



The College aims wherever possible to resolve informally matters of potentially unsatisfactory conduct, attendance or poor performance, without resorting to formal procedures. Recognising however, that this is not always possible, the purpose of this procedure is to provide a formal means of helping and encouraging employees to achieve and maintain acceptable standards.

The procedure is designed to enable individual cases to be resolved fairly, consistently and in a timely manner. Wherever possible and reasonable, help and encouragement, including formal training will be provided to allow staff to meet standards specified as a result of disciplinary action taken against them.

This procedure is not contractual, does not form part of any employee's contract of employment and may, after consultation with the recognised trade unions, be amended at any time by the College.

Once the formal procedure (detailed in Part 2) has been instigated, the employee will have the right to be accompanied by an official of a trade union or work colleague at any meeting held in connection with it (including investigation meetings under paragraph 7). Consistent with the fact that disciplinary meetings and hearings are internal proceedings, external representatives such as solicitors or family members will not be permitted to attend. For avoidance of doubt, the employee does not have a right to be accompanied by an official of a trade union or work colleague at any informal meeting.

No disciplinary action (up to and including dismissal) will be taken against employees without their first being:

- notified of the allegations, that an investigation is being conducted, and that relevant documents to be considered at the disciplinary hearing**
- informed of their right to be accompanied (see section 1.4); and**
- given an opportunity to put their case in a fair hearing before any decision is reached.**

The definition of a manager for the purposes of this procedure is any officer of the College, including Directors of Service and Heads of Academic Departments, with line management responsibility for one or more members of staff.

This procedure applies to all employees.

The procedure does not apply to non academic employees in their probationary period of employment with the College, or extension thereof. Any instance of misconduct during the

The four stages of the disciplinary procedure are designed to allow a case to progress through the normal management chain. Action may be initiated at any stage, depending on the seriousness of the case.

Where a manager is directly involved in the substance of an allegation, the case will be heard by another manager of the same or higher grade, from the same department or service if possible.

There are four stages. They are: 1. Investigation, 2. Hearing, 3. Appeal, 4. Review.

A final written warning will give details of the misconduct/poor performance, the improvements required and timescales. It will then warn that dismissal under Stage 4 of the procedure will be considered if there is no satisfactory improvement, and will advise of the right to appeal (see Part 4).

There are two ways in which employment can be terminated under this procedure, dismissal and summary dismissal.

Formal warnings should only be issued following the conclusion of a disciplinary hearing. The duration of warnings is as follows-

· Oral Warning

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Employees are entitled to appeal against any disciplinary action taken against them in accordance with the disciplinary procedure, and to be represented at the appeal hearing.

If an employee has been disciplined and they state that the disciplinary action taken against them was unfair, the appeal is the means by which such disciplinary action is formally withdrawn or amended. If they are unable to do so, the fairness of the disciplinary action will be confirmed and upheld.

The appellant will be required to state clearly the grounds of their appeal and, if appropriate, the remedial action they seek. The College reserves the right to rule the appeal out of order and not to allow it to proceed if the appellant fails to meet this requirement.

In reaching a decision, those hearing an appeal may consider:

- Whether serious procedural errors have materially contributed to the outcome of the proceedings against which the appeal has been lodged

OR

- The coming to light of new information, which was not available at the disciplinary hearing

OR

- Whether the outcome of the disciplinary hearing was in some way perverse

The function of an appeal is not to conduct a full rehearing of the facts of the case, though it is inevitable that reference will have to be made to the earlier disciplinary hearing.

be sent to the appellant, together with details of the date, time and location of the hearing no less than five working days prior to the hearing

If the appellant wishes to be accompanied at the appeal by a trade union representative or work colleague, it will be their responsibility to provide Human Resources

Having set out the written grounds of their appeal beforehand, the Appellant must concentrate on the issue(s) that the appeal has been called to consider. They must not attempt to present all the facts of the case afresh

If the Appellant is to be accompanied, it must be agreed beforehand whether that person is to do so as a “representative”, i.e. to speak for them, or as their “companion”, i.e. to support them and act as witness to the proceedings

Having set out their written response to the Appellant’s case beforehand, the role of the responding manager is to summarise why the appellant was disciplined or dismissed, explaining why their decision was reasonable, given the circumstances

A senior member of Human Resources will advise those hearing the appeal on matters of procedure, Employment Law and best practice. HR will also provide an administrator to act as clerk to the hearing and take a record of proceedings

Those hearing the appeal will consider the written submissions of the Appellant and Responding Manager; together with any oral statement they might wish to make. Both sides may question each other and call and question witnesses in support of their case. If witnesses are called, they may only remain at the hearing for the period of their evidence and questioning. At the end of the appeal, both sides will be given the opportunity to sum up

The hearing will then be adjourned while the facts of the case are considered and a decision made by the manager hearing the appeal. If deemed necessary by the manager hearing the appeal, the adjournment may be extended to allow further investigation to take place

Normally, the hearing will be reconvened and the decision conveyed verbally to the Appellant and confirmed in writing. In some circumstances, for example complex cases involving the assessment of a substantial volume of evidence or information, the manager hearing the case may decide not to convey their decision to the Appellant verbally, and to advise the Appellant of it in writing only. In either case, written confirmation of the outcome of the hearing will be provided to the employee normally within ten working days of the hearing. The Appellant will also be advised that the outcome of their appeal concludes this matter as the appeal is the final stage within the College’s internal processes

The available findings under this procedure are as follows:

- To allow the appeal and expunge the disciplinary action from the Appellant’s record**
- OR**
- To reduce the penalty to a lower stage of disciplinary action. In cases of dismissal, this includes reinstatement.**

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	<p>Soliciting or acceptance of bribes</p> <p>Misuse, negligent or wilful damage to College property, or the property of students or employees, causing unacceptable loss or damage</p> <p>Prosecution for an offence outside work affecting staff or external relations, or the ability of the employee to perform effectively in their role, eg assault, theft, fraud, sexual offences, drink driving</p>
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