

## UCL Disciplinary Policy

### 1. Purpose

- 1.1 UCL expects satisfactory standards of behaviour, conduct and attendance from all its employees. This policy determines the procedures to be followed when standards of conduct give rise to problems which cannot be resolved by advice and encouragement, training or increased support.

### 2. Scope

- 2.1 This policy applies to all UCL current employees on United Kingdom contracts, except those who are within their probationary period, who are covered by [UCL's Induction and Probation Policy](#).
- 2.2 Staff employed at overseas campuses should refer to the local country-specific policy.
- 2.3 Academic staff are also covered by the provisions laid out in [Statute 18 of the Charter and Statutes](#) at the formal stage of the disciplinary procedure.
- 2.4 Issues of under-performance should be addressed in line with UCL's [Capability Policy](#) on managing under-performance.
- 2.5 Suspected cases of fraud or financial irregularity should normally be investigated outside of this policy in compliance with UCL's [Fraud Policy](#).
- 2.6 Matters relating to research misconduct should be raised under UCL's [Procedure for Investigating and Resolving Allegations of Research Misconduct](#).

### 3. Definitions

- 3.1 In this policy "employees" are people who work for UCL under a contract of employment.
- 3.2 Any reference to "Provost", "Vice-Provost", "Dean", "Head of Department" (HoD), "Director of Human Resources" or "Head of HR, HR Business Partnering" also includes anyone deputed by them. References to departments also relate to areas of Professional Services, etc.
- 3.3 In this policy "parties" refers to the employee against whom the disciplinary action is being considered, and the manager who initiates the procedure.
- 3.4 The term 'HR Advisor' refers to any person within Human Resources who is providing advice.

## 4. Policy

### Principles

- 4.1 **Fairness:** This procedure should be applied consistently, promptly, impartially, reasonably and without discrimination. Annual monitoring will be undertaken to ensure action initiated and any sanctions issued do not impact unfairly on any one group or in any one area. [www.ucl.ac.uk/human-resources/equality-diversity-inclusion](http://www.ucl.ac.uk/human-resources/equality-diversity-inclusion).
- 4.2 **Confidentiality:** Information relating to an allegation of misconduct should only be divulged to any parties directly involved in the disciplinary process and must remain strictly confidential to those people.
- 4.3 **Natural justice:** At every formal stage of the disciplinary procedure, the employee will be advised of the nature of the complaint in writing and will be given the opportunity to state their case before a decision is made. Where a warning is given, the employee will be provided with appropriate support to improve their conduct.
- 4.4 **Informal Action:** Informal action should be used wherever possible and appropriate to resolve conduct or behaviour before formal disciplinary action is considered.
- 4.5 **Investigation:** No disciplinary action should be taken (i.e. disciplinary hearing arranged) against an employee until the case has been fully investigated.
- 4.6 **Dismissal:** No employee should be dismissed for a first breach of discipline except in the case of gross misconduct.
- 4.7 **Right of Appeal:** An employee has a right of appeal against any formal disciplinary sanction in accordance with the Appeals Procedure. Sanctions, including dismissal or warnings issued as a result of procedures, will remain in place pending the outcome of any appeal.
- 4.8 **Representation:** An employee has the right to be accompanied by a companion who is a work colleague, [trade union representative\\*](#) or an official employed by a trade union, at every stage of the formal procedure. The employee must notify the panel of their chosen companion prior to a meeting.
- 4.9 **Discipline and Grievance:** Any concerns that an employee has regarding disciplinary action being taken against them should be raised as part of their response to the disciplinary action and will normally be considered within this procedure. Any grievance (see UCL's [Grievance Policy](#)) raised by an employee who is already subject to a disciplinary process (and which does not relate to it) will normally be heard on completion of the disciplinary procedure. A Manager, at their discretion, may halt disciplinary proceedings and deal with the grievance first.
- 4.10 **Recordings:** Audio/Visual recordings of the proceedings by the employee, their companion or managers are not acceptable at any stage of the disciplinary procedure and will not be admissible within this process, unless agreed as a reasonable adaptation.

