

Annexes to the Appendix to the Ordinances

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ANNEX A

GENERAL PROVISIONS FOR ACADEMIC STAFF: DISMISSAL, DISCIPLINE, GRIEVANCE PROCEDURES AND RELATED MATTERS

1. These Annexes must be read in conjunction with the Appendix to the Ordinances (hereinafter "the Appendix"). These Annexes forms part of the Appendix (which forms part of the Ordinances). In the event of a conflict, the Appendix shall have precedence.

ACADEMIC FREEDOM

2. The Appendix provides at Part 1, Clause 2 (1)(a) the guiding principles in the consideration of academic freedom. Subject always to those guiding principles and also to the remaining provisions of this Annex, the University will ensure that any proceedings under this Annex will be appropriately prioritised and conducted as expeditiously as possible with regard to all relevant circumstances. The University will, as appropriate, review the length of time taken to conduct proceedings under this Annex.
3. Where in any proceedings made under Parts II (Redundancy), III (Discipline), IV (Incapacity on Health Grounds), V (Other Dismissals), VI (Grievances) or VII (Capability) of the Appendix, a member of staff invokes the Sub-clause under Part 1, Clause 2 (1)(a) of the Appendix which deals with academic freedom, that claim shall be considered by the person or panel dealing with the matter before proceeding further.
4. Any issue as to the meaning of "academic freedom" shall be determined by reference to Sections VI and VII of the Recommendation concerning the status of Higher Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997, as amended from time to time.
5. The person or panel dealing with the matter under this Annex shall arrange such investigations as are necessary to determine the member of staff's claim under Part 1, Clause 2(1)(a) of the Appendix. The member of staff will then be invited to a hearing with the person or panel dealing with the matter and will be offered the right to be accompanied at that meeting by another member of staff or (where they are a member of that trade union) a trade union representative.
6. In the event that following the meeting the member of staff's claim is rejected, the person or panel dealing with the matter shall so inform the member of staff in writing, explaining the reason(s) for the decision and providing a summary of any investigations undertaken in reaching the decision. The member of staff shall be informed that the proceedings that were interrupted while the claim was being considered will now be resumed.
7. The member of staff will have the right of appeal against the decision on academic freedom. The appeal will be considered by the person or panel dealing with any appeal on the substantive matter. Where the Annex has one person hearing the appeal but there is also an issue of academic freedom under consideration, then the person hearing the appeal will be assisted by two senior members of academic staff, neither of whom shall previously have had any involvement with the case.
8. In the event that the member of staff's claim is upheld and it is found that action has been taken against the member of staff because of an issue of academic freedom, the person or panel dealing with the matter shall cancel that action and it will be treated as invalid and all record of the action shall be removed from the member of staff's personal file.

9. If the decision made under paragraph 8 above occurs at the appeal stage under the relevant part of the Appendix after the relevant proceedings have been resumed, the person or Chair of the panel that took the original action will be notified of the appeal panel's decision and the fact that the original action has been cancelled by the appeal panel. It may also be appropriate to notify the Council.

THE TIMING OF RAISING ISSUES

10. Complaints or matters which are raised with a view to them being subject to the appropriate University policy or procedure should normally be raised within three months of the person becoming aware of the issue (for instance, a line manager in the case of capability or disciplinary concerns, or a member of staff in the case of a grievance regarding their treatment by others).

INVESTIGATIONS

11. In all proceedings constituted under paragraphs 25-26 below and where otherwise provided for under the Appendix or any other appropriate procedure, where formal action is being considered the University's policy is that the relevant facts and any evidence will be gathered in order that an informed discussion and decision can take place before any formal action is commenced. The investigator chosen should be independent of any previous involvement in the events being investigated and the people concerned and will, wherever possible, be more senior than the relevant member of staff's line manager. The role of the investigator will be to establish the relevant facts (by means including, but not limited to, examining relevant documentation and interviewing relevant witnesses) and, on the basis of those facts, making recommendations about whether there is a case for the relevant individual to answer; although in some circumstances, the investigator will be appointed with a wider remit. In some circumstances (for example, where the employee has already left the University's employment), an investigation may not be possible (although, for the avoidance of doubt, such circumstances will arise in exceptional cases only). The Director of Human Resources or his or her nominee will provide case specific guidance and assist during an investigation.

RIGHT TO BE REPRESENTED

12. In all hearings constituted under paragraphs 25-29 below and where otherwise provided for under the Annexes or any other appropriate procedure, the member of staff may be represented by a colleague or (where they are a member of that trade union) a trade union representative. The Chair, at his or her complete discretion, may allow the member of staff to be accompanied by a relative or friend who is not a legal representative. Where the member of staff is an officer of a trade union, the relevant full-time regional officer of that trade union should be informed at the commencement of formal proceedings under any relevant Annex.
13. The representative may address the hearing and may confer with the member of staff during the hearing, but is not permitted to answer questions on the member of staff's behalf.
14. If the representative is not available to attend at the time proposed for the hearing in question, then the member of staff may propose an alternative time for the hearing to take place. The proposed alternative time must be reasonable and should usually be within five working days of the initial date of the hearing.
15. A work colleague chosen to accompany a member of staff to a hearing will be permitted to take reasonable paid time off during working hours to attend that hearing.

16. Members of staff who have been accused of harassment, bullying or victimisation will be provided with the name of an HR representative not involved in the case for procedural guidance.

ATTENDANCE

17. Parties to any hearing have the right to appear personally and must take all reasonable steps to attend.

ASSISTANCE FOR PERSONS WITH DISABILITIES

18. If the member of staff has any disability which may require particular facilities at any meeting or hearing under these procedures, the member of staff should contact the HR representative to request those facilities as far as possible in advance of the meeting or hearing.
19. Where it is known that a member of staff has a disability in advance of any meeting or hearing, the HR representative should establish whether any particular facilities or adjustments are required.
20. Where a member of staff is being represented by either a work colleague or a trade union representative, the member of staff should, in advance of any meeting, establish if the representative has a disability which may require particular facilities or adjustments and communicate this to the HR representative supporting the panel.

SUPPORT TO PERSONS OR PANELS

21. The Chair or panel conducting a hearing under the Appendix may be supported by a member of HR for administrative or other support. Such a person will not have supported one of the parties at a previous hearing related to the same case. This person will not be a member of the panel.

SUSPENSION

22. A decision to suspend an academic member of staff from work should only be taken after careful consideration and where it is necessary to protect individuals, to avoid interference with the investigation, or to protect University property. Reasons that may lead to that decision being taken include risks to others, damage to University equipment, etc. This is not an exhaustive list. Consideration will also be given to the well-being of the member of staff, and the impact on his or her work and of those researchers and students supported by the academic. Partial suspension will also be considered and implemented where appropriate. If suspended from work under the Annexes or any other appropriate procedure made under Part III or Part V of the Appendix:
 - a. The member of staff will be invited to a meeting to discuss matters including (but not limited to) the reason(s) for suspension, any restrictions on workplace attendance, contact with students, colleagues (including witnesses) and funding bodies. A colleague or union representative can be present at the meeting if desired;
 - b. In addition, the member of staff should be provided with information about who to contact if necessary whilst on suspension and arrangements for providing access to evidence necessary to respond to any allegations or processes. Staff should also be informed of the need to be contactable during normal working hours and to make themselves available to attend meetings as necessary.

- c. If it is not possible to meet the member of staff in advance of suspension, written notification will be sent to the member of staff and a meeting date will be set up to discuss the reasons for the suspension and arrangements during the period of suspension. At the meeting he or she may have a colleague or union representative present if desired. The arrangements will be confirmed in writing.
- d. Suspension is not a formal sanction and is to be considered a neutral act to facilitate investigation. Regular contact should be maintained with the member of staff to advise them of the progress of the investigation. Unless otherwise provided in the terms of the suspension, the University will continue to pay the member of staff his or her normal salary and he/she will receive his or her normal benefits.
- e. The period of suspension should normally be as short a period as possible i.e. usually three weeks. Suspension for a period longer than this must be approved by the Director of Human Resources or his or her nominee and will be reviewed at three weekly intervals throughout.

NOTICE PERIODS

- 23. At any time during a period of notice of termination, the University shall be under no obligation to assign any duties to the member of staff and shall be entitled to reduce their duties or exclude him or her from its premises, but this does not affect his or her entitlement to receive his or her normal basic salary and other contractual benefits. The decision to do so would not be taken lightly and may be for reasons such as to minimise disruption within his or her area of work, etc. During any notice period, the member of staff agrees that he/she is not permitted to work for any institution, person, firm, company or on his or her own behalf or have contact with students or colleagues without the University's prior written permission, which will not be unreasonably withheld.

DEFINITION OF "WORKING DAYS"

- 24. A "working day" is any day, Monday to Friday, on which the University is formally open. Public Holidays and other days such as at Christmas and Easter when the University is formally closed are excluded.

HEARINGS UNDER THE APPENDIX

SELECTION OF THOSE INDIVIDUALS AND PANELS CONDUCTING HEARINGS

- 25. The Annexes determine who should conduct hearings which are not covered by this Annex. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any hearing under the Appendix. Throughout the Annexes, where only one individual rather than a panel is to conduct the hearing he or she is referred to as the Chair.
- 26. Where a hearing is convened under Part II, Part III, Part IV or Part V, and dismissal is a potential outcome, the hearing shall be conducted by two academic staff, one of whom may be a University Consul, and in any case who shall normally be of equivalent seniority with no previous substantive involvement in the case.
- 27. Appeals against warnings will be heard by one person, with the exception of issues concerning academic freedom in accordance with paragraph 7 above.
- 28. Appeals against dismissal shall be heard by a panel of three persons, none of whom shall previously have had any substantive involvement with the case. The three person panel shall include one lay member of the Council, one University Consul and one person drawn from a list

agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine at his or her discretion a member of the panel to act as Chair.

29. Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Director of Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.

ACTION PRIOR TO HEARING, GRIEVANCE AND APPEAL PANELS

30. The Director of Human Resources or his or her nominee shall be responsible for the conduct of hearings under the Appendix as required and for taking charge of the proceedings. To include:
- a. Arranging and notifying the parties of a date for the hearing, which shall be as soon as is reasonably practicable;
 - b. Notifying or reminding the member of staff of his or her right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative;
 - c. Giving the member of staff no less than ten working days' notice to provide their written response to the allegations and availability to attend a formal hearing. Giving both parties, where possible, not less than five full working days' notice (running from the deadline for the member of staff to provide their written response to the allegations and availability) of the date for the planned hearing;
 - d. Any necessary administrative and accommodation arrangements to enable the hearing to take place;
 - e. Any necessary administrative and accommodation arrangements for the attendance of witnesses or persons entitled to make oral representations to the panel;
 - f. Upon receipt of relevant documentation, the production and distribution of documents in a timely manner (where possible, by no later than five working days before the hearing) and in accordance with the relevant Annex or appropriate procedure to allow for the proper presentation and consideration of the matters before the person or panel conducting the hearing. These documents may include:
 - (1) Any statement of complaint, grievance or appeal;
 - (2) The responses thereto;
 - (3) Any witness statements relied upon by either party; and/or
 - (4) Any other relevant documents.
 - g. Once documentation has been circulated in accordance with paragraph **Error! Reference source not found.** above, no new documents will be accepted from the member of staff or the management side, save for where the documents

are demonstrably relevant or constitute new material relevant to the case and subject always to the discretion of the Chair which shall not be unreasonably withheld.

CONDUCT OF HEARINGS

31. The Chair (of the panel or the individual conducting a hearing) shall set the procedure to be followed as appropriate for the proper consideration of the matter, to include provision for adjournments during the hearing if necessary by request of either party (e.g. to allow for the finalisation of actions or proceedings by another body). The Chair shall be guided by the requirement that the evidence, written and oral, should be confined to the matter which is the subject of the hearing.
32. An appeal hearing will not usually be a rehearing of the evidence presented at the original hearing. The Chair shall have complete discretion as to the admissibility of evidence.
33. The procedure for a hearing shall generally include the following steps:
 - a. The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;
 - b. The Chair may make provision for witnesses in appropriate cases (for instance, when sexual harassment is alleged) to give evidence in a way which reduces the witness's distress or discomfort;
 - c. The party bringing the case before the person or the panel conducting the hearing or his or her representative shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave. Exceptionally, if there is no alternative, the witness may also be a party to proceedings;
 - d. The respondent or his or her representative may question the party bringing the case and their witnesses;
 - e. The person or panel conducting the hearing may question the party bringing the case and their witnesses;
 - f. The respondent or his or her representative shall present their case and call their witnesses if appropriate. Each witness shall be present only to give evidence and to be examined on it. Exceptionally, if there is no alternative, the witness may also be a party to the proceedings;
 - g. The party bringing the case or their representative may question the respondent and his or her witnesses;
 - h. The person or panel conducting the hearing may ask questions of the respondent and his or her witnesses;
 - i. The party bringing the case or their representative shall make any final representations they wish;
 - j. The respondent or his or her representative shall make any final representations they wish;
 - k. The person or panel conducting the hearing shall consider its decision in private. The person providing support to the person or panel conducting the hearing shall be able to support the person or panel when making its decision but shall not participate in the decision itself.

34. The Chair may, at his or her discretion, adjourn or postpone the hearing in order that further evidence may be produced by either party, or pending the outcome of proceedings or action by another body or employer, or to obtain advice.

APPEALS

35. In all cases of formal action, the member of staff has the right of appeal against the decision to issue a formal written warning or to dismiss or against any other sanction. The member of staff must submit grounds for appeal within ten working days of receipt of the written notification of the sanction.
36. Appeal hearings will generally be conducted in accordance with the following terms of reference, or as prescribed in the individual Annex:
- a. To review whether the matter under consideration was adequately investigated and substantiated;
 - b. To review whether the University's procedures were correctly and fairly implemented; and
 - c. To consider whether the action was reasonable in the circumstances known to management at the time of the hearing.
37. If new evidence is introduced during an appeal hearing it may be referred by the person or panel hearing the appeal back to the original Chair, in order that he or she may review the disciplinary sanction. The appeal hearing may be reconvened in the event that the member of staff does not accept the subsequent decision of the Chair.
38. The panel or person hearing the appeal may be assisted by a member of staff from the Human Resources Division, who will not have had previous substantive involvement in the case. The member of staff has a right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative at the appeal hearing. All appeal hearings will be convened as soon as practicable.
39. In the event that an appeal panel decides to reinstate a member of staff who has been dismissed, this will be done in a manner which maintains continuous service and without loss of pay or any other benefits. The University reserves the right, in appropriate cases, to conduct and factor into its decision regarding such payments to a member of staff an assessment of any income received by the member of staff while not in University employment.
40. The University regards the appeal decision as final.

ACTION FOLLOWING A HEARING

41. The Chair shall write to the parties notifying them of the decision, normally within ten working days of the final day of the hearing. If there is to be a delay in notifying the decision, the Chair shall contact the parties to explain the reason for the delay and inform the parties of the date when notification will be made.
42. Notification of the decision will be given in writing and will include:
- a. The decision;
 - b. The reason(s) for the decision;

- c. Where a decision adversely affects a member of staff, notification of the member of staff's right of appeal and the procedure and timetable for submitting an appeal;

OR

- d. In the case of decisions on appeal, confirmation that the decision is final.
- 43. Upon receipt of the decision, the Director of Human Resources or his or her nominee shall take such steps as are required under the relevant Annex or member of staff's contract of employment.
 - 44. Where required by the Appendix, the decision should be reported to the Council.
 - 45. Notes will be taken of any formal meeting under the Annexes. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.

ANNEX B

THE DISCIPLINARY PROCEDURE

This Annex B (Disciplinary Procedure) is made pursuant to Part III of the Appendix to the Ordinances.

INTRODUCTION

1. This Disciplinary Procedure shall apply to members of staff to whom the Appendix to the Ordinances for “Academic Staff: Dismissal, Discipline, Grievance Procedures and Related Matters” (hereinafter “the Appendix”) apply.
2. This procedure does not apply to matters of capability, which are dealt with under the Capability procedure. Disciplinary issues cover situations of poor conduct and those performance issues that arise following negligence or deliberate unwillingness on behalf of the member of staff to carry out a reasonable instruction. Throughout this procedure, the terms ‘disciplinary’ and ‘misconduct’ are used interchangeably and both terms refer to matters related to the disciplinary procedure.

