

# Disciplinary Procedure for Consultants, Student Workers and Hourly Paid Workers

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This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not compliant, the relevant legislation shall prevail.

Changes to this policy will be subject to consultation and agreement with the Job Shop and HR before implementation

## About this procedure (1)

- 1.1 This procedure is intended to help the University maintain standards of conduct and ensure fairness and consistency when dealing with allegations of misconduct for Student Workers/ Consultants and/or Hourly Paid employees (workers).
- 1.2 Minor conduct issues can usually be resolved informally (2) with your line manager.
- 1.3 The formal procedure (4) should be followed if the matter is more serious or cannot be resolved through the informal process.
- 1.4 This procedure applies to fixed term consultants and Job Shop Student Workers only.
- 1.5 This procedure does not form part of any employee's contract of employment and we may amend it at any time.

## Informal Procedure (2)

- 2.1 Whilst the vast majority of workers will meet the standards of conduct expected of them, Line Managers/Supervisors/Team Leaders are responsible for bringing concerns, which could result in disciplinary action, to the attention of the worker as early as possible. Managers should attempt to identify the cause(s) of the conduct issue and seek its early resolution. Reasonable support and guidance should be provided to enable the worker to meet the standards of conduct required. Support may include, but is not limited to, training and / or any other reasonable support with reviews as appropriate.
- 2.2 The intention is to resolve matter(s) informally and as soon as possible, as part of the normal ongoing discussions between Line Manager/Supervisor/Team Leader and the worker. Any meetings will normally be between the Line Manager/Supervisor/Team Leader and the worker. There is no statutory right for a staff member to be accompanied in the informal procedure. However, if the Line Manager/Supervisor/Team Leader is to be accompanied at any meeting by a member of the Human Resources department, then the worker may also be accompanied by a work colleague or trade union representative, or vice versa.
- 2.3 The worker is expected to fully engage in the informal process and all parties should act in good faith to seek a successful resolution as soon as reasonably possible.
- 2.4 When discussing conduct issues, the Line Manager/Supervisor/Team Leader should be specific about their concerns and provide evidence and/or give examples to support their assertions.
- 2.5 They should aim to:
  - *Clarify the required standards of conduct* - ensure that the student worker / consultant is aware of the conduct required and any terms and conditions / policies that apply in relation to each issue of concern.
  - *Identify the areas of concern* - make clear the areas in which the individual's conduct is below expectations, explaining the grounds and evidence for this view and how they could be resolved.
  - *Give the student worker / consultant the opportunity to explain their conduct* - allow them to raise any concerns they may have about the 'job', or the support and guidance they may require to do it.
  - *Identify any possible mitigation* - these should be raised by the member of staff and discussed. These could be due to domestic, personal or work related problems and such situations should be dealt with sensitively.
  - *Bear in mind the provisions of the Equality Act 2010* - in particular, the obligation to make reasonable adjustments when dealing with disabled members of staff (see Brunel University London Policy on Equality and Diversity in Employment).
  - *Clarify any actions to be taken* - solutions to the problem could include training, retraining, providing a mentor, job shadowing, coaching or some other kind of support.
  - *Confirm a timetable for improvement*. Generally improvement should be expected without delay and should be sustained. Where necessary, reasonable time frames should be set within which improvement is expected and regular meetings held during this time to review the situation. When establishing "reasonable timescales" for improvement, managers must consider the complexity of the concerns and any mitigating factors.

- 2.6 The Line Manager/Supervisor/Team Leader may decide to alert the worker to the fact that if there is no improvement within the timescale provided, or it is not sustained, that it may result in action being initiated under the formal Disciplinary procedure. Reviews of progress may be set.
- 2.7 It is hoped that the informal procedure will lead to a satisfactory outcome being achieved and maintained, in which case the matter will have been resolved. However, sufficient detail should be recorded and any documentation generated should be retained locally by the Line Manager/Supervisor/Team Leader and worker, in order that evidence can be provided that the matter was addressed successfully or that the matter had been raised previously as an issue, should it be required at a later stage.

### Investigation (3)

- 3.1 Should there be no improvement or the matter be deemed more serious the formal procedure would need to be followed. However, before any formal disciplinary hearing is held, the matter must be investigated fully.
- 3.2 Any meetings and discussions as part of an investigation are solely for the purpose of fact- finding and no disciplinary action will be taken without a disciplinary hearing.
- 3.3 In some cases of alleged misconduct, the worker may need to be suspended from work while the investigation or disciplinary procedure (or both) is carried out. While suspended, the worker should not visit the University or make contact with any colleagues, suppliers or contractors unless authorised to do so. Suspension is not considered to be disciplinary action.

### Formal Disciplinary Hearing (4)

- 4.1 The outcome of the investigation may result in a formal hearing taking place. The worker will be given written notice of the hearing, including sufficient information about the alleged misconduct and its possible consequences to enable them to prepare for the hearing.
- 4.2 The worker will normally be given copies of any relevant documents and witness statements.
- 4.3 The worker may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as the workers companion.
- 4.4 The worker should let the investigating officer know as early as possible if there are any relevant witnesses they would like to attend the hearing or if there are any documents or other evidence they wish to be considered at the hearing.
- 4.5 The worker will be informed of the decision, usually within five days of the hearing.

### Disciplinary Action and Dismissal (5)

- 5.1 The usual penalties for misconduct are:
- 5.1.1 **Stage 1: First written warning.** – Where there are no other active written warnings on the disciplinary record, a first written warning would normally be issued.
  - 5.1.2 **Stage 2: Final written warning.** – In case of further misconduct where there is an active first written warning on the workers record, they would usually receive a final written warning. This may also be used without a first written warning for serious cases of misconduct or poor performance.
  - 5.1.3 **Stage 3: Dismissal or other action.** – Workers may be dismissed for further misconduct where there is an active final written warning on the workers record, or for any act of gross misconduct. Examples of gross misconduct are given below (clause 7). Workers may also be dismissed without a warning for any act of misconduct during their probationary period.

The panel may also consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by your contract), and/or extension of a final written warning with a further review period.

### Appeals (6)

- 6.1 Workers may appeal in writing within one week of being advised of the decision.
- 6.2 The appeal hearing will, where possible, be held by someone senior to the person who held the original hearing. A colleague or trade union representative may accompany the worker to the appeal hearing.
- 6.3 The worker will be informed in writing of the final decision as soon as possible, usually within five days of the appeal hearing. There is no further right of appeal.

## Gross Misconduct (7)

7.1 Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

7.2 The following are examples of matters that are normally regarded as gross misconduct:

- 7.2.1 theft or fraud;
- 7.2.2 physical violence or bullying;
- 7.2.3 deliberate and serious damage to property;
- 7.2.4 serious misuse of the organisation's property or name;
- 7.2.5 deliberately accessing internet sites containing pornographic, offensive or obscene material;
- 7.2.6 serious insubordination;
- 7.2.7 unlawful discrimination or harassment;
- 7.2.8 bringing the organisation into serious disrepute;
- 7.2.9 serious incapability at work brought on by alcohol or illegal drugs;
- 7.2.10 causing loss, damage or injury through serious negligence;
- 7.2.11 a serious breach of health and safety rules;
- 7.2.12 a serious breach of confidence;
- 7.2.13 a serious breach of the Conflict of Interest Policy and/or Relationships Policy.

This list is intended as a guide and is not exhaustive.

For questions about this procedure or further guidance please contact the HR Job Shop or the Human Resources department directly.