# MRC DISCIPLINARY POLICY

## DISCIPLINARY POLICY

Version 3.0

### Document Control Summary

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Policy statement

In a changing environment of increased accountability and competition for funding, the Medical Research Council plays a leading role in supporting a wide spectrum of medical research across the UK and internationally. It continues to invest in high quality research and training through a series of intramural investments which form a key part of the MRC’s overall portfolio. MRC works closely with an increasing number of partners and stakeholders to meet its organisational objectives and to maintain its position in the scientific community.

In order to deliver its scientific strategy effectively and to achieve research excellence in all its own funding decisions, the MRC must strive for the highest levels of productivity and performance from its employees.

The purpose of the Disciplinary Policy and Procedure is to ensure that the highest standards of behaviour and conduct are met across the organisation at all times. It is therefore essential that any alleged issues of unacceptable behaviour and conduct are managed positively, proactively, transparently and objectively. They must be resolved swiftly, effectively and as early and as close as possible to the point of origin.

For the avoidance of doubt, issues relating to performance will be dealt with under other appropriate MRC policies.

The Disciplinary Policy and Procedure are agreed with the National Trade Union Side and comply with legislation and the ACAS Code of Practice on disciplinary procedures. In addition, the MRC’s policies and procedures are assessed for language accessibility and equality impact. The MRC’s operational activities are regularly reviewed with key stakeholders and Trade Unions, which in turn informs the further development of the MRC’s policies.

The Disciplinary Policy and Procedure applies to all employees of the MRC. This includes those employed on temporary or fixed term contracts but excludes Visiting Workers, students or those workers provided by a third party agency.

1. Principles

1.1 An effective resolution in individual behavioural or conduct issues should be sought as speedily and where possible informally.

1.2 No formal disciplinary action will be taken against an employee until the case has been fully investigated and a disciplinary hearing has taken place.

1.3 The employee will be advised in writing of the nature of the allegations against him/her and the arrangements for the hearing.

1.4 The employee will be given the opportunity to state his or her case before any decision is made.

1.5 At all stages of the formal procedure, the employee has the right to be accompanied by an MRC colleague or represented by a recognised Trade Union representative.
1.6 In reaching decisions on appropriate disciplinary sanctions, managers will take into account any mitigating circumstances.

1.7 No employee will be dismissed for a first breach of discipline except in the case of Gross Misconduct when the penalty will be summary dismissal, i.e. dismissal without notice or pay in lieu of notice.

1.8 An employee will have the right to appeal to a higher level of management, where feasible, against any disciplinary sanction imposed.

1.9 The procedure may be implemented at any stage if the employee’s alleged misconduct warrants such action.

1.10 The MRC will endeavour to accommodate any reasonable adjustments or other special requirements needed by employees: for example, assistance in attending meetings, providing documentation in an alternative format.

2. Standards

2.1 All employees are expected to comply with certain standards of behaviour and conduct, which if not met will usually result in disciplinary action. Managers and employees have a joint responsibility to ensure that employees are aware of and understand the rules and standards expected of them in their particular workplace.

2.2 Examples of unacceptable conduct include but are not limited to:

- Poor timekeeping;
- Poor attendance/unauthorised absences;
- Failure to carry out reasonable instructions;
- Misuse of company facilities (e.g. email and internet);
- Failure to adhere to organisational and/or statutory rules applicable to an employee’s work; and/or
- Deliberate carelessness, negligence, or non-cooperation.

2.3 Failure to meet expected requirements will be viewed as a breach of discipline.

2.4 Please note that some specific performance and conduct issues should be dealt with under the following procedures:

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<thead>
<tr>
<th>TYPE OF ISSUE</th>
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<tr>
<td>Performance issues associated with changes in job</td>
<td>Capability</td>
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<td>roles and/or capability</td>
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<tr>
<td>Performance issues due to ill health</td>
<td>Sickness Absence Management</td>
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3 Disciplinary procedure

3.1 Informal Process

3.1.1 Where minor breaches of behaviour and conduct are alleged to have occurred, these will be investigated and dealt with as quickly as possible informally by the employee’s manager.

3.1.2 Before disciplinary action is considered, managers will:
   a) meet and discuss the matter with the employee;
   b) explore all reasonable options to encourage and support the employee in reaching the required standard;
   c) give him/her adequate time to improve.

3.1.3 The meeting should normally be conducted on a one to one basis and should be noted by the manager using their diary.