SUPPORT FRAMEWORK

3. Line managers are expected to undertake their role in line with the Imperial Expectations and Respect for Others ethos. They should meet members of staff on a regular basis to discuss work and give guidance on work matters. Where a line manager has concerns about a member of staff's conduct (with the exception of alleged serious or gross misconduct), the line manager will informally discuss this with the member of staff and agree structured support to address the concerns.
4. Where a line manager has concerns about a member of staff's conduct, the line manager must in the first instance, discuss these with HR who will consider the issues and options for addressing these, such as through one-to-one discussion, mediation, coaching and training without attendance from Human Resources or Trade Union representatives. If it is judged that the concerns are such that they should be managed under the support section of this policy, HR will undertake a one-to-one briefing session with the manager to guide on the appropriate policies and support and advise the manager on how to discuss this with the member of staff. Following the discussion(s), the line manager will discuss their concerns with the member of staff informally, in line with the advice received, and will also provide the member of staff with the details of what support is available.
5. Where informal discussions relating to conduct issues are taking place with a member of staff who at that stage discloses a disability (as defined by the Equality Act), arrangements should be made to assess the impact of that disability upon the member of staff's role and the conduct issues identified. An assessment should be made of any adjustments that might reasonably be put in place. This is without prejudice to the University's obligations in respect of disabled employees in any other respect.
6. Reasonable attempts will be made to resolve any problems through discussion and training, where appropriate. The arrangements will vary depending on the circumstances of each case. The line manager and member of staff will aim to agree objectives to address the problem and offer reasonable support or training that would assist the member of staff in meeting the required standards of conduct.
7. The member of staff will be given reasonable time to improve, and the period of review will be agreed at the meeting. Progress will be reviewed informally during the review period, and

regular feedback given to the member of staff. Positive support and encouragement will be offered to the member of staff to help him or her meet the required standards of conduct and/or performance.

8. The line manager should record notes of informal meetings, which may contain (if appropriate) objectives that will address concerns raised, and details of the training and other activities which will support the meeting of the objectives. Notes should also contain details of the agreed period of review.
9. If there is no (or insufficient) improvement following structured support, or in cases of alleged serious or gross misconduct, formal action will be taken which may lead to the issue of formal written warnings or dismissal. If, during the course of an informal meeting or review, a line manager considers the matter warrants formal action, the informal action will be terminated and an investigation started in accordance with the arrangements outlined below. A member of staff may also request that the matter be dealt with formally should he/she wish to do so.
10. Where it is known that the member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed at the commencement of any formal proceedings under this Annex.

FORMAL ACTION

INVESTIGATION

11. Where formal action is being considered, an investigation should be carried out in order to gather the relevant facts and supporting evidence promptly before recollections fade. Where the relevant individual is on secondment to another organisation, an investigation has already been carried out by the host organisation in respect of the allegations made against the individual, that investigation has found that the individual has a disciplinary case to answer, and in the reasonable opinion of the University that investigation has been carried out fairly, the University will not be required (although it may still elect, entirely at its discretion) to carry out further investigation under paragraphs 11-20 of this procedure and it will be entitled to use the evidence gathered in the course of the investigation carried out by the host organisation for the purposes of taking the matter forward under paragraphs 21 and onwards of this policy.
12. Where a member of staff has disclosed a disability (as defined by the Equality Act 2010) then arrangements for investigations should include consideration of any requirements for reasonable adjustments to accommodate the disability.
13. The investigation is normally carried out by a management representative (as determined by the Head of Department in consultation with Human Resources). The individual conducting the investigation for the purpose of this procedure is referred to as the "investigating officer" and he or she may also be assisted by a member of staff from the Human Resources Division.
14. The investigating officer should initially speak to the member of staff to seek his or her explanation of the matter. If, following this initial meeting, it appears that there is possible cause for further action, an investigation will be conducted,
15. The investigating officer should collate evidence and interview the member of staff. Where witness evidence is appropriate, the investigating officer should interview any relevant witnesses. The member of staff should be informed that witnesses are being interviewed as part of the investigation and be invited to nominate witnesses whom he or she wishes to give evidence on his or her behalf. The member of staff and witnesses may be accompanied during an investigation meeting by another member of staff or (where they are a member of that trade

union) a trade union representative. A member of the Human Resources Division may also be present to assist with the investigation.

16. Notes will be taken at each investigation meeting. Each person interviewed will be provided with a copy of the notes of their individual meeting and asked to confirm that these notes are an accurate record of the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the investigation papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.
17. The investigating officer, with assistance from the Human Resources Division, will review the notes of the investigation meetings and any other documentary evidence that has been gathered. In complex cases, after review of the evidence, it may be necessary to meet a witness or the member of staff again if information needs to be corroborated or clarified.
18. Investigation of a disciplinary matter must be given priority and every effort should be made to minimise delays. The timetable for gathering evidence should be discussed with all parties and will be the shortest time possible.
19. Based on his or her investigation the investigating officer may determine:
 - a. That there is no case to answer;
 - b. That it is appropriate to deal with the matter informally or under other University procedures or Ordinances; or
 - c. That there are sufficient grounds to convene a formal disciplinary hearing.
20. If the investigating officer decides to refer the matter to a formal hearing then a report should be prepared summarising the investigation. The report should include the notes of the investigation meetings and the evidence gathered during the course of the investigation. A member of the Human Resources Division may assist the investigating officer with the report.

SUSPENSION

21. In accordance with paragraph 22 of below, a decision to suspend an academic member of staff from work should only be taken after careful consideration and where it is necessary to protect individuals, avoid interference with the investigation and to protect University property. Reasons that may lead to that decision being taken include risk to others, damage to University equipment etc. This is not an exhaustive list. Consideration will also be given to the well-being of the member of staff, and the impact on his or her work and of those researchers and students supported by the academic. Partial suspension will also be considered and implemented where appropriate. If suspended from work under the Annexes or other appropriate procedure made under Part III or Part V of the Appendix:
 - a. The member of staff will be invited to a meeting to discuss the reason(s) for suspension, any restrictions on workplace attendance, contact with students, colleagues (including witnesses) and funding bodies. A colleague or union representative can be present at the meeting if desired.
 - b. In addition, the member of staff should be provided with information about who to contact if necessary whilst on suspension, and arrangements for providing access to evidence necessary to respond to any allegations or processes. Staff should also be informed of the need to be

contactable during normal working hours and to make themselves available to attend meetings as necessary.

- c. If it is not possible to meet with the member of staff in advance of suspension, written notification will be sent to the member of staff and a meeting date will be set up to discuss the reason(s) for the suspension and arrangements during the period of suspension. At the meeting, they may have a colleague or union representative present if desired. The arrangements will be confirmed in writing.
- d. Suspension is not a formal sanction and is to be considered a neutral act to facilitate investigation. Regular contact should be maintained with the member of staff to advise them of the progress of the investigation. Unless otherwise provided in the terms of the suspension, the University will continue to pay the member of staff his or her normal basic salary and he/she will receive his or her normal benefits.
- e. The period of suspension should normally be as short a period as possible i.e. usually three weeks. Suspension for a period longer than this must be approved by the Director of Human Resources or his or her nominee and if this is longer than three weeks it will be reviewed every three weeks.

GRIEVANCE

- 22. If a member of staff raises grievance issues during the course of a disciplinary investigation, the Director of Human Resources or his or her nominee will review the grievance, discuss the matter with the member of staff and/or his or her representative, and will decide how the grievance should be considered.
- 23. As a guide, where the grievance constitutes a response to the allegations under investigation then the member of staff's comments will be considered as part of the formal hearing but should, where possible, be decided before the substantive allegations are raised. Where the grievance is unrelated to the substance of the disciplinary hearing, such as either a procedural issue or discrimination, Human Resources may suspend the disciplinary action and decide that the appropriate course of action is for the case to be reviewed separately under the Academic Grievance Procedure.

CONVENING FORMAL DISCIPLINARY OR APPEAL HEARINGS

- 24. Once the investigation is completed and if a decision is made to convene a formal disciplinary hearing, arrangements will be made by the Director of Human Resources or his/her nominee in accordance with those prescribed in paragraph 28 of Annex A .
- 25. The Director of Human Resources or his or her nominee shall be responsible for the conduct of hearings under the Appendix as required and for taking charge of the proceedings, including:
 - a. Arranging and notifying the parties of a date for the hearing, which shall be as soon as is reasonably practicable;
 - b. Notifying or reminding the member of staff of his or her right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative;
 - c. Giving the member of staff no less than ten working days' notice to provide their written response to the allegations and availability to attend a formal hearing and giving both parties, where possible, not less than five full working days' notice (running from the deadline for the member of staff to provide their written response to the allegations and availability) of the date for the planned hearing;

- d. Any necessary administrative and accommodation arrangements to enable the hearing to take place;
 - e. Any necessary administrative and accommodation arrangements for the attendance of witnesses or persons entitled to make oral representations to the panel;
 - f. Upon receipt of relevant documentation, the production and distribution of documents in a timely manner (where possible, by no later than five working days before the hearing) and in accordance with the relevant part of the Appendix or appropriate procedure to allow for the proper presentation and consideration of the matters before the person or panel conducting the hearing. These documents may include:
 - (1) Any statement of complaint, grievance or appeal;
 - (2) The responses thereto;
 - (3) Any witness statements relied upon by either party; and/or
 - (4) Any other relevant documents.
 - g. Once documentation has been circulated in accordance with 25(f) above, no new documents ordinarily will be accepted from the member of staff or the management side, save for where the documents are demonstrably relevant or constitute new material relevant to the case and subject always to the discretion of the Chair which shall not be unreasonably withheld.
26. The person or person(s) conducting the hearing will be convened in accordance with paragraphs 24-27 of Annex A, as outlined below.
- a. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any hearing under the Appendix. The individual(s) shall not have been substantively involved in the case previously, will be independent of the case and people involved, and will (wherever possible) be more senior than the management representative. Throughout the Ordinances concerning staff, where only one individual (rather than a panel) is to conduct the hearing, he or she is referred to as the Chair.
 - b. Where a hearing is convened under Part II, Part III, Part IV or Part V, and dismissal is a potential outcome, the hearing shall be conducted by a University Consul and an academic of equivalent seniority with no previous involvement in the case or with any of the people involved.
 - c. Appeals against warnings will be heard by one person.
 - d. Appeals against dismissal shall consist of a panel of three persons, none of whom shall previously have had any involvement with the case or people concerned and who shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine in his or her discretion a member of the panel to act as Chair.
 - e. Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Director of

Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.

27. In advance of the hearing, the member of staff should advise the Chair of the name of the person (if any) who will be accompanying them. Exceptionally, the Trade Union may request that two representatives (either regional or local) are present at a formal hearing. The Chair of the hearing will consider this request based on the complexity of the case and, if agreement is given, will specify that one representative will take the main role of spokesperson and the other representative will provide a supporting role assisting the main representative with paperwork and background information. The member of staff's representative(s) may not answer questions on behalf of the member of staff, but the representative with main role as spokesman can address the hearing to present the member of staff's case, question witnesses, respond to views expressed and sum up the case. The member of staff may confer with the person accompanying them during the hearing.
28. If a member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside of their control, the formal hearing will be rearranged for a mutually suitable time, normally within five working days of the original date.
29. In the event that a member of staff repeatedly refuses to attend a formal hearing or cannot attend a rearranged hearing, then he or she may be given the opportunity to respond to the allegation(s) in writing. If a member of staff repeatedly does not attend a rearranged hearing or does not submit a response to the allegation(s) in writing within the provided time scale, the Chair of the hearing may make a decision on appropriate disciplinary action in the member of staff's absence. This decision will be made without the benefit of the member of staff's oral or written statement if he or she has not attended or provided written documentation. The member of staff will be notified in advance that this is a consequence if he or she is unable or unwilling to participate in the process.

CONDUCTING FORMAL DISCIPLINARY OR APPEAL HEARINGS STANDARD

30. The conduct of the hearing shall be in accordance with that prescribed in paragraphs 31-34 of Annex A as outlined below:
 - a. The Chair (of the panel or the individual conducting a hearing) shall set the procedure to be followed as appropriate for the proper consideration of the matter, to include provision for adjournments during the hearing (if necessary) on request by either party (e.g. to allow for the finalisation of actions or proceedings by another body). The Chair shall be guided by the requirement that the evidence, written and oral, must be confined to the matter which is the subject of the hearing. An appeal hearing will not usually be a rerun of the original hearing. The Chair shall have complete discretion as to the admissibility of evidence.
 - b. The procedure for a hearing shall generally include the following steps:
 - (1) The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;
 - (2) The Chair may make provision for witnesses in appropriate cases (for instance, when sexual harassment is alleged) to give evidence in a way which reduces the witness's distress or discomfort;
 - (3) The party bringing the case before the person or the panel conducting the hearing or his or her representative shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave. Exceptionally, if there is no alternative, the witness may also be a party to proceedings;

- (4) The respondent or their representative may question the party bringing the case and their witnesses;
- (5) The person or panel conducting the hearing may question the party bringing the case and their witnesses;
- (6) The respondent or their representative shall present their case and call their witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and exceptionally, if there is no alternative, the witness may also be a party to proceedings;
- (7) The party bringing the case or their representative may question the respondent and their witnesses;
- (8) The person or panel conducting the hearing may ask questions of the respondent and their witnesses;
- (9) The party bringing the case or their representative shall make any final representations they wish;
- (10) The respondent or their representative shall make any final representations they wish;
- (11) The Chair may, at their discretion, adjourn or postpone the hearing in order that further evidence may be produced by either party, or pending the outcome of proceedings or action by another body or employer, or to obtain advice; and
- (12) The person or panel conducting the hearing shall consider its decision in private. The person providing support to the person or panel conducting the hearing shall be able to support the person or panel when making its decision but shall not participate in the decision itself.

DISCIPLINARY SANCTIONS

31. Following a formal hearing, the Chair must decide whether the allegations made against the member of staff are to be upheld (whether in whole or in part) or whether they are to be dismissed. Where it is decided that the allegations are to be upheld (whether in whole or in part), consideration must be given to an appropriate disciplinary sanction. Before making any decision, the Chair should take account of the member of staff's disciplinary and general record, length of service, actions taken in any previous similar cases, the explanations given by the member of staff and whether the intended disciplinary sanction is reasonable in all the circumstances.
32. As soon as reasonably practicable following the hearing and normally within ten working days of it, the Chair or representative of the Human Resources Division assisting the Chair will write to the member of staff notifying him or her of the Chair's decision and, if any of the allegations against the member of staff have been upheld, of his or her right of appeal within ten working days of receipt of the decision.
33. Normally, a member of staff will receive two formal written warnings before dismissal. It should be made clear in the first warning letter that, if there is no satisfactory improvement, incremental progression through the salary spine (if relevant) may be withheld or that the member of staff may be excluded from any discretionary fixed salary review being undertaken by the University. It should be made clear that the second warning is a final warning and dismissal will follow if there is no satisfactory improvement. A first formal warning will usually be live for twelve months, although in cases of serious misconduct the period it is live (which in each case shall be specified in the letter to the member of staff) will depend on the circumstances.

34. Exceptionally, where an allegation of serious or gross misconduct has been proved, the nature of the concern with the member of staff's conduct may warrant a final written warning being issued or the member of staff being dismissed (whether with notice or summarily) in each case in circumstances where no previous warnings have been issued.
35. **Gross Misconduct.** The following list (which is not exclusive or exhaustive) sets out offences are considered serious enough that they may warrant summary dismissal without prior formal warnings:
- Theft, fraud and deliberate falsification of records;
 - Physical violence;
 - Bullying and/or 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 University property or name;
 - Serious misuse of computer facilities, including use of internet and email;
 - Bringing the University into 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 1998);
 - 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 his or her post;
 - Vexatious or malicious behaviour;
 - Fraudulent absence from work; and
 - Serious discriminatory behaviour on the grounds of race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief (including lack of belief), sexual orientation, disability, or age.
36. In cases of gross misconduct, the member of staff may be dismissed summarily without notice.
37. If, following a formal hearing, dismissal is considered appropriate then the Chair, or representative of the Human Resources Division assisting the Chair, will confirm the decision to dismiss in writing. The letter will contain the reasons for the dismissal, the date the member of staff's employment will end and the right to appeal.

APPEALS

38. In all cases of formal action, the member of staff has the right of appeal against the decision to issue a formal written warning or to dismiss or against any other sanction. The member of staff must submit grounds for appeal within ten working days of receipt of the written notification of the sanction
39. Appeal hearings will be conducted in accordance with the following terms of reference:
 - a. To review whether the matter under consideration was adequately investigated and substantiated;
 - b. To review whether the University's procedures were correctly and fairly implemented; and
 - c. To consider whether the disciplinary action was reasonable in the circumstances known to management at the time of the disciplinary hearing.
40. If new evidence is introduced during an appeal hearing, it may be referred by the person or panel hearing the appeal back to the original Chair, in order that he or she may review the disciplinary sanction. The appeal hearing may be reconvened in the event that the member of staff does not accept the subsequent decision of the Chair.
41. The panel or person hearing the appeal may be assisted by a member of staff from the Human Resources Division, who will not have had previous substantive involvement in the case. The member of staff has a right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative at the appeal hearing. All appeal hearings will be convened as soon as practicable.
42. The outcome of the appeal hearing, with reasons for the decision, will be confirmed in writing. The Human Resources representative will assist with the preparation and dissemination of the decision.
43. In the event that an appeal panel decides to reinstate a member of staff who has been dismissed, this will be done in a manner which maintains continuous service and without loss of pay. The University reserves the right, in appropriate cases, to conduct and factor into its decision regarding such payments to a member of staff an assessment of any income received by the member of staff while not in University employment.
44. The University regards the appeal decision as final.

