

People Function Policy Disciplinary Policy and Procedure

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1 Policy Statement

- 1.1 The Disciplinary Policy and Procedure sets out the university's approach to managing employee disciplinary matters which includes issues of poor conduct and matters that arise following negligence or deliberate unwillingness on behalf of the employee.
- 1.2 Imperial will make every effort to deal with allegations of misconduct as quickly as possible, and where necessary, will investigate them in line with the appropriate procedure.
- 1.3 Incidences of alleged minor misconduct should be dealt with by the line manager informally as soon as they arise and cases of alleged serious or gross misconduct should be dealt with following the formal procedure.
- 1.4 Following a formal investigation, if there is a case to answer, the matter will be referred to a disciplinary hearing.
- 1.5 Employees are expected to fully engage with the disciplinary procedure when required. This includes cooperating with investigations, including attending meetings, responding to communications in a timely manner, and providing any requested information or documentation. Failure to engage with the disciplinary procedure may result in decisions being made in the employee's absence based on the information available.
- 1.6 Imperial's [Values](#) are at the very centre of our work and guide our behaviour as a community, across all levels. This policy aims to protect and promote our Values and ensures that decisions are based on a clear and transparent disciplinary process which provides those involved the opportunity to present their account of any alleged misconduct.

2 Scope

- 2.1 The Disciplinary Policy and Procedure applies to all employees except those in their probation period and academic employees covered by the [Annexes to the Appendix to the Ordinances](#).
- 2.2 The Disciplinary Policy and Procedure does not apply to matters of performance or sickness absence, which are dealt with under the [Performance Improvement Procedure](#) and [Sickness Absence Policy and Procedure](#), respectively.
- 2.3 Where there are allegations of Sexual Misconduct or Bullying, Harassment and Victimisation, the Disciplinary Policy and Procedure will be read and implemented in conjunction with those policies.
- 2.4 Matters relating to research misconduct should be raised initially under Imperial's [Research Misconduct Policy](#).
- 2.5 Advice and guidance on the use of the appropriate procedure can be obtained from the [Employee Relations \(ER\) team](#).

3 Equality and Diversity

- 3.1 Imperial is committed to equality, diversity and inclusion. Implementation of this policy must be clear and transparent and not subject to any unfair discriminatory practices.
- 3.2 If an employee requires any adjustments to ensure equal access and opportunity at any stage of the informal or formal procedure, the Equality, Diversity and Inclusion Centre (EDIC) may be contacted for advice.
- 3.3 This policy is inclusive and applies to all employees irrespective of any protected characteristic.

4 Confidentiality

- 4.1 All information relating to a disciplinary case will be treated confidentially. Information relating to the alleged misconduct will be shared with only those who have a legitimate requirement to see the documentation as part of resolving the matter or any consequent procedure and therefore the processing of data for contractual necessity.
- 4.2 During the course of the investigation, the responding party will normally be informed of the names of any witnesses whose evidence is relevant to the disciplinary proceedings and witnesses will be advised that their witness statement will be seen by the responding party, unless the university considers that the identity of witnesses should remain confidential, for example in cases where there is a genuine fear of reprisals or violence.
- 4.3 It is expected that all parties involved will be sensitive to the nature of disciplinary proceedings, including matters discussed and any evidence provided. Breach of confidentiality may compromise the integrity of the procedure and may itself be subject to disciplinary action. This does not prevent individuals from seeking appropriate advice, support and information in relation to the case e.g. from their Trade Union Representative.
- 4.4 If the university continues to investigate a matter as a duty of care or a legislative requirement, then it may be necessary to share the information with appropriate external parties such as the Police or relevant regulatory or funding body.

Recording and monitoring information

- 4.5 Written records will be kept by the People Function at each stage of the formal procedure. Employees may take their own written record of meetings, but recording devices, including use of mobile phones will not be permitted.
- 4.6 Any personal data collected or retained in relation to the disciplinary policy or procedure will be in accordance with relevant data protection legislation. Records of expired warnings may be retained by the ER team for reference in the event of a dispute, legal proceedings or further misconduct. Further information regarding how data will be processed is detailed in [Imperial's Privacy Notice for Staff](#).