3.2 Mediation

3.2.1 Where appropriate the MRC encourages mediation as an informal resolution to disciplinary issues.

3.2.2 Mediation is a structured process, managed by an independent person, during which both parties can discuss their concerns, either separately or together with the aim of working together towards a solution both parties are happy with.

3.2.3 Any employees considering this as a route for resolution should contact their regional/unit HR team.

3.3 Formal Process

3.3.1 The formal Disciplinary Procedure will be invoked where:
   a) insufficient improvement occurs as a result of informal action; or
   b) a more serious breach of discipline is deemed to have occurred.

3.3.2 The stages of the MRC’s Disciplinary Procedure are outlined in Annex A.

3.4 Authority Levels

3.4.1 Managers who have authority to issue sanctions within the MRC’s Disciplinary Procedure are:
   • at least one Band above the employee being disciplined;
3.5 Gross Misconduct

3.5.1 Gross Misconduct applies to those offences which are considered serious enough that the employment relationship is irretrievably damaged and make any further working relationship and/or trust between the employee and the MRC impossible.

3.5.2 These offences result in the employee being summarily dismissed under Stage 4 of the formal Disciplinary Procedure. (See Annex A)

3.5.3 Examples of conduct or behaviour that are considered to be Gross Misconduct are:

- theft or fraud or deliberate falsification of MRC records;
- physical violence or bullying;
- deliberate and serious damage to property;
- serious misuse of MRC property or name;
- refusal to carry out any lawful and reasonable instructions;
- bringing the MRC reputation into disrepute;
- serious incapability at work brought on by alcohol or illegal drugs;
- causing loss, damage or injury through serious negligence;
- serious wilful breach of health and safety rules;
- serious breach of confidentiality;
- serious abuse of the MRC's Information Systems/Information Technology (IT/IS) policy documents (e.g. Data Protection and Security Policy; IT Code of Practice);
- deliberate unlawful discrimination, harassment or bullying;
- assisting, encouraging or procuring any other member of staff to commit any act which would justify Gross Misconduct.

This list is not exhaustive.

3.6 Suspension

3.6.1 Where a manager believes that an employee has potentially committed an act of Gross Misconduct or where their presence might seriously hamper the investigation, the employee should be suspended from work. Suspension protects all parties giving the MRC an opportunity to investigate and is not a disciplinary sanction.
3.6.2 Key principles are:

a) an employee will be suspended from work on full pay and contractual benefits for the minimum period necessary;

b) a thorough investigation should be carried out by the manager as swiftly as possible;

c) the suspension period will be kept to a minimum and will be regularly reviewed, but will not normally exceed 10 days.

3.6.3 If an employee is to be suspended, the employee should be:

a) advised of the suspension, the reason for it and the basis on which he/she will remain suspended. This will be confirmed in writing;

b) advised that he/she should not make contact with any employees and associated third parties of the MRC, other than his/her Trade Union representative nor enter MRC premises without the express permission of the investigating manager;

c) advised that he/she should remain available during normal working hours; and

d) advised that failure to comply with these availability requests will be considered a separate disciplinary matter.

3.6.5 The MRC will aim to conclude the investigation in as short a time as possible, ideally within 10 working days. In exceptional circumstances, if it is necessary for the suspension to be extended, the employee should be advised in writing giving the reasons for the extension.

4. Investigation

4.1 Purpose

4.1.1 To enable management to investigate impartially and in a timely manner any alleged or suspected misconduct on the part of an employee.

4.1.2 To try to establish all the facts of a particular case, before a decision is taken as to whether there are proper grounds to invoke the formal disciplinary procedure.

4.2 Principles

4.2.1 The manager who conducts the investigation (the investigating manager) in the MRC will not be the same person as the manager who might conduct any subsequent disciplinary hearing and will normally be at the same or a more senior level within the organisation. All investigating managers will be independent and appropriately skilled and/or experienced in this area.

4.2.2 All investigations will be carried out in a confidential manner.
4.2.3 In normal circumstances, investigations will be carried out by internal managers. Where this is not possible or considered inappropriate, for example, in very sensitive cases, a trained investigator external to the MRC may be appointed.

4.3 The Investigation Procedure

4.3.1 In all circumstances, the investigating manager should invite the employee to attend an investigatory meeting.

4.3.2 The investigatory meeting is not a disciplinary hearing.

4.4 Investigatory Meeting

4.4.1 The nature of the allegation and where appropriate its potential seriousness and associated outcome should be confirmed.

4.4.2 The employee has the right to provide a statement or a submission to give his/her version of events. This should be signed and dated.

4.4.3 The employee has the right to be accompanied by an MRC colleague or represented by a recognised Trade Union representative.