GENERAL

45. Notes will be taken of any formal meeting under this Annex. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.
46. Notes and records of matters dealt with under the Disciplinary Procedure should be handled on a confidential basis and stored securely. The outcome of all disciplinary action will be monitored centrally by the University to comply with statutory requirements. Spent disciplinary records may be retained by the Human Resources Division in a separate file for

reference in the event of a dispute or legal proceedings but not for reference in the event of a further disciplinary action. Retention of this information should be reviewed periodically in accordance with the requirements of the Data Protection Act.

ANNEX C

THE GRIEVANCE PROCEDURE

This procedure is made pursuant to Part VI of the Appendix to the Ordinances.

INTRODUCTION

1. This Grievance Procedure shall apply to members of staff to whom the Appendix to the University's Statutes "Academic Staff: Dismissal, Discipline, Grievance Procedures and Related Matters" (hereinafter "the Appendix") applies.
2. Subject to paragraphs 3 and 4 below, this Procedure shall apply to grievances by members of staff concerning their appointments or employment or the terms and conditions of their employment, or in relation to other matters affecting themselves as individuals or their personal dealings or relationships with other members of the University such as harassment, bullying, discrimination, and victimisation.
3. This Procedure will not apply in relation to any matters for which provision is made elsewhere in the Appendix or in any other appropriate procedure. The Procedure will also not apply in respect of the outcome of any matter dealt with under the Appendix or any other appropriate procedure (including, for the avoidance of doubt, any grievances about the conduct of or outcome of any disciplinary process that would normally be dealt with by an appeal).
4. This Procedure will also not apply where the University considers it more appropriate to use its specific policies prescribed by the Council (and as amended from time to time) for use in dealing with Instances of Public Interest Disclosure (commonly known as whistle-blowing) and for dealing with Allegations of Scientific Misconduct that are prescribed by the Council for use under those specific circumstances (and are amended from time to time).
5. In the course of dealing with a disciplinary matter a member of staff may raise grievance issues. The Director of Human Resources or his or her nominee will review any grievance raised during the course of a disciplinary investigation and discuss the matter with the member of staff and/or his or her representative, and will decide how the grievance should be considered. This may include pausing the disciplinary process to allow a hearing and determination of the grievance.
6. This Procedure will not apply to grievances raised collectively by an appropriate representative or appropriate representatives on behalf of more than one member of staff. The applicable procedure is set out in the University's grievance procedure for academic support staff.

SUPPORT CONTACTS

7. It is advisable to talk to someone before taking any action, whether informally or formally. Support and advice is available from the following sources:

The Grievance Procedure

8. Human Resources
 - a. Members of staff who have a concern they wish to discuss are able to approach HR in the knowledge that anything shared will remain strictly confidential.

- b. Members of staff who have been accused of harassment, bullying or victimisation will be given the opportunity to contact an HR representative not involved in the case for procedural guidance.
- 9. **Trade Unions Representation and Support.** During the informal stages of a grievance, trade union representatives are available to provide support (where the member of staff is a member of that trade union), and at the formal stages of this procedure members of staff are entitled to be accompanied and assisted by a work colleague or (where they are a member of that trade union) a trade union representative. For more information on the role/support provided by representatives, please click [this link](#). Where the member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed of the involvement of the member of staff in formal proceedings under this Annex.
- 10. **Counselling.** Confidential counselling is available to all Imperial University staff through the University's Employee Assistance Provider, Confidential Care (CiC).
- 11. Harassment Support Contacts
 - a. The University has a number of staff who act as Harassment Support Contacts (HSCs), on a voluntary basis. This informal support is provided on a strictly confidential basis. The University's list of Harassment Support Contacts is available to view on the University's Equality and Diversity webpage.
 - b. The University will ensure, where possible, that members of staff can raise issues, should they wish, with someone of their own gender, age range, sexuality, religion, race, or with someone who is aware of disability issues.
- 12. **University Consuls.** The University Consuls are available to provide informal support to members of staff in cases where they have no formal involvement.

RAISING GRIEVANCE ISSUES INFORMALLY

13. General Grievances:

- a. The University is committed to the resolution of individual grievances fairly and promptly whenever possible. Members of staff who have a grievance are encouraged to discuss the problem informally with their immediate line manager in order to identify an informal resolution if possible. If a member of staff does not feel able to discuss the problem with his or her immediate line manager then he or she may raise the matter informally with either his or her Head of Department (or his or her nominee) or their HR Manager.
- b. Managers of academic staff are required to give any grievance that has been raised informally proper and full consideration. HR will provide support to facilitate mutually acceptable solutions to concerns raised by members of staff.
- c. The University recognises that for grievances related to relationships, harassment, bullying, discrimination, and victimisation the member of staff should decide how he or she wishes to proceed, and that they may, where appropriate, choose to start at either the informal or formal stage of this procedure. It is strongly recommended that members of staff seek advice prior to deciding on their course of action. Member of staff right to choose how they wish to proceed, encouraged to start informal and managers made aware of the requirement to take it seriously

FORMAL ACTION

14. Where informal discussions do not achieve a satisfactory resolution, or where the member of staff raising the grievance wishes to instigate the formal process, the standard procedure is set out below.

STANDARD PROCEDURE - STAGE ONE - LINE MANAGER REVIEW

15. The Standard Procedure set out in this Clause and Stage 2 will apply where the member of staff is still employed by the University.
16. If the member of staff has not been able to resolve a grievance informally through their line manager, he or she should write to their HR Manager, who will liaise with their Head of Department or their nominee to request a review of the grievance by a senior manager. The request should explain the grievance in detail, the action taken by the member of staff to resolve the matter so far and the outcome or remedy sought. Copies of relevant papers in support of the grievance should be included with the letter. The Head of Department or his or her nominee along with the HR Manager will then identify the appropriate senior manager (who will not have been involved in the matter previously and who will, wherever possible, be more senior to the line manager) to consider the grievance. If the grievance is being raised against the Head of Department then the request should be made to the Dean of the Faculty. Grievances being raised against the Dean of the Faculty should be addressed to the Director of Human Resources.
17. Where a grievance has been brought against a specific individual or individuals, the senior manager considering the grievance will notify the individual(s) that a grievance has been submitted by the member of staff and provide them with a copy of the grievance. The individual(s) will then be given the opportunity to provide a statement and any relevant papers in response to the grievance, normally to be returned to the senior manager **within ten working days**.
18. The issue of avoiding contact between the members of staff will be considered before action is taken to inform the alleged harasser/member of staff who is the subject of the complaint. The senior manager may consider making a recommendation for time off for either, or both, parties while the matter is under investigation. The senior manager will take appropriate action concerning contact, including the possibility of transfer of either/both parties if appropriate (although the wishes of the member of staff who has made the complaint will be taken into account in this respect wherever practicable). The issue of relocation must be handled with all possible due regard to both individuals' views and feelings. Where this is not possible or considered appropriate, both parties will be expected to behave professionally while the investigation is ongoing. They should be advised that there should be no communication between them, directly or indirectly, in relation to the complaint. Any transfer or time off will be without prejudice to the eventual outcome of the investigation, and will be without salary detriment to the individual(s).
19. The senior manager considering the grievance will then arrange to meet with the member of staff, usually within ten working days of receipt of the grievance. The member of staff must take all reasonable steps to attend the meeting and he or she may be supported and accompanied to the grievance meeting by a colleague or (where they are a member of that trade union) a trade union representative. In exceptional circumstances, the senior manager hearing the grievance will consider requests from staff to be accompanied by a friend not employed by the University, if they are not a legal representative. Where reasonably practicable, the member of staff should provide the name of any representative who will be assisting with their complaint prior to the grievance meeting. A member of the Human

Resources Division will also be present in the meeting to assist the senior manager hearing the grievance.

20. If the member of staff's representative is unable to attend on a proposed date, the member of staff may suggest an alternative date within five working days of the original date. This five day time limit may be extended by agreement with the senior manager hearing the grievance.
21. The purpose of the meeting will be for the member of staff to state their grievance, for those present to understand the full nature of the grievance, discuss the grievance and explore potential solutions. It may be necessary to undertake further investigation of the member of staff's grievance, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time.
22. The timetable for any further investigation necessary will be discussed and, so far as possible, agreed with the member of staff. Every attempt will be made to address the issue promptly.
23. The senior manager may then arrange to meet the individual(s) whom the complaint has been raised against, usually within ten working days of meeting with the complainant. A member of Human Resources will also be present to assist in the resolution of the complaint and, depending on the complexity of the case, a note-taker. The member of staff must take all reasonable steps to attend the meeting and he or she may be supported and accompanied to the meeting by a work colleague or (where they are a member of that trade union) a trade union representative. Under exceptional circumstances, the senior manager and Human Resources representative will consider requests from staff to be accompanied by a friend not employed by the University, if they are not a legal representative. The member of staff should provide the name of any representative who will be assisting them, if they have not already done so.
24. If the member of staff who is the subject of the complaint, or his or her representative, is unable to attend on a proposed date, then he or she may suggest an alternative date, provided it is within five working days of the original date. This five day time limit may be extended by mutual agreement between both parties.
25. The purpose of the meeting will be for the member of staff to state his or her response to the complaint. It may be necessary to undertake further investigations of their response, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time agreed with both parties.
26. In certain circumstances, it may also be necessary for the senior manager to carry out further investigation into the member of staff's grievance by meeting with any relevant witnesses. Where evidence collected during any such further investigation has not previously been presented to and considered by the member of staff who has made the complaint, it shall be provided to them and they shall be given the opportunity to comment on that evidence (including by way of a further meeting, where necessary).
27. Following the investigation, the member of staff will be informed in writing of the decision under Stage One of the Grievance Procedure. This will normally be issued to the member of staff within ten working days of the close of the grievance meeting. The letter will usually summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision and any outcome for work and working practices as a result of the decision. A copy of the minutes of the meeting will be included or provided to the member of staff once completed.
28. A copy of the decision letter will also be provided to any individual against whom the grievance was being brought. In these circumstances, any dissenting comments in connection with the decision will be recorded.

29. There may be situations where it would be helpful to seek external advice and assistance during the grievance procedure or after it has concluded – for example, where the grievance has arisen from a breakdown in relations between two or more individuals, a mediator might be able to assist in resolving the problem. The mediator may be an external consultant or (where appropriate) an internal member of staff not directly connected with the grievance. The senior manager considering the grievance may recommend the use of a mediator with the agreement of the member of staff and the individual(s) concerned.

STANDARD PROCEDURE - STAGE TWO – APPEAL

30. A member of staff who is not satisfied with the outcome of the grievance meeting held under Stage One above may appeal that outcome.
31. The member of staff should write to the Director of Human Resources within ten working days of receipt of the decision letter. The letter should state that the grievance has not been resolved to the member of staff's satisfaction under Stage One of the Procedure and the reasons why the member of staff is not satisfied with the outcome. The remedy or outcome sought should be specified in the letter from the member of staff. The Director of Human Resources will inform the Provost of the appeal.
32. The Provost, or his or her nominee, shall review the grounds of appeal and, unless the complaint is frivolous, vexatious or invalid, shall nominate a senior member of the University not previously involved in the matter (and senior to the person who heard the grievance in stage one) to hear the appeal.
33. Where the grievance concerns the President, the review of the grounds of appeal will be carried out by the Chairman of the Council (or his or her nominee, who shall be a member of Council) and, unless the complaint is frivolous, vexatious or invalid, the Chairman of the Council or his or her nominee will arrange for a member of the Council to consider the appeal.
34. An appeal meeting shall be convened as soon as practicable by the Provost (or Chairman's) nominee, with support from a senior member of the Human Resources Division not previously involved in the case. The member of staff may be supported and accompanied at the appeal meeting by a colleague or (where they are a member of that trade union) a trade union representative. In exceptional circumstances, the Provost (or Chairman's) nominee will consider requests for the member of staff to be accompanied by a friend not employed by the University who is not a legal representative. Where reasonably practicable, the member of staff should provide the name of any representative who will be assisting with their complaint before the appeal meeting.
35. The purpose of the meeting will be to understand the on-going nature of the appeal, to review the basis for the earlier decision and to explore potential solutions. The member of staff will be afforded every opportunity to state the basis of their appeal at the meeting. It may also be necessary for further investigation to take place, in which case the meeting may be adjourned to enable this to be undertaken and reconvened within a reasonable period of time. The timetable for investigation will be discussed and agreed with the member of staff. Every attempt will be made to address the issue promptly.
36. The decision letter under Stage Two of the Grievance Procedure will normally be issued to the member of staff within ten working days of the conclusion of the meeting. The letter will generally summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision, and any outcome for work and working practices as a result of the decision. A copy of the formal minutes of the meeting will be included or provided to the member of staff once completed.

37. A copy of the decision letter will be sent to any individual against whom the grievance is being brought. Any dissenting comments against the decision will be recorded. This will conclude the internal process for the resolution of grievances, and also will conclude the process under the Standard Procedure.

AFTER THE FORMAL STAGE

38. After the formal stage, where the grievance concerned was in relation to an alleged issue of harassment, bullying, discrimination or victimisation or a breakdown of a working relationship and the grievance has been upheld (whether wholly or in part), the following procedure should apply:
- a. The line manager or appropriate senior manager of the complainant will meet with the individual regularly to offer support and to ensure that no harassment, bullying or victimisation has occurred as a result of making a complaint.
 - b. Line managers also have a responsibility to meet and offer support to members of staff who have been subject to an allegation that has not been upheld or, if the case was proven, to monitor their behaviour.
 - c. Where a complaint has been upheld and the member of staff against whom the grievance was raised remains employed, either or both parties may wish to avoid or reduce any further contact with each other. Where the line manager, in consultation with HR, believes that regular contact would be undesirable, every effort will be made to relocate the member of staff the complaint was made against in the first instance. Where transfer of the complainant occurs, it should not be disadvantageous to him or her or against his or her wishes wherever possible.
 - d. Where a complaint has not been upheld but where, for example, the evidence is inconclusive, consideration may be given to the voluntary transfer of one of the members of staff, if this is practicable.

SPECIAL PROCEDURE TO BE UNDERTAKEN WHEN THE MEMBER IS NOT IN UNIVERSITY EMPLOYMENT

39. If the member of staff's employment with the University has ended and he or she wishes to raise a grievance, they may choose to follow the Special Procedure, provided that their employment with the University ended within the preceding three months.
40. Under the Special Procedure, the former member of staff should set out their grievance in writing, stating what the basis for the grievance is, and give it to the Head of Department with a copy to the Director of Human Resources.
41. After the University has had an opportunity to consider the grievance, and the information provided within it, the former member of staff will receive a written response. This concludes the process under the Special Procedure.

CONFIDENTIALITY

42. The University recognises that confidentiality is very important when dealing with grievances, as it maximises the possibility of matters being resolved informally before information about the matter becomes common knowledge.
43. Nevertheless, witnesses may need to be given details of the grievances so as to be able to provide their own evidence, in which case they will be provided only with such details/evidence as is necessary for him or her to be able to provide such evidence. Where they are provided

with details of a grievance, they will be made aware that these details must not be disclosed, including once the case has concluded. All participants, including witnesses, will be made aware of their responsibilities in this respect.

44. Witnesses will be asked to sign statements, which may be shared with the relevant parties only. Where deemed appropriate by the manager leading the investigation and HR, witness(es) will be allowed to provide anonymous statements and will only be questioned (with input into the questions to be asked provided by the complainant and/or their representative) by both the line manager and the Human Resources' representative.
45. Any significant breach of confidentiality by the complainant, the individual against whom the grievance has been raised, or witnesses, relating to this policy, may be treated as a serious disciplinary offence.

GENERAL

46. Notes will be taken of any formal meeting under this Annex. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.

ANNEX D

REMOVAL FROM NON-SUBSTANTIVE POSTS

This Annex is made pursuant to Part I, Clause **Error! Reference source not found.** of the Appendix to the Ordinances

1. This Annex must be read in conjunction with the Appendix to the Ordinances (hereinafter the "Appendix") and with the rest of the Annexes to the Appendix. In the event of conflict the Appendix shall have precedence.

APPLICATION

2. The provisions of this Annex shall apply to the removal of a member of staff from an appointment as University Consul, Head of Department, or such other posts as have been designated by the Council, to which he or she has been elected or appointed **which is distinct from that individual's substantive post** and where dismissal from the substantive post is not being contemplated. Where the appointment is the substantive post or where dismissal from the substantive post is also contemplated, the provisions of Part II, Part III, Part IV or Part V of the Appendix shall apply as relevant to the circumstances.
3. Staff will normally be notified of the contents of this Annex when the formal offer of a non-substantive post is made. Non-substantive posts will be offered for a fixed, time limited period.

