

DISCIPLINARY POLICY

Implementation date:

MAY 2025

Version number:

1.0

1. Purpose

- 1.1. The purpose of this Disciplinary Procedure is to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct. We will deal with any disciplinary matter fairly by taking steps to establish the facts and giving employees the opportunity to respond before taking any formal action.
- 1.2. This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure in this Staff Handbook.
- 1.3. This procedure does not form part of any contract of employment or other contract to provide services, and we may amend at any time.

2. Scope

- 2.1. This procedure applies to employees only. It does not apply to students, the Student Union (if applicable), conference delegates, visitors, agency workers, consultants, self-employed contractors, volunteers or interns.

3. Definitions

3.1. Investigation	The process of gathering evidence and assessing the situation to ensure that decisions are based on facts and are unbiased.
3.2. Suspension	Used while allegations of misconduct or other issues are being investigated, often to ensure fairness and minimise disruption to the workplace.
3.3. Misconduct	Behaviour by an employee that is inappropriate, unprofessional, or violates company policies or rules.
3.4. Gross Misconduct	Serious breaches of conduct, such as theft, violence, or dishonesty, that could warrant immediate dismissal without prior warnings.
3.5. Disciplinary Hearing	A formal meeting where allegations against an employee are discussed, evidence is presented, and the employee can respond before decisions on disciplinary action are made. It ensures fairness and transparency.

3.6. Appeal	A process that allows employees to challenge disciplinary decisions if they believe them to be unfair or unjust.
--------------------	--

4. Responsibilities

Role	Responsible for
4.1. Chief of People and Place	The Chief of People and Place has overall responsibility for the effective operation of this procedure but has delegated responsibility for overseeing its implementation to the People Team.
4.2. The People Team	<p>The People Team has day-to-day responsibility for this procedure, and you should refer any questions about this policy to them in the first instance.</p> <p>This procedure is reviewed annually by the People Team and the latest version of this policy will be available on the Handbook SharePoint site.</p>

5. Policy

5.1. Minor conduct issues

- 5.1.1. Minor conduct issues can often be resolved informally between you and your line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. An informal warning will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 5.1.2. If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your line manager as soon as possible.

5.2. Confidentiality

- 5.2.1. Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 5.2.2. You, and anyone accompanying you, must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.
- 5.2.3. You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

5.3. Investigations

- 5.3.1. The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. By way of example, it may involve interviewing and taking statements from you and any witnesses, reviewing relevant documents and email correspondence, and/or reviewing any CCTV or other footage. The People Team will usually appoint an Investigating Manager to carry out the investigation. A note taker may also be present at any investigation meetings.
- 5.3.2. Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 5.3.3. You do not normally have the right to bring a companion to an investigation meeting. However, we may allow a companion to accompany you if it helps you to overcome because of but not limited to, a disability or language barriers.
- 5.3.4. You must co-operate fully and promptly in any investigation. This will include, among other things, informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigation meetings if required. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.

5.4. Criminal allegations

- 5.4.1. Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 5.4.2. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 5.4.3. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

5.5. Suspension

- 5.5.1. In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary proceedings against you are outstanding. We will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our

students, suppliers, contractors or staff, unless you have been authorised to do so by your line manager.

- 5.5.2. Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. You will continue to receive your basic salary during the period of suspension.

5.6. Notification of a hearing

- 5.6.1. Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are well-founded. We will also include the following where appropriate:

5.6.1.1. a summary of relevant information gathered during the investigation.

5.6.1.2. a copy of any relevant documents or other evidence which will be used at the disciplinary hearing; and

5.6.1.3. a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

5.6.1.4. We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually at least two days, to prepare your case based on the information we have given you. If there are reasons for conducting any hearing remotely (for example, by using remote working platforms or technologies), we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing. If you have any questions regarding how to join the hearing remotely, you should let us know before the hearing date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where an employee has a hearing condition or does not have access to relevant equipment or software). In these cases, the hearing will take place in person where possible.

5.7. The right to be accompanied

- 5.7.1. You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. We reserve the right to undertake verification checks of any companion who is not a UA92 employee. You must tell the manager chairing the hearing who your chosen companion is, 48 hours before the hearing.

- 5.7.2. A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

- 5.7.3. If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

5.8. Procedure at disciplinary hearings

- 5.8.1. If you or your companion cannot attend the hearing, you should inform us immediately and we will arrange an alternative time for the hearing to take place. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.
- 5.8.2. The hearing will be chaired by a manager. A note taker will also be present. You may bring a companion with you to the disciplinary hearing (see paragraph 14).
- 5.8.3. At the disciplinary hearing, we will go through the allegations against you and the evidence that has been gathered. You will be able to respond, ask questions and present any evidence of your own. Your companion may make representations to us and ask questions but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.
- 5.8.4. You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.
- 5.8.5. We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 5.8.6. We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to you in person.

