**Disciplinary Policy**

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**Disciplinary Policy**

# Purpose of Policy

## Cardiff Metropolitan University is a values driven University and expects employees to champion its values of Creativity, Diversity, Freedom and Innovation, and its behaviours of Leadership, Trust, Courage and Accountability.

## This policy should be used where problems with conduct cannot be resolved through advice, encouragement, training or increased support, or when conduct is sufficiently serious enough to require immediate formal action.

## This policy provides a framework for dealing with instances of alleged misconduct, sets out the procedure for dealing with misconduct, and explains the range of disciplinary actions and alternatives which might be imposed.

## This policy is non contractual.

# Scope and Aims

## The University’s aim is to ensure prompt, consistent and fair treatment and to be clear about the expectations of all parties.

## This policy and procedure applies to all employees of the University.

## The University’s Articles of Government define specific arrangements that apply only to the holders of senior posts (as defined in the Articles of Government). These are set out in the attached Addendum (Appendix 1).

## The aim of the Disciplinary Policy is to ensure that the best working practices and highest standards of conduct and behaviour are maintained throughout the University and to ensure the fair, equal and consistent treatment of all employees.

## This policy and procedure does not apply where there is a specific alternative in place, for example matters involving capability/performance or termination of employment due to redundancy or ill health. If there is any uncertainty about which policy and procedure should apply, a People Services representative will be able to advise accordingly.

## This policy and associated procedure will not be invoked during any probationary period, any misconduct during the probationary period will be dealt with under the Probationary Policy and Procedure.

# Principles

## This policy and its associated procedure is designed to deal with issues fairly. There are a number of elements to this:

### Where possible, alleged misconduct will be dealt with informally and as quickly as possible.

### All parties will raise and deal with misconduct issues promptly.

### The University will not unreasonably delay meetings, decisions or confirmation of those decisions.

### The University and its employees will act reasonably and consistently.

### Misconduct may result from underlying work concerns or personal issues that may be outside the employee's direct control. Consequently, all conduct issues must be treated with care and sensitivity to identify and (where appropriate), seek to address the underlying causes.

### The disciplinary procedure will be conducted in line with the University’s commitment to equality and fairness. The procedure will be objective, transparent, free from bias and discrimination and fairly applied.

### Any necessary investigations will be carried out to establish the facts of the case.

### Employees will be informed of the basis of concerns and have the opportunity to respond to allegations and to state their case before any decisions are made.

### Employees are entitled to be accompanied by a Trade Union Representative or a fellow worker at any formal disciplinary meetings.

### Employees are entitled to appeal against any formal decisions made.

### Managers will receive appropriate training in relation to this policy and procedure.

### Employees are expected to cooperate fully in all stages of this disciplinary procedure.

# Key Roles & Responsibilities

4.1 Managers must lead by example and champion the University’s shared values and behaviours.

4.2 Managers are responsible for explaining expected standards of behaviour, attendance and conduct to employees and for supporting employees to achieve these.

4.3 All managers must be aware of the terms of the Disciplinary Policy and Procedure and ensure that employees understand its nature and scope.

4.4 All employees should ensure that they act in accordance with the expected standards of behaviour, attendance and conduct and that they champion the University’s values and behaviours.

4.5 People Services will coordinate the formal disciplinary procedure, ensuring that timescales are monitored and reasonable.

4.6 People Services will communicate and provide regular updates to all parties.

4.7 People services will provide accurate and timely advice to managers and employees on the application of this policy and procedure to ensure that it is consistently applied across the University.

# 5 Confidentiality

5.1 The University's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved.

5.2 All those involved in the disciplinary procedure must treat related information confidentially.

5.3 Where individuals involved in the procedure break confidentiality, they may be subject to disciplinary proceedings.

5.4 Aside in exceptional circumstances as a reasonable adjustment, and where all parties are in agreement, employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

5.5 Employees will normally be told the names of any witnesses whose evidence is relevant to the disciplinary proceedings against them, unless the University believes that a witness's identity should remain confidential.

# Welsh Language Standards

## The University is fully committed to meeting the Welsh Language Standards and to ensuring that the Welsh language has equal status in its working practices in Wales and it welcomes correspondence in Welsh.

## For more information in relation to the Welsh Language Standards and the Disciplinary Policy, please refer to the Disciplinary Management Guidance or the Disciplinary Staff Guidance.