ACTION RELATING TO THE WITHDRAWAL OF A NON-SUBSTANTIVE POST

4. Non-substantive posts will automatically terminate on the expiry date unless specifically renewed. The post-holder shall have no expectation that the post will be renewed.
5. A member of staff may resign from a non-substantive position before the expiry date by giving not less than three months' written notice.
6. A non-substantive post may be withdrawn by the University with immediate effect at any time prior to the normal expiry date, providing that the member of staff holding the position is given the opportunity of a meeting with the person proposing to withdraw the position and is provided with a right of appeal against that decision in accordance with paragraphs 14-18 of this Annex.
7. In exceptional circumstances, the member of staff holding the non-substantive post may be suspended from his or her duties arising from the non-substantive post pending any meeting to be held in accordance with paragraph 6 above. Such suspension must have the authorisation of the President or Provost and shall be without loss of pay or honorarium attached to the non-substantive post.

INFORMAL ACTION

8. Any performance, conduct or other issues arising in relation to the member of staff's appointment to a non-substantive post shall normally, except in cases of serious poor performance or conduct, be raised informally with the member of staff. The concerns should be made clear and an action plan determined for remedying the deficiencies.
9. Where the member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed of the commencement of formal proceedings under this Annex.

MEETING TO CONSIDER THE WITHDRAWAL OF A NON-SUBSTANTIVE POST BEFORE THE EXPIRY DATE

10. If the desired improvement is not evident or the issue is so serious that it warrants immediate formal action, a member of staff will be given, where possible, not less than five working days' notice in writing of the date planned for the meeting to review the withdrawal of a non-substantive post before the expiry date. The member of staff will have the right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative at the meeting. The letter inviting the member of staff to the meeting will set out the basis for contemplating the withdrawal of the non-substantive post.
11. Where a member of staff is unable to attend the meeting, it will be rearranged for a mutually suitable time, normally within five working days of the original date.
12. The purpose of the meeting will be for the member of staff to have the opportunity to make representations on the reason(s) for the possible withdrawal of the post. No decision on withdrawal of the position will be made until this meeting has been concluded, although the meeting may proceed in the member of staff's absence if he or she fails to attend without good reason.
13. In the event that a decision is taken to withdraw the non-substantive post, the member of staff will be advised of the reason for this in writing and the date the withdrawal will take effect, and will be given the opportunity of appeal against this decision under paragraphs 14-18 below.

APPEALS

14. A member of staff who has their non-substantive post withdrawn before the expiry of the fixed term may appeal against that decision. In the written notification of the withdrawal of the non-substantive post, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. If the member of staff wishes to appeal he or she must set out the grounds of his or her appeal in writing.
15. The appeal will be heard by a Panel comprising three senior members of the University, who have not had previous substantive involvement in the case and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. . A member of the Human Resources Division, not previously substantively involved in the case, will also be present and the member of staff may be accompanied by a trades' union representative or another member of staff. The Director of Human Resources or his or her nominee will determine in his or her discretion a member of the panel to act as Chair.
16. Appeals against the early withdrawal of the non-substantive post will be conducted broadly in accordance with the procedure set out at paragraphs 31-34 of Annex A, as set out in amended form below:
 - a. The Chair of the panel shall set the procedure to be followed as appropriate for the proper consideration of the matter, to include provision for adjournments during the hearing (if necessary) on request by either party (e.g. to allow for the finalisation of actions or proceedings by another body). The Chair shall be guided by the requirement that the evidence, written and oral, must be confined to the matter of the hearing. An appeal hearing will not usually be a rehearing of the evidence presented at the original hearing. The Chair shall have complete discretion as to the admissibility of evidence.

- b. The procedure for a hearing shall generally include the following steps:
- (1) The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;
 - (2) The Chair may make provision for witnesses in appropriate cases to give evidence in a way which reduces the witness's distress or discomfort;
 - (3) The party bringing the case before the panel conducting the hearing, or his or her representative, shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave. Exceptionally, if there is no alternative, the witness may also be a party to proceedings;
 - (4) The respondent or their representative may question the party bringing the case and their witnesses;
 - (5) The panel conducting the hearing may question the party bringing the case and their witnesses;
 - (6) The respondent or their representative shall present their case and call their witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and exceptionally, if there is no alternative, the witness may also be a party to proceedings;
 - (7) The party bringing the case or their representative may question the respondent and their witnesses;
 - (8) The panel conducting the hearing may ask questions of the respondent and their witnesses;
 - (9) The party bringing the case or their representative shall make any final representations they wish;
 - (10) The respondent or their representative shall make any final representations they wish;
 - (11) The panel conducting the hearing shall consider its decision in private; and;
 - (12) The Chair may, at their discretion, adjourn or postpone the hearing in order that further evidence may be produced by either party, or pending the outcome of proceedings or action by another body or employer, or to obtain advice.
17. Appeal hearings will be conducted in accordance with the following terms and reference:
- a. To review whether the basis for the early withdrawal was adequately substantiated; and
 - b. To review whether the University's procedures were correctly and fairly implemented.
18. The decision of the appeal hearing will be issued in writing within ten working days.

ANNEX E

THE DISMISSAL OF MEMBERS OF STAFF BY REASON OF REDUNDANCY

This Annex is made pursuant to Part II of the Appendix to the Ordinances.

APPLICATION

1. The power to dismiss and the procedures set out in this Annex in accordance with Part II of the Appendix to the Statutes (herein after “the Appendix”) shall apply to all staff to whom the Appendix applies, provided that in its application to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 (staff appointed prior to, and not promoted after, 20 November 1987), the power to dismiss shall be subject to such limitations (if any) on the power to dismiss for redundancy as applied to the member of staff concerned prior to the introduction of the Appendix made by the University Commissioners in the exercise of their powers under Sections 203 and 204 of the Education Reform Act 1988.
2. This Annex shall not apply to the non-renewal of a fixed term contract (within the meaning of Section 235 of the Employment Rights Act 1996), which shall be dealt with under Annex []. This Annex would be used in appropriate circumstances for the ending of a fixed term contract early.
3. Where specifically indicated, this Annex shall be read in conjunction with the University’s Change Management Policy and Procedure as amended from time to time.

PRELIMINARY STAGE – CONSULTATION

4. Where any Faculty or Department of the University is considering organisational change which may impact on staff, a consultation paper setting out the proposals should be prepared. Details of the information which should normally be included in the paper are set out in the Imperial University Change Management Policy and Procedure as amended from time to time.
5. There should be appropriate consultation at the earliest opportunity and with a view to reaching agreement with the staff concerned and to the extent required by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, with appropriate representatives in relation to the consultation paper. Where there is no requirement for collective consultation and an affected member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed of the member of staff’s involvement in proceedings under this Annex.
6. Each member of staff and/ or trade union being consulted will be provided with a copy of the consultation paper and full documentation. (This will usually include any arrangements for avoiding redundancies referred to in the University’s standard Change Management Policy and Procedure.) Any member of staff affected by the proposals who is absent from work (for example, due to maternity, sickness or other leave) will be contacted and made aware that consultation is to commence or underway and sent a copy of the consultation paper to their home address in order that they can participate in the consultation process.
7. Following any collective consultation meetings (where applicable), members of staff will be offered the opportunity of individual consultation meetings with the Faculty/ Departmental representative and/or the Human Resources representative. Staff can be accompanied at these individual consultation meetings by a trade union representative (where they are a

member of that trade union), another member of staff or, at the Director of Human Resources' discretion, a friend or relative who is not a legal representative.

8. Where appropriate representatives are being consulted at the preliminary stage, they will be offered the opportunity to attend consultation meetings with the Faculty Departmental representative and/ or the Human Resources representative.
9. As part of the consultation process, comments on the consultation paper and any alternative proposals will be sought from the appropriate representatives and individual members of staff. The Faculty or Department will provide information that is necessary so that members of staff and the appropriate representatives can make an informed contribution to the consultation process. The consultation will be carried out with a view to reaching agreement on avoiding or minimising compulsory redundancies, and/or mitigating the consequences of the dismissals. Only at the end of the consultation process and the preliminary stage will any formal recommendation be made as to how to proceed.
10. Before or during the consultation period, the Council should be provided with a copy of the consultation paper, details of the area affected and the reasons for the proposed reduction in academic staff. Following review of the consultation paper the Council may:
 - a. Defer its decision and review the position again following the completion of the consultation process, at which stage the Council may require a report on the preliminary consultation with staff and/or appropriate representatives and any comments received from them. The Council may then authorise the Provost or his or her nominee to implement the selection process and subsequent proposed redundancies if the Provost or his or her nominee considers this appropriate following the comments and counter proposals gathered during the consultation period; or
 - b. Authorise the Provost or other person authorised by the Provost to implement the selection process and subsequent proposed redundancies if the Provost or his or her nominee considers this appropriate following the comments and counter-proposals already gathered during the consultation period up to that point.

DECISION TO PROCEED

11. At the end of the consultation period, the Head of Faculty or Department or other relevant person will review the comments and counter-proposals and, if required under Paragraph 10.a. above, will provide the Council with a report on the preliminary consultation with staff and/or appropriate representatives and any comments (including alternative proposals) received from them.
12. If it is still anticipated that redundancies cannot be avoided, and the Council has given the necessary authorisation, the Director of Human Resources or his or her nominee should initiate formal redundancy procedures. Wherever possible, applications for voluntary redundancies will be considered.
13. All staff at risk of redundancy and their appropriate representatives should be notified of any decision to proceed with the formal redundancy procedure and offered the opportunity to have an initial individual consultation meeting.
14. Where a member of staff is at risk of redundancy, he or she will receive details of the change procedure and the timescale over which it will be implemented. This will normally include:
 - a. The selection criteria to be used to select members of staff for redundancy (where any post to be made redundant is not unique) and/or the selection arrangements where members of staff

are to be considered for new posts in the reorganised Faculty or Department. Members of staff can make formal representation on the selection criteria;

- b. Any arrangements for seeking suitable alternative or alternative employment for those subsequently selected for redundancy. Where a member of staff is provisionally selected for redundancy, the University will consider all redeployment opportunities and, wherever possible, offer alternative positions within the University;
- c. Arrangements for a further consultation meeting with individual members of staff or appropriate representatives to discuss the selection criteria to be employed;
- d. An invitation to take either voluntary severance or early retirement and the relevant timescale for applications, if applicable;
- e. Any arrangements for avoiding redundancies referred to in the University's standard Change Management Policy and Procedure; and
- f. Assistance to be given to staff at risk of redundancy, including advice on how to cope with redundancy, career counselling, advice on how to apply for jobs, interview skills and, if selected as redundant, reasonable time off to seek other employment or undertake training/retraining.

NOTICE OF REDUNDANCY

- 15. If redeployment or retraining is not an option and all suggested alternatives to avoid redundancy are unsuccessful, the Head of Faculty or Department (or a senior manager as his or her nominee) will invite the member of staff in writing to attend an employment review meeting. In inviting the member of staff to the meeting, he or she will be informed why their employment is at risk and why they have been provisionally selected for redundancy. The purpose of the meeting is to give the member of staff a further opportunity to put forward their views on the provisional selection for redundancy, including the way in which the selection criteria (if applicable) has been applied to them. At this meeting the member of staff can be accompanied by a colleague or (where they are a member of that trade union) a trade union representative, or, at the Director of Human Resources' discretion, a friend or relative who is not a qualified legal adviser. A member of the Human Resources Division will be present to facilitate the discussion if required.
- 16. After this meeting and normally within ten working days, the Head of Faculty, Division or Department (or their appointed nominee) will, acting on the authority of the Provost, write to the member of staff and confirm whether or not his or her employment is to terminate by reason of redundancy. If the decision has been taken to terminate the member of staff's employment, the member of staff will be given any contractual notice of redundancy and confirmation of the leaving date and will be informed of the redundancy payment (at a minimum the payment required by law) to be made. The member of staff will also be given the right of appeal against the decision to terminate his or her employment. The arrangements for an appeal hearing are in accordance with those prescribed in paragraphs 19-22 of this Annex.
- 17. Where a decision is taken to dismiss staff, a report will be submitted to the Council confirming this. Redundancy dismissals will also be reported annually with a breakdown consisting of the number of staff dismissed broken down by age, disability, gender, and race and, other relevant information as determined appropriate for equality monitoring purposes and statutory requirements.
- 18. As set out in paragraph 14 above, assistance will be offered to staff declared redundant. Such assistance may include career counselling as well as reasonable time off to enable the person

to seek other employment or to undertake training/retraining. Staff will remain on the redeployment register until the end of their employment.

RIGHT OF APPEAL

19. The grounds for appeals must be lodged within ten working days of the receipt of the formal notice of redundancy issued to the individual member of staff. Appeals will be based only against the selection of an individual for redundancy, rather than against the actual decision to restructure. Appeals against dismissal will be heard by a panel constituted in accordance with paragraphs 24 to 27 of Annex A as outlined below:
 - a. **Selection of those Individuals and Panels Conducting Hearings.** The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any Appeal.
 - (1) Appeals against dismissal shall consist of a panel of three persons, none of whom shall previously have had any involvement with the case and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three-person panel shall include one lay member of the Council, one University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine in his or her discretion a member of the panel to act as Chair.
 - (2) Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Human Resources Director or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.
20. The terms of reference for the appeal panel will be as follows:
 - a. To review whether the selection for redundancy was adequately reviewed and substantiated; and
 - b. To review whether the University's procedures were correctly and fairly implemented.
21. The appeal will be conducted in accordance with the rules for hearings set out in paragraphs 31 - 34 of Annex A as outlined below:
 - a. The Chair of the panel shall set the procedure to be followed as appropriate for the proper consideration of the matter, to include provision for adjournments during the hearing if necessary by request of either party (e.g. to allow for the finalisation of actions or proceedings by another body). The Chair shall be guided by the requirement that the evidence, written and oral, must be confined to the matter of the hearing. The Chair shall have complete discretion as to the admissibility of evidence.
 - b. The procedure for a hearing shall generally include the following steps:
 - (1) The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;

- (2) The Chair may make provision for witnesses in a way which reduces the witness's distress or discomfort;
 - (3) The party bringing the case before the panel conducting the hearing or his or her representative shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave;
 - (4) The respondent or their representative may question the party bringing the case and their witnesses;
 - (5) The panel conducting the hearing may question the party bringing the case and their witnesses;
 - (6) The respondent or their representative shall present their case and call their witnesses if appropriate. Each witness shall be present only to give evidence and to be examined on it;
 - (7) The party bringing the case or their representative may question the respondent and their witnesses;
 - (8) The panel conducting the hearing may ask questions of the respondent and their witnesses;
 - (9) The party bringing the case or their representative shall make any final representations they wish;
 - (10) The respondent or their representative shall make any final representations they wish;
 - (11) The panel conducting the hearing shall consider its decision in private; and
 - (12) The Chair may, at their discretion, adjourn or postpone the hearing in order that further evidence may be produced by either party, or pending the outcome of proceedings or action by another body or employer, or to obtain advice.
22. If the decision of the appeal panel is to uphold the decision to dismiss the employee, the Director of Human Resources or his or her nominee will report this decision to the Chairman of the Council as soon as is reasonably practicable and the Chairman of Council will notify the Council that this has occurred.

GENERAL

23. Notes will be taken of any formal meeting under this Annex. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.

ANNEX F

INCAPACITY ON HEALTH GROUNDS

This Annex is made pursuant to Part IV of the Appendix to the Ordinances.

1. This Annex must be read in conjunction with the Appendix to the Ordinances (hereinafter the "Appendix") and with other Annexes to the Appendix. In the event of conflict the Appendix shall take precedence.

GENERAL

2. This Annex, which provides for incapacity on medical grounds as a potential cause for dismissal or removal from office, should be read in conjunction with the University's Sickness Absence Policy and Procedure as amended from time to time.
3. The provisions of this Annex, and the University's Sickness Absence Policy and Procedure, shall be conducted in accordance with the requirements of the Equality Act 2010. Medical conditions may include physical or mental health issues.

ACTION UNDER THIS ANNEX

4. Concerns about performance or conduct shall normally be raised under Part III of the Appendix and either the University's Capability Procedure or Disciplinary Procedure. However, where it is evident that performance or conduct may have been wholly or partly attributable to a medical condition, consideration shall be given to dealing with the matter under this Annex. The decision as to whether the matter shall be dealt with under this Annex or under the Capability or Disciplinary Procedure shall be a decision of the Director of Human Resources or his or her nominee. There is no right of appeal against this decision.
5. If, at any stage, a member of staff wishes to seek to retire early on medical grounds, he or she will be permitted to do so in accordance with the criteria, rules and benefits of the relevant pension scheme and subject always to the provisions of paragraphs 53 - 55 below.
6. An academic may be asked to refrain from work and/or attending University premises, pending a decision on their capability to remain in employment. Any decision would be in accordance with the following principles:
 - a. A decision to instruct an academic to refrain from work and/or not to attend University premises should only be taken after careful consideration of the impact on the academic, including on their work and of those researchers and students supported by the academic.
 - b. They may be required not to attend the University's premises or have contact with students, colleagues or funding bodies without the prior written permission of the Provost or their authorised delegate.
 - c. The University will continue to pay the member of staff their normal basic salary and benefits in line with their terms and conditions of service during the period they are required to refrain from work.