4.4.4 The employee should be asked to name any relevant witnesses.

4.4.5 The MRC would normally expect an investigation to be:

   a) conducted promptly without unreasonable delays; and
   
   b) completed within 10 working days.

4.5 Conducting the Investigation

4.5.1 The investigating manager should obtain evidence by interviews, as appropriate, and obtain other relevant data/information.

4.5.2 The investigating manager should then produce a written summary of all the evidence and present the findings to the manager responsible for deciding how to take the matter forward. In normal circumstances, this will be the employee’s manager.

4.6 Witnesses

4.6.1 Where there have been witnesses to an event, they should each be asked to:

   a) provide a witness statement, which should clearly state their account of events; and
   
   b) date and sign their statement.

4.6.2 Witnesses should be made aware that should the case proceed to a disciplinary hearing, their statement will be divulged to the alleged perpetrator. Where the case is not proceeding to a disciplinary hearing the witness statements will be kept confidential although their content may be referred to within the investigatory report.
4.6.3 In exceptional circumstances, witness statements may be anonymised. The MRC recognises that witness statements will be only be anonymised in exceptional circumstances and that such statements may weaken the case if further action is taken against the alleged perpetrator.

4.6.4 Formal disciplinary action will be taken against any employee or manager attempting to influence, victimise or intimidate witnesses. This will be deemed to be gross misconduct in line with the MRC Disciplinary Procedure.

4.7 Possible Outcomes

4.7.1 Once the investigation is complete, the manager should decide what further action to take.

4.7.2 Options include:

a) **no disciplinary action to be taken** - having read the investigatory report, it may be deemed that there is no case to be heard. It may be appropriate to advise or remind the employee of the standards required of him/her in the future and/or put in place formal or informal training. Any agreed actions will be confirmed in writing.

b) **arrange a disciplinary hearing** - if it is considered that the matter warrants a disciplinary hearing, this should be done without delay and preferably within 10 working days.

4.7.3 Prior to the disciplinary hearing, employees will be given a copy of the documentary evidence including witness statement.

5. Disciplinary hearing

5.1 Setting up a disciplinary hearing

5.1.1 If it is decided that there is a case to be heard, a manager will be appointed to hold a disciplinary hearing. This manager should have had no part in the investigation and should be of sufficient authority (see Authority levels at 3.4). In most cases this will normally be the employee’s manager.

5.1.2 The letter notifying the requirement to attend a disciplinary hearing will include:

a) the specific allegations or charges to be answered;

b) the date, time and location of the meeting;

c) confirmation of the right to be accompanied by an MRC colleague or represented by a recognised Trade Union representative. Wherever possible, the employee should confirm that person’s attendance and identity before the hearing commences;

d) copies of any evidence collected during an investigation, including any witness statements;
e) information about the potential consequences of a finding that the allegation is upheld. For example, if there is an allegation of Gross Misconduct, confirmation that this could result in Summary Dismissal.

5.1.3 The employee may also notify the manager of any questions he/she would want asked of any witness or work colleague at the hearing. If the employee wishes to call witnesses to attend the disciplinary hearing, this should be arranged with the manager in advance of the meeting.

5.1.4 Employees will be given written notice of the requirement to attend in order for them to prepare for the hearing and to organise representation. The disciplinary hearing would normally then take place within 10 working days of the written notification. The specific timing will depend on the amount of evidence and any other surrounding circumstances.

5.1.5 The employee may request a postponement of up to five working days where his/her chosen representative is not available to attend on the proposed date and time.

5.2 Management side

5.2.1 It is considered best practice and it is MRC's policy for a second person to be present at disciplinary hearings. This must be a member of the regional/unit HR. Their role is to provide advice to the manager.

5.3 Rights of Accompaniment

5.3.1 At each stage of the formal Disciplinary Procedure, all employees have the right to be accompanied by an MRC colleague or represented by a recognised Trade Union representative.

5.3.2 In exceptional circumstances a family member may accompany the employee for moral support but is not permitted to act as a representative.

5.3.3 Employees are not permitted to be accompanied by a solicitor.

5.3.4 Chosen representatives can:
   a) address the meeting;
   b) put forward the employee’s case;
   c) sum up the case;
   d) respond to views expressed at the meeting; and
   e) confer with the employee.

They cannot answer questions on the employee’s behalf.

5.4 Hearing Arrangements

5.4.1 The manager chairing the disciplinary hearing will arrange a date, time and venue for the meeting.
5.4.2 Notes should be taken of the meeting.