5 Definitions

For the purposes of this Policy and Procedure, the following definitions apply:

Misconduct: Situations of poor conduct and issues resulting from negligence or deliberate unwillingness of the employee.

Responding Party is the person responding to an allegation of misconduct.

Reporting Party is an individual who has made a formal complaint regarding an incident of misconduct.

Evidence: Evidence will be collected to establish the facts of the case. Evidence may include, but not be limited to written witness statements and/or statements taken during the course of a meeting and other documentation such as emails, text messages, paper/electronic documents/records, notes from informal meetings etc. Evidence such as CCTV footage, computer and phone records or swipe card access relevant to the investigation which can be obtained lawfully may also be included.

Balance of probabilities: During the disciplinary proceedings, information and evidence will be gathered and a decision will be made on the balance of probabilities. This means that an

Investigating Officer or Chair of a disciplinary hearing will decide, based on the evidence, if it is more likely than not that the employee committed the misconduct.

Disciplinary sanction: A penalty given to an employee following a disciplinary hearing. A disciplinary sanction can range from a first written warning up to summary dismissal. See appendix C for a list of possible disciplinary sanctions and when they may be issued.

Gross misconduct: Offences considered serious enough to possibly warrant dismissal without prior formal warnings. A non-exhaustive list of examples of gross misconduct are set out in section 10.

Summary dismissal: Dismissal without notice.

6 Support and Related Policy

- [People Partnering team](#)
- [Employee Relations \(ER\) team](#)
- [Joint Trade Union Representatives](#)
- [Confidential Care](#)
- [Harassment, Bullying and Victimisation Policy](#)
- [Sexual Misconduct Policy and Procedure](#)
- [Research Misconduct](#)

7 Disciplinary Procedure - Informal Action

- 7.1 Managers are expected to ensure that their employees are aware of the standards of behaviour required and should bring any concerns with their conduct to their attention. Cases of minor misconduct should be dealt with by the line manager promptly.
- 7.2 The line manager should arrange an informal meeting to discuss their concerns. Line managers should inform the employee of the reason for the meeting in advance.
- 7.3 During the informal meeting, the manager should refer to specific examples and provide evidence of their concerns, ensuring the employee has an opportunity to provide an explanation for their alleged conduct and raise any concerns they might have.
- 7.4 The line manager should provide an opportunity for the employee to respond to the concerns and discuss any mitigating factors.
- 7.5 Depending on the nature of the misconduct, it may be appropriate to give the employee reasonable time to improve their conduct. A period of review will be agreed at the meeting and will usually be between 1 and 3 months depending on the nature of concerns.
- 7.6 The manager should confirm the discussion and period of review, if applicable, in writing following the meeting.
- 7.7 Progress will be reviewed regularly during the informal review period, usually during weekly one-to-one meetings, and feedback on progress will be given to the employee. Positive support and encouragement will be offered to the employee to help them to meet the required standards of conduct.
- 7.8 If issues persist during the review period, or there is no improvement by the end of the review period, consideration will be given to taking further action. This action is dependent on the nature of the issue and may be initiated during the review period. It may be identified that the formal part of this policy and procedure is invoked or that an alternative policy is more appropriate. The People Partnering Team can provide advice on the most appropriate course of action.

