

POLICY STATEMENT

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| Policy | Disciplinary Process |
| Date Written | 30 th April 2018 (Reviewed 23 rd October 2018) |
| Written by | HR Consultant (Reviewed by J Blake) |
| Approved by | G Sutton |
| Next major review date | April 2019 |
| Location and disseminations | A copy of the policy can be found, in the college admin office and on the college website. |

The purpose of this policy is to set out and maintain the process for dealing with disciplinaries within the college to ensure that all employees are treated fairly and consistently. It is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct. In the cases of newly appointed employees who remain under their probationary period the college retains the right to vary the procedure in respect of formal warning, up to and including termination for first breach of conduct rules. The disciplinary procedure is intended for use when all other interventions have failed to produce the required improvements to staff conduct or when the matter is serious enough to warrant immediate formal action. Staff are expected to read the code of conduct policy which outlines an expectation of their conduct.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

This policy intends to ensure that disciplinaries are appropriately carried out and:-

- Where appropriate, informal action will be considered before any formal action.
- All employees will be treated in line the college's equality policies.
- If formal action is taken, this will follow a fair investigation and where appropriate, prior notification to the employee of the concerns or complaint.
- At any formal stage of this procedure, employees may choose to be accompanied by a union representative or by an appropriate workplace colleague, who's presence does not conflict with the investigation processes.
- Before a disciplinary hearing, employees will receive a copy of the evidence and witness statements.
- An employee has the right to appeal against any formal disciplinary action.
- Audio or visual recording of the proceedings are not acceptable unless agreed upon by the HR Consultant or for making a reasonable adjustment for an employee with a disability.

- All information will be kept on a confidential basis.
- Where the employee raises a grievance against any disciplinary action in relation to him/her, the grievance procedure is not normally available to the employee whilst the disciplinary matter is being considered, unless the investigating manager or chair decides that there are grounds for hearing the grievance first. Due consideration will be given as to whether in these particular circumstances the grievance should be dealt with before proceeding with the disciplinary matter and/or whether another line manager should deal with the disciplinary case. Where it has been decided to deal with the disciplinary matter first, any penalty from the disciplinary hearing is normally confirmed after the grievance has been heard. Where the employee has taken out a grievance against the complainant manager, and it has been decided to hear the grievance first, the formal letter of notification of a disciplinary hearing will be sent within five working days of the outcome of the grievance procedure. If, in light of the grievance outcome, it is decided not to proceed with the disciplinary hearing, the employee will be informed within five working days.
- disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;

Process

A disciplinary will only take place following a careful investigation of the facts and the opportunity to present your side of the case. A senior member of staff will be appointed as the investigating officer. On some occasions temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place or in the best interests and welfare of our students or staff. This must not be regarded as disciplinary action or a penalty of any kind;

a) Following an investigation of any allegations against you by the college, you will be invited to attend a disciplinary meeting. Any evidence which the college will consider at the hearing will be provided to you before the hearing. You will receive sufficient notice of the meeting to consider the allegations and evidence.

b) At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. A senior member of staff will chair the meeting. Where possible, a different person to the member of staff who conducted the investigation will chair the meeting. You will be able to respond and present any evidence of your own;

c) You may ask that a relevant witness to appear the hearing provided you give us sufficient advanced notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

d) Any evidence which you which to provide to the college to support your case should be provided to the chair of the meeting as soon as possible, and no less than 48 hours before the meeting. Evidence provided after that point will not be considered in the meeting.

e) other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee or trade union official, who may act as a witness or speak on your behalf, at all stages of the formal disciplinary and appeal procedures;

f) You will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and

g) If you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

Scope of Incidents

It is not practicable to specify all disciplinary rules or offences which may result in disciplinary action, as they may vary depending on the nature of the work.

DISCIPLINARY SANCTION PROCEDURE

Disciplinary action taken against you will usually be based on the following procedure:-

| OFFENCE | FIRST OCCASION | SECOND OCCASION | THIRD OCCASION | FOURTH OCCASION |
|-------------------------------|-----------------------|------------------------|-----------------------|------------------------|
| UNSATISFACTORY CONDUCT | Formal verbal warning | Written warning | Final written warning | Dismissal |
| MISCONDUCT | Written warning | Final written warning | Dismissal | |
| SERIOUS MISCONDUCT | Final written warning | Dismissal | | |
| GROSS MISCONDUCT | Dismissal | | | |

We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If a disciplinary penalty is imposed it will be in line with the procedure outlines above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the procedure in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

DISCIPLINARY AUTHORITY

Disciplinary sanctions may only be imposed by a senior member of staff or the HR consultant.

PERIOD OF WARNINGS

1. Formal verbal warning- A formal verbal warning will usually be disregarded after a 6 month period.

2. Written warning- A written warning will normally be disregarded after a 12 month period.
3. Final written warning- A final written warning will normally be disregarded after a 12 month period.