

Plumpton College
Disciplinary Policy and Procedure

1 Scope and Purpose

- 1.1 This procedure applies to all members of staff other than “senior post holders” as defined in the College’s Articles of Government.
- 1.2 The procedures will be applied in accordance with the Articles of Government of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services Code of Practice, ‘Disciplinary and Grievance Procedures’.
- 1.3 The purpose of the procedure is to help and encourage employees to achieve high standards of conduct at work and ensures, as far as is necessary, all staff are made aware of the standards that are expected of them and any rules applying to them.
- 1.4 The College is committed to the principle and practice of equal opportunities. We aim to ensure that all employees, applicants and service users are valued as individuals, and treated fairly and with respect, regardless of age, gender, disability, race, nationality, sexual orientation, religion & belief, employment status, health, marital status, trade union membership, domestic circumstances, social & employment status, in relation to disciplinary action taken in response to allegations of unacceptable conduct.

2 General Principles

- 2.1 Every effort will be made to avoid the use of disciplinary action where alternatives are appropriate. A separate procedure will be used to address issues of professional capability and competence. If a conduct issue is identified the disciplinary policy and procedure will be reverted to.
- 2.2 An employee has the right to be present and accompanied and represented by a representative of a trade union or workplace colleague of his or her choice when attending any formal disciplinary meeting. When arranging

meetings a check will be made whether the employee has any family, religious or other cultural events which might influence the date of the meeting.

- 2.3 In the interest of ensuring that disciplinary matters are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 2.4 No action will be taken against a representative of a recognised trade union until, with the permission of the representative, the circumstances of the case have been discussed with the full-time official of the trade union concerned, except in the case of gross misconduct, where circumstances may require immediate action. Should the member of staff not wish his or her trade union official to be involved, the procedures set out below will be followed without further delay.
- 2.5 No employee will be dismissed for a first breach of discipline, except in the cases of gross misconduct.

3 Responsibilities of Managers

- 3.1 Managers are responsible for ensuring that the College's rules and standards of conduct are conveyed and fully explained to their members of staff.

4 Responsibilities of members of staff

- 4.1 Each member of staff must familiarise themselves with the rules and standards of conduct, which relate to their area of work, and to seek clarification of these as appropriate.

5 Informal Procedure

5.1 The formal procedures will normally be invoked either when difficulties cannot or have not been resolved within the normal supervisory relationship, or a more serious act of misconduct warrants immediate recourse to the disciplinary procedure.

5.2 Normally discipline is effectively maintained by example, informal advice or reprimands and through the observance by staff of accepted standards of conduct. Within this context the Principal and senior managers are able to discuss concerns with a member of staff, give advice informally and/or issue informal reprimands without recourse to the formal procedures.

In these circumstances, the member of staff will have every opportunity to discuss the concern, to make any comments and to record them if desired.

5.3 No formal detailed written record will be kept of an oral reprimand on the member of staff's personal file and no reference made to it in communication with a body outside the College. However, a note of the discussions, or of the date of and reason for the reprimand will be kept by the member of staff's line manager for up to twelve months.

Line managers are responsible for informing employees a note has been taken and a copy will be given to the member of staff upon request.

Line managers are responsible for maintaining any confidential informal reprimands and then disposing of them after twelve months of the date that they are given. It is the responsibility of line managers to ensure that these records are passed to their successor or the HR officer if they leave the College or change job role. If the employee moves to a different department the records should be passed on to the employee's new line manager.

5.4 An oral reprimand is a clear indication that the formal disciplinary procedure may be pursued should remedial action not succeed. It may be necessary to move to the formal procedure if conduct continues to be unsatisfactory following informal guidance even if an oral reprimand was not given.

- 5.5 It is accepted, that in the event of some more serious act of misconduct, immediate recourse to the disciplinary procedure may be appropriate and the College can enter the formal procedures at any stage in light of the seriousness of the issues.

