

Disciplinary	Created:	2014
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	Approved by:	Governing Body
Policy and procedure	Author(s)/owner:	HR Manager

Policy statement

It is the policy of Somerville College to ensure that a fair and consistent approach is taken to the enforcement of standards of conduct and performance expected from its employees. To this end the following procedures set out the action which will be taken when there are shortcomings relating to your conduct or work performance. Alternative procedures apply to the discipline of academic staff. The College will work to avoid the need for formal disciplinary action, through the provision of clear guidance on the standards required.

Scope of the disciplinary procedure

There are three areas of conduct or work performance which could require the use of the procedure:

- incompetence or inefficiency
- misconduct
- gross misconduct

Incompetence or inefficiency

The disciplinary procedure should not be used to deal with cases of incompetence or inefficiency unless there is evidence that some fault lies with the employee or that the employee is incapable of maintaining a satisfactory level of performance. It is not envisaged that the formal procedure will be used in case of temporary or isolated difficulty.

Your manager should not consider taking formal disciplinary action against you before:

1. Your attention has been drawn informally to the ways in which your performance is considered to be deficient, and a note of the discussion is kept
2. You have been given any appropriate additional assistance, including training
3. It is ensured that you have appropriate direct supervision.

It is in the interests of all concerned that these issues are addressed as quickly as is reasonably practicable. If, after these steps have been taken, your standard of performance is still considered to be inadequate you will be advised that the formal disciplinary procedure will be brought into use.

Misconduct

Misconduct could cover any failure to comply with the accepted standards at work to be expected of you. Misconduct includes, but is not limited to, the following:

- unauthorised or persistent absence;
- persistent lateness;
- persistent or serious insubordination;
- breach of health and safety regulations;
- harassment and offences against dignity and equality;
- negligence;
- if applicable to your department, a breach of the operating procedures in your department as outlined in the department operating manual;
- disregarding or contravening a direct management instruction;
- disregarding or contravening a College policy or procedure.

This list is not exhaustive and in some circumstances these examples could be serious enough to be regarded as gross misconduct. Breaches of discipline by you which are not of a similar nature may be added together and result in progression through the disciplinary procedure.

Gross Misconduct

The consequence of Gross Misconduct is normally summary dismissal, that is dismissal without notice or payment in lieu of notice following a disciplinary hearing. Gross Misconduct can be a single act or omission, or short course of conduct, or an accumulation of those things which taken individually would not amount to Gross Misconduct. Gross Misconduct includes, but is not limited to, the following:

- theft;
- fraud;
- deliberate damage to College property;
- serious harassment or intimidating behaviour;
- being unfit for work through alcohol or illegal drugs;
- gross insubordination;
- breach of confidentiality;
- serious breach of College safeguards, including but not limited to those related to data protection or information security;
- disorderly, aggressive or indecent conduct, threatening or actual physical violence;
- excessive personal use of College telephones or other equipment without authorisation which results in significant and unacceptable cost to the College;
- taking part in undesirable activities that the College deems inappropriate and incompatible with the purpose, ethos and culture of the College as an institution and that could bring the College reputation into disrepute.

There could be mitigating circumstances which might allow the above examples to be treated less seriously than Gross Misconduct.

Suspension

You may be suspended on full pay for a reasonable period for purposes of investigation, or for the protection of other individuals.

Suspension should take place as soon as possible following the alleged incident and should be carried out by your manager or in their absence the most senior person available at the time. You should be advised of the principal reason for the suspension and that the action does not in itself constitute a disciplinary sanction.

Formal disciplinary procedure

Key principles

- The day-to-day supervision of employees is part of the normal managerial process and is outside the scope of this procedure.
- The formal disciplinary procedure will be implemented only where there appears to be a serious problem of conduct or performance, or where an informal approach has not improved or rectified matters.
- All disciplinary action, whether informal or formal, will be carried out promptly.
- No formal disciplinary action will be taken until a reasonable investigation has been completed and any mitigating circumstances have been taken into consideration.
- Formal disciplinary interviews will take place before any disciplinary action is taken

The disciplinary process

If the formal disciplinary procedure is to be implemented you will be given advanced notification in writing to attend a disciplinary interview.