MEDICAL REPORTS

7. Where it has been identified that conduct or performance, including short term persistent absence or long term absence, may have been wholly or partly attributable to sickness or a

medical condition, the University will normally obtain a report from the Occupational Health Service. The member of staff's consent in writing shall be sought to obtaining the report, in accordance with the requirements of the Access to Medical Reports Act. The member of staff's written consent will also be sought for the disclosure of the medical report beyond the original recipient (being the member of HR overseeing the proceedings), to the person(s) conducting the proceedings (ie the panel).

8. In addition, after obtaining the written consent of the member of staff, the University (either of its own volition or on request of the member of staff) may obtain medical evidence from the member of staff's GP, own medical specialist and/or an independent medical specialist. Again, the member of staff's written consent will be sought for the disclosure of the medical report beyond the original recipient (being the member of HR overseeing the proceedings), to the person(s) conducting the proceedings (ie the panel).
9. Medical evidence will normally be sought at an early stage to inform any decisions made by the University in respect of the member of staff under this Annex. However, medical evidence may be sought at any stage of any proceedings under this Annex, at the instigation of either the University or the member of staff. Non-exhaustive examples of when it will be appropriate to obtain a medical report are set out in the University's Sickness Absence Policy and Procedure.
10. If the production by the nominated professional(s) of any medical evidence requested is delayed through no fault of either the member of staff or the University, the hearing to review the member of staff's performance/attendance may be rescheduled as appropriate. Following the conclusion of any proceedings under this Annex, any medical evidence obtained in relation to the member of staff will be stored securely, and retained (and, where applicable, destroyed), in accordance with the University's established protocols and in any event in accordance with the University's obligations towards the member of staff in respect of confidentiality and data protection.
11. If a member of staff refuses consent for an Occupational Health report, any action taken under this Annex will be on the basis of there being no confirmed underlying medical condition. The procedure under paragraphs 15-17 below, in line with the University's Sickness Absence Policy and Procedure, will proceed without the benefit of medical advice.

TYPES OF SICKNESS ABSENCE

12. Repeated Short Term Sickness Absence: this is where a member of staff has been absent from work through sickness or injury on a number of occasions over a rolling 12 month period, or absences which fall into a pattern over the same period.
13. Long-term Sickness Absence: this is where a member of staff has been, or is expected to be absent from work for more than four consecutive weeks.
14. The University recognises that not all patterns of absence fall neatly into one of the categories set out in this paragraph 12 - 13 and/or that the pattern may change over a period of time, so some flexibility of approach may be needed.

INTRODUCTION TO MANAGING SICKNESS ABSENCE

15. The objectives of managing sickness absence are as follows:
 - a. To provide a fair and consistent approach in dealing with the absence of members of staff due to periods of short term, long term or frequent sickness absence. This Annex contains two procedures for managing sickness absence, one to cover short term absences (at

paragraphs 18 - 20) and the other to cover long term absence or recurring absence due to underlying health issues (at paragraphs 36 - 47).

16. To manage absence owing to sickness in a manner that enables the University to maintain staff effectiveness and efficiency while at the same time providing assistance, where possible, to staff to overcome or cope with health issues.
17. To ensure that all staff and line managers are aware of their respective responsibilities and that working practices or environments that may be contributing to sickness absence are dealt with at an early stage.

INFORMAL SICKNESS ABSENCE REVIEW MEETING FOR SHORT TERM ABSENCE

18. Where the member of staff's absence record gives cause for concern, the line manager should discuss this with the member of staff on an informal, one-to-one basis, in the first instance. The line manager should consider if the member of staff should be referred to Occupational Health to understand if there is an underlying problem resulting in the sickness absence(s) and consideration should be given to relevant factors which may include:
 - a. The reasons for the absence. The member of staff should be given an opportunity to explain any circumstances which might be contributing to their level of absence, or any other matter which they feel ought to be taken into account; and
 - b. Identifying any appropriate support, including referral to Occupational Health or the University's Employee Assistance Provider, Confidential Care (www.imperial.ac.uk/occhealth/services/eap).
19. As this is an informal one-to-one meeting, there is no right at this stage for the member of staff to be accompanied by a trade union representative or work colleague, and Human Resources will not be present. The line manager should record notes of the informal meetings and these should be copied to the member of staff but will not be retained on their personnel file.
20. The member of staff should be made aware that if sufficient improvement is not demonstrated, the matter may be referred for review under the formal process.

FORMAL PROCESS FOR SHORT-TERM ABSENCE

21. There is no requirement that an Occupational Health report be obtained in advance of any formal meeting under paragraphs 21 - 35. However, in accordance with paragraph 9 above, either the University or the member of staff may propose at any time during proceedings under this Annex that such a report is obtained.
22. Notwithstanding paragraph 21 above, the formal procedure under paragraphs 21 - 35 will be conducted in situations including (but not limited to) where Occupational Health advice has been received and this indicates that a member of staff's condition will not affect their ability to carry out the responsibilities of their role, or will not affect their attendance beyond a certain level, but there remain ongoing absence issues.
23. Staff may be accompanied by a colleague or (where they are a member of that trade union) a trade union representative at all formal meetings under this Annex.

Stage 1 – First Formal Stage

24. A formal meeting should be convened in accordance with paragraphs 24 - 27 when a recurring/or an underlying condition sickness absence is having an impact on the member of staff's ability to fully perform the functions of the post.
25. At the meeting the management representative should (where applicable):
 - a. Explain that the member of staff is not meeting the level of attendance required for the job.
 - b. Ask the member of staff if there are any factors that may be contributing to their level of attendance.
 - c. Outline the operational impact that the absences are having on the department.
 - d. Discuss and agree with the member of staff any additional support that will help them achieve an acceptable level of attendance.
26. Following the meeting, the management representative should fully consider all the evidence that has been presented (both oral and written) and should either decide to take no action or, if they decide that it is appropriate to do so, issue the member of staff with an improvement notice.
27. The improvement notice should advise the member of staff:
 - a. Of the expected attendance level.
 - b. Outline what support will be put in place to help the member of staff achieve the level of attendance required.
 - c. That failure to reach the level of attendance required may result in further action.
 - d. Of their right to appeal.
 - e. The period to which the improvement notice applies

Stage 2 – Second Formal Stage

28. If the level of sickness absence continues, the line manager will advise their Human Resources representative to convene a second formal sickness review meeting with the member of staff.
29. At the meeting, the management representative should (where applicable) discuss possible redeployment and the points set out at paragraph 25 above.
30. Following the meeting, the management representative should fully consider all the evidence that has been presented (both oral and written) and should either decide to take no action or, if they decide that it is appropriate to do so, issue the member of staff with a further improvement notice.
31. The improvement notice should advise of the points set out at paragraph 27 above.

Stage 3 – Final Formal Stage

32. If the level of sickness absence continues, the line manager will advise their Human Resources representative to convene a formal employment review hearing (see paragraphs 53 - 55 below).
33. At the employment review hearing, the management representative will describe to the panel hearing the management case, the member of staff's level of attendance and explain the measures that have been taken to support the member of staff to improve their attendance.
34. The member of staff or the representative may offer an explanation for any of the points raised.
35. After hearing and considering all the evidence and representations the following options are available to the panel hearing the case:
 - a. To take no further action;
 - b. Redeploy the member of staff to alternative work on the same grade or a lower grade and pay with their agreement; or
 - c. To dismiss the member of staff, with appropriate notice, on the grounds of lack of capability.

FORMAL PROCESS FOR LONG TERM ABSENCE OR RECURRING ABSENCE DUE TO UNDERLYING HEALTH ISSUE

36. Long-Term Sickness Absence
37. For the purpose of this Annex, long-term sickness absence is identified as certified sickness absence which lasts for more than four consecutive weeks. Recurring absence due to an underlying health issue means recurring absence due to a medical condition or injury that may be contributing to sickness absence.
38. It is recognised that there are occasions when members of staff may need to take a protracted period of absence to recover from more serious health conditions, which may include:
 - a. Long/medium term planned absence to cover health conditions where the length of absence can be predicted (e.g. broken bones or in-patient operative procedures requiring rehabilitation).
 - b. Long/medium term unplanned absence where it is much more difficult to predict the likely duration of the sickness absence period (e.g. diseases, infections, mental health issues etc.).

Sickness Review Meetings

39. Where a member of staff has long term or recurring short term sickness absence due to an underlying health issue, as identified in an Occupational Health report, a sickness absence review meeting (or meetings, where appropriate) will be convened in order to review and discuss the situation with them.
40. The process for dealing with sickness absence under this section will very much depend on the individual circumstances of the member of staff. In situations where there is an underlying health issue, a member of staff may have one or several sickness absence review meetings before action under paragraphs 48 - 51 below is agreed and implemented. This will depend on the medical condition, the treatment, the long-term prognosis, and the sustainability of the absence after considering the effects on the department and the comments made by the

member of staff. The appropriate Human Resources contact will be able to give guidance on this.

41. At the meeting(s), the management representative should ask the member of staff to give their opinion on matters which may include:
 - a. Their health.
 - b. Their anticipated recovery progress.
 - c. Whether they expect to be able to return to work in the foreseeable future.
 - d. What type of support they feel they need in the event of their return to work.
 - e. Exploring with the member of staff facilities and adjustments (see paragraph 52 below).
42. If the member of staff has an identified disability, the management representative must give full consideration to their duty to make reasonable adjustments in accordance with the Equality Act 2010.
43. Following the meeting(s), the management representative will consider the discussion and any written information in the decision making process. Any decision should take into account paragraph 52 below.
44. Monitoring long term or frequent absence caused by an underlying health issue
45. A reasonable period of review should be allowed for support arrangements to be put in place, or for any treatment and recuperation that might enable a return to work in the near future to take effect. Medical advice should be sought where appropriate.
46. Where it is possible that in the longer term the sickness absence will not be able to be sustained by the department, then the member of staff should be advised of this. The member of staff should be given the opportunity to make comments on this point and have these considered by the line manager.
47. At this stage, consideration should be given to medical retirement or alternative work on different working arrangements and pay, if this is deemed appropriate and is accepted by the member of staff (see paragraphs 52 and 53- 55 below).

FORMAL EMPLOYMENT REVIEW HEARING

48. A Formal Employment Review Hearing will be considered only where:
 - a. The member of staff has either received two improvement notices under the short term absence procedure set out at paragraphs 21 - 35 above or otherwise had the fullest opportunity to comment on their fitness to work and/or the likelihood of returning to work under the long term absence procedure set out at paragraphs 36 - 47 above, and these views have been taken into account in any earlier meetings or decisions; and
 - b. In the case of members of staff being managed under the Long-Term Sickness Absence procedure set out at paragraphs 36 - 47 above:
 - (1) Medical opinion indicates that the member of staff will remain insufficiently fit to return to their post or carry out the functions of their post in the foreseeable future;

- (2) Redeployment, adjusted working arrangements and medical retirement have not been possible or agreed; and
 - (3) Medical retirement under paragraphs 54 - 56 below has not been agreed or otherwise has not been possible.
49. The purpose of the meeting will be for two individuals appointed by the Provost (or his/her designated nominee, who shall normally be a Dean of Faculty, Principal, or the authorised nominee of such Dean of Faculty or Principal) to review the case and to consider whether and for how long the University can support continued employment. A member of the Human Resources Division will also be present at the meeting.
 50. At the hearing, the management case will be presented by the management representative, and the member of staff (or their representative) will be invited to respond and comment. Alternatives to termination of employment will be considered wherever possible.
 51. Following the meeting, the two individuals conducting the meeting will consider whether or not to terminate the member of staff's employment. The person conducting the meeting should discuss his or her decision with the representative from Human Resources. If the decision is taken not to terminate the member of staff's employment, Facilities and Adjustments (see paragraph 53 below) will be revisited. If the person conducting the meeting decides to terminate the member of staff's employment, the representative of the Human Resources Division will write to the member of staff confirming termination of employment with notice or pay in lieu of notice and providing the reasons for the dismissal and details of the right to appeal, which is dealt with below.

FACILITIES AND ADJUSTMENTS

52. Where a condition has a substantial and long-term adverse effect on a member of staff's ability to carry out day-to-day activities, the University will act in accordance with the provisions within the Equality Act 2010 as well as the guidance set out for disabled staff and their managers. The University will review how reasonable adjustments to working arrangements or the workplace could enable the staff member to continue with their role. Reasonable adjustments will be put in place with the requirements of the role and health and safety protocols.

MEDICAL RETIREMENT

53. The University offers membership to pension schemes that may provide early or enhanced payment of benefits, where a member of staff can no longer carry out the duties of their post or equivalent work as a result of a medical condition.
54. Consideration of this option will usually take place only after all other alternatives have been considered and those alternatives (if any) have been ruled inappropriate (whether following a trial period or otherwise).
55. The decision on whether or not a pension is awarded is taken by the Pension Trustees. The decision is based on the member of staff having the requisite pensionable service and a review of reports submitted by either the University or the member of staff. Usually two medical reports are required: one from the staff member's own GP/ Consultant and one from the Occupational Health Physician. In addition, the University Superannuation Scheme (USS) requires a report from the staff member's manager on their performance at work. The Pension Office will facilitate the individual's application.

SELECTION OF PANEL CONDUCTING APPEAL HEARINGS

56. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any appeal hearing.
57. Appeals against improvement notices will be heard by one person who has no prior substantive involvement in the case or people concerned and (wherever possible) is more senior than the person who reached the decision to issue the improvement notice being appealed.
58. Appeals against dismissal shall consist of a panel of three persons, none of whom shall previously have had any substantive involvement with the case or people concerned and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine in his or her discretion a member of the panel to act as Chair.

ACTION PRIOR TO APPEAL

59. The Director of Human Resources (or his or her nominee) shall be responsible for the conduct of hearings under the Appendix as required, and for taking charge of the proceedings, including:
 - a. Arranging and notifying the parties of a date for the hearing, which shall be as soon as is reasonably practicable;
 - b. Notifying or reminding the member of staff of his or her right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative. Consideration will be given by the Chair of the meeting to requests from staff to be accompanied by a friend or relative who is not a legal representative;
 - c. Giving the member of staff no less than ten working days' notice to provide their written response to the allegations and availability to attend a formal hearing and giving both parties, where possible, not less than five full working days' notice (running from the deadline for the member of staff to provide their written response to the allegations and availability) of the date for the planned hearing;
 - d. Any necessary administrative and accommodation arrangements to enable the hearing to take place;
 - e. Any necessary administrative and accommodation arrangements for the attendance of witnesses or persons entitled to make oral representations to the panel;
 - f. Upon receipt of relevant documentation, the production and distribution of documents in a timely manner (where possible, by no later than five working days before the hearing) and in accordance with the relevant Annex or appropriate procedure to allow for the proper presentation and consideration of the matters before the person or panel conducting the hearing.
 - g. Once documentation has been circulated in accordance with paragraph 60.f. above, no new documents will be accepted from the member of staff or the management side, save for where the documents are demonstrably relevant or constitute new material relevant to the case and subject always to the discretion of the Chair which shall not be unreasonably withheld.

CONDUCT OF APPEAL

60. The Chair (of the panel or the individual conducting a hearing) shall set the procedure to be followed as appropriate for the proper consideration of the matter, to include provision for adjournments during the hearing (if necessary) by request of either party (e.g. to allow for the finalisation of actions or proceedings by another body). The Chair shall be guided by the requirement that the evidence, written and oral, must be confined to the matter which is the subject of the hearing. An appeal hearing will not usually be a rehearing of the original hearing. The Chair shall have complete discretion as to the admissibility of evidence.
61. The procedure for a hearing shall generally include the following steps:
- a. The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;
 - b. The Chair may make provision for witnesses to give evidence in a way which reduces the witness's distress or discomfort;
 - c. The party bringing the case before the person or the panel conducting the hearing or his or her representative shall present his or her case and call his or her witnesses if appropriate;
 - d. The respondent or their representative may question the party bringing the case and their witnesses;
 - e. The person or panel conducting the hearing may question the party bringing the case and their witnesses;
 - f. The respondent or their representative shall present their case and call their witnesses if appropriate;
 - g. The party bringing the case or their representative may question the respondent and their witnesses;
 - h. The person or panel conducting the hearing may ask questions of the respondent and their witnesses;
 - i. The party bringing the case or their representative shall make any final representations they wish;
 - j. The respondent or their representative shall make any final representations they wish;
 - k. The Chair may, at their discretion, adjourn or postpone the hearing in order that further evidence may be produced by either party or pending the outcome of proceedings or action by another body or employer, or to obtain advice; and
 - l. The person or panel conducting the hearing shall consider its decision in private. The person providing support to the person or panel conducting the hearing shall be able to support the person or panel when making its decision but shall not participate in making the decision itself.