6 Formal Disciplinary Procedure - Investigations

- 6.1 No disciplinary action will be taken against an employee until the College has fully investigated the circumstances of the matter complained of having regard to the employee's response to allegations.
- 6.2 The purpose of the investigation is to ascertain the facts as far as possible, to establish whether there may be a case to answer and to judge whether recourse to any further stage in the formal disciplinary procedure is appropriate.
- 6.3 The Head of Department/Line Manager should seek advice and guidance from the HR Officer when a potential disciplinary matter arises.
- 6.4 If appropriate, the Principal or another senior post holder (to whom the power has been delegated by the Principal) may suspend the employee, in accordance with Section 7 below, whilst the investigation is carried out.
- 6.5 A Head of Department/Line Manager or a member of the Senior Management Team will be designated to investigate the facts of the case. This "investigating officer" will investigate thoroughly the facts of the matter, including the member of staff's version of events. The member of staff has the right to be accompanied by either a recognised trade union representative or a colleague when being questioned by the investigating officer. Any information gained by the investigating officer when questioning the member of staff may be presented at any subsequent disciplinary hearing.
- 6.6 It is important that the investigation needs to be a priority to the investigating officer's workload and they must gather all relevant facts as quickly as possible, specifically:

- Interview the employee, and any witnesses, promptly and agree a written record of events.
- The record must be signed and dated by the individual as an agreed record.
- The employee and any witnesses should be encouraged to have representation at this interview. Alternatively, the employee and/or witnesses may submit a written record of events to the investigating officer and this should be done as soon as possible.
- The need to obtain statements promptly is paramount at all times.
- Gather any other documentation relevant to the case.

6.7 The member of staff must be informed in writing, of the nature of the allegation, that a formal investigation is being undertaken, and of their right to representation during the process. If, on completion of the preliminary investigation, the investigating officer holds a reasonable belief that there is substance to the allegations, a disciplinary hearing should be held as soon as is reasonably practicable and normally within ten working days of completion of the preliminary investigation.

6.8 Where it is decided that no further formal action be taken, written confirmation to this effect should be provided to the employee concerned and their representative within three days of the conclusion of the investigation. Any documentation will be removed from employees' file.

7 Suspension

7.1 In appropriate circumstances, where there are allegations of serious or gross misconduct, the Principal or another senior post holder (to whom the power has been delegated by the Principal) may suspend the member of staff to allow the investigation (described in section 6) to take place and where relevant to allow the disciplinary interview (described in section 9) to be held.

7.2 Suspension will only be imposed after careful consideration and it will be made clear to the employee that it is not considered a disciplinary act.

- 7.3 The Principal or senior post holder will supply the member of staff with written confirmation of the suspension, including a statement about the reasons for suspension from duty.
- 7.4 A member of staff who is suspended from duty shall, throughout the period of suspension, continue to be entitled to his/her full pay unless there is a provision in the contract to the contrary.
- 7.5 A member of staff who has been suspended may appeal at any time for the suspension to be lifted. Please see section below on Appeals against Suspension.

8 Formal Disciplinary Procedure

- 8.1 Once the investigation has been completed and the investigating officer considers that a member of staff's conduct or omission may warrant action under the formal disciplinary procedure, he/she will arrange for a hearing at which a senior manager (or the Principal where dismissal is a possible sanction) will hear the case.
- 8.2 At every stage of the formal procedure, the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case at a hearing before any decision is made, however if the employee does not turn up for the hearing and does not have any mitigating circumstances the hearing may go ahead in the employees absence.

9 The Hearing

- 9.1 The person hearing the case should normally be someone who has no previous knowledge of the detail of the case.
- 9.2 The member of staff will be given at least five working days' notice of the hearing and will be referred to this procedure.
- 9.3 The notice of the disciplinary hearing will specify:

- (i) the date, time and place of the forthcoming hearing
- (ii) the alleged complaints that give rise to the hearing
- (iii) details of the events leading to the hearing (NB: Matters previously resolved should not be detailed unless specifically relevant to the current matter)
- (iv) the right of the member of staff to be accompanied and/or represented by a colleague or trade union representative
- (v) that the member of staff is advised to retain all papers and/or copies relating to any disciplinary matter
- (vi) that the member of staff has the right to call witnesses and/or present documentary evidence at the hearing
- (vii) potential disciplinary sanctions.

9.4 However, if the employee's representative is unavailable to attend on the proposed date, the employee may delay the date of the hearing once up to 5 working days to enable the chosen representative to attend.

