

Durham SU Disciplinary Policy and Procedure

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Disciplinary Policy and Procedure Statement:

Durham SU believes that disciplinary standards and procedures are necessary for promoting employment relations as well as fairness and consistency in the treatment of individuals. The disciplinary procedure should provide a framework within which managers can work with employees to maintain satisfactory standards of conduct.

About this policy

This policy outlines Durham SU's approach to ensuring that employees achieve and maintain acceptable standards of conduct, and that any issues of misconduct, poor performance or attendance are managed in fair, consistent and timely manner.

Who this policy applies to:

This policy applies to all full and part-time employees of Durham SU.

This policy does not form part of the contract of employment and may be amended at any time.

1. Key Principles

- 1.1. It is expected that employees of Durham SU are honest and maintain a high standard of integrity and conduct. It is important that employees understand their obligations and rights regarding their conduct and performance at work
- 1.2. Breaches of standards will be treated in a consistent, fair and reasonable manner. Our aim is always to encourage improvements in employee conduct.
- 1.3. All time frames referred to in this policy are provided as a guide. If it is not possible to complete certain actions within the usual time frame, employees involved will be informed and provided with regular updates.
- 1.4. No disciplinary action will be taken against an employee until the case has been fully investigated.
- 1.5. We reserve the right to start the disciplinary process at any stage and issue the most appropriate disciplinary outcome.
- 1.6. Employees will have the right to appeal against any formal disciplinary outcome.
- 1.7. All disciplinary matters must be kept confidential.

2. Informal resolution

- 2.1. Before considering formal disciplinary proceedings, every effort should be made to resolve the matter informally, where appropriate. This could include an informal conversation, setting clear targets and expectations, monitoring progress over a reasonable time period and/or providing additional coaching or training.
- 2.2. Managers should make notes of what was discussed and agreed during these informal conversations and maintain them securely and confidentially.
- 2.3. An informal resolution should not be used if:
 - The employee has not improved following a previous informal discussion or formal warning;
 - It is more appropriate to deal with the situation formally, due to the potential seriousness of the issue.
- 2.4. Sometimes an informal discussion may not resolve the issue or be appropriate. In this case, the relevant procedures outlined in the remainder of this policy will be applied.

3. Investigation

- 3.1. Before formal action is considered, an investigating officer will be appointed to carry out a full and fair investigation to establish the facts. The investigating officer must not be involved in the matter in question, for example as a witness.
- 3.2. In some cases, the investigation will require holding a meeting with the employee. Investigation meetings are not formal disciplinary hearing meetings, so employees do not have the right to be accompanied. If an employee requests to be accompanied, the investigating officer will decide whether or not it is appropriate.
- 3.3. Managers will ensure that all investigations are carried out without unreasonable delay to establish all the relevant facts.
- 3.4. Following the investigation, the investigating officer will inform the employee's line manager of their findings.
- 3.5. If there are reasonable grounds to believe that an employee has committed an act of misconduct, the employee will be invited, in writing, to attend a disciplinary hearing.

4. Suspension from Work

- 4.1. Sometimes, it may be appropriate to suspend an employee whilst investigations take place. This will be confirmed in writing.
- 4.2. Suspension should only be considered if there is a serious allegation of misconduct and one or more of the following apply:
 - Working relationships have broken down.
 - There is a risk that the employee could influence the investigation by tampering with evidence and/or influencing witnesses.
 - There is a risk to other colleagues, property, students and/or customers.
 - The employee is the subject of criminal proceedings that may affect their ability to do their job.
- 4.3. Before suspending an employee, Durham SU will consider alternative options. This might include a transfer to another department or role if this is practical and appropriate.
- 4.4. Suspension during an investigation does not indicate a disciplinary decision or suggest that the employee is believed to be guilty. Therefore, employees will remain on full contractual pay during the suspension.
- 4.5. Any periods of suspension will be kept as brief as possible. The investigating officer can lift the suspension at any time, and they will review it regularly throughout the disciplinary process.
- 4.6. An employee should return to work if it is no longer appropriate for them to be suspended following an investigation and/or disciplinary meeting.

