procedure**

- 5.1 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 or a trade union representative. A member of staff 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.
- 5.2 The line-manager may also be accompanied to the meeting by a fellow worker or a trade union representative. The line-manager will notify the member of staff that the other person will be present during the meeting.

## **6 Keeping Records of Disciplinary Proceedings**

- 6.1 At each stage of the formal disciplinary procedure, written records will be kept by the line-manager and also in the Personnel Office, in accordance with data protection legislation, 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 Personnel Office after each stage of the formal grievance process. It is important that these documents are sent promptly so that any annual increment payable can be suspended if necessary.

## **7 Annual Increments and Formal Disciplinary**

- 7.1 If a member of staff 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.
- 7.2 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.

- 7.3 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 (up to three months).

## **8 First Formal Warning (Verbal)**

- 8.1 The line-manager will arrange an interview with the member of staff, giving at least ten working days' notice for him/her to attend, and letting him/her know that it is a disciplinary meeting.
- 8.2 The official notification for the interview will also state that the member of staff has the right to be accompanied by a fellow worker or a trade union representative.
- 8.3 At the meeting, the line-manager will clearly state the member of staff in being given an verbal warning and will state the reason why the warning is being given. The line-manager will also state that the warning is the first warning stage of the formal disciplinary procedure. The member of staff will then be given the opportunity to explain the reason for his/her performance or conduct.
- 8.4 The line-manager will let the member of staff know what standards are expected of him/her, and will discuss ways of rectifying or improving the situation.
- 8.5 The line-manager will then state a period of time within which the member of staff will be expected to improve his/her conduct or performance.
- 8.6 The line-manager will also inform the member of staff that he/she can appeal against the oral warning by writing to the Principal, and may do so within five working days of being issued the warning. Refer to *Section 12 – Appeals*.
- 8.7 The line-manager will then make a note of the warning which will be kept on file for a period of six months. A copy of the note of the verbal warning will be given to the member of staff and will also be sent to the Human Resources Manager.

## **9 Second Formal Warning (Written)**

- 9.1 If there is no improvement in the standard of conduct or job performance within the specified period, the line-manager will issue a second formal warning to the member of staff; this warning will be written.
- 9.2 This stage starts by the member of staff being sent official notification asking him/her to attend another disciplinary meeting to which he/she may be

accompanied by a fellow worker or a union representative; the notification will state what the member of staff is alleged to have done.

- 9.3 At the meeting, the line-manager will inform the member of staff that this is the second stage of the formal disciplinary procedure, stating the reason why a written warning is to be issued. The member of staff will be allowed to give reasons for his/her conduct or performance.
- 9.4 The line-manager will set another period within which the member of staff is expected to improve his/her conduct or performance, and will again discuss ways of improvement.
- 9.5 The line-manager will also inform the member of staff that he/she can appeal against the written warning by writing to the Principal, and may do so within five working days of being issued the second written warning. Refer to *Section 5 – Appeals*.
- 9.6 After the meeting, the line-manager will write up the warning, and give a copy to the member of staff. The written warning will state that this is the second stage of the disciplinary process, and all other details of the disciplinary warning, including the reason why the second warning has been given and the consequences of no improvement in conduct or performance in the specified period of time.
- 9.7 A copy of the written warning will be kept by the line-manager for six months and will also be sent to the Human Resources Manager.

## **10 Third Formal Warning (Written)**

- 10.1 If the member of staff's conduct or performance is still unsatisfactory after the review period which was specified in the second warning, a third (and final) formal warning will be issued. Like the second warning, this will also be written.
- 10.2 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 worker or a union representative if he/she wishes to be.
- 10.3 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.
- 10.4 The line-manager will then state that a third 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.
- 10.5 The line-manager will clearly state that failure to improve or rectify the situation will result in a recommendation for dismissal.

- 10.6 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 Principal, and may do so within five working days of being issued the warning. Refer to *Section 12 Appeals*.
- 10.7 The third formal warning will be written up after the meeting has taken place, and must state clearly that failure to comply will result in dismissal.
- 10.8 A copy will be given to the member of staff and a copy kept on file for a period of six months, and copy will be sent to the Human Resources Manager.