9.5 If the member of staff intends to produce documents or statements at the interview, copies must be provided to the investigating officer at least three working days before the disciplinary hearing, so that if there are any discrepancies in the evidence, further investigation can be undertaken. If the member of staff does not comply with this timeframe and there is no prior agreement, the person hearing the case may refuse to consider such evidence or testimony. In general, copies of all documentary evidence should be available to both parties as early as possible in advance of the hearing.

9.6 The hearing will be chaired by the senior manager hearing the case (or the Principal where dismissal is a possible sanction). He/she may be assisted by the HR Officer to provide guidance on procedural matters only and may also be responsible for taking notes. The member of staff may choose to be accompanied by a colleague or trade union representative.

9.7 Those involved in disciplinary hearings should behave in a fair and reasonable manner throughout the proceedings.

- 9.8 Hearings will be held at a time and place which so far as possible is acceptable to all the parties. A hearing which is still continuing after 5pm should normally be adjourned to another date, unless all parties agree otherwise. During the hearing short adjournments may be requested by any of the parties and these requests must not be unreasonably refused. The nature of a disciplinary hearing is such that there may be occasions when the person conducting the hearing, having given a member of staff the opportunity to state his/her case, will wish to adjourn the hearing to enable further investigations to be made before reaching a decision.
- 9.9 A room will be provided for the member of staff and his or her representative to meet in private before, during and after the hearing.

10 The Hearing Procedure

- Introductions
- The investigating officer will set out the case.
- Copies of any witness statements relied upon by the investigating officer are referred to at this stage.
- Any witnesses in support of the investigating officer's case will be called to give their account.
- The investigating officer will be able to ask questions of the witnesses through the person hearing the case.
- The member of staff or their representative will be able to ask questions of the witnesses through the person hearing the case.
- The person hearing the case will be able to ask questions of all parties for clarification purposes.
- The investigating officer can re-examine their own witnesses if necessary.

- The member of staff or his/her representative will set out his/her case.
- Copies of any witness statements given to the investigating officer are referred to at this stage.
- Any witnesses the member of staff wishes to present evidence will be called.
- The member of staff or his/her representative will be able to ask questions of the witness.
- The investigating officer will be able to ask questions of the witnesses through the person hearing the case.
- The member of staff or their representative can re-examine their own witnesses if necessary.
- The investigating officer will be asked to sum up their case, followed by the member of staff or their representative summing up their defence. Following completion of both parties submissions, witnesses may be recalled, but only to clarify evidence previously given, not to introduce any new material.
- At the end of the hearing, the proceedings will be adjourned so that the person hearing the case can consider in private what action, if any is to be taken. The Senior Manager may seek guidance from the HR Officer on procedural matters.
- Once the person hearing the case has decided what action, if any is to be taken the hearing will reconvene for the decision. The employee will be advised of their right to appeal against the decision and informed who that appeal should be lodged with and in what timescale.
- The outcome will be confirmed in writing to the member of staff within five working days of the hearing or earlier where this is possible.

11 If an Employee Fails to Attend a Hearing (including an Appeals Hearing)

11.1 If a member of staff fails to attend a hearing, those conducting the hearing will contact the member of staff to ascertain the reason for his/her absence and will decide whether to proceed in his/her absence or reconvene the hearing at some other time. If the member of staff is absent for a valid reason which could not reasonably have been foreseen, the hearing should normally be rearranged once, usually within five working days. If the member of staff cannot be contacted or if no valid reason can be produced, the employee will be treated as absent without leave and the hearing/appeal hearing will proceed in their absence and a decision reached. The decision will be made from the evidence available at that time. The employee will be informed of the decision in writing within five working days of the hearing.

12 Formal Disciplinary Sanction

12.1 If, in the opinion of the Senior Manager conducting the hearing, an offence has been committed, that Manager will take into account the following before deciding upon an appropriate disciplinary sanction:

- any mitigating factors, e.g. health, domestic, bereavement;
- current disciplinary record of the employee;
- record of service at the College;
- nature of the offence;
- evidence produced by either party at the hearing;
- statements and answers provided by witnesses;
- any sanctions imposed in the part for similar offences.

