

HR Services

Employee Handbook

Staff Disciplinary Procedures



1. Introduction

1.1 These disciplinary procedures will apply to all members of staff at UEL (except to staff designated as senior postholders, to whom separate procedures will apply under our Articles of Government). The procedures do not form part of any staff member's contract of employment and may be amended at any time following consultation and negotiation with UEL's recognised trade union representatives. They are not intended to limit the statutory rights of staff members under current legislation, or under UEL's Articles of Government. The procedures do not apply in cases of performance management under our Capability Procedure, absence arising from ill-health, or if a staff member is on probation. In all such cases separate procedures will apply.

1.2 The purpose of this policy is to detail the steps to be followed when standards of conduct give rise to issues which are not capable (or do not lend themselves) to being resolved by other informal means. Examples of misconduct which may be grounds for disciplinary action are given in Appendix E. The procedures are intended to deal promptly with cases of alleged misconduct and any hearings will be conducted impartially and without pre-judgement. In the case of more serious offences, disciplinary action may be taken which may include immediate dismissal and examples of gross misconduct are shown at Appendix F.

1.3 The University's disciplinary policy accords with the ACAS Code of Practice on Disciplinary and Grievance Procedures

and operates at a number of levels. It is for the UMT member (or nominee), having taken advice from the HR Director (or nominee) to decide which matters are likely to warrant further investigation and the subsequent appropriate level of disciplinary hearings and action taken in the circumstances. Levels of disciplinary action can range from an informal warning to immediate dismissal. It is neither necessary nor always appropriate for escalating action to be taken through each level.

1.4 The application of the procedures will be consistent, reasonable, prompt and impartial. HR Services will record and periodically report on the number of disciplinary actions taken during a year by gender, ethnic origin, age and disability and in respect of any other protected characteristics for which data is available, to UEL's equality committees and to our recognised trade unions to ensure that the implementation of the procedures does not impact unfairly on any one group.

1.5 Information relating to an allegation of misconduct should not be divulged to any parties not involved in the disciplinary process. Any written statements, letters and other communications relating to an allegation of misconduct will be strictly confidential to those involved in the process.

1.6 At every formal stage of the procedure the staff member will be advised of the nature of the complaint in writing and will be given the opportunity to state her/his case. Where the outcome of the procedure is a warning the member of staff will be provided with appropriate support to improve her or his conduct.

1.7 At all stages where a staff member is required to attend a disciplinary investigation or hearing the member of staff will have the right to be accompanied by a trade union representative or another of UEL's staff members. For the rest of this document this person is referred as 'Friend'. The duties and limitations of the role of a 'Friend' are set out in

Appendix A.

1.8 No-one involved in meetings or hearings conducted under the procedure is permitted to make electronic recordings.

1.9 Special attention should be paid to ensure that rules are understood by the staff member subject to disciplinary action without recent experience of working life (for instance, young people or those returning to work after a lengthy break or whose English or reading ability is limited). Reasonable adjustments may also need to be made to accommodate the needs of staff who have a disability, such as visual impairment).

1.10 Prior to proceeding to a formal stage of the procedure, the Director of HR Services (or nominee) may, where appropriate, discuss with the manager as to whether she or he would wish to use mediation as an alternative to the formal stage. Further guidance about mediation is given at Appendix G.

1.11 For guidance on criminal offences outside employment, please refer to Appendix B.

1.12 For guidance on disciplinary action against a trade union representative, please refer to Appendix C.

1.13 For guidance on handling grievances raised during a disciplinary process (including investigations), please refer to Appendix D.

1.14 Before taking a decision to issue a disciplinary warning or dismiss a staff member, the manager concerned will take account of the staff member's disciplinary and general record, action taken in any previous similar case, the explanation given by the staff member and - most important of all - whether the intended disciplinary action is reasonable and proportionate under the circumstances.

1.15 In broad terms, the levels of disciplinary action that may be considered are as follows:

Informal action: This will normally be clear guidance given to the staff member if the conduct of a staff member has fallen below an acceptable standard and/or the staff member has committed a minor offence.