8 Disciplinary Procedure - Suspension

- 8.1 In certain cases, it may be appropriate to suspend the employee on full pay, pending an investigation. Suspension may be considered if there is reasonable belief that it would protect any of the following:
- The investigation e.g. there is a concern that the employee may damage evidence or influence witnesses.
 - The university e.g. there is a genuine risk to university property, customers, or university interests.
 - Other staff.
 - The person under investigation.
- 8.2 Suspension is not a disciplinary sanction and does not represent disciplinary action. The line manager must seek guidance from the Director (Employee Relations and Policy) or Senior ER Manager on the necessity of suspension before arranging a meeting.
- 8.3 In some instances, and where practicable, it may be possible to consider a temporary move of work location to avoid suspension.
- 8.4 When suspension is considered necessary and agreed by the Director (Employee Relations and Policy), the immediate line manager will invite the employee to a suspension meeting.
- 8.5 Present at the meeting will be a representative from the People Function and the employee, who will be offered the opportunity to be accompanied by a work colleague or Trade Union representative if this can be arranged.
- 8.6 In circumstances where representation or People Function attendance cannot immediately be arranged, the employee will be provided with written information on the reason for suspension and also offered the opportunity of a further meeting, at the earliest opportunity, when People Function and/or representation is available. A letter confirming the discussions at the suspension meeting should be provided to the employee.
- 8.7 The employee on suspension will be informed in writing of the reason for the suspension and will be provided with a copy of the Disciplinary Policy and Procedure. They will be advised of the expected duration of the suspension, and any conditions about attending the workplace and contact with other employees or witnesses. They will be advised that they must make themselves available for contact during normal working hours and that any applications for annual leave during the period of suspension should be made in the usual way.
- 8.8 The period of suspension will initially be for a period of four weeks and the People Function contact will maintain regular contact with the employee to inform them of the investigation progress. Suspension for a period longer than this must be approved by the Director (Employee Relations and Policy) or an appropriate senior manager within ER.
- 8.9 If it is determined that suspension is no longer necessary while the investigation is being conducted, the employee will be informed, and necessary arrangements will be made to facilitate their return.
- 8.10 Where two or more employees are involved, careful consideration should be given to the longer-term impact on a fair disciplinary process if only one is to be suspended because of operational requirements. Other options may be considered such as adjusting the physical work location or working remotely if possible.

9 Disciplinary Procedure - Formal Action

Investigation

- 9.1 Where formal disciplinary action is being considered, an investigation will be carried out to gather the relevant facts and evidence so that an informed decision can be made. The aim is to conclude an investigation as quickly as possible, however, the extent and length of the investigation will depend on the complexity of the complaint and volume of paperwork which will vary from case to case.
- 9.2 An Investigating Officer will be assigned by a member of the ER team, who will assist them in gathering the relevant facts and evidence. The Investigating Officer will have received investigation training and will have had no prior involvement in the case.
- 9.3 The Investigating Officer will be responsible for deciding how the investigation will be conducted and what information will be collected. The timetable for gathering information and evidence should be shared with the parties involved and every effort should be made to minimise delays to the procedure.
- 9.4 Typically, the Investigating Officer will gather statements by interviewing the employee and witnesses at investigation meetings. In some instances, the Investigating Officer may request a written statement or a response to questions in writing.
- 9.5 Investigation meetings should be undertaken promptly before recollections fade. Individuals may be accompanied during an investigation meeting by a Trade Union representative or a work colleague. Under exceptional circumstances the manager and ER representative will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative. A member of the ER team will usually be present to assist the Investigating Officer with the investigation.
- 9.6 If the alleged misconduct continues during an investigation process, additional allegations will be put to the employee for them to respond to. The employee's conduct throughout the investigation may be taken into consideration if the matter proceeds to a disciplinary hearing.
- 9.7 In the event that the employee resigns during the investigation, it will be usual procedure to follow the investigation through to conclusion. The employee will be expected to attend investigation meetings in their notice period as necessary.
- 9.8 Notes will be taken at each investigation meeting. These notes are not intended to be verbatim but will contain the key representations made at the meeting. Those interviewed will be provided with a copy of the notes of their individual meeting as soon as is practicable and asked to confirm that these notes are an accurate record of the meeting.
- 9.9 The Investigating Officer, with assistance from ER, will review the findings of the investigation meetings and any other evidence. In complex cases, after review of the evidence, it may be necessary to meet again with a witness or the employee or request written submissions from them if information needs to be corroborated or clarified.
- 9.10 At the end of the investigation, the Investigating Officer will consider all the evidence and decide on the balance of probabilities one of the following:
- (a) that there is no case to answer;
 - (b) that the matter is appropriately dealt with by training or by way of another policy/procedure; or
 - (c) that there is a case to answer. If it is found that there is a case to answer the matter will proceed to a disciplinary hearing.
- 9.11 If the Investigating Officer decides that there is a case to answer, they will prepare a report to summarise their findings. The report should include all the notes of the investigation meetings, and all the evidence gathered during the course of the investigation. A member of ER can assist the Investigating Officer with the structure of the report.
- 9.12 The report will be issued to the Responding Party, normally within 20 working days of the conclusion of the investigation. A copy of the report will also be provided to the individual's representative, the relevant line manager(s), Head of Department and local Head of People

Partnering.. The Reporting party (if applicable) will be informed that the matter has been referred to a Disciplinary Hearing.

