**MANAGERS GUIDANCE – DISCIPLINARY PROCEDURE**

1. **Introduction**
	1. This guide is intended to explain the disciplinary procedure, the roles and responsibilities of those involved, and the support mechanisms that are available. This guide should be read in conjunction with the [Disciplinary Procedure.](http://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx)  It is not intended to be punitive, but aims to ensure staff maintain expected standards of conduct.
2. **What is a disciplinary matter?**
	1. The Disciplinary procedure relates to matters of misconduct, i.e. inappropriate behaviours/conduct in the workplace. Disciplinary procedures are intended (amongst other things) to encourage efficient and safe performance of work, and the maintenance of satisfactory standards and relations at work and encourage improvement where possible.

2.2 The Disciplinary procedure is intended to ensure the allegations of misconduct are managed fairly and consistently. Where possible, disciplinary matters are managed informally. Formal action will only be taken in cases of serious and/or repeated misconduct.

2.3 If the matter relates to unsatisfactory performance please follow the [Performance Framework (Support and Development).](http://intranetsp.bournemouth.ac.uk/policy/Performance%20Framework%20%28Support%20and%20Development%29.docx) If it is necessary to suspend an individual please follow the University’s [Suspension policy.](http://intranetsp.bournemouth.ac.uk/policy/Suspension%20Procedure.docx)

**3. When should I take disciplinary action?**

3.1 Minor cases of misconduct may be dealt with by informal action; this would usually be in the form of a confidential conversation between you and the member of staff. You will explain the problem and describe the improvement needed with the objective of helping and encouraging the individual. You will explore support mechanisms and the ways to achieve the necessary improvement. You will inform the member of staff of the action that may be taken if they fail to improve their conduct and outline to them the expected standards and what needs to be achieved and by when offering support where necessary. A record of these discussions may be shared to support the process and/or ensure clarity but does not constitute a warning or action under the disciplinary procedure. You will review progress and keep the individual informed of any updates.

3.2 Where more serious misconduct is alleged, or where minor misconduct is repeated, an investigation may be carried out to establish the facts. You should consult HR for advice on initiating an investigation. The individual will be made aware of the allegation(s) and be invited to an interview. The individual will have the right to be accompanied i.e. by a trade union representative or work colleague. The investigation will be carried out in accordance with the University’s [Investigation procedure](http://intranetsp.bournemouth.ac.uk/policy/Investigation%20Procedure.docx).

3.3 Disciplinary action will not be taken unless; following an investigation, there is sufficient evidence to warrant such action. The individual will be informed of the outcome of the investigation, where it is found that the individual did not break a disciplinary rule, no further action will be taken. Where it is found that there is evidence to support the allegation, a formal disciplinary hearing may be held.

4. **What happens in a disciplinary hearing?**

4.1 At least 7 days prior to the hearing a letter will be sent to the individual confirming:

* The date, time and location of the hearing
* A statement of the allegations, including supporting documentation
* Names of any witnesses who will attend the meeting
* The right to be accompanied
* A copy of the disciplinary procedure

At least 3 days prior to the hearing the individual may provide the following:

* A written statement of response and supporting documentation
* The names of any additional witnesses s/he intends to call

4.2 The following will be present at the hearing; a Chair accompanied by a member of the HR to advise, the presenting manager accompanied by a member of HR and the individual who may be accompanied. There may also be supporting personnel present e.g. a note taker.

At the hearing:

* The Chair will make introductions, outline the format for the meeting and have responsibility for the orderly conduct of proceedings
* The manager will present the case and call witnesses, the individual will have the opportunity to ask questions of them and any witnesses
* The individual will then have the opportunity to present their case and call witness, the manager will then have the opportunity to ask questions of them and any witnesses
* When presenting cases, these will usually be a summary of the mains points set out in their written statements already received prior to the hearing.
* The individual may seek an adjournment at any time during the hearing
* The manager and the individual may be invited to give a short concluding statement
* The Chair will call an adjournment to consider his/her decision

4.3 Outcome of the hearing:

* The Chair may reconvene the hearing that day to inform the individual and manager of the outcome. If it is not possible to reach a decision that day an indication will be given within one working day of the timescales for a decision to be reached.
* Within three working days of the decision being made, the individual will be informed in writing.
* If the panel find there is no supporting evidence or appropriate mitigation the panel may dismiss the allegations and find there is no case to answer.
* If the panel finds the allegations were founded, it may issue a disciplinary sanction, which could be a written warning under stage 1, 2 or 3 of the procedure or summary dismissal
* The panel may also recommend action outside of the disciplinary procedure.

**5. Can an appeal take place?**

5.1 The individual can appeal the disciplinary panel’s decision in writing within 7 working days of receiving notification of the decision. The individual must specify the grounds of appeal in writing. An appeal hearing will normally be arranged within 15 working days of receipt of the notice of appeal.

5.2 The appeal hearing process mirrors the disciplinary hearing, although it is the panel composition will differ. The decision of the appeal panel is final.

**6. What support is available?**

6.1 The University recognises that being involved in a formal disciplinary procedure may be a difficult time, the following support is available:

 The [**Employee Assistance P**](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/wellbeing/eap/)**rogramme** - provides all staff with a **free** and **confidential helpline, including managers guidance.**

The[**University's Chaplaincy service**](http://www.unichaplaincy.co.uk/) is available for all staff to discuss life concerns or to assist with personal problems.  All discussions are kept in the strictest confidence. The contact details of Chaplaincy are: 01202 965383

 **Human Resources –** can provide advise on employment matters, including the disciplinary procedure. The contact details for Human Resources are:01202 961133

[**Dignity and Wellbeing Advisers**](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/dignityandrespectharassment/servicesandsupport/)– are trained members of staff who can act as a sounding board to talk through concerns with in private. They can discuss options, implications and provide confidential and informal support.