5.5 The Disciplinary Hearing

5.5.1 The purpose of the formal hearing is for evidence to be presented and considered. The manager conducting the disciplinary hearing will remind the employee of each of the allegations they face and will go through the evidence that had been gathered. The employee will have the opportunity to set out their case, by responding to the allegations made and to put forward an explanation of his/her actions/behaviours. He/she will be entitled to ask questions about the allegations he/she faces and any other questions that he/she has, and to put forward any mitigating circumstances.

5.5.2 At the end of the meeting, the Chair needs to consider the alleged offence in light of the employee’s response, the evidence provided, and possibly investigate matters further.

5.6 Confirmation of Decision

5.6.1 The MRC will usually confirm its decision in writing to the employee within five working days of the disciplinary hearing.

5.6.2 Possible outcomes are:

a) that the allegations have not been upheld and there is no action to be taken. It may be appropriate to advise or remind the employee of the standards required of him/her in the future and/or put in place formal or informal training and/or other support mechanisms;

b) that the allegations have been upheld in full or in part and a warning issued.

5.7 Warnings

5.7.1 Depending upon the severity of the matter or matters which has led to the Disciplinary Procedure being invoked and/or the employee’s prior disciplinary record (whether relating to the same or similar conduct or behaviour) or lack of it, the employee may be issued with a first stage warning, a first written warning or a final written warning, as outlined in Annex A.

5.7.2 A written warning or a final written warning should set out the nature of the misconduct or serious misconduct and the change in behaviour required. The employee will also be informed of the consequences of further misconduct.

5.7.3 In addition to receiving a warning, the employee may be required to undergo a specified course of training specifically related to the behaviour or conduct in question and/or an agreed course of action.

5.8 Dismissal

5.8.1 If an employee is to be dismissed with notice, he/she will be informed of:

a) the fact that he/she will be dismissed

b) the reason for the dismissal
c) the date on which the employment will terminate

d) whether or not he/she will remain suspended during his/her notice period (if already suspended)

e) whether or not he/she is required to work his/her notice period

f) the right of appeal and the appeal process.

5.8.2 If an employee is to be dismissed without notice (summary dismissal) he/she will be informed of:

a) the reason for dismissal.

b) the fact that he/she is to be summarily dismissed.

c) the date on which the employment will terminate without notice and that this will be without payment in lieu of notice or accrued pay.

d) the right of appeal and the appeal process.

5.9 Records

5.9.1 Records will be kept detailing:

a) the nature of any disciplinary allegations or offences

b) the employer’s response and interview(s) with the employee

c) any action taken and their reasons for it.

5.9.2 These records should be kept confidential and retained on the employee’s personal file held electronically at the Shared Services Centre (SSC). In accordance with Data Protection provisions; employees may request the release of certain personal data.

5.9.3 Copies of the records of any meeting should be given to the employee concerned, unless it is deemed necessary to withhold it, for example to protect a witness.

6. Appeals

6.1 Principles

a) All employees have the right to appeal against a formal disciplinary sanction, including a warning

b) Details of the person to whom the employee should appeal will be included in the letter detailing the outcome of the disciplinary hearing
c) Appeals should be lodged in writing within seven working days of the receipt of the disciplinary decision letter. The letter should indicate the full grounds upon which the appeal is made and whether it applies to the decision or the penalty or both.

d) An employee can submit additional evidence or information that he/she considers relevant to the appeal.

e) Employees do have the right to be accompanied by an MRC colleague or represented by a recognised Trade Union representative.

6.2 Purpose of the Appeal

6.2.1 The purpose of the appeal is to:

a) determine whether the sanction applied at the disciplinary hearing was fair and reasonable in all the circumstances; and

b) determine whether the Disciplinary Procedure was followed correctly.

6.2.2 The conduct of the appeal is a matter for the Chair who may call such witnesses and consider such evidence as he/she deems appropriate.

6.2.3 The aim is to review the basis upon which the original decision was made and to allow:

a) the employee to submit any new evidence

b) the employee or an accompanying MRC colleague or recognised Trade Union representative to comment on any new evidence

c) the employee to raise any procedural issues, or comment on those matters he/she believes have been ignored and/or received insufficient consideration.

6.3 Authority Levels

6.3.1 Managers who have the authority to hear appeals within the MRC’s Disciplinary procedure are:

- At least one Band above the employee
- Up to and including a written warning (first and/or final) a Band 4 or above manager
- Up to and including dismissal – See Delegated Authority policy

6.4 Appeal Hearing Process

6.4.1 Appeals will usually be heard by a Director or Senior Manager from within the MRC unconnected with the disciplinary hearing and by a Senior HR professional. A recognised MRC Trade Union representative will also be invited.