- 9.13 If the Investigating Officer decides that there is no case to answer or that the matter is appropriately dealt with by training or by way of another policy/procedure the Responding Party will be provided with a copy of the investigating officer's report which will include any recommendations made, including timeframes for completion. A copy of the report will also be provided to the employee's representative, the relevant line manager(s), Head of Department and local Head of People Partnering.

Disciplinary Hearing

- 9.14 The disciplinary hearing will be arranged in accordance with the procedure for notification, representation and recording of disciplinary hearings as set out in Appendix A. The format for conducting a formal hearing, including the role of the Chair is attached at Appendix B.
- 9.15 At the hearing, the Chair will invite the Investigating Officer to explain the allegations against the employee and present the evidence that has been gathered, calling witnesses as appropriate. The ER representative who assisted with the investigation will attend to support the Investigating Officer and may provide advice on the policy and procedure.
- 9.16 The Responding Party will have the opportunity to present their case and answer any allegations that have been made. The Responding Party will be able to ask questions, present evidence, call witnesses and raise points about any information provided by witnesses.
- 9.17 The person accompanying the Responding Party may not answer questions on their behalf, but can question witnesses, respond to views expressed and sum up the case. The Responding Party may confer with the person accompanying them during the hearing.
- 9.18 Witnesses may be called to the hearing and should be available to answer any questions on their statement. It is the Chair's discretion to determine which, if any, witnesses will be called to the hearing. Character witnesses will not usually be permitted. During the hearing, witnesses will be asked to confirm their statement and may be questioned by the Investigating Officer as well as by the employee, their representative, or the ER representative. Witnesses will withdraw from the hearing after questioning.
- 9.19 During the hearing it may be appropriate to arrange an adjournment to seek further information. All parties can ask the Chair for an adjournment if needed. The ER representative will provide guidance if this is necessary.

Outcome of the Disciplinary Hearing

- 9.20 After the disciplinary hearing, the Chair must decide whether formal action is necessary.
- 9.21 Where it is decided that no action is necessary, the employee will be informed in writing by the Chair.
- 9.22 Where it is decided that formal action is necessary, the Chair will need to consider what form this should take.
- 9.23 Before deciding on the appropriate action/sanction, the Chair should take account of the employee's disciplinary record, including whether they have a live sanction on file, their length of service, actions taken in any similar cases, the explanations given by the employee and whether the intended action is reasonable under the circumstances. Possible sanctions can be found in Appendix C and the ER representative will provide guidance to the Chair on appropriate action to ensure consistency.
- 9.24 If a formal warning is considered appropriate, it will be confirmed in writing by the Chair as soon as practicable after the hearing and normally within ten working days.
- 9.25 The warning will state:

- the reason for the warning, outlining the details of the concern with the employee's conduct.
- the improvement that is expected from the employee.
- the assistance and support arrangements that are available to assist improvement.
- the timescale over which the improvement must be achieved.
- the likely consequence if there is no significant and sustained improvement in conduct.
- the length of time the warning will be active.
- the employee's right of appeal against the warning and the procedure for doing so.

9.26 An employee will normally receive a first written warning and a final written warning before consideration is given to the termination of employment. It will be made clear that dismissal may follow a final written warning if improvement is not forthcoming.

9.27 The nature of the employee's conduct may warrant consideration being given to issuing a final written warning, or to dismissal, or to summary dismissal for matters of gross misconduct (see section 10), in circumstances where no previous warnings have been issued.

Pay review and incremental progression

9.28 Where an employee has an active disciplinary warning on file, they will not be eligible to participate in the annual Pay Review process. Further information can be found on the [Pay Review Guidance webpages](#).

