



Disciplinary Policy and Procedure

Version: Final

Aim / Scope: This Policy and Procedure is intended to enable disciplinary matters to be dealt with quickly, consistently and reasonably, having regard to equity and the substantial merits of each case. The Policy and Procedure's prime purpose is to help and encourage employees to achieve and maintain standards of conduct and professionalism.

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Related Policies:

- Code of Conduct
- Managing Close Personal Relationships in the Workplace
- Policy Against Bullying, Harassment and Victimisation
- Safeguarding Policy
- Grievance Policy and Procedure
- Acceptable Computer Use Policy
- Health and Safety Policy
- Equality and Diversity Policy

CONTENTS

1. INTRODUCTION.....	3
2. PURPOSE.....	3
3. GUIDING PRINCIPLES.....	3
4. RIGHT TO BE ACCOMPANIED.....	4
5. RESPONSIBILITIES.....	4
6. SUPPORT FOR EMPLOYEES.....	5
7. CONFIDENTIALITY AND DATA PROTECTION.....	6
8. EXAMPLES OF MISCONDUCT.....	6
9. EXAMPLES OF GROSS MISCONDUCT.....	7
10. DUTY TO INFORM THE COLLEGE REGARDING CRIMINAL PROCEEDINGS.....	8
11. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS.....	9
12. CONCERNS, COMPLAINTS AND REPORTS.....	9
13. INVESTIGATION.....	9
14. SUSPENSION FROM WORK.....	10
15. MANAGEMENT ADVICE AND GUIDANCE.....	11
16. PREPARATION.....	11
17. FAILURE TO ATTEND.....	12
18. HEARINGS.....	12
19. MAKING THE DECISION.....	12
20. SANCTIONS.....	12
21. APPEALS.....	13
22. DECIDING THE APPEAL.....	14
23. DISCIPLINARY ACTION AGAINST TRADE UNION REPRESENTATIVES...	14
24. EMPLOYEE RESIGNS BEFORE CONCLUSION OF DISCIPLINARY PROCEDURE.....	14
 APPENDIX 1 – APPLYING THE DISCIPLINARY POLICY AND PROCEDURE IN CASES INVOLVING DESIGNATED SENIOR POST HOLDERS.....	 16
 APPENDIX 2 – SCHEME OF DELEGATED AUTHORITY FOR COLLEGE DISCIPLINARY POLICY AND PROCEDURE.....	 17

1. INTRODUCTION

- 1.1 This Policy and Procedure applies to all employees of Leeds City College (the "College") regardless of length of service. In cases involving Designated Senior Post Holders, as defined in the College's Articles of Government, reference should be made to Appendix 1 "Applying the Disciplinary Policy and Procedure in cases involving Designated Senior Post Holders."
- 1.2 This document sets out the College's standard Disciplinary Policy and Procedure. It has been drafted to comply with statutory requirements and in consideration of Association of Colleges and ACAS guidance. This Policy and Procedure should be read together and in accordance with other relevant College policies, procedures and local guidance.
- 1.3 The Policy and Procedure may be reviewed at the request of Management or Trade Unions by giving four weeks written notice with reasons for the review.
- 1.4 This Policy and Procedure does not form part of any employee's contract of employment and it may be amended at any time subject to the provisions in section 1.3.

2. PURPOSE

- 2.1 This Policy and Procedure is intended to enable disciplinary matters to be dealt with quickly, consistently and reasonably, having regard to equity and the substantial merits of each case.
- 2.2 The Policy and Procedure's prime purpose is to help and encourage employees to achieve and maintain standards of conduct and professionalism.

3. GUIDING PRINCIPLES

- 3.1 Rules are necessary for any organisation because they set standards and ensure that people know what is expected of them. This Policy and Procedure together with the College's accompanying Code of Conduct, sets out the standards of conduct expected of all employees and provides a framework within which Management can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 3.2 The College's intention is to encourage employees to achieve the required standards of conduct where possible and appropriate without invoking formal procedures. The disciplinary procedure is primarily to be used to secure improvement and not to punish but it has to be recognised that there may be cases where this is not possible.
- 3.3 When dealing with disciplinary matters, the College will ensure that allegations are properly investigated and that where individuals are under investigation, they will have the opportunity to be accompanied and have their say. In cases where a disciplinary sanction is imposed, the individual will have the right to appeal against this decision.