5. Disciplinary Procedure

- 5.1. If, following investigation, Durham SU decides to start a formal disciplinary process, the employee will be informed of the issues in writing and invited to a formal meeting to discuss the matter further. Employees will usually be given 5 working days' notice.
- 5.2. If an employee or their companion is unable to attend the hearing, it will be re-arranged within 5 working days. If an employee continues to be unavailable to attend a meeting without good reason, a decision on the disciplinary outcome will be made on the evidence available.
- 5.3. The employee will receive an invitation letter to the formal meeting, including:
 - Information about the alleged misconduct;
 - Copies of any written evidence, including witness statements and investigatory meeting records (Appendix C);
 - Details of the time and venue for the meeting;
 - A copy of this policy.
- 5.4. The letter should also inform the employee of their right to be accompanied, and explain the possible outcomes, such as a potential warning or dismissal.
- 5.5. The disciplinary meeting is a formal meeting, so a notetaker will be present. Employees will be responsible for taking their own notes but can request minutes of the meeting to be shared afterwards.
- 5.6. Where possible, the disciplinary hearing should be carried out by a manager more senior to the employee, who has not previously been involved in the process or investigation. This will normally be the line manager, unless they are involved, for example as a witness to an incident.
- 5.7. Cases involving Sabbatical Officers will be heard by a Trustee nominated by the Board of Trustees.

- 5.8. In cases involving a Senior Manager, the disciplinary hearing will be conducted by the Chief Executive.
- 5.9. Where this is not possible, or if the Chief Executive has conducted the investigation, it may be appropriate for the Chief Executive to arrange an appropriate alternative which may include an external representative and/or appropriate member of the Trustee Board.
- 5.10. At the formal meeting, employees have the right to be accompanied by a work colleague or a Trade Union Representative. They should inform the disciplinary manager of who will be accompanying them prior to the meeting.
- 5.11. During the meeting, the employee will have the opportunity to:
 - Respond to the case made against them
 - Explain any alleged misconduct or unsatisfactory performance
 - Put forward their own evidence
 - Put questions to witnesses
 - Call their own witnesses
 - Make notes
 - Request to speak in private with their companion
- 5.12. After the meeting has explored the issue and evidence, and after the employee has had the opportunity to put their case forward, the meeting will be adjourned for a reasonable amount of time before a decision is made. This gives the disciplinary manager enough time to properly consider the evidence and anything new that's been raised during the meeting.
- 5.13. The disciplinary manager will decide whether, on the balance of probabilities, it is more likely than not that the allegations are founded.
- 5.14. Following the conclusion of the meeting, the employee will be notified of the outcome. This will be confirmed in writing within 5 working days, or as soon as possible and without unreasonable delay.
- 5.15. Any disciplinary action taken will depend on the issue and will take into account other relevant circumstances, and could include one or more of the following (see Appendix E for guidance):
 - Informal action
 - Formal warnings
 - Demotion or transfer
 - Dismissal with notice
 - Summary Dismissal
- 5.16. Where a warning is issued, further disciplinary action may be taken following an investigation (up to and including dismissal) if:
 - The same or similar issue happens again while the warning remains active, or;
 - The employee's performance / conduct does not improve within the set period.
- 5.17. Any other conduct or performance issues should be dealt with in line with this policy in the usual way.
- 5.18. The employee will be made aware of their right to appeal against any disciplinary action.

6. Gross Misconduct

- 6.1. In certain circumstances, behaviour may be considered so serious that an employee may be dismissed without notice or pay in lieu of notice. This may happen without prior warning and regardless of previous performance or length of service.

7. Right to appeal

- 7.1. Employees have the right to appeal against any formal disciplinary action taken against them.
- 7.2. An employee can submit an appeal within 5 working days of the date that they receive the outcome of the disciplinary hearing. They should do this in writing, setting out the reasons for appealing the decision.
- 7.3. Appeal hearings will take place as soon as possible, usually within 10 working days of receipt of the employee's written notice of appeal.
- 7.4. Where possible, the appeal will be heard by a senior manager (or in the case of a Sabbatical Officer, a Trustee), who has not been previously involved in the case.
- 7.5. Employees have the right to be accompanied to an appeal hearing by a work colleague or Trade Union Representative.
- 7.6. All decisions will be confirmed to the employee in writing within 5 working days, or as soon as possible and without unreasonable delay. The decision of the appeal panel is final.