# Data Protection

## All records in relation to the University’s Disciplinary Policy and Procedure will be held confidentially and in accordance with the principles of the General Data Protection Regulation 2018, the Data Protection Act 2018 and the University’s Data Protection Policy.

# Examples of Misconduct & Gross Misconduct

## Examples of misconduct include but are not limited to:

### negligence or irresponsibility in carrying out duties.

### wilful or negligent failure to comply with the University’s rules, policies or working practices.

### refusal to carry out a reasonable request or instruction.

### abuse of status or responsibilities.

### unreasonable negative or inconsiderate attitude to management or fellow workers.

### use of foul or abusive language.

### dishonesty or wilful deception.

### unauthorised and/or unreasonable absence or consistently poor time keeping.

## Gross misconduct is generally seen as misconduct serious enough to overturn the contract between a employee and the University. Acts which constitute gross misconduct must be very serious, examples include:

### serious and repeated breaches of the Cardiff Met’s Professional Code of Conduct

### an act that irreparably breaks the mutual trust and confidence between the University and an employee.

### a serious and/or deliberate breach of the University’s rules, policies or working practices.

### serious insubordination.

### serious negligence.

### any act that brings or is likely to bring the University’s reputation and public standing into disrepute.

### any form of abuse, physical violence, bullying, discrimination or harassment.

### falsification of documents or defrauding or attempting to defraud the University.

### failing to co-operate with, or providing dishonest, misleading or untrue statements or answers during any internal proceedings.

### unauthorised disclosure or misuse of confidential information.

### a serious breach of health and safety rules.

### causing loss, damage or injury through serious negligence.

### any act or attempt to commit any act which may endanger persons or property or which breaches Health and Safety Regulations.

### a breach of the law or any safety rule.

### serious incapability brought on by alcohol or drugs (whether illegal or otherwise).

### the use, handling or possession of illegal drugs on or off the University’s premises.

### theft or any attempted theft of property that belongs to the University, a employee, a student or any third party.

### deliberate and serious damage to property that belongs to the University, a employee, a student or any third party.

### using or attempting to use the University’s property or name for any purpose other than for which it is intended and for which the employee does not have authorisation.

### actions constituting a criminal offence whether at or outside work which may render it inappropriate for the employee to remain in work.

### improper use of the employee’s official position for private gain or the private gain of some other person, including soliciting and accepting gifts or gratuities that may be considered to be bribes.

### deliberately accessing internet sites containing pornographic, obscene material, or material that any reasonable person would find offensive, where the University has not provided authorisation for legitimate research purposes.

### failure to maintain a professional registration with the appropriate regulatory body, where this is a condition of employment.

### a breach in the published codes of professional practice relevant to an employee’s professional registration.

### aiding and assisting other employees to commit an act or acts of gross misconduct.

## Both lists of examples are neither exclusive nor exhaustive and there may be other offences of a similar gravity that may constitute misconduct or gross misconduct.

# Policy Revision

## The People Services Department will proactively advise, support, and monitor the application of this policy and procedure.

## To ensure it is relevant and effective, this policy and procedure will be reviewed every three years or where there is a change in the University’s requirements, employment legislation or case law.

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# Addendum – Senior Post Holders

**Disciplinary Procedure Addendum for the Management of Disciplinary Matters Affecting the Holders of Senior Posts**

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**Disciplinary Policy and Procedure**

**Addendum for the management of disciplinary matters affecting the holders of Senior Posts**

1. The University’s disciplinary policy is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and behaviour, whilst also providing a framework for dealing with instances where employees are alleged not to have met the required standards. The University’s Articles of Government define the specific arrangements that apply only to holders of senior posts (as defined in the Articles of Government 1 (Interpretation) and Article of Government 3 (1) (d) (i). This Addendum describes these arrangements.
2. As far as possible, the provisions of the main disciplinary procedure will apply to the management of concerns about the conduct and behaviour of holders of senior posts and the detailed procedural steps are not reproduced here.
3. For the purposes of this policy, the Chair, or in the absence of the Chair, the Vice-Chair, of the Board of Governors has responsibility for the Vice-Chancellor and the Clerk to the Board of Governors. The Vice-Chancellor is the manager of the University Secretary and other holders of senior posts.