1. The written notification will advise you of the nature of the complaint against you and of the existence of any supporting evidence.
2. You will be given the opportunity during the disciplinary interview to state your case.
3. At every stage of the formal procedure you will have the right to be accompanied by a fellow employee of your choice or a trade union representative.
4. An appropriate College Officer will attend all disciplinary interviews and/or hearings as an impartial witness to ensure that the disciplinary procedures are correctly operated and to advise accordingly.
5. The decision on the action to be taken will be made by the manager chairing the meeting, who may choose to adjourn the meeting before reaching this decision.
6. When a decision has been made you will be informed in person.
7. Details of any disciplinary action will be confirmed in writing and the written notification will state clearly:
 - the conduct concerned
 - the improvement required and the time limit for this
 - the nature of further disciplinary action in the event of failure to improve or further offences
 - the method of appeal

You will be allowed access to all disciplinary records kept on your personal file.

You have the right to appeal against any disciplinary action taken against you.

Disciplinary warnings will normally progress from verbal warning to written warning, to final written warning or more severe penalties. However, there could be occasions when this progression will not be followed if the circumstances of a case warrant such action.

Stages of disciplinary warnings and dismissal

Stage 1 Formal Verbal Warning

In the case of minor or first shortcomings in your conduct or performance, you will be given a formal verbal warning.

A file note of the warning will be recorded on your personal file for **six months** and will be disregarded for disciplinary purposes after this time. A review meeting will be held with you at the end of the six-month stage and a file note will be made.

Stage 2 Written Warning

For more serious matters, or where there have been further problems with performance and/or conduct following a verbal warning, you will be given a written warning. The warning will specify the reason why it has been given, the improvement required in your conduct or performance and the time scale in which you must achieve this, and you will be notified that failure to improve will result in the issue of a final written warning.

The warning will be disregarded for disciplinary purposes after **twelve months** provided your conduct or performance has been satisfactory. A review meeting will be held with you at the end of the twelve-month stage and a file note will be made.

Stage 3 Final Written Warning

In cases of further breach of previously identified standards of conduct or performance, or for a first offence of serious misconduct, you will be given a final written warning. The warning will explain clearly that any repetition of the offence or other serious misconduct within a period of twelve months will result in further action, which may include dismissal.

The warning will be disregarded for disciplinary purposes after **twelve months** satisfactory conduct or performance. A review meeting will be held with you at the end of the twelve month stage and a file note will be made.

Stage 4 Dismissal

In cases of gross misconduct, or further serious misconduct or if there have been no satisfactory improvement, normally the decision to dismiss you will be taken.

The alternatives to dismissal include demotion to a more suitable post or transfer to another department. This will be discussed with you if these alternatives are available.

You will be given written notification of the reasons for dismissal and information regarding your right of appeal.

Third party involvement

We reserve the right to allow third parties to chair any meeting as part of a disciplinary process. Any third-parties engaged for such purposes will be impartial and have the professional experience and training to undertake the relevant process. Where we are required to share special category data to any third parties as part of that hearing, we will ensure that a relevant condition of processing is met and we do not rely upon your consent for the processing.

Record-keeping

We reserve the right to record and/or minute any formal meetings whether conducted by us or a third party, a copy of the recording and/or transcript/minutes can be made available on request. All personal data and records collected and retained will be processed in line with the current Data Protection Act and the General Data Protection Regulations (GDPR).

College policy on retention of disciplinary records

For legal purposes 'disregard' means that once a warning has expired it will not be relied upon in the case of further misconduct. For example, In the event an employee receives a written warning for persistent lateness this warning will be in place for 12 months. Should there be further incidents of lateness after the warning has expired the College will not seek to build upon the expired written warning and progress to a final written warning.

Once a warning has expired any investigation documents, notes of disciplinary hearings, the formal warning letter and any appeal documentation will be held in a relevant section of their personnel file. However, employees are assured that a file note will be made on the expiry of a formal warning. A copy of the file note will be given to the employee and placed on their personnel file.

Version control - changes made since document creation

Date	Details of change
April 2025	Inclusion of provision to record meetings. Inclusion of right to use third-parties to conduct meetings