8. Confidentiality

- 8.1. All disciplinary matters must be kept confidential. The relevant manager(s) will clearly inform all employees involved in the process of the consequences of breaching confidentiality.
- 8.2. Durham SU will investigate any breach of confidentiality by an employee involved in the process and take appropriate action. This could include disciplinary action against the individual(s) responsible for the breach.

9. Relevant legislation / guidance

ACAS Code of Practice – Disciplinary and Grievance Procedures

10. Further information

Appendixes / Procedures

- [Appendix A: Disciplinary Standards](#)
- [Appendix B: Investigation](#)
- [Appendix C: Record of Investigation Meeting](#)
- [Appendix D: Formal Disciplinary Meeting](#)
- [Appendix E: Disciplinary Outcomes](#)
- [Appendix F: Appeal Procedure](#)

Appendix A: Disciplinary Standards

Disciplinary standards are categorised as either misconduct or gross misconduct. These rules and standards of behaviour apply equally to all staff and officers. They are important for both the wellbeing of Durham SU's employees and for creating a safe, efficient and productive working environment.

This list is not exhaustive and there may be other examples of conduct / gross misconduct. The individual circumstances of each case will always be taken into account during the disciplinary process.

Misconduct

Examples of misconduct include:

- Unauthorised absence for which no acceptable reason has been given
- Refusal to carry out a reasonable management instruction
- Neglect of duty
- Failure to fulfil contractual obligations
- Failure to give proper support to other members of staff
- Breach of any of Durham SU's policies or procedures
- Breach of financial rules and procedures, such as unauthorised purchases
- Conduct that contravenes the standards of professional behaviour required, as outlined in Durham SU's **Employee Handbook / Code of Conduct**

Gross Misconduct

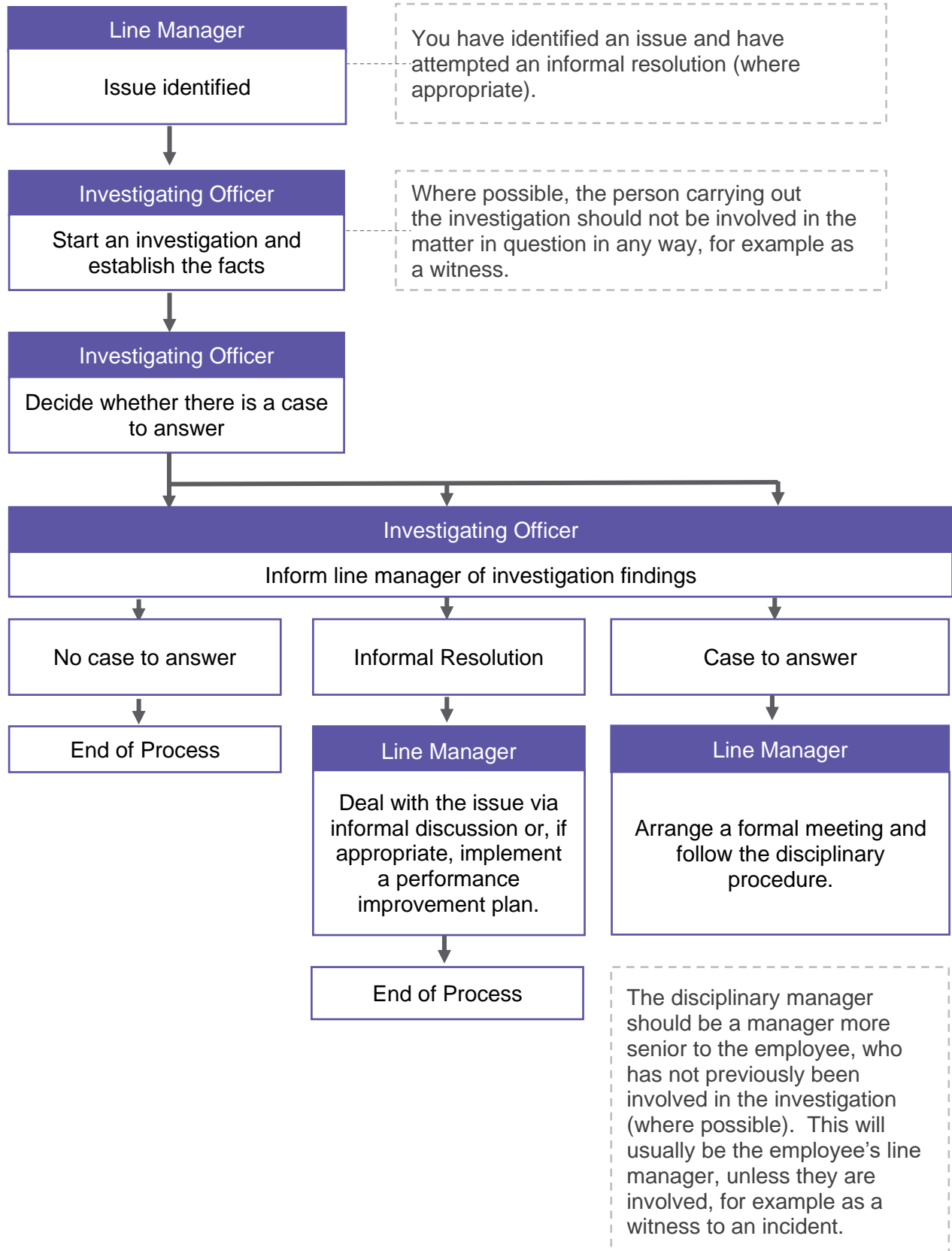
The following are examples of the type of behaviour which may be classed as gross misconduct, and which may lead to dismissal without notice:

