



## **DISCIPLINARY POLICY**

### **PURPOSE**

This policy describes how we will ensure that appropriate standards of behaviour and performance are upheld at UoNSU. These standards exist to ensure we function effectively as a workplace in the interests of our members, that we uphold the law, and ensure the wellbeing and dignity of our stakeholders.

### **POLICY**

#### **Introduction**

There may be times when the behaviour or performance of a member of staff falls below what is acceptable to UoNSU. The policy describes the process we will go through if this happens and the range of possible outcomes.

We will act promptly, consistently and fairly in these situations. Whenever possible, we will try to resolve matters in a way that builds mutual understanding, ensures the effective running of the union and supports positive working relationships. This means we will first consider if an informal approach is more appropriate and agree the steps to be taken to improve things. This may be enough to rectify the situation. If this isn't successful however, or the issue appears more unacceptable, serious, dangerous or unlawful, then the formal disciplinary procedure outlined below will be taken.

This policy applies to all employees including staff, student staff and full time Officers (as it relates to their status as an employee).

We recognize that people have different working patterns. For some staff a working week may include weekend days, for example, or they may work fewer than 5 days. As a result any time scales advised in the procedure are based on UoNSU non-closure days, rather than on an individual's working pattern. For example "within 7 days" means within 7 days including Saturday and Sunday, where the Union is not closed. It does not vary according to the particular days on which a member of staff would normally be working.

#### **Fact Finding Meeting**

It's important that line managers make an initial assessment of the issue to decide whether it can be addressed informally or whether the matter needs to be proceed formally. This is done by gathering enough information so that a decision can be made. If the matter is to be addressed formally then an investigation under this procedure will be initiated. HR or a more senior manager can provide further guidance on this if required.

If the matter involves the President then a member of the Senior Leadership Team will carry out the fact find and present the information to an external Trustee for consideration. Trustees may wish to delegate the communication of their decision and any necessary actions to a member of the Senior Leadership Team working within the procedure for informal and formal approaches.

If the matter involves the CEO or a member of the Senior Leadership Team, external Trustees may carry out the fact finding.

For clarity where an external Trustee is involved they will take on the line manager role.

### **Informal Action**

If after the fact find the issue is considered to be relatively mild or new, line managers can look into it and raise it informally at first, and agree the steps to be taken to improve things. Outcomes here may include clarification of rules or standards, support such as guidance or training, reasonable adjustments, and a facilitated meeting or mediation between people where there is a disagreement. Following the informal discussion, the manager will summarise this in writing and clarify what will happen if the required improvement doesn't happen within the agreed timeframe. The next stage would be to address the issue under the Disciplinary Procedure. It is important to clarify that behaviour and performance should improve immediately after the issue has been drawn to your attention and any relevant support or adjustment has been made.

### **Disciplinary Procedure**

Where, following initial fact-finding, a decision is made by management that behaviour or performance should be addressed under the Disciplinary Procedure, the following will take place.

#### **Stage 1 informing you of the concern to be investigated**

You will be informed that you are subject to an investigation and you will receive confirmation of the nature of the allegation and which policy this has potentially breached. We expect confidentiality around the detail of the allegation/s to be maintained to support the integrity of the process.

In the case for Full Time Officers, this will be initiated by Trustees and delegated to a member of the Senior Leadership Team to act on their behalf where requested.

#### **Role Transfer and Suspension**

You may be asked to undertake a different role or transfer to another location during the investigation. If a transfer is not appropriate suspension is with pay and can occur at any point from the time you have been advised of the investigation to receiving the outcome from a Disciplinary Meeting. Note that suspension is not disciplinary action and does not pre-suppose guilt. To support a transparent investigation, suspension can occur at any point from the time you have been advised of the investigation to receiving the outcome from a Disciplinary Meeting.

Whilst suspended, you should;

- Not visit the Union or contact any of our students, clients, customers, suppliers, contractors or staff (as well as University staff), unless authorised to do so.

If you need to make contact with the Union or University you should request this from the Investigating Manager who will advise the most appropriate means to do this. Ensure you make yourself available to assist the investigation. Reporting absences due to ill health and annual leave requests should be made via the Investigating Manager. Any leave that has been booked prior to the suspension will only be refused if it impacts on the progress of the investigation or any meetings being unreasonably delayed. This is the case for any subsequent requests for leave made during the suspension period.

### **Stage 2 Investigation**

An Investigating Manager will be appointed to undertake a thorough and objective investigation. This person will not have been involved with the matter to be investigated. Once the investigation is complete the Disciplining Manager will confirm to you if there is to be a Disciplinary Meeting. Disciplinary Meetings will be held as soon as reasonably possible after the investigation is complete. The intention is to do this within ten days.