**Reporting concerns**

1. Anyone wishing to raise a concern regarding the conduct or behaviour of a holder of a senior post should raise it with the person responsible (the Vice-Chancellor for holders of senior posts and the Chair of the Board of Governors for the Vice-Chancellor or the Clerk to the Board of Governors).

**Informal Action and Resolution**

1. The manager, following paragraph 3.1-3.7 of the Disciplinary Procedure, will seek to resolve minor misconduct issues informally.

**Formal action and investigations**

1. If the situation is considered to be sufficiently serious, and/or there are a number of incidents of persistent misdemeanours, then the formal disciplinary process must be followed. The Articles of Government (3) (2) (c ) (ii) state that the responsibility for the appraisal of the holders of senior posts rests with the Vice-Chancellor who thus takes the role of Commissioning Officer and will determine, with advice from the Director of People Services or the Clerk to the Board of Governors if the formal disciplinary process should be invoked. If so, they will commission an investigation as in Paragraph 4.4 of the main procedure, appointing an external Investigating Officer if there would be concerns about ensuring the anonymity of the employee or fairness of the investigation.
2. If the situation relates to either the Vice-Chancellor or the Clerk to the Board of Governors, it is the Board of Governors which is responsible for their appraisal (Articles (3) (1) (d) (ii)) and hence the Chair of the Board of Governors may act as Commissioning Officer or may ask another lay Governor to take on that role. The Commissioning Officer will determine, with advice from the Director of People Services or (if the matter does not relate to the Clerk), the Clerk to the Board of Governors if the formal disciplinary process should be invoked. If so, they will commission an investigation as above and following paragraph 5 of the main procedure.
3. The Commissioning Officer having received the Investigation Report, as in paragraph 4.13 of the main procedure, will decide whether further action should be taken.

**Suspension**

1. Paragraph 6.1 of the main disciplinary procedure states that there may be exceptional circumstances where it may be necessary to remove a employee from their usual place of work, either through a temporary transfer to an alternative role, place of work, restriction of duties or through suspension. In accordance with Article 10 (1) the Chair, or in the absence of the Chair, the Vice-Chair, of the Board of Governors may suspend the holder of a senior post for misconduct or other good or urgent cause. The Chair or Vice-Chair shall report such suspension in writing to the Board of Governors within two working days, or as soon thereafter as practicable. Further provisions in relation to the suspension of holders of senior posts, including the right of appeal, may be found in paragraph 10 of the Articles of Government.

**Right to be accompanied**

1. The main disciplinary procedure stipulates that the employee may be accompanied at meetings with the Investigating Officer or Commissioning Officer or at a Disciplinary hearing by a work employee or trade union representative. This may not be appropriate for the holder of a senior post and they may be accompanied by a friend from outside the institution, with the proviso that the companion should not be a legal practitioner.

**Disciplinary hearing**

1. If dismissal is unlikely to be a possible outcome, then if the matter relates to the Vice-Chancellor or the Clerk to the Board of Governors, the Chair, or in the Chair’s absence, the Vice-Chair, of the Governing Body will appoint a Hearing Officer (not being the Chair or the Commissioning Officer). If the matter relates to a holder of a senior post reporting to the Vice-Chancellor, the Vice-Chancellor will appoint a Hearing Officer. The Hearing Officer will conduct a disciplinary hearing in accordance with paragraph 8.1-8.13 of the main disciplinary procedure and determine the appropriate course of action.
2. If, having received the investigator’s report, the Commissioning Officer considers that the matter is sufficiently serious that dismissal is a possible outcome, a Special Committee will be convened (in accordance with Article 10 (5)). The Special Committee will report to the Board of Governors which will take such action as it considers appropriate (in accordance with Article 10 (8).

**Appeal**

1. Appeals in relation to matters dealt with under this addendum will be submitted to the University Secretary and Clerk to the Board of Governors (or to the Director of People Services if the matter relates to the Clerk).
2. In the event of an appeal against a warning under this policy and procedure, the Chair will appoint either another lay member of the Board of Governors or an external expert to act as the Appeal Officer (provided they have had no prior involvement with the matters under consideration) and their decision will be final.
3. In the event of an appeal against a dismissal, the Chair will appoint an external expert to act as the Appeal Officer (provided they have had no prior involvement with the matters under consideration) and their decision will be final.