9.29 Consideration will also be given to withholding incremental progression. In such cases, the employee will be informed in advance in the warning letter if incremental progression is to be withheld and this will not apply retrospectively. The review period for the reinstatement of the incremental progression will also be noted in the letter. Incremental progression, where it is due, will resume on the 1 October following the date on which the warning ceases to be current.

9.30 A line manager may reinstate incremental progression where there is sustained improvement in conduct. This may be implemented before the expiry of the formal warning, but it will not be backdated to the normal incremental date if this has passed.

Disciplinary appeal

9.31 An employee has the right to appeal against the decision to issue a first or final written warning or to dismiss. They should do so within ten working days of receipt of the written notice of the action being communicated to them.

9.32 The request should be sent in writing to the Deputy Director (Employee Relations & Policy) and must set out the reason(s) for the appeal in order for it to be considered.

9.33 The reason(s) for appeal should be one (or all) of the following:

- Procedural errors where there is evidence that a failure to follow procedure had a material effect on the decision,
- New evidence has come to light that may change the outcome of the original decision,
- Fairness and reasonableness of the outcome.

9.34 Appeals against a first or final written warning will usually be heard by an individual of a higher seniority level than the Chair of the original disciplinary hearing. They will be

supported by a member of the ER team and both will have had no previous involvement in the case.

- 9.35 Appeals against dismissal will be heard by a Panel consisting of three members of the university not previously involved in the case, with an ER representative present to provide procedural advice to the Appeal Panel. The Chair of the appeal panel will usually be an individual of a higher seniority level than the Chair of the original disciplinary hearing.
- 9.36 An employee has a right to be accompanied at the appeal hearing by either a Trade Union representative or work colleague.
- 9.37 If new evidence is introduced by the employee during an appeal hearing, the Chair may consider whether further investigations need to be carried out before confirming the outcome of the appeal.
- 9.38 The outcomes possible from an appeal are:
- The Appeal is not upheld, and the formal action/sanction of the original hearing remains the same
 - The Appeal is not upheld but the Appeal panel imposes a lesser sanction
 - The Appeal is upheld, and the sanction imposed by the original hearing is no longer applied.
- 9.39 In the event that an appeal panel decides to reinstate an employee who has been dismissed, this will be done in a manner which maintains continuous service and without loss of pay (assessment will be made of any income received by the employee while not in employment).
- 9.40 The university regards the appeal decision as final.

10 Disciplinary Procedure - Gross Misconduct

- 10.1 Some offences are considered serious enough that they may warrant dismissal without prior formal warnings, and the employee may be summarily dismissed without notice.
- 10.2 The potential for summary dismissal does not negate the requirement for a full investigation or the right to a disciplinary hearing, prior to any decision being made. Advice must be sought from the ER team.
- 10.3 The Chair has the authority to decide whether the employee should be summarily dismissed.
- 10.4 The decision will be confirmed in a letter from the Chair of the disciplinary hearing within 10 working days. The letter will contain the reasons for the dismissal, the date employment will end and the right to appeal.
- 10.5 The following offences are examples of gross misconduct (the list is not to be considered exclusive or exhaustive):
- theft, fraud and deliberate falsification of records;
 - physical violence;
 - bullying (including cyber bullying) and/or harassment;
 - sexual misconduct, including sexual harassment
 - deliberate damage to property;
 - serious insubordination as demonstrated by wilful refusal to carry out reasonable requirements of the post or management requests;
 - misuse of Imperial's property or name;
 - misuse of computer facilities including use of internet and email;
 - bringing Imperial College London into serious disrepute;

- serious failure of competence through alcohol or illegal drugs or breach of a local requirement to be alcohol free at work;
- negligence with serious consequences which causes or might cause unacceptable loss, damage or injury;
- serious infringements of health and safety rules;
- serious breach of confidence (subject to the Public Interest (Disclosure) Act);
- knowingly or recklessly disclosing personal data in breach of the Data Protection Act;
- conviction of any criminal offence which the university views as making the individual unfit to hold their post;
- vexatious or malicious behaviour;
- fraudulent absence from work;
- proven serious discriminatory behaviour on the grounds of race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief [including lack of belief], sex, sexual orientation, disability or age.

