

**Grievance
Procedures and
Disciplinary
Procedures for
Support Staff**

GRIEVANCE PROCEDURE FOR SUPPORT STAFF

Individual Issues

1. Introduction

- 1.1 This procedure will apply to all employees not covered by the procedures which apply to Academic, Managerial and Professional members of staff.
- 1.2 The University, through its normal day-to-day management arrangements, provides regular mechanisms and opportunities for employees to be able to raise and resolve problems or concerns relating to their work, working environment, or working relationships. However, there may be occasions when employees have problems or concerns that have not been resolved on this basis and this formal procedure provides a mechanism for them to be dealt with speedily and fairly, and before they develop into more serious problems.
- 1.3 In circumstances where a grievance may apply to more than one person, and where a trade union is recognised, it may be more appropriate for the problem to be resolved through collective discussions between the trade union and the University.
- 1.4 The procedure allows for employees to raise issues with management about their work, or about their managers, or their clients and customers, or about fellow workers' actions or those of students which affect them. It is impossible to be comprehensive, but the areas which typically give rise to a grievance are:
 - (i) terms and conditions of employment,
 - (ii) health and safety matters,
 - (iii) relationships at work,
 - (iv) new working practices,
 - (v) organisational changes and
 - (vi) equal opportunities.
- 1.5 There are other procedures regarding harassment and whistleblowing, and employees should seek advice from Human Resources on the most appropriate procedure for raising a specific case. Similarly, grading issues are dealt with through the grading and grading-appeal procedures.

2. The Procedure in Operation

- 2.1 Most routine complaints and grievances are best resolved informally in discussion with the employee's immediate line manager, and it is accepted good practice that matters should be dealt with as quickly as possible. It is also accepted good practice that the manager and employee should keep a note of such an informal meeting, and any agreed resolutions. Every effort should be made to resolve the grievance at this stage as matters not dealt with successfully at this stage have a tendency to become more complex problems in the longer run.
- 2.2 Whilst an individual has the statutory right to be accompanied to certain grievance

hearings (see ACAS Code of Practice paragraph 55), it is not normally considered appropriate to be accompanied whilst attempting to resolve a matter at the informal stage, as this could add an unwelcome degree of formality.

2.3 If the initial complaint is against the immediate line manager, then the matter should be raised at the next level of management.

2.4 If the employee and the manager cannot resolve the matter satisfactorily on an informal basis, it should be dealt with under the formal grievance procedure as set out below.

3. First Formal Stage

3.1 The employee should put his or her grievance in writing to the immediate line manager. Where the grievance is against the line manager, then the matter should be raised with a more senior manager.

3.2 The manager shall collect information and investigate the complaint as necessary to resolve the matter. He or she should respond promptly (within seven days) in writing to the employee (with a copy to the Director of Human Resources) and, if the matter can be resolved by simply acknowledging and rectifying the grievance, then it may not be necessary to have a meeting with the employee. However, if the grievance cannot be resolved in this manner, the manager should invite the employee to attend a hearing to discuss the grievance and should advise the employee of his or her right to be accompanied by a colleague or trade union representative. The manager should seek to arrange such a hearing at a convenient early date, normally within seven working days of receipt of the complaint. It may be sensible to have another manager in attendance to provide a second perspective on the issue.

3.3 After the grievance hearing has been held, the manager should respond in writing to the employee and explain clearly what action(s) will be taken to resolve the grievance or, alternatively, why the manager considers the grievance complaint to be unfounded. If it is not possible to respond within the specified time period, the employee should be given an explanation for the delay and told when a response can be expected.

4. Second Stage

4.1 If the matter is not satisfactorily resolved following the first stage hearing with the departmental management (within seven working days), then the matter should be referred in writing to the Director of Human Resources, who shall nominate a member of the University's management not connected with the employee's department to review the grievance and also inform the employee's Head of Department. A member of Human Resources staff may provide procedural advice to the manager nominated to hear the grievance, but shall not be party to any decision.