- Theft or fraud
- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of Durham SU's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Discrimination or harassment
- Bringing Durham SU into serious disrepute
- Bullying, harassment or victimisation
- Serious breaches of confidence
- Incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules

These lists are not exhaustive and are for guidance only.

Appendix B: Investigation

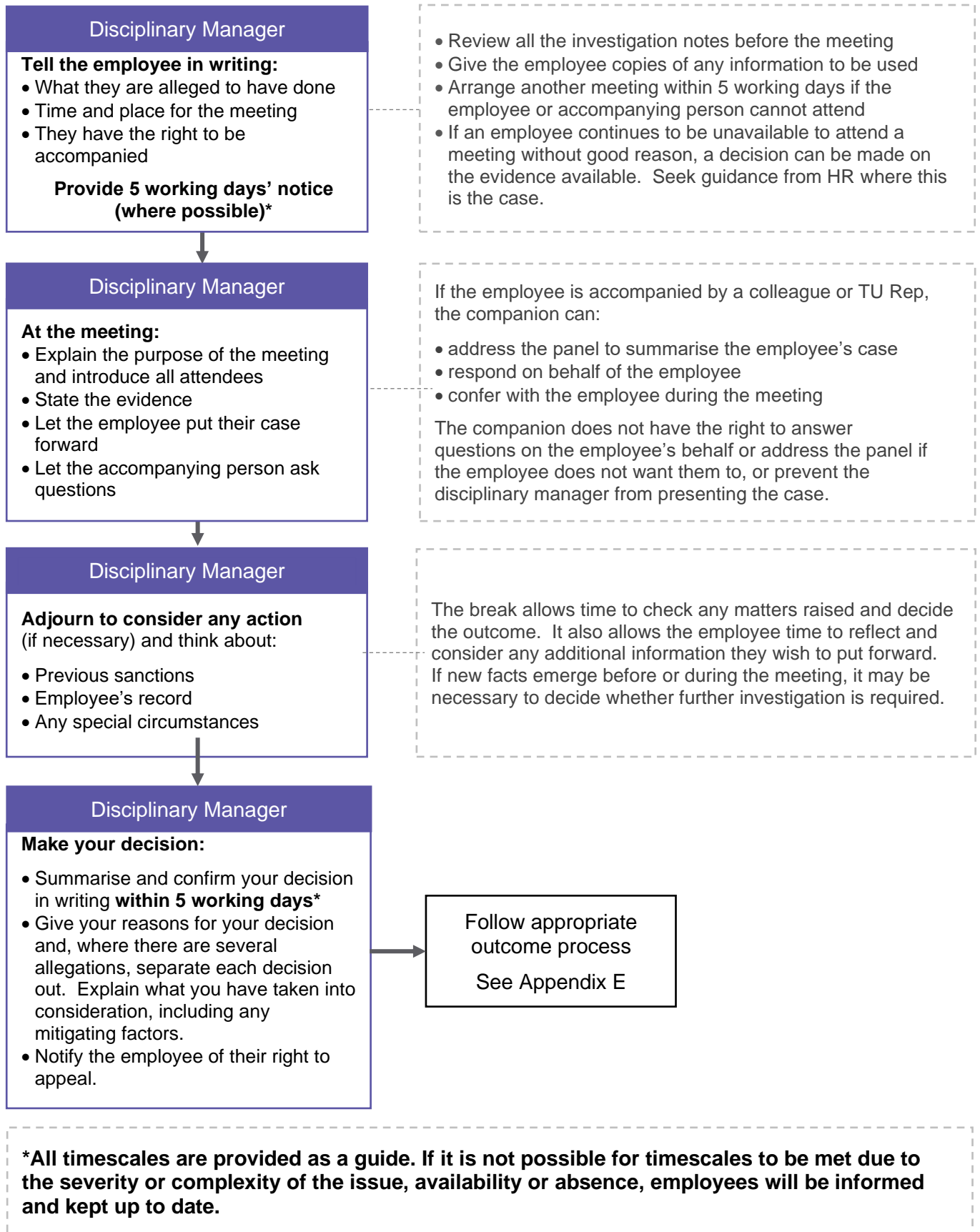
Investigations are carried out to establish the facts of a case. They will usually involve meeting with the employee(s) concerned and potential witnesses, as well as other forms of information gathering (e.g. analysing data, CCTV, performance reviews etc.).