APPEALS

Formal

62. In all cases of action taken under this Annex, the member of staff has the right of appeal against the decision. The member of staff must submit grounds for appeal within ten working days of receipt of the written notification of the formal action taken.
63. Appeal hearings will generally be conducted in accordance with the following terms of reference, or as prescribed in the individual Annex:
 - a. To review whether the matter under consideration was adequately investigated and substantiated;
 - b. To review whether the University's procedures were correctly and fairly implemented; and
 - c. To consider whether the action was reasonable in the circumstances known to management at the time of the hearing.
64. If new evidence is introduced during an appeal hearing it may be referred back to the person who conducted the original Hearing in order that they may review the employment review decision. The appeal hearing may be reconvened in the event that the member of staff does not accept the subsequent decision of the original meeting.
65. Prior to the appeal hearing, the appeal panel may, if it considers it appropriate, appoint a specialist/medically qualified assessor to provide an opinion on the member of staff's medical condition. Similarly, the member of staff may request that a specialist/medically qualified assessor is appointed to advise the panel, in which case the panel will consider whether to do so at its own discretion.
66. The appeal panel may uphold the member of staff's appeal, in which case it will inform the Director of Human Resources (or his or her nominee), who will ensure that the member of staff's continuous employment is maintained and there is no loss of pay or other benefits. The University reserves the right, in appropriate cases, to conduct and factor into its decision regarding such payments to a member of staff an assessment of any income received by the member of staff while not in the employment of the University.

GENERAL

67. Notes will be taken of any formal meeting under this Annex. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.
68. Where the relevant member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed of the commencement of formal proceedings under paragraphs 21 - 51 of this Annex.

ANNEX G

FIXED TERM APPOINTMENTS

This Annex is made pursuant to Part V, Clause **Error! Reference source not found.** of the Appendix to the University's Ordinances

1. This Annex must be read in conjunction with the Appendix to the University's Ordinances (hereinafter the "Appendix") and with the other Annexes to the Appendix. In the event of conflict the Appendix shall have precedence.

APPLICATION

2. In applying the provisions of this Annex, regard shall be had to the Fixed Term Regulations (Prevention of Less Favourable Treatment) Regulations 2002 ("the Fixed Term Regulations") and ACAS Code of Practice 2013.
3. The power to dismiss, and the procedures prescribed, in this Annex shall apply to all staff to whom the Appendix applies, provided that, in its application to those staff defined in Sub-sections (3) to (6) of Section 204 of the Education Reform Act 1988 (staff appointed prior to and not promoted after, 20 November 1987), and the power to dismiss on grounds of redundancy, shall be subject to such limitations (if any) as applied to the member of staff concerned prior to the introduction of the original Model Statute made by the University Commissioners in the exercise of their powers under Sections 203 and 204 of the Education Reform Act 1988 .

THE MANAGEMENT OF FIXED-TERM EMPLOYMENT

4. During the term of any fixed-term contract, members of staff employed on fixed-term contracts shall be subject to the provisions contained within the Appendix or any other appropriate procedure made under:
 - a. Part I: Clause 1 (3) Removal from non-substantive post.
 - b. Part II: Redundancy (subject to paragraph 8 below).
 - c. Part III: Disciplinary Procedures.
 - d. Part IV: Incapacity on Health Grounds.
 - e. Part V: Clause 17: Probationary Appointments.
 - f. Part V: Clause 18: Dismissal on Other Grounds.
 - g. Part V: Clause 19: Clinical staff.
 - h. Part VI: Grievance Procedures.
 - i. Part VII: Capability Procedures.

ACTION PRIOR TO THE EXPIRY OF A FIXED-TERM CONTRACT

5. Before the expiry of the fixed-term contract (normally when the fixed-term contract has at least three months left to run), the Provost or his or her nominee shall consider whether a renewal

or extension of the contract is to be offered or whether dismissal of the member of staff is to be contemplated on the expiry of the fixed term. The Provost may delegate this decision to the Head of Faculty or Department or any other relevant person where appropriate.

6. If a renewal or extension is to be offered, consideration shall be given to whether the contract of employment is to be for a further fixed term or of indefinite duration. Consideration shall be given to the ongoing requirements for work and the provisions relating to the expiry of fixed term contracts set out in the Fixed Term Regulations. In the event that the individual has been on fixed term contracts at the University for a continuous period of four years, the member of staff's contract shall become open ended under the Fixed Term Regulations subject to ongoing requirements for the work continuing for at least six months past the member of staff's four year anniversary.
7. If dismissal is contemplated upon the expiry of the fixed-term contract, the reason for contemplating dismissal shall be determined. Where the reason for dismissal is redundancy, i.e. it falls within the definition set out in Section 139 of the Employment Rights Act 1996, the procedure commencing at paragraph 8 below shall be followed (subject to paragraph 3 above). If dismissal is being contemplated for a reason other than redundancy, e.g. removal from a non-substantive post, a failure to pass probation, discipline, capability, incapacity on health grounds, the withdrawal of registration (for clinical staff), status or contract, or some other reason, the procedures of the relevant Annex or any other appropriate procedure listed in paragraph 4 above shall be used.

PROCEDURE FOR DISMISSAL BY REASON OF REDUNDANCY ON THE EXPIRY OF A FIXED-TERM CONTRACT

8. As soon as reasonably practical, and ideally at least 30 days before the expiry of the fixed-term contract, there shall be consultation with the member of staff or, if and to the extent required by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, with appropriate representatives following the procedure set out below:
 - a. The department (together with Human Resources, where appropriate) will ensure that active efforts to identify and secure additional funding for the role are made throughout the duration of the consultation period. In this respect, the University recognises that attempting to obtain such funding is an ongoing process and the line manager should keep the member of staff informed of any efforts being made throughout the period of their fixed term contract. The University will also give consideration to providing bridging funding in appropriate cases where alternative funding is identified, although it will be under no obligation to provide such bridging funding and shall be entitled to exercise its discretion in making a determination that is reasonable in the circumstances.
 - b. During the consultation period Human Resources will request clarification on whether the appointment should be changed to open ended, extended or (subject to the results of any attempts to identify/secure alternative funding – see below) end.
 - c. If the role is provisionally identified as due to end, Human Resources will write to the individual to commence the consultation period. During this period and up until the contract ends, redeployment opportunities will be reviewed in liaison with the relevant department and an offer of 'suitable alternative' and/or 'alternative' employment will be made wherever possible.
 - d. Where the consultation process has been exhausted, in the event that redeployment has not been possible or no future funding has been secured, and a decision has been made that the contract of employment will expire, Human Resources will write to the individual advising him

or her of this. The individual will also be informed of their entitlement (if any) to redundancy pay.

9. Further details on the above mentioned process can be located in the 'Consultation Guidance for Managers staff on fixed term contracts or open ended contracts underpinned by external project/research funds'.
10. There shall be no requirement to obtain authorisation from the Council to institute redundancy procedures under this Annex.
11. In addition to the information set out at paragraph 8 above, the member of staff will be informed of their right of appeal against the decision to terminate their employment. The arrangements for the appeal hearing are in accordance with those outlined below.

RIGHT OF APPEAL

12. The grounds for appeal must be lodged within ten working days of the receipt of the formal notice of redundancy issued to the individual member of staff under paragraph 8 above. Appeals against dismissal will be heard by a panel constituted in accordance with Paragraphs 25 to 29 of Annex A as outlined below:

Selection of those Individuals and Panels Conducting Hearings

13. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate panel is chosen to conduct any Appeal.
 - a. Appeals against dismissal shall consist of a panel of three persons, none of whom shall previously have had any substantive involvement with the case and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine, at his or her discretion, a member of the panel to act as Chair.
 - b. Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where appropriate. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Human Resources Director or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.
14. The terms of reference for the appeal panel will be as follows:
 - a. To review whether the selection for redundancy was adequately reviewed and substantiated;
 - b. To review whether the University's procedures were correctly and fairly implemented; and
 - c. To consider whether the action was reasonable in the circumstances known to management at the time.
15. If new evidence is introduced during an appeal hearing it may be referred by the person or panel hearing the appeal back to the original decision-maker, in order that he or she may review their earlier decision.

16. The appeal will be conducted in accordance with the rules for hearings set out in paragraphs 31 - 34 of Annex A as outlined below:
 - a. The Chair of the panel conducting a hearing shall set the procedure to be followed as appropriate for the proper consideration of the matter, to include provision for adjournments during the hearing if necessary by request of either party (e.g. to allow for the finalisation of actions or proceedings by another body). The Chair shall be guided by the requirement that the evidence, written and oral, must be confined to the matter of the hearing. An appeal hearing will not usually be a rehearing of the evidence presented at the original hearing.
 - b. The procedure for a hearing shall generally include the following steps:
 - (1) The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;
 - (2) The party bringing the case before the panel conducting the hearing or his or her representative shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave. Exceptionally, if there is no alternative, the witness may also be a party to proceedings;
 - (3) The respondent or their representative may question the party bringing the case and their witnesses;
 - (4) The panel conducting the hearing may question the party bringing the case and their witnesses;
 - (5) The respondent or their representative shall present their case and call their witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and, exceptionally if there is no alternative, the witness may also be a party to proceedings;
 - (6) The party bringing the case or their representative may question the respondent and their witnesses;
 - (7) The panel conducting the hearing may ask questions of the respondent and their witnesses;
 - (8) The party bringing the case or their representative shall make any final representations they wish;
 - (9) The respondent or their representative shall make any final representations they wish;
 - (10) The Chair may, at their discretion, adjourn or postpone the hearing in order that further evidence may be produced by either party, or pending the outcome of proceedings or action by another body or employer, or to obtain advice; and
 - (11) The panel conducting the hearing shall consider its decision in private.
17. If the decision of the appeal's panel is to uphold the decision to dismiss the employee, the Director of Human Resources or his or her nominee will report this decision to the Chairman of the Council as soon as is reasonably practicable and the Chairman of Council will notify the Council that this has occurred.

GENERAL

18. Notes will be taken of any formal meeting under this Annex. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable

after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.

19. Where the relevant member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed of the commencement of formal proceedings under this Annex.

ANNEX H

ACADEMIC APPOINTMENTS CONTAINING A PROBATION PERIOD

This Annex is made pursuant to Part V, Clause **Error! Reference source not found.** of the Appendix to the University's Ordinances

1. This Annex must be read in conjunction with the Appendix to the University's Ordinances (hereinafter the "Appendix") and with the other Annexes to the Appendix. In the event of conflict the Appendix shall have precedence.

INTRODUCTION

2. In applying the provisions of this Annex, regard shall be had to the relevant Employment Legislation and/ or the ACAS Code of Practice in force at the time.
3. This Annex shall apply to all members of staff to whom the Appendix applies and who have been newly appointed to a position subject to a probation period. The Annex provides guidance on the appropriate use of probation periods and the support and training that should be offered to a member of staff during this time. The document also provides information on the formal reviews that should take place during the probation period and the procedure to deal with any problems and non-confirmation in post for reasons of performance.

READERS AND PROFESSORS

4. Management and action under this Annex may be taken concerning any Reader or Professor with regard to their academic performance while working in the University during their probation period.

CLINICAL STAFF

5. Management and action under this Annex may be taken concerning any clinical academic member of staff with regard to their academic performance while working in the University during their probation period. If there is an issue with clinical work or activities in connection with clinical work, any formal meeting may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Director of Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.

LECTURERS (1) AND SENIOR LECTURERS (2)

6. This Annex should be read in conjunction with the guidance notes on Appointment, Training and Development, Probation and Confirmation of Appointment (which do not have contractual status) to manage Lecturers and Senior Lecturers (Clinical and Non-Clinical) during their probation period.

THE MANAGEMENT OF AN ACADEMIC PROBATION PERIOD

7. The probation period is used as the framework for the evaluation of the performance of a newly appointed academic member of staff. Appointments made 'subject to a probation period' are made with a view to confirming the member of staff in post
8. Guidance on induction is available from Human Resource's new staff webpage and details will be provided to managers when new contracts of employment are issued by Human Resources.
9. At the start of the probation period, it is essential that the member of staff's line manager meets with him or her to discuss the requirements of the job, expectations of what should be delivered during the probation period and any appropriate support and training for the new job; and that any objectives they agree should be specific, measurable, achievable, realistic and timely. For newly appointed Lecturers and Senior Lecturers, he or she either will have been informed who their Academic Adviser will be in their contract of employment or at their first meeting with their line manager.
10. Members of staff appointed to a role with line management responsibilities should be made aware of and evaluated against Imperial Expectations' requirements.

REVIEWS DURING THE PROBATION PERIOD

11. Line managers must conduct formal probation reviews. There will normally be a minimum of two formal review periods during the probation period. Subject to the provisions of paragraphs 16-18 below, these will take the form of a formal review mid-way through the probation (for example, in the case of a standard three-year Lecturer probation period this mid-probation review should be no later than the fifth term of service) and, where the indications are that the member of staff will be confirmed in post at the end of the probation period, a formal review near the end of the probation period (ideally no later than three months before the end of the probation period). The formal reviews should include an assessment of the member of staff's progress against the objectives set at the start of the probation period/at the previous formal review(s) and, if appropriate, the amendment of existing objectives or the setting of new objectives for assessment at the next review stage(s). The line manager will

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Imperial University Business School – Associate Professor

inform Human Resources whether or not the member of staff should be confirmed in post, extended or invited to a probation review meeting.

12. Line managers are expected to undertake their role in line with the Imperial Expectations and Respect for Others ethos. They should meet members of staff on a regular basis to discuss work and to give guidance on work-related matters. During the probation period the line manager should meet the member of staff between reviews (ideally at least once a month), to discuss work and give advice and guidance on progress in the new role. These informal discussions will be noted and the contents should provide feedback on the member of staff's performance and progress in the new role. Line managers should not wait for formal review meetings to raise issues with the member of staff.
13. Where a line manager has concerns about a member of staff's performance or conduct, the line manager must, in the first instance, discuss these with HR who will consider the concerns and options for addressing these concerns, such as through one-to-one discussion, mediation, coaching and training without attendance from Human Resources or Trade Union representatives. If it is judged that the concerns are such that they should be managed

informally, HR will undertake one-to-one training with the manager. Following the training, the line manager will informally discuss their concerns with the member of staff, record and agree (as far as possible) clear actions from these informal meetings, in line with the training received and provide the member of staff with the details of what support is available. If the concerns are such that they might lead to the member of staff either having their probation period extended or not being confirmed in post, the formal probation reviews outlined in paragraph 11 above should be brought forward and undertaken before any decision is made on the individual's future, unless the concern is one of gross misconduct.

14. Where the member of staff has either previously disclosed or discloses for the first time a disability (as defined by the Equality Act 2010), arrangements should be made to either reassess or assess the impact of that disability upon the member of staff's ability to do their role. An assessment should be made of any adjustments that might reasonably be put in place (in addition to adjustments already in place, where applicable). The manager and member of staff should record and agree action from these informal meetings so that the actions to address the problems are clear. A Human Resources' representative can provide support in addressing the areas of concern.
15. The end of the probation for Readers and Professors would normally be after no longer than six months and will consist of a meeting with their line manager, who will inform Human Resources that the member of staff should be confirmed in post. If they are not to be confirmed in post they will be invited to a probation review meeting.

NON-CONFIRMATION IN POST

16. If there have been concerns during a member of staff's probation period, these should have been identified, noted and discussed with the member of staff throughout the informal meetings, formal mid-reviews and, for Lecturers and Senior Lecturers (Clinical and Non-Clinical), through additional formal performance review meetings in line with the guidance notes for these staff.
17. Where the issues of concern are such that they may result in the non-confirmation of employment and two formal probation reviews have taken place, the member of staff should be invited to a formal probation review meeting prior to a decision being made. In circumstances where a line manager can provide evidence that a member of staff's performance is not satisfactory and that the member of staff (having been provided with access to reasonable and appropriate support and given reasonable opportunities to remedy the issues identified) has failed to remedy their performance to the extent that their line manager (in consultation with HR) reasonably considers that they have no reasonable prospect of passing their probationary period, it is not necessary to wait for the expiry of the probation period to convene a formal probation review meeting. The reasonableness of this action will be considered very carefully and will need to be fully substantiated by the manager.
18. The purpose of the probation review meeting is to assess the case for the member of staff's confirmation in post, to consider the support provided to the member of staff and to review the documentation and guidance issued throughout the probation period. The meeting should also consider any views expressed by the member of staff before a decision is made. A probation review meeting will normally be conducted by a management representative who should not have had substantive involvement in the case previously, with support from a senior member of the Human Resources Division; except where the member of staff is a Lecturer or Senior Lecturer (Clinical and Non-Clinical), in which case the review meeting is conducted by a review panel in line with the guidance notes for these staff.
19. All members of staff should be given ten working days' notice of a probation review meeting and be provided in writing with full details of the concerns that are being assessed as potential

cause for the non-confirmation of employment. They will be entitled to be accompanied at the meeting by a trade union representative (where they are a member of that trade union) or another member of staff if they wish to do so.