Formal Warning: This will normally be issued if:

- There is no improvement in the conduct about which the staff member has previously been informally advised; or
- Another related instance of misconduct has occurred during the operation of an extant warning; or
- The level of misconduct is more serious.

Final Formal Warning: This will normally be issued if:

- Previous formal warning has already been issued and another instance of misconduct has occurred during the operation of an extant warning; or
- There is no improvement in the conduct about which the staff member has previously been warned; or
- The conduct is of such seriousness that neither informal action nor a formal warning are appropriate, but the misconduct falls short of justifying immediate dismissal.

Dismissal: This will normally occur if:

- An allegation of gross misconduct is found to be proven; or
- There is no improvement in the conduct within the specified period which has been the subject of a Final Formal Warning
- A further instance of misconduct has occurred during the operation of an extant warning and a Final Formal Warning has already been issued.

1.6 Duration of Warnings

The duration of warnings will be described in writing to the member of staff at the time the warning is issued. Warnings will normally last for one year. For more serious offences a warning will normally last for two years. Towards the end of the warning period the manager who issued the warning will review the staff member's conduct since the warning was issued. When the warning expires, and provided that no further misconduct has occurred, the warning will not remain on the member of staff's record. If, however, before the the end of that time there remains a need for the warning to remain in place, then it shall be extended and reissued at the next appropriate level. In all cases, a warning (whether informal or formal) is to include:

- a) The observed shortcomings in conduct;
- b) The action required to be taken to overcome the shortcomings;
- c) The consequence of failing to do so including, ultimately, the possibility of the staff member being dismissed; and
- d) The duration of the warning.

2. Informal Action

Where a line manager decides that a minor infringement requires action that falls short of formal disciplinary action (i.e. for issues around timekeeping or and minor negligence) the line manager should conduct an informal interview with the member of staff and inform the staff member that a repeat of such action could lead to formal disciplinary action. The line manager should retain a written record of that advice and provide the member of staff with a copy of that advice.

3. Formal Action

3.1 Investigations

The purpose of a disciplinary investigation is to establish and collect the evidence and to recommend whether a disciplinary hearing is

appropriate. The staff member whose conduct is being investigated must co-operate fully and promptly in any investigation and this will include informing the senior member of staff appointed to conduct the investigation of any relevant witnesses, disclosing relevant documents and attending an investigative interview(s).

Such an investigation should be undertaken by a senior member of staff (it may be appropriate in some circumstances for a second member of staff to be involved in the investigation, e.g. in the case of suspected financial wrongdoing or where IT Services' advice may be needed). An investigation may lead to disciplinary action being taken; it should not, of itself, be regarded as disciplinary action.

In all cases where an investigation might be necessary, advice is to be sought from the Director of HR Services (or nominee) prior to the commencement of any investigation into an allegation of misconduct. The nature and extent of any investigation will depend on the seriousness of the matter.

Not all disciplinary investigations inevitably lead to formal action being taken. Where it is considered appropriate, an investigation may lead to a line manager informally warning a member of staff as to their future conduct (see above). It may also lead to no action being taken at all.

The staff member should make every effort to attend an investigatory meeting or a disciplinary hearing and failure to attend without good reason may be treated as misconduct in itself. If a staff member cannot attend an investigatory meeting (see Appendix H) or a disciplinary hearing they should inform the investigator(s) or the Chair of the Hearing in advance wherever possible. If the staff member fails to attend through circumstances beyond their control and unforeseeable at the time the meeting was arranged (e.g. illness) the investigator(s) or Chair of the Hearing should arrange another meeting or hearing. A decision may be taken in the staff member's absence if they fail to attend a meeting or hearing without good reason or are persistently unable to do so (for example for health reasons).

If the staff member's Friend cannot attend on a proposed date, the staff member may suggest another date so long as it is not more than five working days after the date originally proposed and is mutually agreeable with all other parties to the investigatory meeting or hearing. In exceptional circumstances, this five-day time limit may be extended by mutual agreement.