5.9. Disciplinary penalties

- 5.9.1. The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

5.9.2. You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

5.9.3. **Stage 1: first written warning.** A first written warning may be authorised by a manager. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

5.9.4. **Stage 2: final written warning.** A final written warning may be authorised by a manager. It will usually be appropriate for:

5.9.4.1. misconduct where there is already an active written warning on your record; or

5.9.4.2. misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

5.9.5. **Stage 3: dismissal.** Dismissal may be authorised by a manager. It will usually only be appropriate for:

5.9.5.1. further misconduct where there is an active final written warning on your record; or

5.9.5.2. any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in this policy.

5.10. **Alternatives to dismissal**

5.10.1. In some cases we may at our discretion consider alternatives to dismissal. These may be authorised by a manager and will usually be accompanied by a final written warning. Examples include:

5.10.1.1. Demotion.

5.10.1.2. Transfer to another department or job.

5.10.1.3. A period of suspension without pay.

5.10.1.4. Loss of seniority.

5.10.1.5. Reduction in pay.

5.10.1.6. Loss of future pay increment or bonus.

5.10.1.7. Loss of overtime.

5.11. **The effect of a warning**

5.11.1. Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

5.11.2. A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months.

5.11.3. After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

5.12. Appeals

5.12.1. If you wish to challenge a decision made under this procedure, you may appeal based upon facts, severity or process. State appeal in writing, stating your full grounds of appeal, to the People Team (people@ua92.ac.uk) within one week of the date on which you were informed of the decision.

5.12.2. If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.

5.12.3. If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

5.12.4. We will give you written notice of the date, time and place of the appeal hearing. This will normally be at least two days after you receive the written notice. As detailed in paragraph 9.2, there may be circumstances in which it is appropriate for a hearing to be conducted remotely.

5.12.5. The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event, the appeal will be dealt with as impartially as possible.

5.12.6. Where practicable, the appeal hearing will be conducted by a manager who has not been previously involved in the case. A note taker will also usually be present. You have the right to bring a colleague or trade union representative to the meeting (see paragraph 14).

5.12.7. We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

5.12.8. Following the appeal hearing we may:

- 5.12.8.1. confirm the original decision;
- 5.12.8.2. revoke the original decision; or
- 5.12.8.3. substitute a different penalty.

5.12.9. We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

6. Implementation, Communication and Training

6.1. Genially and SharePoint when live.

7. Associated Policies and Documents

7.1. Grievance Policy

8. Appendices

8.1. We understand that navigating this policy can be challenging for everyone involved. Therefore, we have various support measures to ensure a compassionate and understanding approach throughout the process:

8.1.1. BHSF, our Employee Wellbeing App available to download. Access Code: DFVt9YJx

8.1.2. Aviva Pathway: You can access our mental health support pathway as an additional option by calling 0800 015 7124.

8.2. Definitions

Misconduct	<p>8.3. The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:</p> <ul style="list-style-type: none"> 8.3.1. Minor breaches of our policies. 8.3.2. Minor breaches of your contract. 8.3.3. Damage to, or unauthorised use of, our property. 8.3.4. Poor timekeeping. 8.3.5. Time wasting, including but not limited to when working from home or as part of a hybrid working arrangement. 8.3.6. Unauthorised absence from work. 8.3.7. Working from home contrary to the terms of your employment contract and without the prior written approval of your line manager. 8.3.8. Refusal to follow instructions.
-------------------	---

	<p>8.3.9. Excessive use of our telephones or other information and communication systems for personal calls and messages.</p> <p>8.3.10. Excessive personal email or internet usage.</p> <p>8.3.11. Failure on reasonable notice to attend the workplace or other reasonably accessible location for meetings, training courses or other events.</p> <p>8.3.12. Negligence in the performance of your duties.</p> <p>8.3.13. Smoking in no-smoking areas.</p> <p>8.3.14. Failure to comply with any reasonable instructions or measures that we implement in response to an emergency or other critical situation.</p> <p>8.3.15. Conduct which brings the University's name into disrepute either inside or outside of work.</p> <p>8.3.16. Minor driving offences in company vehicles including minor road traffic offences such as speeding, failure to conduct vehicle checks and accidents resulting in minor damage.</p> <p>8.3.17. Posting or distributing unauthorised literature at work or on the University premises.</p> <p>8.4. This list is intended as a guide and is not exhaustive.</p>
Gross misconduct	<p>8.5. Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us. This may include misconduct committed outside of work. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).</p> <p>8.6. The following are examples of matters that are normally regarded as gross misconduct:</p> <p>8.6.1. Major breaches of our policies, procedures and guidance.</p> <p>8.6.2. Major breaches of your contract.</p> <p>8.6.3. Theft.</p>