20. If a member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside of their control, the formal hearing will be rearranged for a mutually suitable time, normally within five working days of the original date.
21. In the event that a member of staff repeatedly refuses to attend a formal hearing or cannot attend a rearranged hearing, then he or she may be given the opportunity to respond to the allegation(s) in writing. If a member of staff does not attend a rearranged hearing or does not submit a response to the allegation(s) in writing within the provided time scale, the Chair of the hearing may make a decision on appropriate dismissal action in the member of staff's absence. This decision will be made without the benefit of the member of staff's oral or written statement if he or she has not attended or provided written documentation. The member of staff will be notified in advance that this is a consequence if he or she is unable or unwilling to participate in the process. Alternative provisions may be considered when the member of staff's failure to attend a meeting or meetings or otherwise to participate in the process is due to their ill health.
22. Following the probation review meeting, the management representative has the authority, with agreement from the representative of the Human Resources Division, to confirm the member of staff in post, extend the probation period or not confirm his or her probation. The decision will be confirmed in writing and will set out the reasons for the decision. If the decision is non-confirmation of employment, the notice period to be served, the date employment will end and the right to appeal will also be stated.

APPEALS

23. A member of staff who does not have their appointment confirmed or has their probation extended may appeal against that decision. In the written notification of the non-confirmation of appointment/extension of probation, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. If the member of staff wishes to appeal they must set out the grounds of their appeal in writing within ten working days.
24. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any hearing under the Appendix. Throughout this Annex, where only one individual rather than a panel is to conduct the hearing he or she is referred to as the Chair.
25. Appeals against extensions of the probation period will be heard by one person who shall not previously have had any substantive involvement with the case or people concerned and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed
26. Appeals against non-confirmation shall consist of a panel of three persons, none of whom shall previously have had any substantive involvement with the case or people concerned and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine at his or her discretion a member of the panel to act as Chair.

27. Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Director of Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.
28. Appeals against non-confirmation of employment/extension of probation will be conducted in accordance with the following terms of reference:
 - a. To review whether the basis for non-confirmation of employment/extension of probation was adequately substantiated;
 - b. To review whether appropriate guidance and support was provided during the review period; and
 - c. To review whether the University's procedures were correctly and fairly implemented.
29. The decision of the appeal hearing will usually be issued within 10 working days. In the event that an appeal results in reinstatement, this will be done in a manner which maintains continuous service and without loss of pay or other benefits. The University reserves the right, in appropriate cases, to conduct and factor into its decision regarding such payments to a member of staff an assessment of any income received by the member of staff while not in University employment. The University regards the appeal decision as final.

ANNEX I

DISMISSALS ON "OTHER GROUNDS"

This Annex is made pursuant to Part V, Clause **Error! Reference source not found.** of the Appendix to the University's Ordinances

1. This Annex must be read in conjunction with the Appendix to the University's Ordinances (hereinafter the "Appendix") and with the other Annexes to the Appendix. In the event of a conflict the Appendix takes precedence.

GENERAL

2. In taking any action under this Annex regard shall be had to the relevant Employment Legislation and/ or Code of Practice in force at the time.

ACTION UNDER THIS ANNEX

3. This Annex covers dismissals on any lawful ground other than those covered in under Parts II (Annex []: Redundancy), III (Annex []: Disciplinary Procedure), IV (Annex []: Incapacity on Health Grounds) (Annex []: Capability Procedure) and by Clauses 16, 17 and 19 of Part V of the Appendix. Save where appropriate, this Annex is not intended to be used in relation to members of staff who have themselves raised concerns regarding their relationship(s) with other members of staff.
4. This Annex shall apply where the reason the University is contemplating dismissing a member of staff is substantial and shall cover, but shall not necessarily be limited to, the following potential fair reasons for dismissal:
 - a. Some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held; or
 - b. The member of staff not being able to continue to work in the position which he held without contravention (either on his part or on that of the University's) of a duty or restriction imposed by or under an enactment; or
 - c. The irretrievable breakdown in working relationships, subject always to such informal and formal attempts as may be reasonable in the circumstances having been made to resolve the issues affecting the relationship and to enable the individual(s) to remain in employment; or
 - d. The member of staff being imprisoned; or
 - e. A breakdown of trust and confidence.

ACTION PRIOR TO A HEARING

5. Where the University is contemplating terminating a member of staff's employment under paragraph 4 above, it will, where appropriate, either consult with the member of staff in relation to the proposals and/or investigate the matter.
6. Following that period of consultation or investigation (as applicable), the Head of Department or his or her nominee shall consider the matter and whether the suspension and/or formal procedure(s) set out below should be invoked.

SUSPENSION

7. In some cases (for example, where there is on the face of it an irretrievable breakdown in a working relationship and there are no practicable means by which the parties' working environments can be separated), it may be appropriate for a member of staff involved in the matter to be suspended. In accordance with paragraph 22 of Annex A, a decision to suspend an academic member of staff from work should only be taken after careful consideration and reasons that may lead to that decision being taken include risks to others, damage to University equipment, etc. This is not an exhaustive list. Consideration will also be given to the well-being of the member of staff, and the impact on his or her work and of those researchers and students supported by the academic. Partial suspension will also be considered and implemented where appropriate. If suspended from work under the Annexes or other appropriate procedure made under Part III, Clause 10, or Part V, Clause 19 of the Appendix:
 - a. The member of staff will be invited to a meeting to discuss the reason(s) for suspension, and any restrictions on workplace attendance, contact with students, colleagues (including witnesses) and funding bodies. A colleague or (where the member of staff is a member of that union) a trade union representative can be present at the meeting if desired.
 - b. In addition, the member of staff should be provided with information about who to contact if necessary whilst on suspension and arrangements for providing access to evidence necessary to respond to any allegations or processes. Staff should also be informed of the need to be contactable during normal working hours and to make themselves available to attend meetings as necessary.
 - c. If it is not possible to meet the member of staff in advance of suspension, written notification will be sent to the member of staff and a meeting date will be set up to discuss the reason(s) for the suspension and arrangements during the period of suspension. At the meeting, he or she may have a colleague or union representative present if desired. The arrangements will be confirmed in writing.
 - d. Suspension is not a formal sanction and is to be considered a neutral act to facilitate investigation. Regular contact should be maintained with the member of staff to advise him or her of the progress of the investigation. Unless otherwise provided in the terms of the suspension, the University will continue to pay the member of staff his or her normal salary and he/she will receive his or her normal benefits.
 - e. The period of suspension should normally be as short a period as possible dependant on how the investigation proceeds i.e. usually three weeks. Suspension for a period longer than this must be approved by the Director of Human Resources or his or her nominee and will, wherever possible, be reviewed at three-weekly intervals throughout.

DISMISSAL

8. Any dismissal proceedings under this Annex should be conducted in accordance with the requirements set out in Annex B (The Disciplinary Procedure), as outlined below:

CONVENING FORMAL DISMISSAL OR APPEAL HEARINGS

9. Once any action under paragraph 5 above is completed, if a decision is made to convene a dismissal hearing arrangements will be made by the Director of Human Resources or his or her nominee in accordance with those prescribed in paragraph 28 of Annex A

10. The Director of Human Resources or his or her nominee shall be responsible for the conduct of hearings under the Appendix as required and for taking charge of the proceedings. To include:
 - a. Arranging and notifying the parties of a date for the hearing, which shall be as soon as is reasonably practicable;
 - b. Notifying or reminding the member of staff of his or her right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative;
 - c. Giving the member of staff no less than ten working days' notice to provide their written response to the allegations and availability to attend a formal hearing. Giving both parties, where possible, not less than five full working days' notice (running from the deadline for the member of staff to provide their written response to the allegations and availability) of the date for the planned hearing;
 - d. Any necessary administrative and accommodation arrangements to enable the hearing to take place;
 - e. Any necessary administrative and accommodation arrangements for the attendance of witnesses or persons entitled to make oral representations to the panel;
 - f. Upon receipt of relevant documentation, the production and distribution of documents in a timely manner (where possible, by no later than five working days before the hearing) and in accordance with the relevant Annex or appropriate procedure to allow for the proper presentation and consideration of the matters before the person or panel conducting the hearing. These documents may include:
 - (1) Any statement of complaint, grievance or appeal;
 - (2) The responses thereto;
 - (3) Any witness statements relied upon by either party; and/or
 - (4) Any other relevant documents.
 - g. Once documentation has been circulated in accordance with paragraph 10(f) above, no new documents will be accepted from the member of staff or the management side, save for where the documents are demonstrably relevant or constitute new material relevant to the case and subject always to the discretion of the Chair which shall not be unreasonably withheld.
11. The person(s) conducting the hearing will be convened in accordance with paragraphs 24 to 27 of Annex A as outlined below.
 - a. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate panel is chosen to conduct any hearing under the Appendix. The panel appointed will normally consist of a University Consul and an academic of equivalent seniority who have had no involvement in the matter previously or with the people concerned and, wherever possible, shall be senior to the management representative who conducted the initial investigation into the allegations against the member of staff.
 - b. Appeals against dismissal shall consist of a panel of three persons, none of whom shall previously have had any substantive involvement with the case or with any of the parties and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one

University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine at his or her discretion a member of the panel to act as Chair.

- c. Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration include allegations in relation to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Director of Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.
12. Where the relevant member of staff is an officer of a trade union, the relevant full-time regional officer of that trade union should be informed by Human Resources at the commencement of formal proceedings under this Annex.
13. In advance of the hearing, the member of staff should advise the Chair of the name of the person (if any) who will be accompanying him or her. Exceptionally, the Trade Union may request that two representatives (either regional or local) are present at a formal hearing. The Chair of the hearing will consider this request based on the complexity of the case and, if agreement is given, will specify that one representative will take the main role of spokesperson and the other representative will provide a supporting role assisting the main representative with paperwork and background information. The member of staff's representative(s) may not answer questions on behalf of the member of staff, but the member of staff's representative with the main role of spokesperson can address the hearing to present the member of staff's case, question witnesses, respond to views expressed and sum up the case. The member of staff may confer with the person accompanying him or her during the hearing.
14. If a member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside of his or her control, the formal hearing will be rearranged for a mutually suitable time, normally within five working days of the original date, or as soon as reasonably possible thereafter.
15. In the event that a member of staff repeatedly refuses to attend a formal hearing or cannot attend a rearranged hearing, then he or she may be given the opportunity to respond to the allegation(s) in writing. If a member of staff does not attend a rearranged hearing or does not submit a response to the allegation(s) in writing within the provided time scale, the Chair of the hearing may make a decision on appropriate dismissal action in the member of staff's absence. This decision will be made without the benefit of the member of staff's oral or written statement if he or she has not attended or provided written documentation. The member of staff will be notified in advance that this is a consequence if he or she is unable or unwilling to participate in the process.

CONDUCTING FORMAL DIMISSAL OR APPEAL HEARINGS

16. The conduct of the hearing shall be in accordance with that prescribed in paragraphs **Error! Reference source not found.** to 32 of Annex A as outlined below:
 - a. The Chair (of the panel or the individual conducting a hearing) shall set the procedure to be followed as appropriate for the proper consideration of the matter, to include provision for adjournments during the hearing (if necessary) by request of either party (e.g. to allow for the finalisation of actions or proceedings by another body). The Chair shall be guided by the

requirement that the evidence, written and oral, must be confined to the matter which is the subject of the hearing. An appeal hearing will not usually be a rehearing of the evidence presented at the original hearing. The Chair shall have complete discretion as to the admissibility of evidence.

- b. The procedure for a hearing shall generally include the following steps:
 - (1) The Chair shall facilitate any introductions as are necessary and refer to any matters appropriate to the conduct of the hearing;
 - (2) The Chair may make provision for witnesses in appropriate cases to give evidence in a way which reduces the witness's distress or discomfort;
 - (3) The party bringing the case before the person or the panel conducting the hearing or his or her representative shall present his or her case and call his or her witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and then leave. Exceptionally, if there is no alternative, the witness may also be a party to proceedings;
 - (4) The respondent or their representative may question the party bringing the case and their witnesses;
 - (5) The person or panel conducting the hearing may question the party bringing the case and their witnesses;
 - (6) The respondent or their representative shall present their case and call their witnesses if appropriate. Each witness shall be present only to give evidence, to be examined on it and exceptionally, if there is no alternative, the witness may also be a party to the proceedings;
 - (7) The party bringing the case or their representative may question the respondent and his or her witnesses;
 - (8) The person or panel conducting the hearing may ask questions of the respondent and their witnesses;
 - (9) The party bringing the case or their representative shall make any final representations they wish;
 - (10) The respondent or their representative shall make any final representations they wish;
 - (11) The Chair may, at their discretion, adjourn or postpone the hearing in order that further evidence may be produced by either party, or pending the outcome of proceedings or action by another body or employer, or to obtain advice; and
 - (12) The person or panel conducting the hearing shall consider its decision in private. The person providing support to the person or panel conducting the hearing shall be able to support the person or panel when making its decision but shall not participate in the decision itself.

APPEALS

- 17. In all cases of formal action under this Annex, the member of staff has the right of appeal against the decision to issue a formal written warning or to dismiss or against any other sanction. The member of staff must submit grounds for appeal within ten working days of receipt of the written notification of the sanction and in accordance with any further conditions set out in the written notification.

18. Appeal hearings will be conducted in accordance with the following terms of reference:
 - a. To review whether the matter under consideration was adequately investigated and substantiated;
 - b. To review whether the University's procedures were correctly and fairly implemented; and
 - c. To consider whether the action was reasonable in the circumstances known to management at the time of the hearing.
19. If new evidence is introduced during an appeal hearing it may be referred by the person or panel hearing the appeal back to the original Chair, in order that he or she may review the dismissal sanction. The appeal hearing may be reconvened in the event that the member of staff does not accept the subsequent decision of the Chair.
20. The panel or person hearing the appeal may be assisted by a member of staff from the Human Resources Division, who will not have had previous substantive involvement in the case or with any of the parties. The member of staff has a right to be accompanied by another member of staff or (where they are a member of that trade union) a trade union representative at the appeal hearing. All appeal hearings will be convened as soon as practicable.
21. The outcome of the appeal hearing, with reasons for the decision, will be confirmed in writing, usually within ten working days of the hearing. The Human Resources representative will assist with the preparation and dissemination of the decision.
22. In the event that an appeal panel decides to reinstate a member of staff who has been dismissed, this will be done in a manner which maintains continuous service and without loss of pay or other benefits. The University reserves the right, in appropriate cases, to conduct and factor into its decision regarding such payments to a member of staff an assessment of any income received by the member of staff while not in University employment.
23. The University regards the appeal decision as final.

GENERAL

24. Notes will be taken of any formal meeting under this Annex. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.
25. Notes and records of matters dealt with under this Annex should be handled on a confidential basis and stored securely. The outcome of all dismissal action will be monitored centrally by the University to comply with statutory requirements. Dismissal records may be retained by the Human Resources Division in a separate file for reference in the event of a dispute or legal proceedings. Retention of this information should be reviewed periodically in accordance with the requirements of the Data Protection Act.

ANNEX J

CLINICAL STAFF –

TERMINATION, WITHDRAWAL, REVOCATION OR SUSPENSION OF REGISTRATION, CONTRACT OR STATUS

This Annex is made pursuant to Part V, Clause 19 of the Appendix to the University's Ordinances

1. This Annex must be read in conjunction with the Appendix to the University's Ordinances (hereinafter the "Appendix") and with the other Annexes to the Appendix. In the event of a conflict the Appendix shall take precedence.

ACTION UNDER THIS ANNEX

2. In taking any action under this Annex, regard shall be had to the relevant Employment Legislation and/ or Code of Practice in force at the time. Where the relevant member of staff is an officer of a trade union, the relevant full-time regional officer of that trade union should be informed at the commencement of any formal proceedings under this Annex.
3. This Annex only applies where a member of the clinical academic staff is required to engage in clinical work or activities and for that purpose is required to be registered with the General Medical Council or Dental Council or similar body (or to have an honorary or substantive contract or status with a National Health Service trust), and has that registration, contract or status terminated, withdrawn, revoked or suspended.
4. If the University wishes to take action against a member of the clinical academic staff for any reason other than under paragraph 3 above, that action shall be subject to the provisions contained within the Appendix or any other appropriate procedure made under:
 - a. Part I: Clause 1 (3) Removal from Non-Substantive Post.
 - b. Part II: Redundancy.
 - c. Part III: Disciplinary Procedures.
 - d. Part IV: Incapacity on Health Grounds.
 - e. Part V: clause 16: Fixed Term Employment.
 - f. Part V: Clause 17: Probationary Appointments.
 - g. Part V: Clause 18: Dismissal on Other Grounds.
 - h. Part VII: Capability

SUSPENSION

5. Upon receiving notification from the relevant body that a member of staff's registration, contract or status has been suspended, the Provost or his or her nominee may write to the member of staff to notify him or her that a decision has been taken to suspend him or her from

carrying out his or her duties for the University. Partial suspension will also be considered and implemented where appropriate. The notification will include:

- a. The reason for the suspension, which shall be because he or she is unable to perform the duties of the post in the absence of the registration, contract or status;
 - b. The date when the suspension will take effect and, if possible, the anticipated duration;
 - c. Whether or not pay is to continue during the period of suspension.
6. If the period of suspension is to be unpaid, the Director of Human Resources or his or her nominee will comply with the requirements of the relevant Employment Legislation and/ or Code of Practice in force at the time before writing to the member of staff to notify him or her that a decision has been taken to suspend him or her. In these circumstances, the member of staff will be offered a right of appeal against the decision to suspend.
 7. On a case by case basis, consideration may be given to either allowing the member of staff to undertake his or her non-clinical duties (if not related to research) or redeploying the member of staff to a non-clinical post as an alternative to suspension.
 8. During any period of suspension, the provisions of paragraph 21 of Annex A will apply. The member of staff may be required not to attend the University's premises or have contact with students, colleagues or funding bodies without the prior written permission of the Provost or authorised delegate. The period of suspension should normally be as short a period as possible i.e. usually three weeks. Suspension for a period longer than this must be approved by the Director of Human Resources or his or her nominee and will, wherever possible, be reviewed at three weekly intervals throughout.