If, following investigation, the manager of the staff member concerned considers that it is not appropriate to convene a formal hearing but that informal advice or guidance is appropriate, any resulting discussion will be taken forward as appropriate and the staff member informed that no formal disciplinary action is being taken.

Detailed guidance on the conduct of investigations is given in Appendix H to these procedures.

3.2 Disciplinary Hearing

If a disciplinary hearing is to be convened the staff member will be given written notice of the date, time and place of the hearing. He or she will also be informed in writing of the allegations against them and the evidence which supports them. The staff member will also be informed of what the likely range of consequences will be if it is decided after the disciplinary hearing that the allegations are true. The staff member will be provided with a copy of any relevant documents which will be used at the disciplinary hearing.

3.3 Formal Warning

In the event of informal action not resulting in an improvement in conduct, or where the conduct of a member of staff is of a more serious nature, the staff member will be given a formal warning by the line manager at a hearing.

Before issuing a formal warning the line manager (or equivalent) will normally have ensured that the matter was investigated and will have considered the member of staff's response to the findings of the investigation.

The warning should make clear:

- a) The observed shortcomings in conduct;
- b) The action required to be taken to overcome the shortcomings;
- c) The consequence of failing to do so, possibly including, if appropriate, the staff member's dismissal;
- d) The duration of the warning and a date mentioned for a review of the staff member's conduct since the warning was issued;
- e) His or her right to appeal against the warning (See Appendix K).

A written record should be kept by the line manager of the findings of the investigation and of any warning issued to the member of staff and to his or her Friend (if the Friend attended the hearing). The line manager will issue the warning by completing the Formal Disciplinary Warning form (see Appendix J). The Director of HR Services (or nominee) is also to be given a copy of the written Formal Warning.

3.4 Final Formal Warning

In the event of a first formal warning not having the desired effect, or where the matter is of a more serious nature, the disciplinary procedure is to proceed to a Final Formal Warning.

Prior to the issue of a Final Formal Warning the member of staff should be invited to a disciplinary meeting by letter from their Dean of School or Director of Service (or nominee) in which the purpose of the meeting is explained. The member of staff shall be given five working days' notice of the forthcoming disciplinary hearing.

Having fully considered any statement given by the member of staff at the meeting and having taken all of the circumstances into account, and having regard to the seriousness of the offence, the Dean of School or Director of Service (or nominee) will consider whether a Final Formal Warning is necessary. If it is not judged to be necessary, the member of staff will be notified of this in writing by the Dean of

School/Director of Service after the meeting.

If a Final Formal Warning is judged to be necessary, this will be given to the member of staff by the Dean of School/Director of Service after the disciplinary hearing. The warning will make clear:

- a) The observed (and/or continuing) shortcomings in conduct;
- b) The action required to be taken to overcome these shortcomings;
- c) The consequences of failing to do so including, drawing to the attention of the staff member the increased possibility of dismissal;
- d) The duration of the warning and a date mentioned for a review of the staff member's conduct since the warning was issued;
- e) The staff member's right of appeal (See Appendix K).

The line manager will issue the final warning by completing the Formal Disciplinary Warning form (see Appendix J). Both the member of staff and the Director of HR Services (or nominee) are to be given a copy of the Final Formal Warning.

3.5 Dismissal

If the staff member's conduct or performance remains unsatisfactory after the Final Formal Warning was issued, dismissal will normally result. In such circumstances, the Dean or Director (or if he or she has previously issued a warning, a member of the Vice-Chancellor's Group not previously involved in the case) will take the decision to dismiss, having considered the evidence and any mitigating circumstances. At a hearing the Dean/Director/VCG member will review (where appropriate) the investigation and previous warnings issued, together with the line managers report which gives rise to dismissal being contemplated.

Thereafter, if dismissal is confirmed, the member of staff will be provided (as soon as reasonably practicable) with written reasons for the dismissal, the date on which employment will terminate. The member of staff will also be advised of UEL's Appeals Policy and their right to appeal against such dismissal. In exceptional circumstances, the dismissal shall take effect prior to an appeal being heard and a

decision reached. Where it is appropriate to do so, however, an appeal may be heard following the member of staff's dismissal.

