

# UNIVERSITY OF ABERDEEN

## DISCIPLINARY PROCEDURES FOR SUPPORT STAFF

### 1 INTRODUCTION

The University Court recognises that discipline is necessary for the efficient operation of the University and for the health and safety at work of all employees. In order to provide a fair and effective procedure for dealing with disciplinary matters, the following procedure will be applied in all instances where disciplinary action is regarded as warranted, other than where an informal oral reprimand is given for some relatively minor act of misconduct.

The University Court also recognises that counselling may often be a more satisfactory method of resolving an individual's problems at work rather than a disciplinary interview. The services of a University Counsellor will be made available to any member of the Support Staff whose particular problems at work could more reasonably be dealt with through this route.

The procedure applies to all members of the Support Staff, and is designed to help and encourage all such employees to achieve and maintain acceptable standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment at all times.

The University Court has delegated its powers in relation to disciplinary procedures for Support Staff and any appeals arising therefrom to the Staffing and Development Committee.

### 2 GENERAL PRINCIPLES

- i. No disciplinary action will be taken against an employee until the case has been investigated fully.
- ii. The procedure is designed to work as quickly as possible consistent with a thorough investigation of the facts of each case.
- iii. At every stage in the procedure the employee will be advised of the nature of the complaint against him or her, and will be given the opportunity to state his or her case before any decision is made. A minimum of three working days' notice will be given prior to any disciplinary/appeal interview, unless stated otherwise in the individual stages of this procedure.
- iv. The disciplinary procedure may be implemented at any Stage if the alleged misconduct warrants such action.
- v. At every stage the employee will have the right to be accompanied by a person of their own choosing.
- vi. Any individual who fails to appear for a disciplinary hearing without giving prior reasonable notice will be notified in writing of a rescheduled hearing date, and will be informed that failure to attend a second time would result in the case being heard in their absence.
- vii. No employee will be dismissed for a first breach of discipline, excepting acts of gross misconduct when the penalty will be summary dismissal without payment in lieu of notice.

- viii. At every stage the employee will be informed of any disciplinary action taken against them, and the reason for it.
- ix. The University will inform the appropriate Trades Union National Officer of any disciplinary action taken, or to be taken, against a local Trades Union Official.
- x. An employee will have the right to appeal against any disciplinary penalty.
- xi. The procedure does not apply to:
  - a. termination of a fixed-term contract of employment where the term of that contract expires without being renewed.
  - b. termination of a temporary appointment where the reason for termination is that the need for the employee's service has expired or is about to expire.
  - c. termination during, or at the end of, a formal probationary period of service.
  - d. termination of employment as a result of redundancy.
  - e. resignation by the employee.
- xii. At all stages, beyond the issue of an informal oral reprimand, the Human Resources Office will be advised of any disciplinary action taken and will be responsible for arranging any subsequent appeal in accordance with the terms of this procedure.
- xiii. Matters of discipline will be handled in strictest confidence at all times.

### **3 THE PROCEDURE**

At every stage the employee will have the right to be accompanied by a person of their own choosing.

#### **3.1 Stage One: Formal Oral Warning**

A Formal Oral Warning is issued as a result of persistent infringements of minor rules or other acts which are not considered to be serious infringements of acceptable standards of conduct or performance, e.g. bad time-keeping, poor standards of work, smoking in a prohibited area, infringement of the code of conduct on standards of dress for purposes of safety.

The warning will normally be delivered by the employee's supervisor, who will interview the individual and explain the reason for the warning and also advise that it is the first stage of the disciplinary procedure. The employee will be informed that further, more serious, disciplinary action may be taken if an improvement in their standard of behaviour is not forthcoming. The supervisor will advise the individual of their right of appeal. The formal oral warning will be confirmed in writing by the supervisor to the employee normally within three working days.

A brief note of the interview will be made and a copy of the oral warning will be forwarded to the Director of Human Resources for retention within the individual's personal file. The warning will be considered spent after 12 months, subject to satisfactory conduct and performance.

#### **3.2 Stage Two: Written Warning**

Written Warning: issued as a result of failure to heed a formal oral warning or in the case of other such unacceptable behaviour falling short of gross misconduct, e.g. insubordination, acts of negligence/carelessness resulting in some financial loss to the University.

The warning will normally be delivered by the Head of School/Administrative Section or next line manager as appropriate. The Head of School/Administrative Section will interview the employee concerned and seek an explanation for the unacceptable behaviour. If the employee's explanation is unsatisfactory, the Head of School/Administrative Section will issue a written warning, which will provide details of the complaint against the individual, the improvement required and the timescale within which the improvement is to be achieved and sustained. It will also:

- warn that failure to heed the written warning may result in further , more serious, disciplinary action being taken
- advise the individual of their right of appeal.

A note of the interview will be made and a copy of the written warning will be forwarded to the Director of Human Resources for retention within the individual's personal file. The warning will be considered spent after twelve months subject to satisfactory conduct and performance.