6.4.2 The Senior HR professional may be external to the MRC.

6.4.3 The Director or Senior Manager should act as Chair.
6.4.4 Upon receipt of an appeal, the responsible manager should:

a) send the employee details of the arrangements relating to the appeal hearing.

b) advise them of their right to be accompanied by an MRC colleague or represented by a recognised Trade Union representative. The employee should where possible confirm that person’s attendance and identity before the hearing commences.

c) hold the appeal hearing where possible within 10 working days of receipt of the letter containing the grounds of appeal. This is subject to the employee’s ability to request a postponement of up to five working days where his/her chosen representative is not available to attend on the original day or time.

6.5 The Appeal Hearing

6.5.1 At the appeal hearing, the Chair should:

- introduce those present and explain their respective roles
- explain the purpose and format of the hearing, including the possible outcomes
- invite the employee to explain the basis on which he/ she is appealing, referring to documents or evidence previously submitted or any new evidence which has come to light where he/she believes this may support his/her grounds for appeal.

6.5.2 If an employee is accompanied by a colleague or recognised Trade Union representative, they may outline the employee’s grounds for appeal or make statements on an employee’s behalf. They may not, however, answer any questions on an employee’s behalf.

6.5.3 The Panel should:

- ask all necessary questions and summarise the facts
- decide on whether any further investigation is required including speaking with witnesses. This may require an adjournment
- Whenever possible, verbally inform the employee of the decision reached and the reasons for it
- Confirm the decision in writing with reasons. This will normally be confirmed within five working days of the appeal hearing concluding, although this will be extended should further time be required. In such an instance, the employee will be notified of the proposed date upon which the decision is expected to be made.

6.6 Appeal Outcomes

6.6.1 Possible outcomes are as follows. The Appeal Panel may:

a) **Uphold the current sanction** - i.e. confirm the disciplinary action taken, thereby rejecting the employee’s appeal
b) **Overtreat the current sanction** - i.e. set aside the original disciplinary action, thereby upholding the employee’s appeal

c) **Amend the current sanction** - i.e. substitute an alternative form of disciplinary action. The sanction could, for example, be reduced or it may be decided that the improvements required should be redefined in some way. It is not an option to increase the sanction applied.

6.6.2 The decision made at an appeal hearing is final, with no further right of appeal.

7. **Grievances**

7.1 An employee may wish to raise a formal grievance during the Disciplinary Procedure. Usually any such complaint, in so far as it relates to the subject matter of the Disciplinary Procedure, will be investigated and adjudicated upon as part of the disciplinary process.

7.2 In certain circumstances the Disciplinary Procedure may (if appropriate) be put on hold and a separate hearing convened under the MRC Grievance Procedure or other relevant Procedure as appropriate.

7.3 Any such grievance should be set out in writing with the precise grounds of the grievance outlined.

8. **Review date**

8.1 This policy will be regularly reviewed to incorporate any legislation changes and will be formally reviewed March 2014.

9. **Amendment history**

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<tr>
<td>1.0</td>
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<td>2.0</td>
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<td>2.1</td>
<td>1st March 2011</td>
<td>Updated to include Authority Levels at 6.3</td>
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MRC DISCIPLINARY POLICY

Annex A – Summary of the formal stages of the Disciplinary policy

Stage 1 – First Stage Warning
- For minor breaches of discipline or
- Where informal discussions have not led to desired improvements
- Place on employee’s file for 6 months, then disregard for disciplinary purposes

Stage 2 – Written Warning
- Where breach of discipline is repeated or insufficient improvement following oral warning (Stage 1) or
- Accumulation of minor offences or
- Where the offence is deemed to be more serious
- Place on employee’s file for 12 months, then disregard for disciplinary purposes

Stage 3 – Final Written Warning
- Where a further breach of discipline occurs or acceptable standards are not being met following a 1st written warning or
- More serious offence but one which does not warrant dismissal
- Place on employee’s file for 12 months, then disregard for disciplinary purposes

Stage 4 – Dismissal with Notice or Summary Dismissal

Dismissal with Notice
- For standards of conduct which are still unsatisfactory, following a final written warning (Stage 3)
- Dismissal is with notice or payment in lieu of notice.

Or

Summary Dismissal (Gross Misconduct)
- In cases where the offence is sufficiently serious or
- Where there is reasonable belief of Gross Misconduct
- Dismissal is without notice (and without pay in lieu of notice but with accrued holiday pay)

NB. The above procedure may be invoked at any stage.