## **11 Dismissal**

- 11.1 If, after the third 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.
- 11.2 Once the Chair of the Staffing Committee agrees to dismiss a member of staff, he will notify the Human Resources Manager, who 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.
- 11.3 The letter will also state that the member of staff can appeal against the dismissal by writing to the Principal or the Chair of the Governing Body. He/she has ten working days from the date of receipt of the dismissal letter within which to make the appeal.
- 11.4 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.

## **12 Appeals**

- 12.1 Appeals against formal warnings and against dismissals can be made in writing to the Principal or to the Chair of the Governing Body.
- 12.2 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, which must be in writing, must specify the reason(s) for the appeal.
- 12.3 The Principal, or the Chair of the Governing Body if the appeal is from a member of staff who reports to the Principal, will appoint an Appeals Committee comprising of at least three lay members of the Governing Body who have not been previously involved in the case.

- 12.4 The Human Resources Manager (or the Clerk to the Governing Body in case of staff reporting to the Principal), 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.
- 12.5 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.
- 12.6 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.
- 12.7 The member of staff will be able to call witnesses and produce documents relevant to his/her defence at the hearing.
- 12.8 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.
- 12.9 The College shall have a reciprocal right to ask for disclosure of any relevant documentary evidence prior to the appeal hearing.
- 12.10 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.
- 12.11 If a lesser sanction is substituted for dismissal, the member of staff will be notified in writing.
- 12.12 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.

### **13 Gross Misconduct**

- 13.1 Offences which are considered as matters of gross misconduct may lead to instant dismissal.
- 13.2 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.

- 13.3 The investigation will normally last no more than 20 working days. Only after a full investigation of the incident will the member of staff be dismissed.
- 13.4 The member of staff will be given the opportunity to state the reasons for his/her actions and will be asked to attend a meeting with (members of) the Staffing Committee. The member of staff would be notified in writing to attend the meeting and will be informed that he/she may be accompanied by a fellow worker or a trade union representative if he/she wishes to do so.
- 13.5 Dismissal on the grounds of gross misconduct is without notice, and the member of staff will be given payment in lieu of notice.
- 13.6 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.
- 13.7 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.
- 13.8 The member of staff can appeal against the dismissal by writing to the Principal, or to the Chair of the Governing Body if he member of staff reports to the Principal. He/she has ten working days from the date of receipt of the dismissal letter within which to make the appeal.
- 13.9 The member of staff will be notified in writing of the date of the appeal and will be entitled to be accompanied by fellow worker or a trade union representative at the hearing of the appeal. The decision of the Principal or the Chair of the Governing Body will be notified to the member of staff within 5 working days of the conclusion of the appeal and shall be final.

## **Ordinance on Incapacity on the Grounds of Health**

### **1 Introduction**

- 1.1 This procedure is designed to deal with situations where a member of staff may be unable to perform his or her job satisfactorily, owing to persistent or serious ongoing or underlying physical or mental health problems, for example in the case of:
- a) long term sickness absence;
  - b) frequent intermittent sickness absence, which is found to be attributable to an underlying medical condition;
  - c) sustained difficulty in fulfilling the required standards of a role due to an underlying medical condition, although the member of staff is not absent from work.
- 1.2 Frequent intermittent sickness absence not attributable to an underlying medical condition may be more appropriately dealt with under the College's disciplinary procedure.

### **2 Attendance at Hearings**

- 2.1 A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend, trade union or other representative. Every effort should be made by the member of staff to attend a hearing fixed under this Ordinance.
- 2.2 If the member of staff is, for good reason, unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. If there are grounds to believe that the member of staff is refusing or failing to attend the hearing without good cause, a new date for the hearing shall be arranged promptly and the member of staff will be informed of that date.
- 2.3 At that hearing, the College may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the capability and performance by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

### **3 The Process**

- 3.1 Support provided in the early days of an illness may assist a member of staff to return to work or to full duties. Where the member of staff is absent from work through ill-health, both the head of department and the member of staff have a duty to maintain contact with one another. Appropriate action will depend on the nature of the illness and the circumstances of the case.