	<p>8.6.4. Fraud, forgery or other dishonesty, including fabrication of expense claims.</p> <p>8.6.5. Actual or threatened violence, or behaviour which provokes violence, and bullying.</p> <p>8.6.6. Deliberate damage to our buildings, fittings, property or equipment, or the property of a colleague, contractor, student or member of the public.</p> <p>8.6.7. Serious misuse of our property or name.</p> <p>8.6.8. Deliberately accessing internet sites containing pornographic, offensive or obscene material.</p> <p>8.6.9. Repeated or serious failure to obey instructions, or any other serious act of insubordination.</p> <p>8.6.10. Unlawful discrimination, harassment or victimisation.</p> <p>8.6.11. Bringing the organisation into serious disrepute.</p> <p>8.6.12. Being under the influence of alcohol, illegal drugs or other substances during working hours.</p> <p>8.6.13. Causing loss, damage or injury through serious negligence.</p> <p>8.6.14. Serious or repeated breach of health and safety rules or serious misuse of safety equipment.</p> <p>8.6.15. Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure.</p> <p>8.6.16. Accepting or offering a bribe or other secret payment.</p> <p>8.6.17. A criminal investigation, charge or conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, students or the public, or otherwise affects your suitability to continue to work for us.</p> <p>8.6.18. Possession, use, supply or attempted supply of illegal drugs.</p> <p>8.6.19. Serious neglect of duties, or a serious or deliberate breach of your contract or our procedures.</p>
--	--

	<p>8.6.20. Working from abroad without our prior written approval and satisfaction of any relevant requirements (including but not limited to any applicable immigration requirements) or failing to return to the UK and your normal place of work in accordance with any agreed overseas working arrangement.</p> <p>8.6.21. Repeatedly working from home contrary to the terms of your employment contract and without the prior written approval of your line manager.</p> <p>8.6.22. Knowing breach of statutory rules affecting your work.</p> <p>8.6.23. Failure to disclose any changes in circumstances that would affect the outcome of a current or potential DBS or could put the company into disrepute</p> <p>8.6.24. Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy.</p> <p>8.6.25. Harassment or victimisation of, or discrimination against, employees, workers, contractors, students or members of the public, related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>8.6.26. Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties.</p> <p>8.6.27. Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits.</p> <p>8.6.28. Repeatedly or seriously failing to comply with any reasonable instructions or measures that we implement in response to an emergency or other critical situation.</p> <p>8.6.29. Failing to work your contractual hours while working from home or as part of a hybrid working arrangement,</p>
--	--

	<p>or giving false or misleading information relating to your hours of work and activities while working from home.</p> <p>8.6.30. Knowingly taking parental, shared parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child.</p> <p>8.6.31. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith.</p> <p>8.6.32. Making untrue allegations in bad faith against a colleague.</p> <p>8.6.33. Sexual misconduct and gender based violence</p> <p>8.6.34. Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing Policy, Anti-corruption and Bribery Policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise.</p> <p>8.6.35. Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet) contrary to our IT and Communications Systems Policy.</p> <p>8.6.36. Undertaking unauthorised paid or unpaid work during your working hours with us, including but not limited to being engaged in unauthorised work, whether as an employee, worker, or self-employed independent contractor or consultant, and whether or not you appoint a substitute to undertake that work for you or otherwise delegate your duties, when you are working from home or as part of a hybrid working arrangement with us.</p> <p>8.6.37. Unauthorised entry into an area of the premises to which access is prohibited.</p> <p>8.6.38. Breach of cash handling or expenses.</p>
--	--

	<p>8.6.39. Serious driving offences in company vehicles, or private vehicles on company business including: failing to report accidents, driving under the influence of alcohol or drugs, dangerous driving, including excessive speeding, accidents resulting from dangerous driving resulting in serious damage to company vehicles or injury to a third party or their possessions, using a hand held mobile phone or other similar electronic device whilst driving.</p> <p>8.7. This list is intended as a guide and is not exhaustive.</p>
--	--

Document Control:

Policy Owner:	Chief of People & Place
Policy Author(s):	People Business Partner
Effective Date:	01/05/2025
Approving Body:	Senior Leadership Team
Equality Impact Assessment Date:	22/04/2025
Version Number:	[V1.0]
Date of Next Review:	01/05/2028

Amendment History:

Version Number:	Effective Date:	Summary of Amendments:	Author:
v1.0	01/05/2025	Comply with latest employment law.	People Business Partner