### **Stage 3 Disciplinary Meeting**

You will be invited to attend a Disciplinary Meeting following the investigation where the matter will be discussed. You will be given notice of at least 3 days of this meeting, along with copies of any relevant documents. You will have the opportunity at the meeting to respond to the issues presented and the findings of the investigation. You have the right to bring a companion with you to the Disciplinary Meeting to support you. This may be a colleague or a Trade Union representative, but not an elected officer. The companion may discuss things with you, present or sum up your position to the meeting, but they may not answer questions on your behalf or prevent the meeting from progressing.

You will be informed in writing of the outcome of the Disciplinary Meeting and the reasons for it within 7 days of it taking place. This communication will also include details of who to contact if you want to appeal the outcome.

### **Stage 4 Appeal**

If you are unhappy with the decision made at the Disciplinary Meeting or feel it's unfair, you may appeal in writing within 7 days of being told of the decision.

You will have the right to an appeal meeting. Note that the appeal is not re-hearing, but it will review the decision based on issues such as the thoroughness of the investigation, and whether inappropriate information was considered.

This meeting will, where possible, be held by someone senior to the person who held the original meeting. You have the right to bring a companion to the meeting to support you. The same conditions relating to this person outlined above apply to the appeal meeting.

The appeal can result in the outcome of the first Disciplinary Meeting being overturned, confirmed, reduced or increased. We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing.

There is no further right of appeal following this.

Note that there will be a member of HR at all Disciplinary Meetings to advise and to keep a record. The outcome of the Disciplinary Meeting will be one of the following:

No further action

If circumstances come to light which show you have no case to answer, then no further action will be required. This could take place in the case of genuine misunderstanding, a malicious complaint or where new information is uncovered which changes things.

Stage 1 – First Written Warning

If your behaviour or performance is not at an acceptable standard, or for a more serious breach of discipline, a Written Warning may be issued. The warning will be held on file but removed and disregarded for disciplinary purposes after 6 months, provided your behaviour is satisfactory or performance reaches an acceptable standard during that time.

Stage 2 – Final Written Warning

If your behaviour or performance continues to be unsatisfactory, or in more serious cases a Final Written Warning may be issued. The warning will be held on file but removed and disregarded for disciplinary purposes after 12 months, provided your behaviour is satisfactory or your performance reaches an acceptable standard during that time.

Stage 3 – Dismissal

If your behaviour or performance, despite warning, is still unsatisfactory then you may be dismissed with notice. In cases of gross misconduct, you can be dismissed without notice or pay in lieu of notice, and without any prior warning having been given.

(Note: Democratic protocols mean this level of sanction is not applicable to Full Time Officers)

## **Unacceptable Behaviour and Performance**

The following list contains examples of the issues that may be addressed under this policy. This does not cover every possible situation, but is intended to clarify what could be included.

The following are examples of what we would consider misconduct:

- Persistent lateness or unexplained absence
- Failing to act on an appropriate instruction from line managers
- Discriminating against, bullying, harassing or victimising someone
- Being under the influence of alcohol or illegal drugs at work
- Misuse of the Union's equipment, property or facilities
- Having or viewing offensive material at work such as pornography
- Breach of health and safety rules
- Theft or violence
- Excessive tardiness
- Failure to notify of an absence
- Failure to follow policies or procedure
- Acts of bullying and harassment
- Rude or abusive language in the workplace
- Capability - failing to meet an acceptable standard of performance in the role, despite all reasonable help and support being given

The following are examples of what we would consider gross misconduct:

- Theft, deception, fraud and deliberate falsification of records
- Serious acts of bullying, harassment and discrimination towards a colleague, student, visitor or supplier on the basis of one of the protected characteristics
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious misuse of computer, email and social media systems, including accessing pornographic, offensive or obscene websites or distributing emails of this nature
- Physical violence or the threat of violence
- Incapability at work brought on by alcohol, illegal drugs or other intoxicants
- Behaviour that brings UoNSU's reputation into disrepute
- A serious breach of confidence
- Deliberate damage to UoNSU's property or facilities
- Being arrested for or conviction of a criminal offence that is relevant to the employee's employment
- Any act of gross disobedience, non-compliance or deliberate disregard of reasonable instructions given with proper authority
- Gross negligence, or a deliberate act which leads to a significant breach of health and safety policy or procedure.
- Serious breach of confidentiality
- Serious breaches of UoNSU policies and procedures

This list is not exhaustive and other acts may come under the definition of gross misconduct. We may also consider other sanctions short of dismissal, including demotion, loss of next salary award or redeployment to another role.

**END**