(Note that allegations or incidences of criminal offences such as theft, violence or criminal damage should be reported to the Community Safety and Security team by the line manager immediately. The Community Safety and Security team will advise whether the matter may also warrant referral to the police).

11 Complaints and Resolution

- 11.1 If an employee raises a complaint during the course of disciplinary proceedings, the ER representative will review the complaint with the Investigating Officer, discuss the matter with the employee and/or their representative, and will decide how the complaint should be considered.
- 11.2 If the complaint is related to the issues being investigated, it will usually be considered as part of the Disciplinary Procedure.
- 11.3 If the complaint is unrelated to the substance of the Disciplinary Procedure, the ER representative may advise that the appropriate course of action is for the complaint to be reviewed separately under the Resolution Policy and Procedure. In such cases, the disciplinary procedure will usually proceed alongside the Resolution procedure.

12 Police or Criminal investigations

- 12.1 Internal investigations will not be bound by the outcome of any external criminal investigation. Where the alleged misconduct requires prompt action, Imperial is not restricted by awaiting the outcome of any prosecution before taking action.
- 12.2 In some cases, it may be appropriate to suspend an internal investigation pending the outcome of a Police investigation.

13 Appendix A - Notification, Representation and Recording of Disciplinary Hearings

1. Notification

All employees will receive five working days' written notification of any formal disciplinary hearing.

The notification will include:

- The date, time and venue of the meeting
- Details of all attendees at the meeting, including any witnesses.
- Copies of any documentation that will be considered at the meeting.
- A copy of the Disciplinary Policy and Procedure (and any other policy/procedure if relevant).
- The potential outcome of the meeting, i.e., issue of a first formal or final formal improvement notice, or dismissal.

Where an employee has a disability then arrangements for a formal meeting should include consideration of any requirements for reasonable adjustments.

If an employee has difficulty understanding written or spoken English then appropriate accommodations should put in place.

2. Constitution of the Hearing

Disciplinary hearings will normally comprise the following parties:

- a manager (usually of higher seniority than the Investigating Officer) who will chair the hearing and decide on the appropriate sanction. The Chair will be accompanied by an ER representative, neither of whom will have had prior involvement in the investigation of the case.
- the employee and their work colleague or Trade Union representative.
- the Investigating Officer who will present the findings of the investigation. Normally the Investigating Officer will be accompanied by an ER representative who has assisted with the investigation.
- A notetaker.

Where dismissal is a possible outcome, the hearing will be chaired by the Head of Department/Division or a suitable nominee.

3. Representation

An Employee Relations (ER) representative will be present at all disciplinary hearings to provide procedural advice, along with a notetaker.

The employee has a right to be accompanied by a trade union representative or work colleague.

Under very exceptional circumstances, the Chair of the meeting and the ER representative will consider requests for accompaniment by a relative or friend; this individual must not be a legal representative. The name of any representative accompanying them to the meeting should be provided in suitable time before the meeting.

If the representative is unable to attend on a proposed date, then the employee may suggest an alternative date provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement.

If an employee is persistently unable or unwilling to attend a formal meeting/hearing without good cause a decision will be made in their absence based on the evidence available.

4. Recording

The ER representative will arrange for notes to be taken at all formal meetings to record the key points discussed. The notes will not be a verbatim record. Following the meeting, the notes will be provided to the employee to review and confirm they are an accurate record of the meeting. A deadline to review and return the notes will be given which will usually be within three working days. If the notes are not agreed as an accurate record, an annotated version should be provided. If the Chair of the meeting agrees the amended version is accurate, the changes will be agreed. If the Chair does not agree, then both versions will be kept on record.