12.2 After taking into account any of the above the Senior Manager hearing the case will decide which of the following sanctions should be imposed:

- First Written Warning
- Final Written Warning
- Dismissal

12.3 Normally, the procedure will be followed in the order of the stages set out in Sections below. However, offences of a serious nature may be brought into the procedure at any stage, if any earlier stage would not be severe enough or appropriate to deal with it. For example, there may be occasions when misconduct is considered not to be so serious as to justify dismissal, but serious enough to warrant only one written warning which will be both the first and final written warning.

13 First Written Warning

13.1 If the offence is a continuing act of misconduct for which informal reprimands have been given previously or it is an offence considered to be serious misconduct, a first written warning will be given. This warning will normally be given orally to the member of staff and then confirmed in writing within five working days.

13.2 The first written warning will specify:

- (a) the nature of the unsatisfactory matters dealt with at the hearing and such detail of events leading to the warning as is appropriate
- (b) the action required by the member of staff to remedy the default(s)
- (c) the potential consequences for the member of staff's employment in the event of subsequent failure to remedy the default(s)
- (d) the date(s) at which the matter will be reviewed, if appropriate. If it is considered that the nature of the matter is such that a formal review period is not appropriate, this will be specifically drawn to the attention of the member of staff in the warning
- (e) the rights of and timescale for appeal as set out in section of these procedures
- (f) confirmation that it is a first written warning under this procedure.

13.3 A copy of the written warning and the date that it was given will be placed on the member of staff's file, normally for 12 months. (Note: it is the responsibility of the person giving the warning to ensure that the note is removed from the employee's file at the appropriate time or for elevating the matter to the next stage.)

14 Final Written Warning

14.1 A final written warning will be issued if the misconduct is sufficiently serious, or there has been a further incident of misconduct after a member of staff has received a first written warning that is still live on his/her file at the date of the second incident (whether or not the further incident is related to the incident for which the first written warning was issued), a final written warning will be given. This warning will normally be given orally to the member of staff and then confirmed in writing within five working days.

14.2 The final written warning will specify:

- (a) the nature of the unsatisfactory matters dealt with at the hearing and such detail of events leading to the warning as is appropriate
- (b) the action required by the member of staff to remedy the default(s)
- (c) that if improvements are not made, or there is further misconduct, this would lead to a further disciplinary hearing to consider the termination of the member of staff's employment
- (d) the date(s) at which the matter will be reviewed, if appropriate. If it is considered that the nature of the matter is such that a formal review period is not appropriate, this will be specifically drawn to the attention of the member of staff in the warning
- (e) the rights of and timescales for appeal as set out in section 19 of these procedures
- (f) the fact that it is a final written warning under this procedure
- (g) further incidences.

14.3 A copy of the final written warning will be placed on the member of staff's file. It will normally remain on the file for 18 months.

(Note: it is the responsibility of the person giving the warning to ensure that the note is removed from the employee's file at the appropriate time or for elevating the matter to the next stage.)

15 Dismissal

- 15.1 If the investigating officer concludes that a member of staff may have committed an act of gross misconduct, gross negligence or incompetence, or there has been a recurrence of misconduct after a member of staff has received a final written warning (whether or not the further incident is related to the incident for which the final written warning was issued), the disciplinary hearing must be heard by the Principal.
- 15.2 The Principal shall invite the employee to a meeting with the Principal, and no Disciplinary action, except paid suspension, shall be taken against the employee until that meeting has taken place. Where the Principal considers that the appropriate sanction is dismissal, the member of staff should normally be informed of this and given written confirmation within five working days of the hearing.
- 15.3 The dismissal letter will specify:
- (a) the nature of the unsatisfactory matters dealt with at the hearing and such detail of events leading to the dismissal as is appropriate
 - (b) the rights of and timescales for appeal as set out in section of these procedures
 - (c) when the dismissal takes effect.
- 15.4 The dismissal should normally take effect at the end of the contractual or statutory period of notice (whichever is greater). However, it may take immediate effect, without any need for prior notice, where the circumstances are such that an immediate dismissal is warranted by reason of the serious or gross misconduct of the employee.