3.6 Gross Misconduct

3.6.1 Suspension

Where an allegation is made of a serious breach of a member of staff's contract of employment ('gross misconduct'), such a member of staff may be suspended on full (normal) pay). Examples of gross misconduct are given in Appendix F. The decision to suspend a member of staff should normally be taken by a Dean of School or Director of Service (or nominee) with the delegated authority of the Vice-Chancellor following consultation with the Director of HR Services (or nominee). The staff member will be notified of his or her suspension in writing.

In the case of an allegation of serious misconduct against a Dean of School or Director of Service, a Member of the Vice-Chancellor's Group may suspend the Dean of School or Director of Service.

Suspension will normally be for such time as may be necessary to investigate the matter properly. The member of staff shall be given reasons for his or her suspension. Such suspension is not regarded as disciplinary action against the member of staff, nor does it involve any prejudgement. Rather, it allows a full investigation to be made where there is cause to doubt the suitability of the member of staff to continue to work at UEL.

Under UEL's Articles of Government any member of staff who has been suspended for three weeks or more may appeal in writing to the Board of Governors against the suspension, such appeal to be heard by a convened Special Committee as soon as practicable. The suspension shall continue to operate pending the Special Committee's decision on the appeal.

3.6.2 An investigation will be conducted by a senior manager who has not previously been involved in the matter under investigation. It may

be appropriate in some circumstances for a second member of staff to be involved in the investigation, e.g. in the case of suspected financial wrongdoing or where IT Services' advice is needed). Where appropriate, and following an investigation, a formal disciplinary hearing may be convened. Such a hearing will normally be Chaired by the Dean of School or Director of Service concerned (or nominee) (or a member of the Vice-Chancellor's Group in the case of serious allegations against a Dean of School or Director of Service, with the delegated authority of the Vice-Chancellor. See Appendix I for guidance on how the hearing will be conducted.

3.6.3 Hearing Outcome

Following a hearing where dismissal is the outcome, the Chair (or nominee) shall confirm the decision in writing together with the reasons for that decision. The member of staff will be advised of the UEL Appeals Policy and informed that any Appeal will be convened after they have left UEL's employment. The member of staff may be dismissed and leave UEL's employment immediately, with no period of notice and no further pay beyond that date. If a member of staff is subsequently reinstated for any reason, the reinstatement shall take effect from the date of the original dismissal and no loss of earnings shall be incurred.

The disciplinary panel might alternatively decide that the member of staff's misconduct is serious but does not amount to gross misconduct (where the penalty would normally be immediate dismissal, even for a first offence).

In such circumstances a formal written warning will be given to the member of staff in which will make clear:

- a) The observed (and/or continuing) shortcomings in conduct;
- b) The action required to be taken to overcome these shortcomings;
- c) The consequences of failing to do so including, drawing the staff member's attention to the increasingly possible chance of dismissal;
- d) The duration of the warning and a date mentioned for a review of the staff member's conduct since the warning was issued;
- e) The withdrawal (or withholding) of pay increments, or other pay

increases or awards for a specified period; and
f) A financial penalty either for culpable loss or damage caused by the member of staff.

Procedures approved by the Employment Committee in November 2012

Appendix A

THE ROLE OF 'FRIEND'

The member of staff will be informed of this right to be accompanied prior to any disciplinary hearing; it is the member of staff's responsibility to arrange to be accompanied by a Friend. The staff member is required to inform the manager holding the hearing who their chosen Friend is before any meeting. The Friend may address the meeting, putting the staff member's case and may ask witnesses questions. The Friend may also confer with the staff member during the meeting, but is not permitted to answer questions on their behalf. The Friend may also sum up the staff member's case. The Friend shall not prevent the manager explaining the case against the staff member. Staff members asked to accompany a colleague to a meeting will be permitted to take paid time off during working hours to attend that meeting.