4.2 When considering the grievance, the nominated manager shall collect information and investigate as necessary. He or she shall then meet with the employee within

14 working days of receiving the formal notice, and advise the employee of the right to be accompanied. The nominated manager shall inform the employee in writing of the outcome of the hearing within seven working days or, failing that, write to the employee explaining the reason for the delay, and when a response can be expected.

5. Final Stage

- 5.1 Where the matter cannot be resolved at the second stage, the employee may request that their grievance be heard at a more senior level. The request should be put in writing to the Director of Human Resources, outlining the reasons for the request and basis for dissatisfaction with previous decisions, within seven working days of receipt of the written decision. The Director of Human Resources will arrange for the grievance to be heard by a panel of three individuals not connected with the employee's department, and comprising a lay member of the University Council, who will chair the meeting, a local lay representative of the employee's trade union (or relevant trade union if the employee is not a member) and a representative of the University. A member of staff from Human Resources may be present at the meeting to provide advice on procedures and protocol, but will not be party to any decision. The Director of Human Resources will convene this meeting at the earliest possible date, but in any event within 20 working days of receiving the notice. The University will not be responsible for delays arising due to the unavailability of the employee's nominated representative.
- 5.2 The protocol to be followed at this meeting shall conform to that followed in disciplinary procedures:
- (i) any relevant documentation should be made available well before the meeting (seven days before) and if there are "two sides", arrangements made to exchange documentation,
 - (ii) the employee shall have the opportunity to state his or her case, and to be accompanied by a representative throughout the hearing. Whilst the employee's representative may state the case on their behalf, the employee will be expected to answer directly any questions put during the course of the hearing,
 - (iii) the person against whom the grievance is made shall have the opportunity to state his or her case in response to the complaint, the right to be present during the statement of complaint, and have the right to be accompanied by a colleague or union representative,
 - (iv) the panel members shall, under the direction of the Chair, ask questions as necessary and seek clarification of any points or facts,
 - (v) the employee shall have the opportunity to make a final summary statement,
 - (vi) the panel will deliberate on the facts and reach a conclusion on the evidence available; its decision will be communicated in writing to the employee and other interested parties within a specified period (normally 10 working days). The panel may advise and recommend actions which, in its view, appear reasonable steps to take to resolve the matter to the satisfaction of all parties.

5.3 If, during the course of the Final Stage of the grievance procedure, it is considered that use of an external facilitator may be mutually beneficial then referral may be made to an outside agency and advice sought. However, the decision of the panel shall be final.

6. Other General Matters of Protocol

6.1 Employees involved in a grievance hearing shall have the right to use Welsh or English (as may be preferred) at all stages of internal procedure, and translation facilities will be arranged where appropriate.

6.2 In some cases it may be necessary to tape the proceedings in order to ensure that a full record is made and provision for taping will be made on all occasions. Records and witness statements are confidential and all persons involved in a grievance hearing should respect confidentiality. There is provision under the protocol for an experienced person to be present to take a record on behalf of the grievance panel.

6.3 If an employee makes vexatious or malicious allegations against another individual under this or the public interest disclosure policy, particularly if the employee persists in making them, disciplinary action may follow. Similarly, if an employee persists in making trivial and unfounded grievance complaints against other individuals, disciplinary action may follow.

SUPPORT STAFF DISCIPLINARY PROCEDURES

1 Introduction

- 1.1 Disciplinary rules and procedures are necessary for promoting orderly employment relations and consistency in the treatment of employees. It is in the mutual interest of employees and the University management to promote and maintain fair and consistent standards of conduct and performance, and it is important for employees to know what standards of performance and conduct are expected of them.
- 1.2 Disciplinary procedures are not viewed primarily as a means of imposing sanctions, but are seen as a way of helping and encouraging improvement amongst employees whose conduct or standard of work is unsatisfactory. It is the basis of the University's disciplinary procedures that disciplinary matters, or potential disciplinary problems are dealt with at an early stage, and as close to the point of origin as possible, by departmental management. Wherever possible, departmental managers should attempt to resolve difficulties by an informal approach, such as through counselling or coaching, in the first instance.
- 1.3 Employees involved in a disciplinary hearing shall have the right to use either Welsh or English (as may be preferred) at all stages of the disciplinary process, and translation facilities will be arranged where appropriate.