4. RIGHT TO BE ACCOMPANIED

- 4.1 An employee has the right to be accompanied by a companion (who may be either a Trade Union Representative or work colleague), not acting in a legal capacity, in any disciplinary investigation, hearing or appeal. The role of the representative is to assist and support the employee and to speak on the employee's behalf within the procedure. However, the representative must not answer questions for the employee or disrupt the disciplinary process.
- 4.2 The employee is responsible for arranging their own representation for disciplinary investigation interviews, hearings and appeals. Making such arrangements should not cause undue delay to the process as it is in the interests of everybody to deal with disciplinary matters promptly. Whilst the College will aim to accommodate an employee's chosen representative where possible, the unavailability of a particular representative should not be a reason for delaying matters for more than a few days, in any event for no more than 10 working days.
- 4.3 The College reserves the right to veto the choice of companion if the College deems the choice to be unreasonable, e.g. if there is a conflict of interest or they could prejudice the hearing.
- 4.4 Where there are concerns regarding the conduct of an employee who is a Trade Union Representative, the regional office of the Trade Union will be notified before the commencement of any proceedings.

5. RESPONSIBILITIES

5.1 Joint Responsibility

- 5.1.1 Good working relations are vital for the College to operate successfully and provide its services effectively. Management, trade unions and employees accept the responsibility of working together on disciplinary issues in good faith and with goodwill with the shared intention of facilitating good working relations.

5.2 Management Responsibility

- 5.2.1 Management is required to manage and to act fairly and consistently. Management is responsible for ensuring that:
- a. the policies and procedures are disseminated effectively and observed by all employees;
 - b. when breaches occur they are dealt with in a timely manner to bring a speedy resolution to the matter;
 - c. there is appropriate communication with the Trade Union Representative to facilitate an effective and speedy resolution;
 - d. records are kept including notes of all meetings;
 - e. concerns that relate to child or vulnerable adult safety are reported to the Nominated Senior Manager in line with the College Safeguarding Policy

prior to any action taking place under the Disciplinary Policy and Procedure.

5.3 **Senior Managers**

5.3.1 Senior Managers are responsible for ensuring that staff within their areas of responsibility are aware of this procedure and that the procedure is followed. Senior Managers should also ensure that appropriate priority is given to investigations and hearings.

5.4 **Employee Responsibility**

5.4.1 Employees have a duty to comply with the College's Code of Conduct, policies and procedures and any professional codes of conduct where applicable. If an employee has any questions or concerns about these they should raise these with their line manager or the Organisational Development and Human Resources (OD & HR) Department.

5.4.2 Employees must co-operate with management in any disciplinary process for example, by attending for interview, replying to questions, providing information, making formal statements and attending as witnesses if necessary.

5.4.3 Employees should report any instances of misconduct to their line manager or most appropriate person.

5.5 **OD & HR Department Responsibility**

5.5.1 The OD & HR Department will:-

- a. Work in partnership with Managers and Trade Union Representatives to ensure employees are treated fairly and consistently within the framework of the policy;
- b. Advise and support managers on the implementation of the policy.

5.6 **Trade Union Responsibility**

5.6.1 The Trade Union Representatives play a vital role in:

- a. Supporting employees in any meetings (refer to Section 11);
- b. Articulating the issues and suggesting solutions;
- c. Ensuring there is appropriate communication with the management representative to facilitate an effective and speedy resolution.

6. **SUPPORT FOR EMPLOYEES**

6.1 The College expects the same standards of conduct of all employees. If an employee requires assistance to understand this policy, assistance should be requested and the College will provide all reasonable support in the circumstances.

7. CONFIDENTIALITY AND DATA PROTECTION

- 7.1 The College aims to deal with disciplinary matters sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

8. EXAMPLES OF MISCONDUCT

- 8.1 The College's Code of Conduct provides clarity on the standards of personal and professional behaviour expected of staff and should be read in conjunction with this policy.

