

Linacre College

Disciplinary Rules and Procedures for Staff

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Introduction

All employees are expected to behave in an appropriate manner, to act with honesty and integrity, and to comply with contractual terms and conditions of employment, fulfilling the duties of their post. They should also observe the College's rules, regulations, codes of practice and policy statements, and comply with health and safety, equal opportunities and data protection requirements. They should never act in a discriminatory way or in any way which could be regarded as victimization or harassment.

Disciplinary issues are very rare at Linacre College – most problems can be addressed by talking, informally to your Line Manager. However, if we have serious concerns about the standard of your work, your behaviour or absence from work we may need to take disciplinary action. The College has tried to develop fair and effective arrangements to deal with disciplinary issues. We will follow the ACAS Code of Practice on Disciplinary Procedures (<http://www.acas.org.uk/index.aspx?articleid=2174>).

These disciplinary procedures apply to all College Staff, including part-time and fixed-term workers, student employees and agency staff. The following rules and procedures aim to ensure that:

- a. You are fully aware of the standards of performance, action and behaviour required of you;
- b. The correct procedure is used when you are asked to attend a disciplinary hearing;
- c. Disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- d. You will only be disciplined after careful investigation of the facts and an opportunity to present your side of the case. On some occasions, temporary suspension on full pay may be necessary in order to leave time for an investigation. A temporary suspension is not a disciplinary action or a penalty;
- e. At all stages of the formal disciplinary and appeal procedures, 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;
- f. You will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct;
- 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.

Informal procedure

Wherever appropriate, the formal disciplinary procedures outlined below should be preceded by informal

discussion and/or guidance. Therefore, where the attendance, work or conduct of a member of staff is in question at an initial and minor level, the Line Manager will interview the employee informally, to try and establish the cause of the problem, to advise on what can be done, and to confirm the required standards of attendance, work or conduct. If this informal counselling does not resolve the problem, or if the supervisor feels that informal counselling would be inappropriate, the formal procedure will apply.

Formal procedure

Note: The definitions of 'first level officer' and 'second level officer' are given in the table below entitled 'Disciplinary/Appeals Authority'.

1) Verbal warning

Normally the first stage of the formal disciplinary procedure for staff will be an investigation by a first level officer, followed by a hearing. The result of the hearing may be a verbal warning. Before the hearing, the employee will be informed in general of the matter(s) of concern and will be given a copy of the disciplinary procedures. However, note that disciplinary action involving a written or final written warning, or dismissal, may in certain serious circumstances not be preceded by a verbal warning.

At a disciplinary hearing, the employee will have the right to state their case and, if they wish, to be accompanied and represented by another College employee, or by a Union representative if the employee is a Union member. The first level officer conducting the hearing may, if they judge necessary, adjourn the disciplinary hearing and reconvene it at a later date. At the end of the hearing, the first level officer will review all the evidence and, if appropriate, issue a verbal warning.

The warning will be confirmed in writing and will specify the reasons for which it has been given and the period of time over which the warning will remain in force. During this period, the employee's conduct and capability will be kept under special review. The notification of the verbal warning will make it clear that if the necessary improvement does not occur, or if a further matter of concern arises, a written warning, a final written warning or a dismissal may result. The notification of a verbal warning will also inform the employee of their rights of appeal against that warning.

2) Written warning

A written warning may be issued as a result of a hearing. Prior to the hearing the employee will be informed in general of the matter(s) of concern and will be given a copy of the disciplinary procedures. At the hearing, the employee will have the right to state their case and, if they wish, to be accompanied or represented by another College employee, or by a union representative if the employee is a union member. Disciplinary action involving a final written warning, or dismissal may in certain serious circumstances not be preceded by a verbal warning or a written warning.

The first level officer who conducts the hearing may, if they judge necessary, adjourn the disciplinary

hearing and reconvene it at a later date. At the end of the hearing, the first level officer will review all the evidence and, if appropriate, issue a written warning. The written warning will specify the reasons for which it has been given and the period of time over which the warning will remain in force. During this period of the employee's conduct and capability will be kept under special review.

The written warning will make clear that if the necessary improvement does not occur, or if a further matter of concern arises, either a final written warning or dismissal may result. The written warning will also inform the employee of their rights of appeal against that warning.

3) Final written warning

If a verbal and/or written warning is not effective, or if a further matter of concern arises, a final written warning may be issued. A final written warning may also be issued if a substantial matter of concern arises which, in the opinion of the first level officer, is sufficiently serious to warrant omitting the verbal warning and written warning stages of the disciplinary procedure. The procedure for a final written warning will be the same as for a verbal warning and a written warning. The written notification of a final written warning will make it clear that if the necessary improvement does not occur, or if a further matter of concern arises, dismissal will result. The final written warning will specify the period of time the warning will remain in force and will also inform the employee of their rights of appeal against that warning.

4) Dismissal

If a final written warning is not effective, or if a further matter of concern arises in relation to an employee who has received a final written warning for a matter which is related or unrelated, the employee may be dismissed. The employee will be invited to attend a further disciplinary hearing with the second level officer. Before the hearing, the employee will be informed in general of the matter(s) of concern and will be given a copy of the disciplinary procedures. At the hearing, the employee will have the right to state their case and, if they wish, to be accompanied or represented by another College employee or by a union representative if they are a union member. The second level officer may, if they judge necessary, adjourn the disciplinary hearing and reconvene it at a later date. At the conclusion of the hearing, the second level officer should review all the evidence and may decide that the employee should be dismissed, or that the employee should be subject to a lesser disciplinary action.

Gross misconduct (such as but not limited to theft or being violent) may lead to dismissal without notice and without pay in lieu of notice.