- 3.2 Normally after the member of staff has been absent from work for eight weeks, the Head of Department, together with a Human Resources Manager, will review the case and determine what action should be taken. This may include a request to visit the member of staff at home for a meeting. The purpose of the meeting is to gain a clearer understanding of the situation and establish whether the member of staff needs help, support or assistance from the College. The meeting will also provide the member of staff with an opportunity to discuss any concerns or questions he or she may have. The member of staff may be accompanied at the meeting by a fellow work colleague or a trade union representative.
- 3.3 Following the meeting, a decision shall be made to review the situation at a later date, seek further medical advice, or obtain advice from the College's Occupational Health Service.

#### **4 Suspension from Work**

- 4.1 The College may have reasonable grounds to believe that continuation at work by a member of staff will pose a risk to the health and safety of the member of staff or others. In these circumstances, the Principal may suspend the member of staff on full pay, requiring him or her to stay away from work pending medical advice. The decision to suspend the member of staff shall be confirmed in writing by the Human Resources Manager. Written reasons for the decision shall be recorded and made available to the member of staff. A member of staff who is suspended is prohibited from entering the College's premises and from participating in any College activities. Partial suspension may also be employed, allowing the member of staff to engage in some only of his or her normal duties. The suspension shall not be classified as sick leave, and the member of staff shall not be required to produce medical certificates during the period of suspension.
- 4.2 Wherever possible, when suspension of a member of staff is being considered, the member of staff will be interviewed and invited to make representations before any suspension order is made. He or she will be entitled to be accompanied at any such interview by a fellow worker or trade union representative.
- 4.3 A member of staff who has been suspended may make representations to the Principal concerning the suspension as soon as is reasonably practicable. The representations may be made in person or in writing, as the member of staff chooses, and may be put forward by the member of staff or his or her fellow worker or trade union representative.
- 4.4 A decision to suspend a member of staff shall be subject to review at the request of the member of staff after four weeks. Such a review shall not involve a hearing, but the member of staff, either personally or through an adviser, friend, trade union or other representative, shall be entitled to make written representations. The review shall be conducted by the Principal. In addition to the initial review, the Principal shall review the suspension on receipt of evidence of altered circumstances which affect the original decision.

## **5 Medical Advice**

- 5.1 Where there are concerns about the health of a member of staff, the College may ask for a written report from the member of staff's General Practitioner or Consultant or to refer the member of staff to the College's Occupational Health Adviser. The member of staff shall co-operate in all respects so as to enable the College to obtain such a report including the provision of any written consents by that member of staff for the disclosure of all his/her medical documents.
- 5.2 On receipt of the medical report or reports, the Human Resources Manager shall discuss with the member of staff and his or her head of department the advice received. The Human Resources Manager shall also discuss any adjustments which might be made to the member of staff's job, taking account of the requirements of disability legislation. If a member of staff remains absent from work, he or she shall still need to maintain contact with his or her department and continue to provide medical certificates.
- 5.3 Failure by a member of staff to co-operate in the obtaining of any report for the purposes set out under this paragraph 5 shall result in the College assessing the position and making its decision on the information that is available to it at the time that it is made.

## **6 Return to Work**

- 6.1 In many cases a member of staff will recover sufficiently to be able to return to full contractual duties. However in some circumstances temporary or permanent adjustments may be made to facilitate his or her return. These may include:
- a) changes to working practices or patterns;
  - b) a restriction on duties or changes in the way in which work is carried out;
  - c) provision of equipment;
  - d) changes in working hours.
- 6.2 A phased return to work may be considered, particularly where the member of staff has been away from work for a considerable length of time. Such arrangements shall normally only be put in place on medical advice and where the arrangements have been discussed and agreed beforehand between the member of staff and head of department. A reduction in hours is not a permanent right, and shall be subject to on-going negotiation with the Head of Department.
- 6.3 Where a phased return has been agreed, the member of staff shall receive the normal full rate of pay for a maximum period of two months. If the arrangement needs to be extended beyond two months, the member of staff's contractual hours of work and salary shall be adjusted accordingly, save that the member of staff's salary shall not be reduced below that which he or she would have received had he or she remained away from work.

- 6.4 Where medical evidence indicates that it is unlikely that the member of staff will be able to return to his or her current role within a reasonable period of time, it may be possible to consider re-deployment to an alternative role.

