

## **DISCIPLINARY PROCEDURE**

Whilst the day-to-day supervision of employees and monitoring of their conduct is part of the normal management process, it is mutually accepted that an effective disciplinary procedure is necessary in order to ensure both the maintenance of a safe and effective service, the setting of standards at work and a fair and consistent method of dealing with alleged failures to observe these standards.

This procedure applies to all non-teaching staff of the College and specifies the appropriate officer(s) authorised to take the various forms of disciplinary action.

This procedure does not apply to notice given:

- (i) on termination of employment for which an employee has been specifically engaged.
- (ii) in the event of redundancy; (a grievance on account of redundancy should be dealt with under the local redundancy agreement).
- (iii) where less than 52 weeks service has been completed and dismissal arises from unsuitability for confirmation of appointment.

### **DISCIPLINARY PROCEDURE FOR NON-TEACHING STAFF**

#### **4.1 OBJECTIVE**

This procedure has been drafted in the context of the belief that the vast majority of employees have always observed, and will continue to observe acceptable standards of performance and behaviour. What follows are guidelines for dealing with those employees who fail to comply with the rules and regulations laid down by the College - or who fail to reach or maintain acceptable standards. The object of the procedure is to give those employees the opportunity to improve their performance and/or behaviour. The procedure identifies those who have the authority to take disciplinary action and aims to ensure that employees are protected against unfair, unjustified or inconsistent disciplinary action. It also identifies the type of offence which would result in disciplinary action being taken and what that action would be; it also establishes what further action would result if there were no improvement or if the offence were to recur.

Although the procedure refers only to misconduct it would be the College's intention to apply similar stages to an employee who fails to reach an accepted standard of performance. The procedure will not be invoked until the employee has been advised of any allegation of unsatisfactory performance and has been given every reasonable assistance by way of advice, information, guidance or training to achieve the desired standards.

## 4.2 GENERAL PRINCIPLES

- 4.2.1** The College, has the right, which is recognised and accepted by the Trade Unions, to expect all its employees to abide by the terms and conditions of his Contract of Employment and the rules, regulations and standards established by the Board of Governors.
- 4.2.2** Prior to taking any form of disciplinary action there will be a thorough investigation into any allegation of misconduct or poor performance.
- 4.2.3** In such cases of alleged misconduct the Board recognises that employees have:-
- (a) the right to a fair hearing, with the opportunity to state their case; and
  - (b) the right to be accompanied at such a hearing by a representative of a recognised trade union or a friend, if desired, before any disciplinary action is taken.
- 4.2.4** The Board further acknowledges the right of individuals to appeal against what might appear to be an unjust or unfair penalty.
- 4.2.5** The Board is responsible for ensuring that the disciplinary rules and procedure are applied fairly and consistently.

## 4.3 DISCIPLINARY RULES

Any disciplinary action taken by the College will be appropriate to the degree of seriousness of the misconduct/unsatisfactory performance and will take account of any mitigating circumstances. Management guidelines on the categorisation of the levels of misconduct are held by your Head of Department.

## 4.4 PROCEDURE FOR MINOR MISCONDUCT

### 4.4.1 Verbal Warning

Committing minor misconduct will lead to an interview with the appropriate Supervisor and at this interview the employee will have the opportunity to offer an explanation. If it is decided that an offence has occurred a verbal warning will be given. It will be **recorded** and placed on the employee's file for a period of three months.

### 4.4.2 First Written Warning

Committing the same or similar misconduct within three months will lead to an interview with the Head of Department and at this interview the employee will have the opportunity to offer an explanation. If it is decided that an offence has occurred a first written warning will be given to the employee (with a copy to the representative of a recognised trade union if appropriate). It will be **recorded** and placed on the employee's file for a period of six months.

#### **4.4.3 Final Written Warning**

If the same or similar misconduct is committed within the next six months this will lead to an interview with the Deputy Director of Corporate Affairs and at this interview the employee will be given the opportunity to offer an explanation. If it is decided that an offence has occurred a final written warning, which will be **recorded**, will be issued to the employee (with a copy to the representative of a recognised trade union if appropriate) containing clear notice that a repeat of the misconduct within **twelve months** will result in a further disciplinary action.

#### **4.4.4 Further Disciplinary Action**

In the event that an employee fails to respond to a final written warning or allegedly commits the same misconduct during the next twelve months, this will lead to an interview with the Director of Corporate Affairs and at this interview the employee will have the opportunity to offer an explanation. If the College considers that an offence has occurred, the employee will be subject to further disciplinary action, which may include suspension without pay, withholding of an increment, demotion or dismissal. The action will be authorised by the Director of Corporate Affairs.

### **4.5 PROCEDURE FOR SERIOUS MISCONDUCT**

#### **4.5.1 Final Written Warning**

Committing serious misconduct will lead to an interview with the Deputy Director of Corporate Affairs and at this interview the employee will have the opportunity to offer an explanation. If it is decided that an offence has occurred a final written warning, which will be **recorded**, will be given to the employee (with a copy to the representative of a recognised trade union if appropriate) containing clear notice that a repeat of the misconduct within twelve months will result in further disciplinary action.