2. Scope and Application

- 2.1 These procedures cover all full and part-time employees of the University other than those employees having an Academic, Managerial or Professional staff contract. The Disciplinary Procedures will apply to all these support staff irrespective of their length of service and will be non-discriminatory.
- 2.2 No investigation will be undertaken, or disciplinary action will be taken, (except in the case of an oral warning), against an accredited Trade Union representative until the case has been discussed with either a senior trade union officer or a full-time officer of the Union concerned.
- 2.3 Disciplinary action will only be taken after there has been an investigation of the incident or shortcomings, and only after the employee has had the opportunity to put his or her case in person, and respond to any allegations or complaint made. In the event of an employee not attending a scheduled hearing, University management reserves the right to reach judgements on the basis of the information available at the time.

3. Investigation

- 3.1 In the event of a complaint being made about a employee's conduct or performance, the employee's immediate line manager will consult with Human Resources to ensure that the agreed investigatory procedure is put into operation. The investigation can be at the place of work and/or at an interview.
- 3.2 In the case of minor instances of misconduct or poor performance it may be appropriate for the manager to deal with the matter with informal advice, coaching or counselling rather than through the formal disciplinary procedures.
Where cases appear more serious and it is decided that a formal investigation is required to establish the full facts, the following protocol will be observed.
- (a) An investigatory meeting will be convened with appropriate notice, at the earliest possible date, and the employee will be advised of his/her right to be accompanied by a friend or representative. The purpose of holding the investigation promptly is to establish facts before recollections fade (such as collecting statements from witnesses) and to lessen any detrimental impact the investigation may have on work relations more generally. The employee will be informed that the investigation will be to consider various complaints, and where possible the nature of those complaints will be specified in detail. The employee will be informed that the investigation may lead to a disciplinary hearing.
- (b) The purpose of the investigatory meeting is to establish the facts. The investigatory panel will normally comprise a member of Human Resources staff and a member of the University's staff from another department. If it transpires that the case appears complex or serious, there is provision for the panel to include a third member, who would not normally be drawn from the employee's department. The panel will elect a chair, and questions may be directed to the employee by any member of the panel. The employee will be expected to answer questions openly and directly, and will not be allowed to answer through another person. If an employee wishes to be accompanied by a friend, a certified representative, a witness or an adviser they may do so. The adviser may make a statement on behalf of the employee, or ask questions for clarification of points if the need arises. Other employees, students or others may be called as witnesses and statements taken.
- (c) Proceedings will be taped in order to ensure that a full record is made and provision for taping will be made on all occasions. Records and witness statements are confidential, and all persons involved in any investigation or hearing should respect confidentiality. There is provision under the protocol for an experienced person to be present to take a record on behalf of the investigatory panel.

- (d) After the investigation has been concluded, (it may be necessary to meet on more than 1 occasion) the chair of the panel will write to the employee within 7 days to inform him or her whether:
 - (i) there is no case to answer and the matter is to be dropped,
 - (ii) there is merit in dealing with the matter informally such as by coaching or counselling,
 - (iii) there is a case to answer and arrange for a disciplinary hearing giving 5 working days notice, to be convened on a mutually convenient date,
 - (iv) it is appropriate to consider the matter under some other established procedure such as the Harassment Policy, the Alcohol Policy or Sickness Policy.

- (e) If the employee cannot arrange for a representative to be present on the date proposed for the disciplinary hearing, then a meeting can be postponed and rearranged in strict accordance with the guidance provided in ACAS code of practice (paragraph 62 – see appendix).