Appendix B

CRIMINAL OFFENCES OUTSIDE EMPLOYMENT

Where a staff member is the subject of a criminal investigation, charge or conviction, the line manager (in consultation with the Director of HR Service (or nominee) will investigate the facts before deciding whether to take formal disciplinary action. The line manager will not necessarily wait for the outcome of any prosecution before deciding what action, if any, to take. A member of staff shall not be dismissed solely because a charge against him or her is pending or because they are absent through being remanded in custody.

The main considerations shall be whether the offence is one that is, in the opinion of the line manager (in consultation with the Director of HR Services (or nominee)) liable to make the member of staff unsuitable for his or her type of

work or unacceptable to other members of staff, students or visitors; in such circumstances, the Procedure for Gross Misconduct would normally apply.

Where a member of staff is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the line manager may make a decision based on the available evidence.

Appendix C

DISCIPLINARY ACTION AGAINST A TRADE UNION REPRESENTATIVE

The procedures outlined above shall apply equally to those members of staff who are accredited UEL branch trade union representatives. On any occasion where such a member of staff is to be the subject of a disciplinary hearing, however, the Director of HR Services (or nominee), should in addition to informing the member of staff of the right to be accompanied by a Friend, inform the appropriate regional union official as quickly as reasonably practicable and, in any case, before the date of the hearing is fixed. Similarly, the regional official should be given a copy of any communication containing the result of such a disciplinary hearing which is sent to the member of staff. If the head of the UEL trade union branch and the member of staff so wish, the member of staff concerned will be accompanied by the full time official to the disciplinary hearing.

Appendix D

STAFF RAISING A GRIEVANCE AT ANY STAGE DURING A DISCIPLINARY PROCESS (INCLUDING INVESTIGATIONS)

Where a staff member raises a grievance which is related to the disciplinary process and/or action being taken against him or her it may be appropriate to deal with the issues concurrently e.g. the concern(s) of the staff member will be considered during the disciplinary hearing. Any grievance raised by a member of staff who is already subject to a disciplinary process and which does not relate to it will normally be heard prior to the disciplinary hearing.

A grievance cannot be raised about a formal warning; UEL's appeal stages should be used instead.

Appendix E

GROUNDS FOR DISCIPLINARY ACTION (OTHER THAN FOR GROSS MISCONDUCT)

The following are examples of the sort of offences other than gross misconduct which could lead to disciplinary action. The list is not exhaustive or exclusive and indeed schools or services may also have additional, local rules for operational purposes.

In some cases the examples listed below may amount to gross misconduct (see Appendix F). Whether an offence is gross or serious depends upon the seriousness of the offence.

- a) failure to comply with reasonable instructions or requests from the line manager, or some other form of misconduct in performing the duties of a post satisfactorily;
- b) persistent poor time-keeping;
- c) unauthorised absence;
- d) careless destruction or waste of UEL property and/or failure to report such;
- e) breach of confidentiality (e.g. disclosure of confidential information to a person not authorised to receive it);
- f) breach of UEL's Health and Safety, Financial, Computer Use or IT Network use regulations or rules;
- g) reckless driving on UEL business or on UEL premises;
- h) incapacity to perform the duties of the post due to the influence of alcohol or illegal drug taking;

- i) rudeness to colleagues, visitors or students;
- j) sexual or racial harassment or bullying of a member of the University or visitor.
- k) breach of a specified condition of employment;
- l) bringing UEL into disrepute.

Appendix F

GROUNDINGS FOR GROSS MISCONDUCT

The following are examples of offences amounting to gross misconduct. The list is not exhaustive or exclusive:

- a) theft or unauthorised removal of property or receipt of stolen property of UEL or member of staff, student or visitor to UEL;
- b) wilful damage to any UEL property;
- c) fraud, forgery involving the deliberate falsification of documents or other materials;
- d) threatening or using physical violence or gross abuse against any member of staff, student or visitor to UEL;
- e) sexual or racial harassment or bullying of a member of staff, student, or visitor. (Please see UEL's 'Personal Dignity' policy, which will need to be followed);
- f) serious insubordination and/or refusal, without reasonable cause, to carry out a legitimate instruction given by an authorised member of staff;
- g) wilful and serious disregard of duties or instructions relating to employment;
- h) wilful and serious breach of confidentiality;