## **7 Termination of Employment**

- 7.1 Where the member of staff is a member of a pension scheme and has indicated a wish to pursue ill health retirement, the Director of Finance shall arrange for an application to be made to the scheme.
- 7.2 Where adjustments, re-deployment or ill-health early retirement are not viable options, the Principal shall write to the member of staff to the effect that his or her employment may be terminated on the grounds of incapability through ill health. This will be considered only as a last resort. The absence of medical diagnosis does not prevent dismissal. Under the Access to Medical Reports Act 1988 (as amended), members of staff have the right not to disclose their medical reports. In such cases, the member of staff shall be advised that in the absence of medical evidence, his or her further employment shall be assessed on the information available.
- 7.3 Where the Head of Department and Human Resources Manager consider that the circumstances may justify termination of the contract on the grounds of ill health, this shall be discussed at a meeting with the member of staff; the member of staff may be accompanied by a fellow worker or trade union representative to this meeting.
- 7.4 Where there is mutual agreement that termination of the contract is the most appropriate solution, the Human Resources Manager shall write to the member of staff confirming this. Where a member of staff's employment is terminated, this shall be with contractual or statutory notice, whichever is greater, during which time the member of staff shall receive full pay.
- 7.5 Where the member of staff does not agree that the circumstances justify termination of his or her contract on the grounds of ill health, then the matter shall be referred to a panel, to which the member of staff can be accompanied if required to attend.

## **8 Referral to an Appeal Panel**

- 8.1 The Principal shall appoint to the panel three members with no prior involvement in the case, including a lay member of Governing Body in the chair, and a member of the academic staff appointed by Academic Management Team. At least one member of the panel shall be medically qualified.
- 8.2 The Clerk to the Governing Body shall act as Secretary to the Panel. The Panel may seek independent legal advice. The College shall normally be represented by the relevant Head of Department, and by the Human Resources Manager.

- 8.3 At least ten working days before the hearing the Clerk to the Governing Body shall circulate the relevant documentation to the panel, the member of staff and the head of department, including representations from the member of staff, witness statements and medical evidence. Subject to the provisions of this ordinance, and to representations made by the member of staff, the order of proceedings at the hearing shall be at the discretion of the panel. Guidelines on the procedure will be issued from time-to-time.
- 8.4 The panel shall rely only on written or oral evidence presented at the hearing. Normally evidence shall be given by witnesses appearing in person, who may be called by the College, the member of staff or the panel. All such witnesses may be questioned by the any College representative, the member of staff or his or her representative, and members of the panel. The panel may accept a written statement in evidence where the member of staff agrees that the author of the statement need not attend, or where it is impracticable for him or her to attend, or where in the opinion of the panel it is for some other reason in the interests of justice to do so.
- 8.5 The panel may ask for additional enquiries to be undertaken, further medical evidence to be obtained, and may call for additional persons to attend. The individual will be invited to produce further medical evidence should they so wish.
- 8.6 The panel shall have power to adjourn a hearing to another date. It may set time limits for each stage of the proceedings, and may specify dates by which any stage of the proceedings must be completed. The panel shall decide whether or not to terminate the employment of the member of staff.
- 8.7 If the panel decides not to terminate the member of staff's employment, in the light of any medical advice, it may make recommendations for consideration by the Head of Department and Human Resources Manager for reasonable adjustments to working arrangements. Alternatively, where the medical advice suggests that the member of staff's return to work is likely to be imminent, it may postpone a decision for a period not exceeding three months.
- 8.8 The panel shall give a reasoned decision in writing, which shall be sent to the member of staff; there shall be no further appeals. Where a member of staff's employment is terminated, this shall be with contractual or statutory notice, whichever is greater, and the notice period shall attract full pay. The Human Resources Manager shall notify the member of staff of the decision within seven working days.

## **Ordinance on Dismissals on other Grounds**

### **1 Introduction**

- 1.1 Members of staff who have been dismissed due to the non-renewal of their fixed-term contract, whose contract has not been renewed after a period of probation, or who has been dismissed due to 'some other substantial reason', will be informed of the dismissal in writing.
- 1.2 The Human Resources Manager shall write to the member of staff stating the need to discuss a possible termination of employment, stating reason(s) why the termination may occur and will invite the member of staff to a meeting to which he/she can be accompanied by a fellow worker or a union representative.