- 8.2 The following will normally be regarded as examples of misconduct but this is not an exhaustive list. Other similar behaviour may amount to misconduct:

- a. Minor breach or failure to follow any of the College's policies and procedures, departmental rules, procedures or protocols.
- b. Unauthorised absence from work; persistent lateness and/or failure to adhere to prescribed working hours.
- c. Unauthorised use of college facilities for private use e.g. unauthorised use of the college e-mail, telephone or postal systems.
- d. Failure to report any loss of and/or damage to any property issued to you or an employee in connection with their employment.
- e. Obscene, abusive or offensive language or behaviour.
- f. Undertaking additional employment without the College's authorisation.
- g. Failure to carry out duties or comply with a reasonable management instruction.
- h. Negligence and/or incompetence that may cause or has caused loss, damage or injury to the College's property and/or employees, officers or students.
- i. Minor breach(es) of the College's rules and procedures concerning health and safety at work as set out in the Health and Safety Policy as amended from time to time.
- j. Bringing the name of the College and/or its employees, officers or students into disrepute either during or outside of work time.
- k. Unauthorised use, destruction, mutilation, alteration or disclosure of official information, documents or records including computerised systems.
- l. Undertaking activities detrimental to recovery whilst on sick leave.
- m. Unauthorised presence on College property.
- n. Minor breach of confidentiality.

- 8.3 A single act of misconduct will not normally justify dismissal, but if more than one act of misconduct is committed, whether of the same nature or not, these will be viewed as repeated acts of misconduct that may lead to a finding of gross misconduct.

9. EXAMPLES OF GROSS MISCONDUCT

- 9.1 Some forms of behaviour are so unacceptable that the College could conclude that the behaviour is likely to prejudice the College or has irreparably damaged the working relationship between the College and the employee. These will be treated as gross misconduct. If an employee commits an act of gross misconduct, the College will be entitled to summarily dismiss (i.e. without notice or pay in lieu of notice), even for a first offence.

- 9.2 The following will normally be regarded as examples of gross misconduct but this is not an exhaustive list. Other similar behaviour may amount to gross misconduct:

- a. Serious and deliberate damage to college property, buildings and equipment.
- b. Bullying or sexual misconduct against College employees, contractors, officers, students or members of the public. (Also refer to the College's Safeguarding Policy, Managing Close Personal Relationships in the Workplace, and the Policy Against Bullying, Harassment and Victimisation).
- c. Harassment of, or discrimination against College employees, contractors, officers, students or members of the public related to gender, marital status, gender re-assignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to the College's Equality and Diversity Policy.
- d. Theft or unauthorised possession of any property or facilities belonging to the college or to any employee or student.
- e. Fraud or deliberate falsification of College registers, reports, accounts, expense claims or self-certification forms.
- f. Acceptance of or purporting to offer a bribe or corruption in contravention of the College's Financial Regulations.
- g. Unauthorised acceptance of gifts and/or hospitality contrary to the College's Financial Regulations.
- h. Bringing the name of the College and/or its employees, officers or students into serious disrepute either during or outside of work time.
- i. Serious acts of insubordination.
- j. Serious breach (or breaches) of or failure to follow any of, the College policies and procedures, departmental rules, procedures or protocols.

- k. Gross negligence and/or incompetence that may cause or has caused unacceptable loss, damage or injury to the College's property and/or employees, officers or students.
- l. Dishonest declarations on application forms, at interview, and/or on medical questionnaires. Canvassing for appointment (i.e. to solicit support or attempt to influence opinion). Any false or dishonest information given in relation to previous criminal offences.
- m. Conviction of a criminal offence that in the College's opinion may affect its reputation or its relationships with employees, officers, students or members of the public, or otherwise affects an employee's suitability to work for the College.
- n. Persistent and wilful refusal to carry out duties or reasonable instructions or to comply with College rules.
- o. Serious or repeated incapability as a result of being intoxicated by reason of alcohol or illegal drugs.
- p. Violent, dangerous or threatening behaviour.
- q. Serious breach of the College's rules and procedures concerning health and safety at work.
- r. The disclosure of false or misleading information under the College's Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith whether against the College directly or against an employee, officer or student of the College;
- s. Deliberate or inappropriate use of the College email system and/or abuse of the College's Acceptable Computer Use Policy (i.e. accessing inappropriate internet websites which may contain pornographic, obscene or offensive material).
- t. Serious breach of confidentiality.