Appendix C: Record of Investigation Meeting

Investigating Officer:	
Assisted By:	
Interviewee:	
Date of Interview:	
Transcript of Interview:	
Q1.	
A1.	
Q2.	
A2.	
Q3.	
A3.	
Declaration: I agree that this is a true and accurate record of the meeting held on (Date)	
Interviewee Signature	
Date	

Appendix D: Formal Disciplinary Meeting



Appendix E: Disciplinary Outcomes

Outcome	Guidance
No disciplinary action	This course of action would be followed if, based on the evidence and/or your explanation, it is decided that the allegations are not founded, or there are special factors or circumstances that mean disciplinary action is not appropriate.
Informal action	This means that an informal record is made of the discussion, and the required improvement is noted and clearly explained. This may be used when the issue is not serious enough to justify a formal warning, but still needs addressing. (See Section 2 of the Disciplinary Policy).
First written warning	<p>In cases of misconduct, you will be given a written warning setting out the nature of the misconduct and the change in behaviour required.</p> <p>In cases of poor performance, you will be given a written warning setting out the required performance standards and the potential consequences if improvements aren't made within the timeframe.</p> <p>A warning will remain active for 6 months, with a record being held on your file.</p>
Final written warning	<p>If you have a current warning about conduct or performance, and further misconduct or poor performance occurs, then a final written warning may be issued.</p> <p>A final warning may also be issued if your 'first offence' of misconduct or poor performance is sufficiently serious, but does not justify dismissal.</p> <p>The final warning will include a statement that further misconduct or further unsatisfactory performance may lead to dismissal.</p> <p>A warning will remain active for 12 months, with a record being held on your file.</p>
Transfer or demotion	<p>Demotions or a transfer to another role would normally be used following disciplinary proceedings for poor performance as an alternative to dismissal.</p> <p>Demotion is unlikely to be used as an outcome of disciplinary proceedings for poor conduct.</p> <p>The Guild will always obtain your consent to demote, reduce your pay or relocate you.</p>
Dismissal with notice	<p>This could occur where your performance has not improved after a final written warning, or you have committed a further act of misconduct during the final written warning period.</p> <p>You will be informed in writing if before the disciplinary meeting if dismissal is a possible outcome, and the disciplinary meeting will be conducted by a senior manager.</p> <p>You will be dismissed with payment in lieu of notice, unless the act committed is gross misconduct.</p>
Summary Dismissal	Gross misconduct offences are acts of misconduct that are so serious they warrant dismissal in their own right, without notice or pay in lieu of notice. This is known as 'summary dismissal'.

Appendix F: Appeal Procedure