4. Procedures for the Disciplinary Hearing

- 4.1 If the investigation finds that there is a case to answer, the employee will be told in writing, having due regard for point 3.2(e) above, to attend a meeting at a convenient time. That letter will clearly specify the nature of the complaint, and other relevant details will be clearly stated, and will give at least 5 working days notice of the hearing. In stating the nature of the complaint, the University will indicate that disciplinary action may follow if the complaint is upheld. However, in order to deal with matters without prejudice the University will not specify in advance of the outcome of the disciplinary hearing what precise disciplinary sanctions might be imposed, but it will seek to indicate whether the alleged action appears to constitute serious misconduct or gross misconduct, for example.

- 4.2 The employee will also be informed of his or her statutory right to be accompanied by a friend, colleague or trade union representative to any formal disciplinary hearing (paragraph 54 – see appendix). If, as a result of the investigation it is decided that the matter should be dealt with informally, the relevant manager should arrange to do this as speedily as possible, and in accordance with ACAS guidelines (paragraph 53 – see appendix). ACAS guidelines state that “so long as the informal interview or counselling session does not result in a formal warning or some other action it would not generally be good practice for the workers to be accompanied as matters at this informal stage are best resolved directly by the worker and the manager concerned”.

- 4.3 The disciplinary panel will normally be made up of 2 University management representatives from outside of the employee’s department, and a member of staff from Human Resources not involved in the initial investigation. The panel will elect a chair.

- 4.4 If the employee is to be represented by a solicitor, the University should be informed of this fact as soon as possible.
- 4.5 At the disciplinary hearing, the employee will again be informed of the nature of the complaint(s) or allegation(s) and be permitted to state his or her case. The panel members and the employee will both have access to any prepared paperwork which have been exchanged beforehand. This paperwork may include a summary of the University's case, including supporting evidence and facts, including witness statements, and any statement provided by the employee in defence, or denial of the complaint(s) or allegation(s). It will not be possible to table additional written information at the hearing, but should either party wish to clarify or add further information following an agreement to adjourn, then the hearing will reconvene at a new time (perhaps later that day) and/or date. Every effort will be made to ensure that both parties feel they have had a fair hearing, and it will be the responsibility of the Chair to conduct the hearing in a fair and impartial manner. In order to expedite matters, both parties will be expected to provide full information in writing before the commencement of the hearing.
- 4.6 (a) The normal procedure should be for a member of the investigatory panel to present the case and evidence for proceeding to a formal disciplinary hearing and it is accepted that this may involve more than one person if the case is complex or serious. However, there may be circumstances where the documentation is comprehensive, and only a summary statement of the case is necessary.
- (b) The employee should have the opportunity to ask questions of the presenter of the University's case, and normally to question any witnesses, which may have been called. However, in harassment cases there may be sound reasons why this cannot occur, and discretion may need to be applied.
- (c) The employee shall then present his or her case, and the individual presenting the University's case will have an opportunity to question the employee, and any witnesses, which may have been called.
- (d) Following the presentations made by both parties, and the completion of questioning, panel members will have the opportunity to ask questions for final clarification. The Chair of the panel will also have the discretion to allow panel members the opportunity to question either party during their presentations, in order to seek clarification of specific points, but due consideration should be given to allow a presentation to proceed without unnecessary interruptions.
- (e) Once the panel has concluded its questions, the employee shall have the opportunity to make a final statement.