16 Examples of Misconduct

- 16.1 The following offences are examples of offences which are normally regarded as misconduct.

This list is not exhaustive:-

- Unauthorised absence
- Persistent lateness
- Failure to notify the College immediately or as soon as is reasonably practicable when absence is due to sickness
- Failure to report any loss and/or damage to any property issued to or by the member of staff in connection with his/her employment
- Abusive behaviour or offensive language which is directed at colleagues, students or members of the public while representing the College or on College premises.
- Undertaking additional employment outside normal working hours which would be detrimental to the work performed as a full-time employee of the College
- Refusal to carry out duties or reasonable instructions or to comply with College rules
- Negligence/incompetence which causes loss, damage or injury
- Insubordination
- Non-observance of College procedures

16.2 The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

17 Record of Events

- 17.1 Where possible the HR Officer shall be appointed to take notes of the disciplinary hearing. These notes shall be transcribed and copies sent to the employee and their representative with 5 working days of the hearing.
- 17.2 The notes are not intended or required to be a verbatim record, but an account of the main points discussed. The employee shall be at liberty to keep their own record of the hearing if they so wish.
- 17.3 A written record of the case will be held by the College in a secure filing cabinet. All records will be treated as confidential and will be kept no longer than necessary in accordance with the Data Protection Act 1998.

18 Gross Misconduct

- 18.1 An employee who is accused of serious or gross misconduct may be suspended from work, in accordance with the provisions of Section 7, whilst the College investigates the alleged offence. The Principal may summarily dismiss the employee if, on completion of an investigation and a disciplinary hearing carried out in accordance with sections above, it is established that the employee has been guilty of serious or gross misconduct. Such dismissal will be without notice or payment in lieu of notice.
- 18.2 If an employee is accused of serious or gross misconduct and the Principal considers that the circumstances are such that the College would be entitled to summarily dismiss the employee without the need to undertake the process of investigation and hearing detailed in sections 6 and 9 above, then the Principal may dismiss the employee without undertaking any process of investigation or hearing. Any such dismissal without investigation and hearing will normally be confined to the most exceptional cases (that is, a small subset of serious or gross misconduct cases), where the evidence of the serious or gross misconduct is clear and compelling, and there is no realistic possibility that the employee can produce evidence which casts doubt on the fact of his/her being guilty of serious or gross misconduct, or by

way of mitigation of possible penalty, and the dismissal occurred at the time the Corporation became aware of the conduct or immediately thereafter.

- 18.3 In the event of summary dismissal in the circumstances detailed in section 18.2, the Principal shall, without unreasonable delay, provide the dismissed employee with a written statement of the alleged misconduct which has led to the dismissal and the reasons why the Principal considers that the employee was guilty of such misconduct and notifying that employee of the right to appeal to the Corporation against the dismissal.

19 Examples of Gross Misconduct

- 19.1 The following offences are examples of offences which are normally regarded as grounds for summary dismissal:

This list is not exhaustive:-

- Theft or unauthorised possession of any property belonging to the College or to any employee or student
- Serious damage deliberately inflicted to College property
- Deliberate falsification of College registers, reports, accounts, time sheets, expense claims or self-certification forms or other information of a financial or statistical nature or gross negligence in compiling the same
- Contravention of health and safety procedures
- Bribery or corruption
- Failure to disclose criminal convictions not exempt under the terms of the Rehabilitation of Offenders Act, 1975
- Violent conduct towards a student or member of staff of the College

- Victimisation of other employees, students or members of the public in the course of duty e.g. on the grounds of sex, marital status, ethnic origin, disability or sexual orientation
- Harassment due to sex, race or disability or on any other grounds
- Serious or repeated incidences of bullying
- Serious abuse of the College's email/IT policy
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Wilful unauthorised disclosure of information, classified as confidential by members of staff who, in the course of their duties, have access to such information which, by its release, could be harmful to the College, other members of staff or students
- A criminal offence, which may (whether it is committed during or outside the member of staff's hours of work for the College) adversely affect the College's reputation, the member of staff's suitability for the type of work he/she is employed by the College to perform or his/her acceptability to other employees or students
- Victimisation of a fellow member of staff in circumstances where that member of staff has used or attempted to use the Public Interest Disclosure Procedure
- Malicious, vexatious or otherwise unreasonable use of the Public Interest Disclosure Procedure
- Failure to follow the provisions of the Public Interest Disclosure Procedure when disclosing malpractice (as defined by that procedure), such as making an external disclosure in breach of the procedure without reasonable grounds or otherwise than to an appropriate public authority