10. DUTY TO INFORM THE COLLEGE REGARDING CRIMINAL PROCEEDINGS

- 10.1 An employee who is charged with a criminal offence, including receipt of a summons, caution or reprimand, must inform their line manager, in writing immediately. Each notification will be assessed on an individual basis and will not necessarily lead to disciplinary action being taken.
- 10.2 Staff who are employed for all or part of their duties as a driver or where the requirement to drive is an essential part of their duties must inform their manager immediately if charged with any driving offence.
- 10.3 In all circumstances following disclosure of a criminal offence or alleged criminal offence, the College will carry out an investigatory meeting to determine whether or not the disciplinary process should be initiated, considering the facts of the case and the relevance of the charge/conviction to the job undertaken.

- 10.4 The College will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee refuses or is unable to attend a disciplinary hearing or to give a statement about a pending criminal matter, the College may have to take a decision based upon the available evidence.
- 10.5 A criminal offence, irrespective of whether it is committed during or outside working hours, or on or off College premises, may adversely affect the College's reputation, the individual's suitability for their role or their acceptability to other employees or to students. In such circumstances, disciplinary action may be taken.

11. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

- 11.1 The College has a statutory and moral duty to ensure a safe, non-threatening and inclusive learning environment. The College will take seriously all allegations of harm to children or adults made against an employee. Such allegations will be managed in line with both this policy and the College's Safeguarding Policy.

12. CONCERNS, COMPLAINTS & REPORTS

- 12.1 Conduct issues may come to light in a number of ways. A manager or colleague might report concerns. There may be a complaint from inside or outside the organisation.
- 12.2 Employees are encouraged to raise with their managers any concerns they might have. A decision will be made as to the most appropriate policy to use to deal with the matter. There are times when a failure to raise concerns could be a disciplinary offence in itself for example, when an individual becomes aware of a threat to student safety posed by another employee and does not report it.
- 12.3 Complaints that the College deem to be vexatious may result in disciplinary action being taken against the complainant.

13. INVESTIGATION

- 13.1 The purpose of an investigation is for the College to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.
- 13.2 In most cases, an Investigating Manager will be appointed who will conduct the investigation and gather all the relevant information. All employees are obliged to cooperate fully with any investigation that the College undertakes.
- 13.3 If an investigation meeting with an employee is required, the College will write to the employee detailing the allegation(s) and arrangements for the investigation meeting giving reasonable notice to attend and outlining the right to be accompanied.

14. SUSPENSION FROM WORK

- 14.1 Suspension on full pay is not a disciplinary sanction but a means of facilitating a full and proper investigation into the case, preventing further misconduct or allegations of misconduct and/or ensuring that the integrity of the investigation is not compromised.
- 14.2 Authority to suspend is delegated to certain levels of management in accordance with Appendix 2. A Designated Senior Post Holder and/or the Director of OD & HR are to be informed prior to any action regarding suspension being taken.
- 14.3 If an employee is not at work and all reasonable attempts to contact them fail, or the employee refuses to attend the meeting, then they will be informed of their suspension in writing and instructed not to attend for work as usual but instead to contact a named manager as a matter of urgency.
- 14.4 During suspension the employee will:
- a. remain contactable during normal working hours in order that they can return to work or attend meetings.
 - b. notify the OD & HR Department immediately of any changes of address/telephone number.
 - c. not under any circumstances have contact with or seek to influence anyone or anything associated with the allegation without the prior consent of the College.
 - d. comply with College rules in relation to confidentiality.
 - e. return any College equipment e.g. keys or key entry cards, mobile phones, laptops.
 - f. obtain permission from the investigating manager to access College premises.
 - g. not undertake alternative employment of any description that has not been expressly authorised by the College or previously declared to the College.
 - h. will comply with all reasonable management requests.
- 14.5 The manager will confirm the above conditions of suspension to the employee in writing together with a summary of the allegations and the reasons for making the decision to suspend. A copy of the Disciplinary Policy and Procedure will be provided to the employee.
- 14.6 The suspension will be for no longer than is necessary and if an employee is suspended, the suspension will be regularly reviewed. Consideration will be given to the welfare of the employee and appropriate support mechanism.
- 14.7 If an employee becomes ill during their period of suspension and the absence is long term, the employee will be referred for Occupational Health advice regarding their fitness to participate in the investigation and any resulting