- 4.7 After the two parties have presented their cases, they shall withdraw and the panel will deliberate on the evidence before them, and notify the parties of their decision orally on the same day, if possible, and in writing at the earliest possible opportunity, but in any event within 7 working days.
- 4.8 If disciplinary action is to be taken, then the Chair of the panel will write explaining the nature of the action to be taken, and identifying:
- (i) the shortcoming(s)/misdemeanour(s),
 - (ii) what needs to be done by way of improvement,
 - (iii) the period of time during which such improvement is to be shown,
 - (iv) the consequences of there being no satisfactory improvement,
 - (v) the fact that this and any subsequent warnings will be placed on the employee's personal record,
 - (vi) the period of time that warning will remain on the personal record for disciplinary purposes,
 - (vii) the right to appeal against any decision reached.
- 4.9 If disciplinary action is to be taken, the Chair of the panel will identify who is to administer that action, and the procedure would normally be in accordance with the following protocol. However, the Chair's decision is final, and he or she may for good reason nominate another member of the University management to administer the disciplinary action.
- 4.10 Disciplinary Action can be taken at any one of the following levels, although it would not be usual for an employee to be dismissed for a first breach of discipline, except for gross misconduct.

5. Levels of Disciplinary Action

5.1 Oral Warning

In the event of an employee's conduct or performance not meeting the acceptable standard, or in the case of minor infringements then they will normally receive a Formal Oral Warning, usually given by their direct line manager. The employee will be told that it is a Formal Oral Warning, the reason for the warning and that it is part of the Disciplinary Procedure and of their right of appeal. A note that an oral warning has been given will be kept on the employee's personal record for a set time [see TIME ON RECORD] and disregarded for disciplinary purposes after that period of time has elapsed, and the record removed from the file.

5.2 Written Warning

If the offence is a serious one, or if a further offence occurs, a Formal Written Warning will be given. This will normally be given by the Head of School/Department or by a member of staff in Human Resources.

The Formal Written Warning will give details of the offence, the nature of the improvement required, the timescale for that improvement and the right of appeal. It will also state what action will be taken if there is no sustained improvement (at this stage it would normally be a Final Written Warning). A copy of the Formal Written Warning will be kept on the employee's personal record for a fixed time [see TIME ON RECORD] and disregarded for disciplinary purposes after the elapse of that period of time, and the record removed from the file.

5.3 Final Written Warning

If the offence or infringement is deemed to be a sufficiently serious one or where there has been no sustained improvement or where the conduct and/or performance is still unsatisfactory then a Final Written Warning will be given normally by the Head of School/Department or a member of staff in Human Resources. The warning will give details of the offence and will state what action will be taken if there is no improvement and the right of appeal (at this stage the next step would normally be dismissal). A copy of the Final Written Warning will be kept on the personal record for a fixed time [see TIME ON RECORD].

5.4 Dismissal or Other Sanction

If the offence is extremely serious, or following a final written warning the employee's conduct or performance still fails to improve, a final step may be disciplinary transfer, or more normally dismissal. The employee will be informed in writing of the reasons for the dismissal, the date on which dismissal will take effect, the appropriate period of notice (or pay in lieu of notice) and information on the right of appeal and to whom.

6. Summary Dismissal (Dismissal without the normal period of notice, or without pay in lieu of notice)

6.1 Summary dismissal is a sanction only available to a panel of 3 Senior Officers convened under the rules governing "***gross misconduct***" in this section [6] of the procedure. The employee will be informed in writing of the reasons for the dismissal and of his / her right of appeal.

6.2 Gross Misconduct is conduct which justifies immediate dismissal without progression through any of the stages normally used to address less serious matters of discipline, misconduct or performance. Where it is alleged, or an investigatory panel concludes, that such conduct may have taken place, the matter will be referred to the Director of Human Resources of the University who will:

- (i) decide whether to suspend the employee under section 7 of this procedure; and
- (ii) arrange for an investigation if one has not already been carried out.

