

## **Guidance Document 5**

### **Outcomes of Disciplinary Hearings**

On the conclusion of the formal Disciplinary process the possible outcomes of the Disciplinary Hearing will be one of the following outcomes:

- No disciplinary action
- Verbal Warning – (verbal warning will be confirmed in writing)
- First Written Warning
- Final Written Warning
- Other Action Short of Dismissal
- Dismissal
- With notice
- Without notice

Further information on these outcomes is provided below.

The role of the HRR is to advise on procedure, custom and practice and precedent. Whilst a Hearing Officer may seek advice from the HRR, the conclusions on whether a disciplinary penalty will be applied or not will be their own.

#### **No disciplinary action**

Where no disciplinary action is to be taken, the Hearing Officer may recommend other remedies or requirements such as training or mediation or the involvement of other processes.

#### **Outcomes Short of Dismissal**

##### **Verbal Warning**

A verbal warning will be issued for minor offences, such as persistent minor faults and will be held on record and considered spent after 6 months (unless otherwise notified to the staff member at the time of the warning being given), subject to satisfactory conduct.

The warning will detail the reason for it being given.

The warning will advise that if there is no satisfactory improvement in conduct, further disciplinary action may result which could include a more serious disciplinary penalty. The staff member will be advised that this is the first stage of the Disciplinary Procedure and of their right of appeal.

##### **First Written Warning**

A First Written Warning will be issued for more serious offences or as a result of failure to heed an Informal/Verbal Warning and will be held on record and considered spent after 12 months (unless otherwise notified to the staff member at the time of the warning being given), subject to satisfactory conduct.

The First Written Warning will detail:

- the reason for it being given,

- the improvement required and
- the timescale within which improvement is expected.

The First Written Warning will advise that if there is no satisfactory improvement in conduct, further disciplinary action may result which could include a more serious disciplinary penalty. The staff member will be advised that this is the second stage of the Disciplinary Procedure and of their right of appeal.

A copy of the written warning should be kept and used as the basis for monitoring and reviewing performance over a specified period (normally 12 months).

### **Final Written Warning**

A Final Written Warning may be issued in the following circumstances:

- in more serious cases of poor conduct.
- as a result of failure to observe a Written Warning.
- if the misconduct is judged sufficiently serious.

A Final Written Warning will be held on record and considered spent after 12 months (unless otherwise notified to the staff member at the time of the warning being given), subject to satisfactory conduct.

The Final Written Warning will detail:

- the reason for it being given,
- the improvement required and
- the timescale within which improvement is expected.

The Member of Staff will also be advised that dismissal will result if there is no satisfactory improvement and of their right of appeal.

A copy of the written warning should be kept and used as the basis for monitoring and reviewing performance over a specified period (normally 12 months).

Consideration may also be given to other consequences being applied upon the conclusion of the case e.g. transfer to another School/Section to facilitate the restoration of working relationships.

### **Other Action Short of Dismissal**

In some circumstances where a Final Written Warning is applied, the Hearing Officer in discussion with the Head of School/Section may also consider imposing other action short of dismissal, if appropriate. This could include:

- demotion.
- transfer (e.g. to another school/section)
- loss of seniority
- loss of salary.
- loss of annual increment.

### **Dismissal**

The Member of Staff may be dismissed if:

- there is no satisfactory improvement following a Final Warning.

- their conduct is deemed to be gross misconduct

**Dismissal with notice**

The Member of Staff should only be dismissed if, despite warnings, conduct does not improve to the required level within the specified period. Dismissal must be reasonable in all the circumstances of the case. The employee should receive the appropriate period of notice or payment in lieu of notice.

**Dismissal without notice**

Member of Staff will not be dismissed for a first breach of discipline, except in the case of gross misconduct. If, on completion of the investigation and hearing processes as outlined in the Procedure, the University is satisfied that gross misconduct has occurred, the Member of Staff will be summarily dismissed without notice or payment in lieu of notice. The Member of Staff will be advised of the reasons for the dismissal and of their right of appeal.