Where, as a result of any part of the College's disciplinary procedure, a second level officer proposes to dismiss an employee, the employee will receive a written notification within 14 days of the hearing of the reason for dismissal, the grounds on which the decision has been based, the date of effect of the dismissal, and the appeals procedure within the College against that dismissal.

On the day fixed for any hearing convened under the College's Disciplinary Procedure, if the employee has been duly notified of the date time and place of the hearing, but fails to appear at the hearing, the College officer conducting the hearing may (unless in their opinion the employee's failure to appear was due to circumstances beyond their control) continue with the hearing in the absence of the employee.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

At all levels of the disciplinary procedure the employee will be given the right to appeal against any decision made.

Gross misconduct

. The penalty for Gross Misconduct is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, behaviour or negligence resulting in a fundamental breach of contractual terms that permanently destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be judged to be gross misconduct include serious instances of:

- Theft;
- Dishonesty;
- Malicious damage;
- Fighting/assaulting another person;
- Serious incapability through alcohol or illegal drugs;
- Endangering the safety of others by breaching Health and Safety Laws;
- Fraud;
- Gross negligence;
- Serious insubordination.

Where an employee is involved in criminal proceedings, and where there is a possibility that this may affect their employment relationship with the College, we reserve the right, after conducting a full investigation, to proceed with disciplinary action, whether or not criminal proceedings have been completed.

Serious misconduct

Where misconduct is very serious but does not add up to gross misconduct, you may receive a final written warning in the first instance.

If, in an alleged gross misconduct disciplinary matter, upon investigation, there are shown to circumstances or explanations which make it less serious or more excusable, you may receive a final written warning in the first instance.

Appeals against disciplinary action

The disciplinary rules and procedures which form part of your contract of employment incorporate the right to appeal against any disciplinary action taken against you. The procedure for appeals is as follows:

Appeals against disciplinary action short of dismissal

Appeals against a verbal warning, written warning, final written warning, or any other disciplinary action other than dismissal, must be delivered in writing to the warning appeal officer within ten days of the date of the written notification of the warning or disciplinary action, and should outline the grounds of appeal. All such appeals will be heard and determined by the warning appeal officer or by an appeals panel.

At the appeal, the appellant will have the right to state their case and, if they wish, to be accompanied or represented by another College employee, or by a trade union representative if they are a union member. The person(s) hearing the appeal may, if they judge necessary, adjourn the appeal hearing and reconvene it at a later date.. The result of the appeal will be notified to the appellant in writing. The decision of the person(s) hearing the appeal shall be final and there shall be no further appeal within the College.

Appeals against dismissal

Appeals against dismissal with due notice or against dismissal without notice (summary dismissal) must be delivered in writing to the dismissal appeal officer within ten days of the date of the written notification of dismissal, and should outline the grounds of appeal. An employee who is summarily dismissed and who appeals under the provisions of this paragraph will, if their appeal is upheld, receive such back pay as the person(s) hearing the appeal shall decide. All such appeals will be heard and determined by the warning appeal officer or the appeals panel.

At the appeal, the appellant will have the right to state their case and, if they so wish, to be accompanied or represented by another College employee, or by a trade union representative if they are a union member. The person(s) hearing the appeal may, if they judge necessary, adjourn the appeal hearing and reconvene it at a later date. The result of the appeal will be notified to the appellant in writing. The decisions of the person(s) hearing the appeal shall be final and there shall be no further appeal within the College.

Validity of verbal and written warnings

A warning will be retained on file for 3 months in the case of a verbal warning. 6 months for a first written warning and 12 months for a final written warning.

Disciplinary and appeals authority

The operation of the disciplinary and appeals procedures is the responsibility of the following:

	First level officer	Second level officer	Appeals officer
Maintenance team	Director of Estates	Bursar	Principal as chair of an appeal panel, which they shall convene at the time and which, subject to note 2 below,
			shall normally include two other Fellows not previously involved.
Catering staff	Domestic Operations Manager	Bursar	Principal as chair of an appeal panel, which they shall convene at the time and which, subject to note 2 below, shall normally include two other Fellows not previously involved.
Housekeeping team	Domestic Operations Manager	Bursar	Principal as chair of an appeal panel, which they shall convene at the time and which, subject to note 2 below, shall normally include two other Fellows not previously involved.
Development Office staff	Bursar	Director of Estates	Principal as chair of an appeal panel, which they shall convene at the time and which, subject to note 2 below, shall normally include two other Fellows not previously involved.
Bursary and clerical staff, Head Chef, Accommodation, IT and Maintenance Managers	Bursar	Director of Estates	Principal as chair of an appeal panel, which they shall convene at the time and which, subject to note 2 below, shall normally include two other Fellows not previously involved.
Bursar, Director of Estates and Senior Tutor	Principal	Vice-Principal as chair of a panel, which they shall convene at the time and which, subject to note 2 below, shall normally include two other Fellows not previously involved.	An independent Fellow

Note 1: If any person listed above is not available, the individual duly authorised to deputise or act on behalf that person may fulfil the specified role. If there is any problem concerning the appointment of any person to fulfil any role listed above, the Principal (or if unavailable the Vice-Principal, or if the Vice-Principal is unavailable a Governing Body Fellow) may appoint any alternative person of their choosing who is a College employee, Fellow, or Office holder, to fulfil the required role.

Note 2: Where an appeal is listed as above to be heard normally by a panel of the appeal officer and two other Fellows and at the time in question it does not prove reasonably possible for the appeal officer to convene such a panel (for example if the occasion occurs during a period of College closure etc.) the appeal officer may hear and determine the appeal sitting alone or sitting with one other Fellow.

Note 3: Any person appointed to act alone in any role above may, if they desire, be supported by one or two other College employees, Fellows, or Office holders of their choosing.