- 6.3 If, after investigation, it is decided that there is a case of gross misconduct to answer, the Director of Human Resources shall convene a disciplinary panel comprising 3 Senior Officers, in accordance with section 4 of this procedure. The panel may decide on summary dismissal, or take any other action open to it under the procedure.
- 6.4 If the panel concludes that the case for summary dismissal is proven, that decision shall be communicated to the employee together with the reasons for the decision, in writing immediately. The employee has a right of appeal against any such decision to dismiss, in accordance with the section titled appeal against dismissal and summary dismissal (section 8.4).
- 6.5 The University's disciplinary procedures are such that a serious case of gross misconduct or serious breach of contract can be considered directly and without prior progression through any of the stages normally used to address less serious matters of performance misconduct or discipline.
7. Right to Suspend
- 7.1 The University has the right to suspend an employee from his or her duties or contract of employment for good or urgent cause, normally, but not exclusively as a precautionary measure pending the outcome of disciplinary enquiries, or pending discussions, which may affect the employee's continued employment. The purpose of the suspension is to remove the employee from the workplace if their presence could affect the collection or integrity of any evidence, or unduly influence colleagues, or cause any risk to the health and safety of themselves or others. Such suspension will normally be on full pay, although the University reserves the right to suspend with less than full pay, or no pay at all, in exceptional circumstances. The initial period of suspension will not normally be more than 2 weeks, but it may after due consideration of relevant facts be extended for further periods if circumstances warrant it.
- 7.2 The University accepts it has an obligation to conduct investigations and proceedings expeditiously when an employee has been suspended, but it cannot be held responsible for delays caused by the employees' nominated representatives not being available.
- 7.3 The Disciplinary procedure of the University identifies the Director of Human Resources or his/her nominee as the person responsible for instituting a suspension of a Member of the Support Staff.
- 7.4 Examples of where the University may feel it necessary to suspend an employee pending investigations include:
- (i) complaints normally in writing about personal conduct which

- (ii) infringes the University Code of Practice on Harassment & Bullying, complaints normally in writing about behaviour in breach of the financial regulations of the University, or other forms of misconduct or mishandling of funds or resources,
- (iii) complaints normally in writing on matters relating to the Health, Safety and Welfare of the individual employee, or other employees, students or visitors within the University Community,
- (iv) complaints normally in writing brought under the University's Public Interest Disclosure Policy.

This list is not exhaustive, and the University management reserves the right to exercise discretion and judgement in such matters based upon the perceived risk to the institution and/or its operational needs. Other examples are included in the list under paragraph 10 under the heading Examples of the Types of Conduct, which may lead to Disciplinary Action being taken.

8. Appeals

8.1 Appeal Against Disciplinary Action

If an employee disagrees with the disciplinary action being taken against her/him or disagrees with the severity of the action, he or she may appeal. The appeal should be in writing to the Director of Human Resources within five working days of receipt of notice of the disciplinary action. The notice of appeal shall include a clear statement by the appellant of the grounds of the appeal, by indicating for example whether the appeal is on procedure, substance, or severity of outcome.

8.2 Appeal Against an Oral Warning

An appeal against an oral warning will normally be heard by a Senior Manager from outside of the department and who has not been previously involved in the case, unless the initial case was heard by a disciplinary panel, in which case another panel will be convened comprising of members of the University management not previously involved in the case. The Senior Manager, or the appeal panel will review the paperwork and the employee will have the right to be present in person, present a summary of their case and to be represented.

8.3 Appeal Against a Written or Final Written Warning

- (i) Appeals against written warnings or final written warnings will be heard by a panel comprising a University Senior Officer, another person not directly involved in the person's work area, and a member of Human Resources not previously involved in the case.
- (ii) The protocol for conducting an appeal at this level will be as follows.