- Falsification of information on any application form or CV
- Arriving at work under the influence of alcohol or illegal drugs or incapability as a result of intoxication by reason of alcohol or illegal drugs
- Serious, abusive, insulting behaviour towards the College management, students or members of the public
- The divulgence to outside parties of confidential information regarding the affairs of the College which could have a damaging effect
- Gross negligence and/or incompetence.

19.2 The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

20 Written Confirmation

20.1 All decisions will be confirmed in writing and a copy given to the employee. The employee will be asked to sign a copy to confirm receipt. All written confirmations should normally be issued within five working days of the disciplinary hearing.

20.2 In the case of a decision not to take any further formal action, this decision should be confirmed in writing to the employee and their representative.

20.3 Where formal action is to be taken, the written confirmation should include the following:

- confirmation that the warning constitutes formal disciplinary action.
- confirmation of the nature of the offence and that a recurrence of that, or a similar offence, or the failure to improve may lead to further disciplinary action being taken which may lead to dismissal.

- information about the right of appeal, and the means of exercising it.
 - that the manager will, at regular intervals, review the matter with the employee to ensure that improvement has been achieved and is maintained. The outcome of the reviews will be confirmed in writing to the employee.
 - the effective date of the warning.
 - the date the warning expires.
- 20.4 All warnings will expire at 23:59 hours on the date stated in the letter of confirmation. Expired warnings will remain on record, however they will be disregarded for disciplinary purposes.

Appeals

21 Appeals against suspension

- 21.1 The appeal may be made orally initially; however, it should normally be submitted in writing to the Clerk of the Corporation. Within 5 working days the Clerk to the Corporation will arrange a meeting of an appeals panel consisting of three members of the Corporation, excluding the Principal, the staff members and the student members.
- 21.2 A member of staff who is suspended and appeals for the suspension to be lifted, shall continue to be suspended pending the determination of the appeal.
- 21.3 The meeting of the suspension appeals panel will be held as soon as is reasonably practicable. The panel will hear from the Principal or the senior post holder and from the member of staff, who may be accompanied by a colleague or trade union representative. The panel will consider the merits and necessity of the suspension, without examining the merits or strengths of the actual allegations of misconduct in any detail.

- 21.4 The member of staff shall be given at least five working days' notice of the date, time and place fixed for the appeal meeting, unless an earlier date has been mutually agreed.
- 21.5 Following the hearing of an appeal against suspension, the Corporation's committee appointed to hear the appeal may order that the suspension continue or that it continue for a limited period or that it be lifted immediately. The decision will be confirmed in writing to the member of staff by the Clerk to the Corporation without unreasonable delay following the hearing of the appeal.

22 Appeals against disciplinary penalties other than dismissal

- 22.1 An employee who wishes to appeal against a formal written warning or a final written warning or a disciplinary suspension should inform the HR Officer within 5 working days of receipt of the decision which forms the subject of the appeal. The appeal will be heard by:
- (i) another member of the Senior Management Team in the case of a disciplinary penalty imposed by a Senior Manager; or
 - (ii) a Disciplinary Committee of the Governing Body (excluding the Principal, staff or student governors) if the Principal was directly involved in the procedure when the disciplinary penalty complained of was imposed; or
 - (iii) a Disciplinary Committee of the Governing Body (excluding the Principal, staff or student governors) in any case where the sanction (other than dismissal) was imposed after a disciplinary hearing where dismissal was a sanction which was being considered.
- 22.2 Senior Management, or the Principal, or a Disciplinary Committee as appropriate, will conduct an appeal hearing as soon as reasonably practicable after the notice to appeal has been received. At the hearing of the appeal, the employee will be given an opportunity to state his or her case and will be

entitled to be accompanied and represented by the trade union representative or workplace colleague.