disciplinary proceedings. However, the investigation will not automatically be suspended where an individual is deemed unfit to participate.

- 14.8 At the discretion of the College, duties may be identified elsewhere within the College as an alternative to suspension, where the College deems this to be appropriate.

15. MANAGEMENT ADVICE AND GUIDANCE

- 15.1 Managers will often deal with minor conduct issues by means of advice and guidance without progressing to a full disciplinary hearing. This is most appropriate where the minor breach appears to be accidental or a rare lapse and the employee accepts the error and is receptive to advice.
- 15.2 If the manager decides after discussion that the matter can be best managed through advice and guidance, the employee should be informed immediately. Notes of any discussion and agreed actions will be kept.
- 15.3 If the outcome of the investigation is that there is no real problem, no further action will be taken and the employee will be notified of the outcome in writing.
- 15.4 Where conduct issues cannot be dealt with by advice or guidance because for example they are too serious, or because there have been repeated incidents, more formal stages of the disciplinary procedure will be used. The College reserves the right to inform any relevant professional bodies of the allegations. The College will inform the employee where this action is deemed necessary.

16. PREPARATION

- 16.1 When a decision is taken to hold a disciplinary hearing, a panel will be formed consisting of one independent manager (that is, with no prior involvement in the case) and a representative from the OD & HR Department.
- 16.2 The nominated human resources representative will send a letter confirming the allegations, arrangements for the hearing and possible outcomes to the employee, giving reasonable notice to attend.
- 16.3 The Investigating Manager will prepare the management case for the hearing. The management case will typically include a report summarising the information gathered during the investigation, statements of witnesses or records of interviews (including those of the employee under investigation) and copies of any relevant documents and other information. This will be provided to the employee ten working days before the date of the hearing.
- 16.4 The employee may also produce a statement of case including any relevant information to support their case. An employee seeking to prepare their case must gain the prior approval of the investigating manager before approaching any witnesses or gathering any documentary evidence. The information should be provided to the nominated human resources representative five working days prior to the hearing so that an exchange of information between the parties can be made.
- 16.5 A failure by either party to disclose written material in accordance with the above guidelines may result in a refusal to admit such information at the

disciplinary hearing. The panel hearing the case will decide whether to admit information following discussion with the individuals present as to the reason(s) for the late disclosure and the possible significance of the information.

17. FAILURE TO ATTEND

- 17.1 If the employee or their nominated representative cannot attend the hearing, the College should be informed immediately via the nominated Human Resources Representative so that an alternative time can be arranged. An employee should however, make every effort to attend the hearing and failure to attend without good reason may be treated as misconduct itself.
- 17.2 If the reconvened hearing is not attended by the employee or their nominated representative, the hearing may proceed in their absence.

18. HEARINGS

- 18.1 The disciplinary hearing will be chaired by an independent manager. The employee will be informed in advance of the hearing of the composition of the panel.
- 18.2 At the disciplinary hearing, the panel will consider the allegations against the employee and hear the evidence that has been gathered by the Investigating Manager. The employee will be given an opportunity to respond to the allegations and present any evidence that is relevant to the allegations. The employee's nominated representative may make representations and ask questions, but should not answer questions on the employee's behalf.
- 18.3 The employee may ask relevant witnesses to attend the hearing, provided that the College has received prior notification in order to arrange their attendance where necessary. In addition the College may call relevant witnesses to attend the hearing. The employee will be given the opportunity to respond to any information given by a witness.