- (iii) The purpose of an appeal is to ensure that natural justice prevails, and if initial investigations and disciplinary hearings are conducted in accordance with agreed procedures, appeals should be rare occurrences.
- (iv) On receiving a notification of appeal against written or final written warnings the Director of Human Resources will endeavour to convene an appeal panel meeting within 28 working days.
- (v) The panel will elect a Chair who will ensure that the cases made by both the University and the employee in the initial hearing are fully considered; this may mean in extreme circumstances that cases need to be reconsidered in their entirety, but equally, it may mean that the appeal panel can focus on particular areas of dispute, such as the interpretation of particular evidence, new evidence coming to light, the severity of the penalty, or an alleged defect in procedure. The appeal panel should follow the protocol agreed for the disciplinary hearings.
- (vi) The Chair of the appeal panel will arrange for the decision of the panel and the reasons for that decision to be communicated to the employee within seven days of the decision. The appeal panel may vary or moderate the disciplinary action at its discretion. The decision of the appeal panel will be final in all cases.

8.4 Appeal Against Dismissal and Summary Dismissal

- (i) Appeals against dismissal and summary dismissal will be heard by a panel appointed by the University Council, and will include a Pro Vice-Chancellor and/or a Dean of Faculty or Senior Officer plus a lay member of Council. The panel will be supported by a member of Human Resources who will advise on procedure, but not be party to the final decision. The procedures will be in accordance with the protocol adopted for disciplinary hearings, and will ensure that both parties have an opportunity to exchange relevant documentation, present their cases fully and normally to ask questions of the other side. However, in cases of harassment there may be sound reasons why this cannot occur, and discretion may need to be applied. The lay member of Council will normally chair the proceedings, and the sequence of events will be in accordance with the following procedure:
 - panel members introduce themselves,
 - the panel chair ensures that paperwork has been exchanged and that both parties are content that full documentary evidence is available,
 - panel chair summarises the nature of the complaint, reason for dismissal and the stated grounds of appeal,
 - appellant presents case to panel; panel and presenter of University's case have opportunity to question,
 - the presenter of the case for disciplinary action presents case, panel and appellant has opportunity to question,
 - appellant given opportunity to make final statement,

- panel reaches decision and communicates this to employee, giving reasons in writing.

The University will ensure that the panel hearing is convened within the contractual notice period of the employee, but will not be liable for delays caused by the unavailability of the employee's nominated representative.

8.5 When an appeal against the disciplinary action of dismissal is upheld, then the person will be re-engaged. This does not necessarily mean that the person will be reinstated to his or her original position or to the same duties, and due consideration will need to be given to the panel's decision in the context of operational needs and the nature of the offence/or misconduct. The panel may also moderate the disciplinary action, to an action less than dismissal and the person's records will be adjusted accordingly.

9. Time on Record

9.1 In the case of oral warnings for minor offences, a note of the oral warning should be retained on the personal file for up to a maximum period of 12 months after which it will be disregarded for disciplinary purposes.

9.2 In the case of other more serious offences, the warning will normally remain on the personal record for a period of up to two years after which time it will be disregarded for disciplinary purposes, unless there is a further breach of discipline/performance/conduct within the 2 year period.

9.3 In exceptional cases, where the final written warning is issued as an alternative to dismissal, the warning may be kept on file for a longer specified period.

10. Examples (not exhaustive) of the types of conduct which may lead to disciplinary action being taken are identified below

These are differentiated between those which the University would be likely to be regard as "gross misconduct" - that is misconduct resulting in a serious breach of contractual terms, and other acts which are less serious, but nonetheless breaches of contractual terms.

10.1 Examples of gross misconduct, which may lead to dismissal, summary dismissal, or loss of post include:

- (i) serious infringement of health and safety rules, such as knowingly or recklessly endangering his or her own safety or the safety of others whilst at work
- (ii) serious incapability whilst on duty/at work brought on by alcohol or illegal drugs

