

NATIONAL DISCIPLINARY POLICY

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1. Introduction

This policy is designed to help and encourage all employees to achieve and maintain appropriate standards of behaviour and conduct for their, and their colleagues' safety and well-being. The policy provides a framework for dealing with potential misconduct with the focus on encouraging an employee whose conduct is unsatisfactory to improve.

The policy will be applied consistently and fairly to all employees, based on the circumstances of their case. Every case will be dealt with in a fair, transparent, reasonable, equitable and supportive way. This approach should allow employees to feel confident to have open and frank conversations with their manager if there is a concern, rather than fearing blame or repercussions. All disciplinary matters will be dealt in a sensitive and respectful manner, with the confidentiality of those involved maintained.

This policy should be read in conjunction with the model Disciplinary Procedure to fully understand the whole disciplinary process that provides a framework and minimum standards for the colleges to follow.

This policy was developed in partnership and agreement with the College Employers Scotland representatives and recognised trade unions. This policy and model procedure will be reviewed one year from launch date and thereafter every three years or earlier if required under legislative changes.

2. Scope

This policy applies to all employees.

In the event of an alleged disciplinary breach by a recognised trade union representative, formal disciplinary action will not be taken until the circumstances have been discussed with a full-time officer of the relevant union.

This policy does not apply where there is:

- An issue of competence or capability, this will be dealt with under the Performance Improvement Policy or equivalent.
- Ill health, this will be dealt with under the Sickness Absence policy or equivalent.

3. Key Principles

The following key principles will be applied in each situation and will be reflected in college procedures and practices:

- Disciplinary cases must be dealt with promptly without unnecessary delay, sensitively and respect the privacy of those involved.
- Many potential disciplinary issues can be resolved informally with appropriate, suitable support, counselling, or another approach, such as further training, to resolve problems. Managers should seek to resolve misconduct issues at the lowest possible level, and consider informal action, when appropriate, to resolve issues.

- Where an issue cannot be resolved informally, or it is not appropriate to do so, the disciplinary procedure must be followed. An employee will be:
 - Informed in writing, that they are the subject of a disciplinary investigation and advised of the disciplinary allegation(s).
 - Provided with a copy and/or link to this policy and to the procedure that will be applied.
 - Provided details of any Employee Assistance or counselling services available, as well as reviewing and considering the wellbeing of the employee throughout the process.
 - Given information on the next steps and indicative timescales for investigation to be completed.
- An investigation will be undertaken by an Investigating Officer who will be objective and impartial, to establish the facts relating to the disciplinary allegation(s).
- Following conclusion of the investigation, an appointed Nominated Officer will consider the investigation report and decide if a formal disciplinary hearing is required or no case to answer. In any event mutually agreed additional support may be required.
- An employee will be informed in writing of the disciplinary allegation(s) against them, along with a copy of the investigation (including statements and any other material information considered) in advance of the hearing.
- Employees have the right to be accompanied by: (1) an accredited representative of a trade union; (2) a work colleague; or (3) an official employed by a trade union. All the above will be referred to in the policy and accompanying procedure as the 'companion'.
- At the disciplinary hearing, the disciplinary allegations will be outlined (in the invite to the disciplinary hearing). The investigation will be presented, and the employee will be provided with the opportunity to state their case and respond to the investigation before a final decision is made.
- Employees will not normally be dismissed for a first offence except in cases of gross misconduct/negligence.
- Employees will have the right of appeal against any formal disciplinary action.
- Information relating to disciplinaries will be destroyed in line with colleges data retention schedule, subject to related legal requirements.
- When an employee raises a grievance during a disciplinary process, the disciplinary process may be suspended to allow the grievance to be heard. Where the grievance and disciplinary cases are related, it may be appropriate to

deal with both issues concurrently. Each case will be considered on its own merits.

- The college will ensure managers have the appropriate training to undertake the roles described in this policy.

3.1 Reasonable Adjustments

Colleges will ensure throughout the disciplinary that they do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate if required or making reasonable adjustments to procedures to ensure that they do not put anyone with a protected characteristic at a substantial disadvantage. This might mean someone else attending the disciplinary process meetings in addition to the companion (see section 3). For example, a British Sign Language signer, a translator or a support worker or someone with knowledge of the employee's specific needs.

4. Roles and Responsibilities

4.1 All Employees will:

- Ensure they are familiar with the standards of conduct expected by the college. This may include reviewing the following policies, or their equivalents. For example: Code of Conduct for Employees, Internet, Social Media, and Email Policies (to be reviewed at a local level).
- Consider seeking advice and support from their trade union representatives at any point of the disciplinary process.
- Treat any information shared with them as part of a disciplinary investigation or part of the disciplinary process as confidential, except for discussing matters with their companion or trade union.

4.2 Managers will:

- Ensure that they and their staff are fully conversant with the disciplinary rules and procedures in place and can act in line with the procedures. Managers will make full use of the informal disciplinary stages, when possible, to prevent minor disciplinary problems from escalating unnecessarily.
- Always act promptly to deal with any misconduct on the part of employees. A failure to communicate to an employee that they do not meet the required standards may lead the employee to assume that their conduct is satisfactory.
- Ensure that they undertake appropriate training relevant to their role in the disciplinary process.

- Seek advice from Human Resources (HR) if they are unclear on a potential disciplinary issue.

4.3 HR Representatives will:

- Provide advice and support to managers and employees on the application of this Policy and on all stages of the disciplinary procedure.
- Provide advice and support to Nominated Officer on the processes and legal compliance on employment matters.
- Provide advice and support on consistency of application of the Policy and Procedure.
- Monitor formal disciplinary activity across the college.
- Inform the College Leadership/Management Team if there are areas of concern in relation to the application of this Policy and Procedure.

4.4 Trade Union Representatives/companion will:

- Provide advice and support to the employee throughout the disciplinary process.

5. Links to Other Policies/Documents

Absence from Work
 Absence from Work – Ill Health
 Dignity and Respect Policy
 Grievance Policy and Procedure
 Contract of Employment (Written Particulars)

6. Further Sources of Information

- a) All employees can access counselling if needed via HR Officer.
- b) Further information can be found here:
 - [Acas Code of Practice on disciplinary and grievance procedures | Acas](#)
 - [Dealing with problems at work | TUC](#)
 - [The Model Complaints Handling Procedures | SPSO](#)

This Policy should be read in conjunction with other relevant College policies, procedures and guidance documents, whether specifically listed above or subsequently published or amended.

The College reserves the right to update, introduce, or revise policies and procedures from time to time.

Compliance with the most current versions of applicable policies and procedures, as published, is expected.

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Lead Officer:	Director of Operations
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