

Disciplinary Procedure

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1 Introduction

1.1

The University of London believes that to promote good employee relations it is necessary to demonstrate that employees will be treated fairly, reasonably, promptly, and consistently in matters relating to discipline.

1.2

The University promotes high standards of behaviour and conduct for all employees and takes appropriate action where those standards are not met. The Disciplinary Procedure is designed to assist in the standard setting for conduct and behaviour and it is important that managers and employees understand the procedure.

1.3

It is intended that potential disciplinary cases are dealt with at an early stage, with a

The issue of confidentiality is an important aspect of any Disciplinary Procedure. Not only is confidentiality important to protect those involved, it is also critical in protecting the integrity of any investigation and any other subsequent procedures. All parties involved in the Disciplinary Procedure should be mindful of confidentiality at all times and any unnecessary breaches of this will be dealt with appropriately.

4 Informal Action

4.1 Where minor concerns about your conduct arise, the matter may be resolved quickly and effectively through informal means. Your line manager will meet with you on a one-to-one basis, giving reasonable notice of such a meeting. They will discuss their concerns with you, and seek any views or explanations from you. Your manager will also outline the improvement that is required, the timeframe within which this should be achieved, and what will happen if you fail to achieve the standards of conduct set. If you are unsure of the required standard, you should discuss this with your line manager.

4.2 Your manager will write to you with a summary of the discussion and the actions that you are required to take. No record of informal action will be kept on your

6.1

If you are suspected of breaching any of the University's disciplinary rules, your line manager (or another appropriate manager) will be appointed as the Investigating Officer and will promptly and thoroughly investigate the matter. The purpose of the investigation will be to establish the facts with a view to determining whether there is a continuing cause for concern that needs to be considered at a disciplinary hearing. HR will provide guidance to the Investigating Officer. You will be informed as soon as possible of an investigation and the allegation(s) against you.

6.2

As part of the investigation process, you will normally be invited to attend an investigatory meeting with the Investigating Officer. You are entitled to be accompanied at such a meeting (see 3.4 above). In addition, any witnesses to the alleged incident(s) will also be contacted for a written statement or, depending on the circumstances, may be interviewed by the Investigating Officer.

6.3

HR will normally provide a suitably competent note taker to take a note of the investigatory meeting. Following the meeting, HR will send the meeting notes to the Investigating Officer for agreement. Once agreed by the Investigating Officer, a copy of the notes will be circulated to you for review as soon as is practicable. These notes are not intended to be verbatim but will contain the key representations made at the meeting.

6.4

Once they have concluded their enquiries, the Investigating Officer will prepare a report of their findings. The report will confirm which of the following three recommendations apply in the circumstances:

That the matter is dropped because there is no case to answer.

That there is a cause for concern but it can be dealt with informally.

That there is a cause for concern and it is sufficiently serious to warrant a disciplinary hearing.

The outcome of the investigation will be confirmed to you in writing.

7 Suspension

7.1

Where it is believed that the matter to be investigated involves serious misconduct, you may be suspended from work. Suspension will be considered carefully and will only be used if there is a potential risk to the business, or if your continued presence at work would prejudice an investigation. Alternatives to suspension, such as temporary redeployment, will be considered first where possible. The decision to suspend may be taken at any point during the disciplinary process. The line manager will normally advise a staff member in a meeting that they are to be suspended. Any decision to suspend will be confirmed to you in writing within three working days. The line manager should seek guidance from HR before arranging a meeting.

7.2

Suspension is a neutral and precautionary measure pending the outcome of the disciplinary process. It is not a disciplinary sanction and does not presume guilt. Suspensions will be for as brief a period as possible and will be kept under review. During the period of suspension your contract of employment will continue and normal pay arrangements will apply. You will not be permitted to enter University premises or to contact University employees (with the exception of your trade union representative) without prior written consent. Your HR Partner will be in touch to discuss arrangements required following a suspension.