### **2 Meeting**

- 2.1 The employee will meet with the line-manager and Human Resources Manager; at the meeting the Human Resources state the reason(s) why there might be the need to dismiss the employee; the employee will then be allowed to discuss the reasons with the Human Resources Manager. At the end of the meeting the Human Resources Manager may confirm that the employee will be dismissed. If this is the case, the member of staff will also be informed that he/she has the right to appeal against the decision to dismiss.

### **3 Appeal**

- 3.1 The member of staff wishing to appeal shall write to the Principal, or to the Chair of the Governing Body if the line-manager is the Principal, within ten working days of the meeting. The appeal notice must specify the reason(s) for the appeal.
- 3.2 The Principal, or the Chair of the Governing Body, shall appoint an Appeal Panel comprising of no less than three members; the members would not have been previously involved in the case, and will include a lay member of the Governing Body, and a member of academic staff nominated by the Academic Management Team.
- 3.3 The Human Resources Manager (or the Clerk to the Governing Body in case of staff reporting to the Principal), who will act as secretary to the appeal, will invite the member of staff to a hearing, giving at least ten working days' notice, and informing him/her of the right to have a trade union representative or fellow worker present at the hearing.
- 3.4 The member of staff will be able to call witnesses and produce documents relevant to his/her defence at the hearing. The Panel will also be able to call witnesses, or receive written statements from witness.
- 3.5 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.

#### **4 Decisions**

- 4.1 If, after its deliberations, the Panel decides not to terminate the member of staff's employment, in the light of further information or advice, it may make recommendations for consideration by the Staffing Committee, or the Governing Body, if the member of staff reports to the Principal. The member of staff will be informed that the decision will be postponed (for up to three months).
- 4.2 If the Staffing Committee, or Governing Body, upholds the Panel's decision not to terminate the contract, the Secretary of the panel will notify the member of staff.
- 4.3 If the Panel decides to terminate the member of staff's employment, it shall give a reasoned decision in writing; there shall be no further appeals. The Human Resources Manager, or the Clerk to the Governing Body, shall notify the member of staff of the decision within seven working days.

## **Ordinance on Grievance**

### **1 Introduction**

- 1.1 The College is committed to providing an environment in which members of staff feel valued and supported in their work. The College therefore has grievance procedures for all its staff to use if they feel that they have issues or concerns with their work, their working environment or working relationships.

### **2 Informal Procedure**

- 2.1 In the first instance, where a member of staff has a grievance, he/she should raise the matter in writing with his/her immediate line-manager or supervisor; this would normally be the Head of Department, but in some cases it would be the Principal. The written grievance shall set out in full the nature of that grievance. The line-manager or supervisor will make enquires or conduct interviews which he/she feels are necessary to settle or redress the grievance. In cases where the grievance involves other members of staff, the line-manager or supervisor will inform the staff to be interviewed that he/she is making informal enquires into a grievance.
- 2.2 The line-manager/supervisor should respond to the matter within five working days; if it is not possible to resolve the matter within five working days, he/she should inform the aggrieved member of staff how long it will take to resolve the issue.
- 2.3 The line-manager/supervisor should keep a written record of the grievance and its resolution in a confidential manner and in accordance with the principles of the Data Protection Act 1998.

### **3 Representation during the Formal Procedure**

- 3.1 At any stage of the formal grievance procedure, any member of staff involved in the interviews or hearing has the right to be accompanied by a fellow worker or trade union representative.
- 3.2 A member of staff who has agreed to accompany a colleague to a grievance 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.

### **4 Keeping Records of Grievance Proceedings**

- 4.1 At each stage of the formal grievance procedure, written records will be kept to record the proceedings. The information will be stored in the College's Personnel 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 minutes of

meetings are sent to the Personnel Office during each stage of the formal grievance process.