- i) wilful and serious breach of UEL's Health and Safety, Financial or Computer Use or IT Network use regulations or instructions;
- j) dangerous driving on UEL business or on UEL premises;
- k) serious incapacity to work due to being under the influence of alcohol or unauthorised/illegal drugs, where conduct could endanger staff, students or the public;
- l) conviction of any criminal offence which in the University's view may render the person concerned unfit to hold his or her post (Please refer to Appendix B);
- m) unauthorised entry into an area of UEL which is specifically barred or where a clear notice to this effect is displayed;
- n) unauthorised absence which may put the health and safety of our staff and students and/or premises or operations at risk;
- o) serious negligence which causes unacceptable loss, damage or injury to persons or UEL property or finances;
- p) the use for personal gain of confidential information obtained by a member of staff in the course of his or her employment;
- q) Bringing UEL into serious disrepute.

Appendix G

MEDIATION GUIDELINES

Prior to proceeding to a formal stage in the Procedure, the Director of HR Services (or nominee) may (where appropriate) ask the manager if he or she wishes to use mediation as an alternative to proceeding to the next stage. Mediation is a voluntary process where the mediator helps the parties in dispute to attempt to reach an agreement. Managers may not always consider mediation appropriate where there is strong evidence of the staff member's misconduct. However, disciplinary and grievance issues can become blurred and, where appropriate, the manager may prefer to tackle the underlying relationship issues by means of mediation.

If the manager does not wish to enter into mediation, the matter may proceed (where appropriate) to the next stage in the disciplinary procedure. Mediation

may only be used on one occasion in an attempt to resolve the matter. If the manager wishes to enter into mediation, the staff member against whom the manager is considering disciplinary action has ten working days to decide whether or not to accept the offer of mediation. If the staff member accepts the offer, the Director of HR Services (or nominee) will assign a mediator to meet with the manager and the staff member with the aim of attempting to resolve the grievance.

The mediator may be a UEL staff member trained and accredited by an external mediation service or they may be from an external mediation provider. ACAS guidelines on mediation will be followed. If the mediation process does not resolve the matter, the manager may proceed to the next stage of the disciplinary procedure (where appropriate) if he or she wishes. Nothing that has been said or exchanged by email or correspondence during the mediation can be used in future proceedings, as it is confidential to the parties. The only exceptions are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety.

Appendix H

GUIDELINES FOR CONDUCTING AN INVESTIGATION

The purpose of an investigation is to collect all of the appropriate available evidence that is relevant to the case. The investigation is not meant to be a 'hearing'. The only judgement that needs to be exercised by those undertaking the investigation to decide, on the balance of probability, whether there is a case of misconduct to answer.

The following guidelines should normally be followed in all investigations. They are designed to ensure that all investigation within the University are conducted fairly. All investigations should be conducted either by a senior member of staff (it may be appropriate in some circumstances for a second member of staff to be involved in the investigation - see below) or by an investigator external to UEL. Whilst an investigation is a task which might lead to disciplinary action being taken, it is not itself to be regarded as disciplinary action.

Prior to the commencement of an investigation the manager should set out the specific complaint(s) and/or allegation(s) that is being made about a staff

member's conduct. This may take the form of a signed statement(s) from a complainant or, alternatively, the manager may set out the complaint(s) in writing to the staff member, specifying the particular grounds for a complaint (s). In either case, the document should normally state who is making the complaint(s) and when they were made.

The manager should inform the staff member that he or she will investigate the complaints (or who he or she has nominated to undertake the investigation), and what the likely timescale will be for the investigation to be concluded. In most cases, this should be within 20 working days. Any significant delay in the completion of the investigation should be notified to the member of staff in writing and a date given by when the investigation might be complete.