19. MAKING THE DECISION

- 19.1 The panel members will make their decisions based upon the evidence in front of them.
- 19.2 The Panel will confirm the decision in writing to the employee and/or their representative as soon as practicable following the hearing. The letter will set out the decision and reasons for it and notify the employee of the right of appeal.

20. SANCTIONS

- 20.1 The sanctions available to the Panel are:
 - a. First Warning, the fact of which will be recorded and remain on the employee's disciplinary record for 6 to 12 months. The duration of the sanction is at the discretion of the Panel.

- b. Final Warning, which will remain on the employee's disciplinary record for 12-24 months and will warn that dismissal may result if there is any further misconduct. The duration of the sanction is at the discretion of the Panel.
 - c. Dismissal (with notice). This may be appropriate where there has been a failure to improve after previous warnings, or, where a single instance of misconduct is so serious as to warrant dismissal, but is not so serious as to warrant dismissal without notice. In these circumstances, payment will be made in lieu of notice.
 - d. Dismissal (without notice). This is appropriate where the employee's behaviour amounts to gross misconduct or gross negligence. No notice or payment in lieu of notice will be given.
- 20.2 Appendix 2 details the managers with the authority to issue disciplinary sanctions.
- 20.3 After any of the warnings set out above have expired, the warning(s) will remain permanently on an employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.
- 20.4 The College may, at its discretion consider alternatives to dismissal such as a demotion and/or redeployment, or transfer to another department. Any alternative proposed will usually be accompanied by a final warning.
- 20.5 The College reserves the right to inform any relevant professional bodies of the allegations and/or outcome of disciplinary proceedings.
- 20.6 If an employee is absent from work (with the exception of annual leave) during the period that a warning is in force, the warning will be extended to take account of the absence.

21. APPEALS

- 21.1 Employees have the right of appeal against disciplinary action taken against them. An employee wishing to exercise this right, should write to the Director of Organisational Development and Human Resources within ten working days of the date of the letter confirming the decision, clearly stating the grounds for the appeal.
- 21.2 A nominated Human Resources Representative will be responsible for arranging the appeal hearing as soon as is practicable. The nominated human resources representative will send a letter confirming the grounds for appeal, arrangements for the hearing (and possible outcomes) to the employee, allowing reasonable notice to attend. The notes from the Disciplinary Hearing will be made available to the employee, together with any documents to be referred to (in addition to the original pack of information submitted at the disciplinary hearing) ten working days before an Appeal Hearing takes place.
- 21.3 If the Appeal is in respect of an alleged breach of procedure, the employee must explain the nature of the alleged breach and why it renders the disciplinary decision and/or sanction unfair.
- 21.4 If the Appeal is because of new evidence the employee must produce the evidence in advance of the Appeal and explain why it was not produced at the

original hearing. This information should be provided to the Human Resources Representative five working days prior to the hearing so that an exchange of information between the parties can be made and passed to the appeal panel.

- 21.5 A failure by either party to disclose written material in accordance with the above guidelines may result in a refusal to admit such information at the appeal meeting. The panel hearing the case will decide whether to admit information following discussion with the individuals present as to the reason(s) for the late disclosure and the possible significance of the information.
- 21.6 Appeals will be heard by an Appeal Panel. The composition of the Appeal Panel depends on the nature of the appeal and will always include a Human Resources Representative, in accordance with the schedule of delegated authority in Appendix 2.
- 21.7 It may sometimes be necessary to hold an Appeal by way of a rehearing of the matter. Alternatively, the Appeal may be a review of the fairness of the original decision in light of the procedure followed and any new information that may have come to light. This will be at the College's discretion, but in any event, the appeal will be dealt with as impartially as possible.
- 21.8 The appeal outcome will be confirmed in writing as soon as practicable following the Appeal Hearing.
- 21.9 The Appeal is the end of the internal process.

22. DECIDING THE APPEAL

- 22.1 The Appeal Panel will decide the outcome of the Appeal depending on the information in front of them and may:
- a. confirm the original decision;
 - b. revoke the original decision; or
 - c. substitute a different disciplinary sanction for the one already imposed.