#### **4.5.2 Further Disciplinary Action**

In the event that an employee fails to respond to a final written warning or allegedly commits the same misconduct during the next twelve months, this will lead to an interview with the Director of Corporate Affairs and at this interview the employee will have the opportunity to offer an explanation. If the College considers that an offence has occurred, the employee will be subject to further disciplinary action, which may include suspension without pay, withholding of an increment, demotion or dismissal. This action will be authorised by the Director of Corporate Affairs.

### **4.6 PROCEDURE FOR GROSS MISCONDUCT**

**4.6.1** Gross misconduct is misconduct of such a serious nature that will, in the absence of mitigating circumstances, result in summary dismissal.

**4.6.2** The alleged committing of gross misconduct will lead to an interview with the Director of Corporate Affairs during which the employee will be given the opportunity to offer an explanation. If it is decided that gross misconduct has been committed, and

- (a) where there are mitigating circumstances, the employee will be subject to further disciplinary action which will include suspension without pay or withholding of an increment or demotion:
- (b) in the absence of mitigating circumstances, the employee will be **summarily dismissed**: i.e. without notice and without wages-in-lieu of notice.

#### **4.7 PRECAUTIONARY SUSPENSION**

In certain situations, where serious or gross misconduct is suspected, management may need time to carry out a full investigation. In such circumstances the employee may be suspended pending a decision. Such suspension will be with pay.

#### **4.8 DISCIPLINARY INTERVIEWS**

The appropriate member of management conducting disciplinary interviews shall be entitled to be accompanied or deputised at such interviews by another member of management if so desired. The employee also has the right to be accompanied by a representative of a recognised trade union or a friend at any stage if so desired.

If the employee concerned in the misconduct is a trade union representative no disciplinary action beyond a verbal warning shall be taken until the full-time official has been notified and given the opportunity to discuss the circumstances of the case.

#### **4.9 DISCIPLINARY WARNINGS**

Warnings normally relate to the same or similar misconduct and are not generally transferable between different types of misconduct.

Where a number of warnings are called for in respect of different types of misconduct this will entitle management to review the employee's overall suitability for continued employment and if necessary to issue a final general warning irrespective of the offence.

All warnings will clearly state the misconduct concerned with details of any relevant facts, times, dates, events and names and clearly indicate what the eventual outcome will be if there is no improvement on the employee's part or a recurrence takes place.

Once the warnings have lapsed through time they are erased from the employee's personal record.

## **4.10 APPEALS PROCEDURE**

Where an employee feels that action taken under this procedure is unjustified or unfair there shall be the right of appeal. All appeals must be made within five working days to the next person in the disciplinary hierarchy stating the basis of the appeal and shall be heard by the Principal or a person deputed by him. Appeal hearings shall be held within five working days of receipt of appeal.

In the event of an appeal, the disciplinary penalty shall not be imposed until the internal appeals machinery has been exhausted.

The employee concerned shall have the right to be accompanied by a representative of a recognised trade union or a friend if desired.

The result of appeal hearings shall be notified to the employee (and to the recognised union representative if appropriate) within five working days in writing.

- 1 MINOR MISCONDUCT**
  - Absenteeism
  - Lateness
  - Failure to comply with the Absence Notification Certification Procedure
  - Careless work and poor effort at work
  - Ignoring safety/hygiene/security rules
  - Extended tea and meal breaks
  - Failure to maintain a tidy and safe working environment
  - Misuse of telephone
  - Excessive time away from the job
  - Failure to wear any uniform/protective clothing provided
  - Failure to complete time/stock or work sheets as instructed
  - Workmanship or performance of duties below an acceptable standard.
  
- 2 SERIOUS MISCONDUCT**
  - Dangerous physical horseplay
  - Neglect causing damage to or loss of property of the College, students, other employees or visitors
  - Serious neglect of safety/hygienic/security rules
  - Smoking in prohibited areas
  - Bringing intoxicants into the premises without permission or consuming intoxicants during working hours
  - Entry into any unauthorised areas
  - Wilful or excessive wastage of material
  - Use of foul language
  - Gambling on the premises
  - Insubordination.
  
- 3 GROSS MISCONDUCT**
  - Theft
  - Physical violent behaviour
  - Unauthorised absence e.g. leaving the premises or site without permission
  - Refusal to carry out a reasonable work instruction

- Deliberately ignoring safety/hygiene/security rules and thereby endangering one's own or another's physical well-being or safety
- Obscene behaviour
- Intoxication induced by alcohol or drugs
- Fraud
- Disclosing confidential business information to a third party
- Wilful damage to or gross negligence of property of the College, student, other employees or visitors
- Falsification of records
- Unauthorised use of vehicles, property or supplies of the College.