## **5 Formal Procedure**

- 5.1 Where the informal procedure does not satisfactorily redress or settle the grievance, the aggrieved member of staff may start the formal grievance procedure by writing to his/her immediate line-manager/supervisor stating that the matter should be considered under the College's formal grievance procedure and setting out in full the member of staff's grievance.
- 5.2 The stages of the formal grievance procedure are as follows:
- Stage One – meeting with line-manager/supervisor to discuss the issue
  - Stage Two – if the member of staff is not satisfied with the outcome of the meeting, a meeting with the Principal, or with someone appointed by the Chair of the Governing Body if the member of staff is line-managed by the Principal, shall be convened.
  - Stage Three – if the member of staff is still not satisfied with the outcome of the meeting held at stage two of the grievance process, a meeting with the Chair of the Governing Body and two other members of the Governing Body who had not previously been involved with the case, shall be convened.
- 5.3 The Human Resources Manager shall act as Secretary to meetings at the first and second stage, while the Clerk to the Governing Body will act as Secretary to meetings at the third stage.

## **6 Grievance Procedure Stage One**

- 6.1 The immediate line-manager/supervisor will have five working days from the date of receiving the letter stating the grievance in which to arrange a meeting with the aggrieved member of staff. After the meeting, the line-manager/supervisor will have five working days in which to respond to the grievance. He/she may also carry out further investigations or interviews with other member of staff.
- 6.2 The line-manager/supervisor will write to the member of staff with a grievance stating what has been done to resolve the matter.

## **7 Grievance Procedure Stage Two**

- 7.1 If the member of staff who has the grievance is not satisfied with the line-manager/supervisor's response, he/she may apply in writing to the Principal within 10 working days of receiving the line-manager's written response. The Principal (or another senior manager nominated by him/her), will conduct interviews or investigations in order to resolve the issue.
- 7.2 If the member of staff with a grievance reports to the Principal, he/she will write to the Chair of the Governing Body within 10 working days of receiving

the line-manager's written response. The Chair will appoint a lay member of the Governing Body to hear the grievance.

- 7.3 The Secretary will write to the aggrieved member of staff within five working days of receiving the letter from him/her, to arrange a meeting. After the meeting, the Principal, or the member of the Governing Body, will have 10 working days from that date in which to respond to the aggrieved member of staff, and in which to carry out further interviews and/or investigations.
- 7.4 The Secretary will send a written response to the member of staff stating what decision has been taken to resolve the issue, and will state the member of staff is able to appeal against the decision to the Chair of the Governing Body if he/she is not satisfied with the outcome.

## **8 Grievance Procedure Stage Three**

- 8.1 If the member of staff with a grievance is not satisfied with the response given at stage two of the procedure, he/she may appeal to the Grievance Committee within 10 working days of receiving the letter from the Secretary. This should be done by writing to the Chair of the Governing Body who will respond within ten working days of receiving the request letter, notifying him/her of the date of the hearing.
- 8.2 The Secretary (the Clerk to the Governing Body) will send details of the hearing to all members of the Grievance Committee and all members of staff who will be required to take part in the hearing, such as witnesses. The Secretary will also advise all parties of the processes to be followed at the hearing and of their right to representation by another person.
- 8.3 The Grievance Committee shall be made up of the Chair of the Governing Body, and two other governors, one of whom will be an academic member of staff nominated by the Academic Management Team. The Chair of the Governing Body will chair the Committee.
- 8.4 At the hearing, the aggrieved member of staff (or his/her representative) shall present his/her case and may call on witnesses, who may be questioned by him/her (the complainant), by the Committee members or by the respondent<sup>1</sup> (or his/her representative). The respondent (or his/her representative) will also have the opportunity to call witnesses who may be questioned by the respondent, the complainant and the Committee members. Both the complainant and the respondent (or their representatives) will be allowed to present a summary of their cases.
- 8.5 The Grievance Committee will decide on how long each participant will have to present their case and question witnesses. It can also decide to postpone or adjourn the hearing where it feels this is necessary, for instance, in order to allow more witnesses to be called. The Grievance Committee can also dismiss the grievance of the member of staff for want of prosecution.

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<sup>1</sup> The respondent is the member of staff who has aggrieved the complainant.

- 8.6 The Grievance Committee's decision, which will be communicated in writing to both parties not more than five working days after the hearing, is final.