DISMISSAL

CONVENING FORMAL DISMISSAL OR APPEAL HEARING

9. If, as a result of receiving notification from the relevant body that a member of staff's registration, contract or status has been terminated, withdrawn or revoked, and the Provost or his or her nominee is contemplating dismissing the member of staff, he or she will write to the member of staff to inform him or her:
 - a. That dismissal from his or her University post is being contemplated because he or she will not be able to perform the duties of the post in the absence of the registration, contract or status;
 - b. Whether the dismissal being contemplated is likely to be with or without notice;
 - c. That representations may be made in advance of any decision to dismiss being taken, to include whether dismissal should be with or without notice; and
 - d. The arrangements for submitting representations and an invitation to a meeting to discuss the matter.
10. The member of staff may make representations in writing to the Provost or his or her nominee within ten working days of receipt of the notification that dismissal is being contemplated. The Provost or his or her nominee, along with a member of Human Resources, shall then meet the member of staff, who will have a further opportunity at that meeting to make oral representations in relation to the proposals to terminate his or her employment. The member of staff shall have the right to be accompanied at the meeting by another member of staff or (where they are a member of that trade union) a trade union representative.

11. Consideration may be given to redeploying the member of staff to a non-clinical post as an alternative to dismissal.
12. The member of staff will be given not less than ten working days' notice of the meeting. If the member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside his or her control, the meeting will be rearranged to a mutually suitable time, normally within five working days of the original date.
13. In the event that a member of staff repeatedly refuses to attend a formal hearing or cannot attend a rearranged hearing, then he or she may be given the opportunity to respond to the allegation(s) in writing. If a member of staff does not attend a rearranged hearing or does not submit a response to the allegation(s) in writing within the provided time scale, the Chair of the hearing may make a decision on appropriate dismissal action in the member of staff's absence. This decision will be made without the benefit of the member of staff's oral or written statement if he or she has not attended or provided written documentation. The member of staff will be notified in advance that this is a consequence if he or she is unable or unwilling to participate in the process.
14. Normally within ten working days of the meeting, the Provost or his or her nominee shall write to the member of staff notifying him or her of the decision. Where there is a delay in notifying the decision, the Provost or his or her nominee shall contact the member of staff to explain the reason for the delay and give a date when the decision will be notified. If the decision is taken to dismiss the member of staff with or without notice or to redeploy him or her, the Provost or his or her nominee will inform the member of staff that he or she has a right to appeal against the decision, and will confirm the arrangements for submitting an appeal.

APPEAL AGAINST DISMISSAL OR REDEPLOYMENT

15. A member of staff who has been dismissed or redeployed in accordance with the provisions of this Annex may appeal against the decision to dismiss or redeploy. The appeal should be submitted in writing, setting out the grounds for appeal at the same time, within ten working days of receipt of the notification of dismissal or redeployment.
16. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any hearing under the Appendix. In either case, the individual(s) shall not have had substantive involvement in the case previously, and will (wherever possible) be more senior than the member of staff's line manager. Throughout the Annexes, where only one individual rather than a panel is to conduct the hearing he or she is referred to as the Chair.
17. Appeals against redeployment will be heard by one person
18. Appeals against dismissal shall consist of a panel of three persons, none of whom shall previously have had any substantive involvement with the case and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one University Consul and one person drawn from a list agreed from time to time by the Council. If no University Consul is eligible, or if the panel is an appeal panel considering the position of a University Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine at his or her discretion a member of the panel to act as Chair.
19. Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be

in accordance with procedures laid down by the relevant body or agreed by the Director of Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.

20. In advance of the hearing, the member of staff should advise the Chair of the name of the person (if any) who will be accompanying them. Exceptionally the Trade Union may request that two representatives (either regional or local) are present at a formal hearing. The Chair of the hearing will consider this request based on the complexity of the case and, if agreement is given, will specify that one representative will take the main role of spokesperson and the other representative will provide a supporting role assisting the main representative with paperwork and background information. The member of staff's representative may not answer questions on behalf of the member of staff, but he or she can address the hearing to present the member of staff's case, question witnesses, respond to views expressed and sum up the case. The member of staff may confer with the person accompanying them during the hearing.
21. If a member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside of their control, the formal hearing will be rearranged for a mutually suitable time, normally within five working days of the original date or as soon as reasonably possible thereafter.
22. In the event that a member of staff repeatedly refuses to attend an appeal hearing or cannot attend a rearranged hearing, then he or she may be given the opportunity to make their submissions in writing. If a member of staff does not attend a rearranged hearing or does not make submissions in writing within the provided time scale, the Chair of the hearing may make a decision on appropriate dismissal action in the member of staff's absence. This decision will be made without the benefit of the member of staff's oral or written statement if he or she has not attended or provided written documentation. The member of staff will be notified in advance that this is a consequence if he or she is unable or unwilling to participate in the process. The member of staff shall have the right to be accompanied to the appeal meeting by a trade union representative (where they are a member of that trade union) or another member of staff.
23. Within ten working days following any appeal meeting or receipt of all the representations, the person or persons conducting the appeal meeting shall write to the member of staff and notify him or her of the decision and give the reason(s) for it. If there is to be a delay in notifying the decision, the person conducting the appeal meeting shall contact the member of staff and explain the reason for the delay and give a date when the decision will be notified. The appeal panel may uphold the member of staff's appeal, in which case it will inform the Director of Human Resources or his or her nominee, who will ensure that the member of staff's continuous employment is maintained and there is no loss of pay or other benefits. The University reserves the right, in appropriate cases, to conduct and factor into its decision regarding such payments to a member of staff an assessment of any income received by the member of staff while not in University employment.
24. The decision at appeal shall be final.

GENERAL

25. Where it is known that the member of staff is an official of the trade union, the member of the Human Resources Division providing support to the Chair will bring a copy of the request to attend the formal hearing to the attention of the relevant full-time regional officer.

ANNEX K

[NOT USED - RESEARCH MISCONDUCT PROCEDURES NOW REGULATION 21]

ANNEX L

THE CAPABILITY PROCEDURE

This Annex is made pursuant to Part III of the Appendix to the University's Ordinances.

INTRODUCTION

1. This Capability Procedure shall apply to members of staff to whom the Appendix for "Academic Staff: Dismissal, Discipline, Grievance Procedures and Related Matters" (hereinafter "the Appendix") apply.
2. This Annex does not apply to matters of discipline or misconduct, which are dealt with under the Disciplinary Annex. Capability issues are problems arising where a member of staff is not sustaining the acceptable level of performance needed to meet the requirements of their role in terms of the quantity and quality of work, despite genuine effort.
3. The full range and volume of activities that a member of staff normally undertakes, or is currently undertaking, will be taken into account where there are capability concerns in specific areas.

STRUCTURED SUPPORT STAGE

4. Line managers are expected to undertake their role in line with the Imperial Expectations and Respect for Others ethos. They should meet members of staff on a regular basis to discuss work and give guidance on work matters.
5. The member of staff will be given reasonable time to improve and the period of review will be communicated at the meeting. This will vary from role to role and be based on the nature of the role, to ensure that the member of staff is given a reasonable opportunity to address the concerns on an informal basis. As a guideline (and subject to the discretion of the relevant department), informal stages would usually last for three to six months depending on the complexity of the role. Progress will be reviewed regularly during the informal review period, and feedback on progress will be given to the member of staff. Positive support and encouragement will be offered to the member of staff to help him or her meet the required standards of performance.
6. Where informal discussions are taking place with a member of staff who has disclosed a disability (as defined by the Equality Act 2010) and the concerns relate to their performance, then arrangements should be made to assess the impact of that disability upon the member of staff's role. An assessment should be made of any adjustments that might reasonably be put in place in addition to any adjustments which have already been put in place since the member of staff disclosed their disability (where applicable).
7. Reasonable attempts will be made to resolve any problems through discussion and training, where appropriate. The arrangements will vary depending on the circumstances of each case. The line manager and member of staff will aim to agree objectives to address the problem and offer any reasonable support or training that would assist the member of staff in meeting the required standards.
8. The member of staff will be given reasonable time to improve and the period of review will be communicated at the meeting. This will vary from role to role, in line with the nature of the role, to give a reasonable opportunity to address the concerns on an informal basis. As a guideline (and subject to the discretion of the relevant department), informal structured support would

usually last six months to a year depending on teaching and research cycles. Progress will be reviewed informally during the review period and regular feedback given to the member of staff. Positive support and encouragement will be offered to the member of staff to help him or her meet the required standards of performance.

9. The line manager should prepare file notes of informal meetings which may contain (if appropriate) objectives that will address concerns raised, and details of the training and other activities which will support the meeting of the objectives. They should also contain details of the period of review. The file notes should be copied to the member of staff but not entered on his or her personal record.
10. If there is no (or insufficient) improvement following structured support, or in cases of alleged serious lack of capability to perform a role, formal action will be taken which may lead to the issue of written improvement notices or dismissal. It may be that during the course of an informal meeting or review a line manager considers that the matter warrants formal action (for example, if the member of staff refuses to do the job to the required standard). If so, the informal action will be terminated and an investigation started in accordance with the arrangements outlined below. A member of staff may also choose to request that the matter be dealt with formally.

FIRST FORMAL PERFORMANCE REVIEW

11. If the lack of capability to perform a role continues or the initial level of underperformance is sufficiently serious, the member of staff will be informed that a first formal performance review meeting will be scheduled at which a member of the Human Resources Division will be present. Where the member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed at the commencement of formal proceedings under this Annex. Performance review meetings are normally undertaken by the member of staff's line manager. However, at the outset of the process the member of staff has the option to request that Human Resources arranges for the case to be presented to an alternative manager, in which case an alternative manager may be appointed to the role (the alternative manager identified is subject always to the discretion of Human Resources).
12. The Human Resources representative will convene the meeting in accordance with paragraphs **Error! Reference source not found. - Error! Reference source not found.** of this Annex. The member of staff has the right to representation as outlined in paragraph **Error! Reference source not found..**
13. At the meeting, the line manager will either:
 - a. Explain how, in their view, the member of staff is not meeting the standards required for the job and use specific examples to evidence their concerns.
 - b. Ask the member of staff if there are any factors that may be contributing to their level of job performance. If the member of staff has a disability, the line manager must give full consideration to their duty to make reasonable adjustments in accordance with the Equality Act 2010.
 - c. Discuss and agree with the member of staff any additional training or coaching support that will help him or her achieve sustainable performance improvements.

Or:

- d. The line manager will explain to the alternative manager and member of staff how, in their view, the member of staff is not meeting the standards required for the job and use specific examples to evidence their concerns.
 - e. The alternative manager will ask the member of staff if there are any factors that may be contributing to their level of job performance. If the member of staff has a disability, the line manager and alternative manager must give full consideration to their duty to make reasonable adjustments in accordance with the Equality Act 2010.
 - f. The alternative manager will discuss and agree with both parties any additional training or coaching support that will help the member of staff achieve sustainable performance improvements.
14. Following the meeting, if the line manager or alternative manager decides that it is appropriate to do so, they will issue the member of staff with a first written improvement notice, an improvement action plan (that must be fully discussed and, wherever possible, agreed with all parties if the case is heard by an alternative manager) and the notes of the meeting. These documents should normally be issued within ten working days of the meeting.
15. The improvement action plan will:
- a. Outline specific, measurable and realistic work objectives with regular review periods.
 - b. List any developmental and support activities designed to support the member of staff to achieve the work standards.
 - c. Be applicable for a reasonable period which will be decided in consultation with the member of staff.
16. The first written improvement notice will advise the member of staff:
- a. That failure to reach the performance standards required may result in the issue of a final written improvement notice.
 - b. Of their right to appeal.
 - c. The period to which the improvement notice applies.
17. If the member of staff's performance has improved sufficiently at the end of the review period, this will be acknowledged by the line manager and the member of staff advised in writing that no further action will be instigated and that the improvement notice will cease to be "live".

SECOND FORMAL PERFORMANCE REVIEW

18. If the lack of capability to perform a role continues, the line manager will convene a second formal performance meeting with the member of staff in accordance with paragraphs **Error! Reference source not found.** – **Error! Reference source not found.** of this Annex. The member of staff has the option to request that Human Resources arranges for the case to be presented to an alternative manager, in which circumstances an alternative manager may be appointed (again subject always to the discretion of Human Resources).
19. The meeting will be conducted by either the line manager or alternative manager in accordance with paragraph 13. They will also raise with the member of staff possible adjustments to the role within the remit of the grade and the operational requirements.

20. Following the meeting, if the line manager or the alternative manager decides that it is appropriate to do so, they will issue the member of staff with a final written improvement notice in line with paragraph 16, an improvement action plan in accordance with paragraph 15 (that must be fully discussed and, wherever possible, agreed with both parties if the case is heard by an alternative manager) and notes of the meeting. These documents should normally be issued within ten working days of the meeting.
21. If the member of staff's performance has improved sufficiently at the end of the improvement action plan review period, this will be acknowledged by the manager and the member of staff advised in writing that no further action will be instigated and that the improvement notice will cease to be "live".

THIRD FORMAL STAGE

22. If the lack of capability to perform a role continues, the line manager will advise the member of Human Resources Division to convene a formal capability review hearing in accordance with section 6 of this Annex.
23. At the capability hearing, the line manager will describe to the person(s) hearing the case the work standards expected of the member of staff and explain how the member of staff's work has, in his or her view, fallen short of the standards required. The line manager will also describe the measures that have been taken to support the member of staff to improve their performance.
24. The member of staff or the representative may offer an explanation for any of the points raised.
25. After hearing all the evidence and representations the following options are available to the person(s) hearing the case:
 - a. Extend the improvement action plan review period.
 - b. Possible adjustments to the role within the remit of the grade and the operational requirements.
 - c. Redeploy the member of staff to alternative work on the same grade or a lower grade and pay with the agreement of the member of staff.
 - d. Dismiss the member of staff, with appropriate notice, on grounds of the lack of capability.
26. The written decision of the panel will be provided to the member of staff, any representative and to the line manager, usually within ten working days of the meeting.

NOTIFICATION, REPRESENTATION AND RECORDING OF FORMAL MEETINGS

27. All members of staff will receive ten working days' written notification of any formal meeting convened under the capability procedure. The notification will include:
 - a. The date, time and venue of the meeting.
 - b. Details of all attendees at the meeting, including any witnesses.
 - c. Copies of any documentation that will be considered at the meeting.
 - d. A copy of the capability procedure.

- e. The potential outcome of the meeting, i.e., issue of a first or final written improvement notice, or dismissal.
- 28. The member of staff has a right to be accompanied by a work colleague or (where they are a member of that trade union) a trade union representative. Where the member of staff's representative is unavailable to attend the original hearing date, one postponement will be allowed for an alternative date within five working days of the original date.
- 29. The Human Resources representative will arrange for notes to be taken at all formal meetings and a copy will be provided to the member of staff following the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the Hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.

RIGHT TO APPEAL

- 30. A member of staff has the right to appeal against any formal action taken against them under this Annex.
- 31. A member of staff wishing to appeal against any formal action taken against them under this Annex should do so within ten working days of receipt of the written notice of the action being communicated to them.
- 32. The appeal notice, which must be in writing, must specify the reason(s) for the appeal.
- 33. Full details of the appeals procedure are published within Annex A.

CAPABILITY AND ILL HEALTH

- 34. A member of staff's capability to carry out their role to the required standard may be affected by their health and level of absence from work. In such circumstances, it may be more appropriate to manage the matter under the Incapacity on Health Grounds Annex.
- 35. Line managers must bear in mind the provisions of the Equality Act 2010, in particular the obligation to make reasonable adjustments when supporting members of staff with a disability.
- 36. Throughout the capability procedure, the work of the member of staff will be considered in the light of any adjustments that have been agreed by their line manager.