- (iii) physical violence, or the use of threatening, intimidating or abusive behaviour against any employee, employee or student of the University, or any other person or visitor legitimately present within the University precincts
- (iv) deliberate damage to property, equipment or buildings owned by the University
- (v) theft or misappropriation of University property, or of the property of any employee, student or visitor to the University
- (vi) serious bullying or harassment
- (vii) fraud, the forgery of documents relating to the work of the University, the deliberate falsification or University records, or misrepresentation of personal qualifications
- (viii) serious breach of confidentiality of work (subject to the Public Interest Disclosure Act and the University's policy on Whistleblowing")
- (ix) serious insubordination
- (x) misuse of the University's property or name
- (xi) serious negligence which causes, or might cause, unacceptable loss, damage or injury
- (xii) using the University's facilities to conduct unauthorised commercial operations
- (xiii) conviction of a serious criminal offence leading to breach of contract
- (xiv) repeated commission of minor breaches of discipline or repeated misconduct resulting in serious breach of contract
- (xv) serious misuse of the University's computer and other information systems, such as transmitting illegal, offensive or pornographic material by email or other mail systems
- (xvi) repeated allegations of vexatious or malicious nature made under the University's policy on public interest disclosure

10.2 Examples of conduct or behaviour which the University would regard as breaches of contract, and which may lead to disciplinary action, but which, in isolation are likely to fall short of the grounds necessary for dismissal to be considered reasonable include:

- (i) unsatisfactory performance of the duties of the post
- (ii) unsatisfactory timekeeping
- (iii) unauthorised absence from work
- (iv) breach of confidentiality at work
- (v) breach of University or departmental safety regulations, rules or policies
- (vi) breach of other University or departmental regulations, rules or policies, such as the Financial Regulations, or Equal Opportunities Policy etc.
- (vii) breach of regulations regarding harassment, bullying, or discrimination
- (viii) breach of any other condition of employment
- (ix) misuse of the University's computer and other information systems, or other systems of information distribution

Records

Records of disciplinary hearings and investigations and the outcomes will be kept securely and attached to the employee's personal file.

These records will remain confidential and retained in accordance with the disciplinary procedures, and the Data Protection Act 1998. This latter allows the release of certain information to employees on their request, and is explained in the University's Data Protection Policy.

The University reserves the right to withhold certain information in certain circumstances, such as where it is necessary to protect a witness.

This procedure and its provisions may be reviewed and amended by agreement from time to time.

ACAS CODE OF PRACTICE

APPENDIX

Paragraph 53 What is a Disciplinary Hearing?

Whether a worker has a statutory right to be accompanied at a disciplinary hearing will depend on the nature of the hearing. Employers often choose to deal with disciplinary problems in the first instance by means of an informal interview or counselling session. So long as the informal interview or counselling session does not result in a formal warning or some other action it would not generally be good practice for the worker to be accompanied as matters at this informal stage are best resolved directly by the worker and manager concerned. Equally employers should not allow an investigation into the facts surrounding a disciplinary case to extend into a disciplinary hearing. If it becomes clear during the course of the informal or investigative interview that formal disciplinary action may be needed then the interview should be terminated and a formal hearing convened at which the worker should be afforded the statutory right to be accompanied.

Paragraph 54 The statutory right to be accompanied applies specifically to hearings which could result in:

- (i) the administration of a formal warning to a worker by his employer (ie, a warning, whether about conduct or capability, that will be placed on the worker's record);
- (ii) the taking of some other action in respect of a worker by his employer (eg, suspension without pay, demotion or dismissal); or
- (iii) the confirmation of a warning issued or some other action taken.

Paragraph 62 The statutory right in operation

It is good practice for an employer to try and agree a mutually convenient date for the disciplinary or grievance hearing with the worker and their companion. This is to ensure that hearings do not have to be delayed or postponed at the last minute. Where the chosen companion cannot attend on the date proposed the worker can offer an alternative time and date so long as it is

reasonable and falls before the end of the period of five working days beginning with the first working day after the day proposed by the employer. In proposing an alternative date the worker should have regard to the availability of the relevant manager. For instance it would not normally be reasonable to ask for a new date for the hearing where it was known the manager was going to be absent on business or on leave unless it was possible for someone else to act for the manager at the hearing. The location and timing of any alternative hearing should be convenient to both worker and employer.