All investigations should follow the guidance set out below, namely:

- a) The investigator (s) should be suitably qualified and experienced to undertake the investigation, e.g. if the allegation(s) involve misuse of computer equipment, a senior member of IT Services should normally be nominated by the Director of IT Services (or nominee) to assist in the investigation; or
- b) if the allegation(s) involved possible fraud, a senior member of Financial Services should normally be nominated by the Director of Finance (or nominee) to assist in the investigation.
- c) If it is necessary for the staff member to be interviewed by the investigator(s), they should receive prior notice in writing of the date and time of the meeting and be informed that they may bring a Friend to the meeting.
- d) At the end of the investigation and before the investigator determines whether there is a case of misconduct to answer, the staff member will be given a copy of all the documentary evidence gathered by the investigator. The staff member will be offered the opportunity to respond to that evidence, either orally or in writing
- e) Only in the most exceptional cases may the identity of anyone giving evidence to an investigation be withheld. In such cases permission is invariably to be sought from a member of the Vice

Chancellor's Group for such anonymity to be granted.

At the end of the investigation, the investigator(s) will produce a short report summarising his or her findings, which will include all the supporting evidence. The investigator will send a copy of this report to the staff member and to their line manager and Dean of School/Director of Service.

The investigator should recommend whether, on the balance of probability, there is sufficient evidence for proceeding or not with a disciplinary hearing.

Following receipt of the investigator's report, the manager will inform the investigator and the staff member, in writing, of the action he or she has decided to. This decision will normally be notified within ten working days .

Appendix I

CONDUCT OF DISCIPLINARY HEARING

The purpose of the Disciplinary Hearing is for the Chair to decide whether there is sufficient evidence arising from an investigation to warrant disciplinary action being taken against a staff member and what form of disciplinary action (if any) is appropriate in the circumstances.

- (1) The staff member will be advised in writing before the hearing which witnesses the investigator(s) will ask to attend the hearing. The staff member will also be asked in writing which witnesses they will ask to attend the hearing. The Chair will decide whether the suggested witnesses will be relevant to the hearing and whether, therefore, they will be asked to attend.
- (2) The Chair will detail the status of the hearing, procedure to be followed and will decide how it will be followed.
- (3) The investigator(s) manager (s) will put forward the case against the staff member and call witnesses as to the facts.
- (4) The staff member (or Friend) will have the opportunity to question the statements made and any of the witnesses.
- (5) The Chair will have the opportunity to ask questions, including each witness; the witness will then be asked to leave.

- (6) The staff member (or Friend) will put his or her case and call witnesses.
- (7) The investigator (s) will have the opportunity to question the statements made and any of the witnesses.
- (8) The Chair may ask questions, including each witness; the witness will then be asked to leave.
- (9) Both sides shall have the opportunity to sum up their case.
- (10) Both parties and witnesses shall withdraw. Both parties may be recalled if clarification on any points is required.
- (11) The Chair shall make their decision.
- (12) The Chair will notify both parties of the decision and the reasons for it in writing, normally within ten working days.

Appendix J

FORMAL DISCIPLINARY WARNING FORM

[Download here](#)

Appendix K

APPEALS AGAINST FORMAL WARNINGS

- a) UEL will inform the member of staff of the right to appeal against a formal warning and of the procedure to be followed.
- b) A member of staff who wishes to appeal against a formal warning should submit notice of their appeal in writing to the Director of HR Services within five working days of receipt of the written notice of a formal warning, together with full reasons for the appeal.
- c) The grounds for the appeal should always come under one or more of the following headings:
 - A non-trivial procedural or other irregularity in the proceedings in the earlier hearing;
 - New evidence, which could not have been made available at the earlier hearing;
 - Inappropriate decision: the formal warning is plainly wrong and is not

supported by the evidence.

d) The appeal will normally be considered by a University Management Team member or one of their direct reports (who is senior to the manager who issued the disciplinary warning) and not previously involved in the case. A hearing will normally be arranged within twenty working days of receipt of the appeal application.

e) After considering the case, the senior member of staff concerned will decide to proceed in one of the following ways:

(i) to uphold the appeal and remove the warning from the member of staff's personal file;

(ii) to modify the warning or its duration;

(iii) to dismiss the appeal and confirm the warning.

The member of staff will be informed of the outcome in writing. The decision of the senior UEL member of staff is final.