23. DISCIPLINARY ACTION AGAINST TRADE UNION REPRESENTATIVES

- 23.1 In circumstances where allegations are made against a Trade Union Representative, the regional office of the Trade Union will be notified before the commencement of any proceedings.

24. EMPLOYEE RESIGNS BEFORE CONCLUSION OF DISCIPLINARY PROCEDURE

- 24.1 If an employee voluntarily resigns then a decision should be made as to whether the disciplinary process should continue with or without the individual in attendance. Due regard should be given to the need to refer matters to professional bodies and or external agencies including the Disclosure and Barring Service.

APPENDIX 1

APPLYING THE DISCIPLINARY POLICY AND PROCEDURE IN CASES INVOLVING DESIGNATED SENIOR POST HOLDERS

The Policy and Procedure expressed in the main document will be adhered to in cases involving Designated Senior Post Holders, however, the following exceptions should be incorporated and adhered to:

1. REPORTING OF ALLEGATIONS

All allegations of misconduct relating to Designated Senior Post Holders should be reported to the Principal (where the Principal is not the Designated Senior Post Holder in question) and/or the Chair of the Board of Governors (or the Vice Chair in their absence).

2. INVESTIGATIONS

The Investigating Manager will be nominated by the Board of Governors for example, the Principal (where the Principal is not the Designated Senior Post Holder in question), a Governor or an independent external investigator.

3. SUSPENSION

The decision to suspend is ultimately the responsibility of the Board of Governors but may be exercised by the Chair, or Vice-Chair when the responsibility has been delegated.

4. MANAGEMENT ADVICE AND GUIDANCE

Minor conduct issues may be resolved through advice and guidance and without recourse to a full disciplinary hearing. This will be the responsibility of either the Principal or, if the Principal is the Designated Senior Post Holder involved, by the Chair or Vice Chair of the Board of Governors.

5. HEARINGS

The disciplinary panel will be constituted as follows:

For allegations of misconduct (sanctions short of dismissal) the panel will include no fewer than 2 members of the Board of Governors, including the Principal (where the Principal is not the Designated Senior Post Holder in question). The panel should not include the student or staff members of the Board.

For allegations of gross misconduct (sanctions up to and including dismissal), the matter will be referred to a Special Committee. The Special Committee shall consist of members of the Board (excluding the Chair, the Vice Chair, the Principal and the staff and student members of the Board.)

Wherever possible, the Chair of the Board of Governors should be held in reserve for an Appeal Committee, rather than sitting on the disciplinary panel or Special Committee.

6. APPEALS

Appeals will be heard by an Appeal Committee. The Appeal Committee will consist of members of the Board who have not had previous involvement in the decision making process, and excluding the staff and student members.

Where the appeal is against dismissal, the appeal will be heard by the Board of Governors or may be delegated to an Appeal Committee, ideally chaired by the Chair of the Board of Governors.

APPENDIX 2

SCHEME OF DELEGATED AUTHORITY FOR COLLEGE DISCIPLINARY POLICY AND PROCEDURE

The College has outlined the delegated authority management have when making decisions within the Disciplinary Policy and Procedure:

Action	Authority	Appeal Authority
Suspension	Principal / ELT Member	
Disciplinary Hearing – Misconduct (Sanction up to and including Final Warning)	Director of Area / School	Principal /ELT Member
Disciplinary Hearing - Gross Misconduct (Sanction of dismissal or action short of dismissal)	ELT Member	Principal / ELT Member
SENIOR POSTHOLDERS Suspension	Chair or Vice Chair	
SENIOR POSTHOLDERS Disciplinary Hearing – Misconduct (Sanction up to and including Final Warning)	Members of the Board of Governors (excluding staff and student member)	Appeal Committee
SENIOR POSTHOLDERS Disciplinary Hearing - Gross Misconduct (Sanction of dismissal or action short of dismissal)	Special Committee	The Board of Governors or delegated to an Appeal Committee, ideally chaired by the Chair of the Board of Governors