

Disciplinary Procedure: Guidance for Employees

We recognise that being involved in a formal disciplinary procedure may be a difficult time for you and we are committed to providing you with reasonable and appropriate support. Your manager should support you, along with the HR team, to help and answer any questions that you may have during this process.

External independent support

You have access to a free, confidential and independent resource that provides information, resources and counselling on a range of different issues. You can access the Employee Assistance Programme via phone, email or online and it is available 24 hours a day. You can access this service [here](#).

Suspension

It is important to note that if you are suspended under this procedure, this is not a disciplinary sanction and does not indicate that any decision has been made regarding the allegations that have been made against you.

Reasonable adjustments

If you have a disability or special requirements, you are encouraged to discuss any reasonable adjustments you would like to be considered with your manager or HR. If you are currently absent from work and unable to attend the workplace, you can request reasonable adjustments to be made.

Further advice in relation to reasonable adjustments may be taken from the University's Occupational Health provider.

Right to be accompanied

You can be accompanied at any formal meeting that you are invited to attend by a work colleague, a trade union representative or an official employed by a trade union.

The work colleague or trade union representative can confer with you during the meeting and may present all or part of your case, respond to any views expressed and sum up the case on your behalf. However, you should be prepared to answer questions or clarify any points put directly to you.

Investigation

The purpose of the investigation is to establish all of the facts in relation to the case. You may be invited to attend an investigation meeting to respond to the allegations that have been made against you and to

provide any evidence/information that supports your response. You can request the investigating manager to speak with/take statements from other people who are relevant to the case and you will have the opportunity to share any other information that you wish to be considered.

A record (not verbatim) will be taken of the investigation meeting. You will be provided with a copy and asked to review and return it, ideally within three working days and no longer than five working days. You can request amendments to be made and if consensus cannot be reached, the tracked changes will be retained on the notes.

Disciplinary Hearing

If, following the investigation, it is decided that the case will proceed to a disciplinary hearing you will receive an invitation to attend a hearing. A different manager (or managers, depending upon the severity of the allegation) will thoroughly review the investigation findings in advance of the hearing.

If you wish to submit any relevant documentation in advance of the disciplinary hearing and/or provide any names of witnesses that you may wish to call to the hearing, you should do so at least two working days prior to the hearing. A Hearing Manager may alternatively suggest that your witness provides a written statement, rather than attending in person.

At the hearing you will be given the opportunity to respond to the allegations that have been made against you, present evidence and call on any witnesses to present to the panel. You can challenge the investigation findings, ask questions and seek clarification. After the hearing, the panel will decide whether or not there is a case to answer.

You will be notified of the outcome in writing within five working days of the hearing unless otherwise notified. If the allegation is not upheld, there will be no disciplinary sanction but recommendations may be given. If it is decided that there is a case to answer, the letter will confirm the disciplinary sanction that has been applied and the reasons for this.

Appeal

If you believe that you have grounds to appeal the decision, you have the right to appeal it. Any appeal must be submitted within ten working days of being notified of the decision. The appeal process is not a re-hearing and it is important that the grounds for appeal should be based one on of the following reasons:

- ☑ New evidence coming to light which was not previously available at the time the decision was made or which was unreasonably withheld (other than by you) and which could have materially affected the outcome;
- ☑ A flaw in the procedure which could have influenced the final outcome;

- ✔ Unfairness of the judgement or;
- ✔ Severity of the penalty.

A different manager (or managers, depending upon the severity of the allegation) will thoroughly review all of the documentation from the investigation and disciplinary hearing, along with your appeal. At the appeal hearing you will be given the opportunity to state your appeal. After the hearing, the panel will decide upon the appropriateness of the decision to issue you with a disciplinary sanction.

If you are a Trade Union representative

Normal disciplinary procedures apply to recognised trade union representatives. If you are a trade union representative, unless you have given permission, no contact will be made with a full time official of the trade union concerned. Where permission has been given, no disciplinary action will be taken until the circumstances of the case have been discussed with a full time official of the trade union concerned.