- 22.3 However, if the employee's representative is unavailable on the date of the initial Appeal, the employee may delay the date of the Appeal once up to 5 working days to enable the chosen representative to attend.
- 22.4 At the appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The person hearing the appeal shall consider the decision of the person who imposed the penalty and any representations made by or on behalf of the employee. The decision of a Senior Manager, or the Principal, or a Disciplinary Committee as appropriate, will be notified to the employee (and, where it is a decision of a Disciplinary Committee, also notified to the Principal) in writing without unreasonable delay following the appeal hearing.

23 Appeals against dismissal or notice of dismissal

- 23.1 An employee who wishes to appeal against dismissal or notice of dismissal should inform the Clerk to the Corporation in writing within 5 days of the date of the decision which forms the subject of the appeal.
- 23.2 The employee should state in the letter his/her grounds of appeal (e.g. the appeal is against the nature of the penalty awarded, against the procedure used or that new evidence has come to light).
- 23.3 The appeal will be heard by a committee established by the Corporation and consisting of any three members of the Corporation, excluding the Principal, the staff members and the student members. The appeal will be heard by a committee established by the Corporation in circumstances where the employee has been dismissed with immediate effect by reason of serious or gross misconduct, as detailed in sections above. Where the appeal is heard by a committee of the Corporation, the Principal shall attend that hearing if so requested by the committee.
- 23.4 The appeal hearing will take place as soon as reasonably practicable after the notice to appeal has been received by the Clerk to the Corporation. The

employee will be given at least five working days' notice of the date, time and place fixed for the appeal hearing (unless an earlier date has been mutually agreed).

- 23.5 At the appeal hearing, the employee will be given an opportunity to state his or her case and will be entitled to be accompanied by a colleague or trade union representative. The employee should advise the Clerk to the Corporation of the names and status of such persons as least two days before the hearing. The Corporation committee appointed to hear the appeal shall take into account any representations of the employee and the Principal's decision to dismiss, and take such action as it considers appropriate. The decision will be notified to the employee and to the Principal in writing without unreasonable delay. Wherever possible an oral decision will be given on the day of the hearing.
- 23.6 The employee and Principal should provide a written summary of the case and reasons for decisions to the Clerk to the Corporation at least five working days before the hearing, together with copies of any evidence to be used at the appeal hearing. The Clerk will pass copies of these to the employee, Principal and Appeals Committee.
- 23.7 During the hearing the employee may request an adjournment at any stage, at the discretion of the Appeals Committee. The Committee may adjourn the hearing to another date if it sees fit. The Committee may proceed with the hearing if the employee fails to attend.
- 23.8 In the case of an appeal against a notice of dismissal, the dismissal shall not take effect before the appeal has been determined.

24 Procedure for appeals

- 24.1 The Appeal will be heard by the most appropriate person or committee as in accordance with Section 21 to 23 above. The procedure is as follows:
- If an Appeals Committee is used, then the Chair will introduce those present.

- Principal (or chair of Appeals Committee) to clarify if notes will be taken at the meeting and to whom they shall be made available.
- The management representative to give a short résumé of the Appellant's post within the College and place in the organisational structure.
- The Appellant/representative to state their case and explain any special circumstances which may exist and the precise nature of the remedy sought.
- The Appellant/representative to introduce any witnesses.
- The management representative to ask questions of the witnesses and Appellant as appropriate.
- The Principal (or Committee) to question the witnesses.
- Appellant's witnesses to withdraw.
- The management representative to state the management case with the assistance of relevant members of management.
- Management representative to introduce any witnesses to give evidence.
- The Appellant/representative to ask questions of the witnesses and management representative as appropriate.
- The Principal (or Committee) to question the witnesses.
- Management representative's witnesses to withdraw.
- Management representative to summarise the College's case; no new factors to be introduced.

- The Appellant/representative to summarise the appeal; no new factors to be introduced.
- Principal (or Committee) to adjourn and review case before making decision. Principal (or Committee) to take account of Principal's decision (or, where applicable, the decision of another senior post-holder) to dismiss.
- Appellant/representative to be recalled and informed of the decision by the Principal (or Chair of Appeals Committee).

Approved by the Corporation on 24th March 2009