### **3.3 Stage Three: Final Written Warning**

Final Written Warning: issued as a result of failure to heed a written warning or in the case of other such unacceptable behaviour deemed to be sufficiently serious to warrant only a single written warning, but falling short of gross misconduct, e.g. offensive behaviour in contravention of the University's policies on Sexual and Racial Harassment, gross insubordination.

The warning will normally be delivered by the Head of School/Administrative Section, or next line manager as appropriate. The Head of School/Administrative Section will interview the employee concerned and if, having considered the individual merits of the case, believes a final written warning is justified will inform the individual accordingly. The final written warning will provide details of the complaint against the individual, the improvement required and the timescale within which the improvement is to be achieved and sustained. It will also:

- warn the individual that dismissal may result if they fail to heed the final written warning
- advise the individual of their right of appeal.

A note of the interview will be made and a copy of the final written warning will be forwarded to the Director of Human Resources for retention within the individual's personal file. The final written warning will be considered spent after twelve months subject to satisfactory conduct and performance.

### **3.4 Stage Four: Dismissal**

Dismissal: issued as a result of failure to heed a final written warning or as a result of gross misconduct. The Convenor of the Staffing and Development Committee, or a nominated Deputy in his absence, is responsible for approving the dismissal of a member of the Support Staff and for ensuring a thorough investigation of the matter is carried out prior to dismissal.

## **4 GROSS MISCONDUCT**

The following provides examples of behaviour which is normally regarded as gross misconduct:

- violent or threatening behaviour, including fighting and wilful damage to property
- fraud or theft
- incapacity due to alcohol and/or drugs
- contravention of employer's statutory regulations including safety regulations
- unauthorised disclosure of confidential information
- indecent behaviour on University premises.

This list is provided for illustrative purposes only and is not to be considered as either complete or exhaustive. An individual accused of committing an act of gross misconduct may be suspended from duty by the Head of School/Administrative Section, on full pay, normally for no more than five working days, whilst the alleged behaviour is investigated. The Human Resources Office will confirm the suspension in writing.

## **5 PAY DURING PERIODS OF SUSPENSION**

During periods of suspension the member of staff will be entitled to receive full pay except where a member of staff, when suspended, is receiving less pay (or no pay) under the terms of his/her contract of employment. In such cases the entitlement (or lack of it) to less than full pay will continue during the period of suspension.

A full report of the investigation will be submitted to the Convenor of the Staffing and Development Committee, who will then require the individual to attend a formal disciplinary interview. The disciplinary interview may be convened by giving the individual at least 24 hours notice. If the Convenor is satisfied that gross misconduct has occurred, the result will normally be summary dismissal, without notice, or payment in lieu of notice. The individual will remain suspended on full pay until notified of the Convenor's decision. The notification will contain details of the appeals procedure.

## **6 PENALTIES SHORT OF DISMISSAL**

In reaching a decision about disciplinary action the Convenor should give due consideration to the employee's overall disciplinary record (excluding any spent penalties), general employment record, position and length of service. Each case must be assessed on its own merits and any relevant circumstances taken into account, e.g. health or domestic problems, provocation, inconsistent treatment in the past, etc. Having assessed the case fully the Convenor may exceptionally decide to impose a disciplinary penalty short of dismissal from the following list:

- compulsory transfer to another School/Administrative Section
- loss of annual increment
- demotion (particularly in cases of poor performance).

As with all other disciplinary penalties the individual will be informed of the decision in writing together with details of the appeals procedure.

## **7 APPEALS DURING DISCIPLINARY ACTION FALLING SHORT OF DISMISSAL**

An individual wishing to appeal against disciplinary action falling short of dismissal will be advised through the disciplinary notification that an appeal must be made in writing and lodged with the Director of Human Resources within five working days of receipt of the notification. The Director will then arrange for the appeal to be heard by the appropriate line manager, who will inform the individual of his decision in writing normally within three working days.

A brief note of the appeal interview will be made and retained within the individual's personal file, together with a copy of the appeal decision. If the appeal is upheld all reference to the original disciplinary warning will be removed from the individual's personal file and destroyed.

## **8 APPEALS AGAINST DISMISSAL**

Appeals against dismissal will follow the same procedure as outlined above for 'Appeals against disciplinary action falling short of dismissal' (point 7), but in addition the following points will apply:

- i. the appeal will be heard by a small committee comprising three members of the Staffing and Development Committee (excluding the Convenor).
- ii. when dismissal with notice has been served against an individual the appeal should, as far as is reasonably practicable, be heard during the period of notice.
- iii. when summary dismissal has been served against an individual the appeal should, as far as is reasonably practicable, be heard during the period that would have constituted the period of notice for the individual concerned.
- iv. if an appeal against summary dismissal is upheld the individual will be reinstated and entitled to receive any arrears of salary to cover any period of unpaid leave falling between the date of the summary dismissal and the date of reinstatement.