8 Disciplinary Hearing

8.1

Where, upon completion of an investigation, there is sufficient evidence to suggest that you may have committed an act of misconduct, you will be invited to attend a disciplinary hearing. In the event of a disciplinary hearing taking place the University will:

- give you a minimum of five working days' advance notice of the hearing;
- tell you the purpose of the hearing and that it will be held under the University's Disciplinary Procedure;
- give you written details of the nature of your alleged misconduct;
- provide you with all relevant evidence not less than five working days in advance of the hearing;
- explain your right to be accompanied at the hearing by a colleague from the University or a trade union official (see 3.4 above).

8.2

If you are unable to attend a disciplinary hearing because your chosen companion is unavailable, it will be rearranged for a date within five working days of the original hearing date. If you are unable to attend the rearranged hearing, it will normally take place in your absence, unless there are exceptional circumstances. If a hearing goes

8.4

At the hearing you will be given the opportunity to respond to the evidence presented, to state your case in full, and to put forward any mitigating factors. With the agreement of the Chair, you may call witnesses to the hearing. To do this, a request should be made to the Chair at least three working days before the hearing. You should have a reasonable belief that any witnesses you wish to call have information that is pertinent to the matter being considered. You are not permitted to call character witnesses. It is your responsibility to arrange the attendance of any witnesses that the Chair agrees for you to call.

8.5

The University may adjourn the disciplinary hearing if it appears necessary or desirable to do so, for instance, to allow further information to be gathered. You will be informed of the period of any adjournment. If further information is gathered, you will be allowed a reasonable period of time to consider the new information prior to the hearing being reconvened.

8.6

Following the meeting, HR will send the meeting notes to the Chair for agreement. Once agreed by the Chair, a copy of the notes will be circulated to you for review.

8.7

The outcome of the hearing will be communicated to you in writing normally within five working days. The written outcome will confirm the Chair's decision in relation to the allegations (whether they are well founded or not), what disciplinary action will be taken (if any), and your right of appeal (if applicable).

9 Disciplinary Action

9.1

Where the Chair of the disciplinary hearing decides that the allegations against you are well founded, the following action may be taken:

9.1.1 Where a minor offence or offences have been committed, a first written warning may be given. This will be confirmed in writing as soon as is practicable after the hearing, usually within 10 working days, and will:

hearing. You will be given at least five working days' notice of the meeting. A representative from Human Resources will normally attend the meeting to provide procedural advice and to take notes.

10.4

You are entitled to be accompanied at the appeal hearing by a colleague from the University or a trade union representative. See 3.4 for further details.

10.5

An appeal will not take the form of a rehearing of the evidence. The purpose of the appeal hearing is to consider your grounds for appeal and review the information you present in relation to those grounds.

10.6

Following the appeal meeting, the Chair will confirm the outcome to you in writing, normally within 10 working days. Where further time is required to investigate/consider your appeal this will be advised to you in writing, along with an estimate of the additional time required.

10.7

The written confirmation of the outcome will confirm the Chair's decision to either:

- Uphold the appeal and remove or reduce the sanction issued at the previous stage; or

- Reject the appeal.

The Chair's decision is final, and there is no further right of appeal.

11 Special Cases

11.1

If you are an accredited representative of a trade union recognised by the University for collective bargaining purposes and are suspected of having committed a disciplinary offence, the University will take no action under this procedure (with the exception of suspending you, where this is considered necessary – see 7.1 above) until the University has discussed the matter with a full-time official of that trade union.

11.2

If you are charged with or convicted of a criminal offence during your employment with the University, this is not normally in itself a reason for disciplinary action. Consideration will be given to what effect the charge or conviction has on your suitability to do your job and what impact this may have on your relationship with work colleagues and customers. We will not usually wait for the outcome of any criminal proceedings 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.

11.3

If you raise a grievance during a disciplinary process, both processes will normally run concurrently. However, where this is clearly inappropriate, the disciplinary process

may be suspended whilst the grievance is heard. In either case, a separate manager will be appointed to hear the grievance.

defrauding or attempting to defraud the