14 Appendix B - Format of a Disciplinary Hearing

Role of the Chair: The Chair of a disciplinary hearing will be appointed by ER and will usually be an individual of the same or higher seniority than the Investigating Officer. The Chair of a disciplinary hearing will be trained and will have no prior involvement in the case. They will lead the hearing and will be responsible for reviewing the evidence presented prior to and at the hearing. They will ask questions related to the alleged misconduct and manage the hearing to ensure fair expression of opinions. They are responsible for maintaining order throughout the proceedings and have the right to ensure that the direction of the hearing is in line with the process. If individuals are raising concerns not related to the hearing they can stop the line of questioning. The Chair will consider all representations to reach a decision on behalf of the university.

Introductions and explanation of the process

1. The Chair introduces all those present at the hearing, including the employee and their companion (if present).
2. The Chair outlines the purpose of the hearing and what will happen during the process and explains the role of any witnesses.

Presentation of the case

Employer's case

3. The Chair will ask the Investigating Officer to present their findings from the investigation, detailing the evidence gathered. The Investigating Officer may call witnesses to support the case.
4. The employee (and their representative, if present) will be given the opportunity to ask questions of the Investigating Officer, and any witnesses, about the findings and seek clarification.
5. The Chair may question the Investigating Officer and any witnesses present.

Employee's case

6. The Chair will ask the employee (and their representative, if present) to present their case, respond to the allegations and submit any verbal evidence or witnesses in their defence.
7. The Investigating Officer may ask questions of the employee and any witnesses for clarification.
8. The Chair may question the employee and any witnesses present.
9. All witnesses will withdraw after questioning is concluded.

Other witnesses

10. In addition to witnesses called in by the Investigating Officer or the employee, the Chair may also decide to call in witnesses to help them better understand the case. Witnesses called in by the Chair may be questioned by the Chair, the Investigating Officer and the employee (and their representative, if present).

Closing statements

11. The Chair will invite the Investigating Officer to make a closing statement.
12. The Chair will invite the employee to make a closing statement.

Consideration of the evidence

13. The Chair will ask the Investigating Officer and the employee (and their representative) to withdraw from the meeting so that they may consider the evidence before reaching a decision.
14. The Chair may recall the parties to clarify evidence or request further information. If a recall is necessary, both parties shall be recalled.

Adjournment

15. The Chair may decide to adjourn the meeting to reflect on the evidence before making a decision. The hearing may be adjourned if more time is needed to review the evidence and consider the employee's response, or if the Chair decides that additional witnesses need to be called. If an adjournment occurs, the employee and Investigating Officer will be informed when the hearing will reconvene.

Decision

16. If there is not an adjournment, the Chair may recall both parties to announce their decision or they may need to deliberate further and inform them that they will confirm the decision in writing no later than ten working days after the Hearing.

15 Appendix C - Possible Disciplinary Sanctions

1. First Written Warning

A first written warning should normally be issued when:

- An employee has committed a disciplinary offence that was serious enough to warrant formal investigation resulting in a finding of misconduct; or
- there is no improvement in an employee's conduct, despite previous informal interventions.

A copy of the first written warning will be placed on their staff file and will normally lapse **12 months** after issue.

2. Final Written Warning

A final written warning should normally be issued if:

- a first written warning has already been issued, and another instance of misconduct has occurred while it is live; or
- there is no improvement in the conduct about which the employee has previously been warned; or
- the conduct is of such seriousness that a First Written Warning is not appropriate but would not justify dismissal.

A copy of the final written warning will be placed on their staff file and will normally lapse **12 months** after issue.

3. Dismissal

This will normally occur if:

- there is no improvement in the conduct within the specified period which has been the subject of a Final Written Warning; or
- another instance of misconduct has occurred while a previous warning is live, and a final written warning has already been issued.

When an employee is dismissed, they will receive a letter setting out the reasons for their dismissal, the date on which their employment will end, pay in lieu of notice and any outstanding annual leave and notification of the right of appeal.

4. Summary Dismissal

This will normally occur if

- an allegation of Gross Misconduct is found to be proven

A dismissal for Gross Misconduct will take immediate effect once the decision has been made and the employee will not be entitled to any notice period pay regarding the termination of their employment. They will receive a letter setting out the reasons for their dismissal, the date on which their employment will end, payment of any outstanding annual leave and notification of the right of appeal.