## 5. Process

### Informal Action

- 5.1 It is part of the normal supervisory process that managers bring to the attention of employees the standards required and any incidences of failure to meet those standards. Cases of minor misconduct should be dealt with by the employee's line manager informally and without delay.
- 5.2 A one-to-one confidential discussion should be held between the manager and the employee to ensure that the employee understands the nature of any concerns. This discussion should enable the manager to provide constructive feedback and the employee to express views on the issue.
- 5.3 Managers should ascertain whether any alleged failure to meet required standards or breach of policy or procedure is due to misconduct, capability or some other reason when determining the appropriate approach to take. Advice should be sought from HR Advisory Services as to alternative options that could be considered.
- 5.4 Where the need for improvement is identified, the manager should explain to the employee what needs to be done, how the conduct will be reviewed in a given period and the nature of any support available.
- 5.5 Brief confidential notes of this meeting, including details of any required actions or improvements, should be kept by the manager and a copy sent to the employee.
- 5.6 It is important that both parties understand that informal action is not part of the formal disciplinary procedure and that employees are not entitled to representation at these meetings.

### Formal Disciplinary Action

- 5.7 Where informal action does not lead to improved behaviour, or where the alleged misconduct is more serious so that informal action is considered inappropriate, formal action should be initiated.
- 5.8 Definition of what could constitute misconduct and examples of potential offences of gross misconduct, either of which may lead to formal action, can be found at [Appendix A \(Word Document 39KB\)](#).

### Suspension on full pay

- 5.9 There may be occasions when it is necessary to suspend an individual on full pay whilst investigations are being carried out. Careful consideration must be given before a decision to suspend is taken. Reasonable grounds for suspension include, but are not limited to, concern that evidence may be tampered with or destroyed; concerns that an employee accused of misconduct may seek to inappropriately influence witnesses; or when there is potential risk to other employees or UCL property if the individual remains at work. The fact and conditions of the suspension should be confirmed in a letter to the employee at the earliest opportunity.
- 5.10 Suspension is not a disciplinary sanction and is not an assumption of guilt. Normally an employee will be suspended by the Head of Department after consulting with the Director of Human Resources. The Provost or the Director of Human Resources may

also suspend a member of staff. Exceptionally, it may be necessary for a Head of Department to send an employee home before being able to consult the Director of Human Resources.

- 5.11 The suspension should last only as long as is necessary and should be reviewed at regular intervals (at least on a monthly basis) by the suspending manager. The outcome of such a review should confirm whether the suspension should continue, be converted to other temporary working arrangements or be lifted. The outcome of the review should be confirmed in writing to the employee.
- 5.12 If an employee has been suspended, or where other limitations have been placed on accessing documents or witnesses, the employee should discuss reasonable access to facilities with an HR Advisor, to enable a fair response to any allegations.

### **Suspension without pay**

- 5.13 Suspension without pay will occur where an employee is unable to provide valid proof of their right to work in the UK or where the evidence provided requires further verification in line with the Immigration Act 2016. Where an employee's continued right to work cannot be verified, UCL will suspend pay without delay, as failure to do so would be in breach of the Immigration Act 2016. The conditions of the suspension without pay should be confirmed in writing at the earliest possible opportunity.
- 5.14 It may be necessary for UCL to suspend without pay an employee whilst right to work information is being verified. Under such circumstances any pay lost during a period of suspension may be reimbursed although no pay can be issued for any period during which an employee does not have the right to work in the UK.
- 5.15 In the event that, under Immigration rules, an employee ceases to be entitled to work in the UK, they will be dismissed without notice. There will be no Pay in Lieu of Notice under such circumstances. An employee whose employment has been terminated as a result of a statutory restriction, may be reinstated with full continuity of service, if right to work evidence is provided within one month of a dismissal.

### **Temporary Working Arrangements**

- 5.16 Where suspension is not necessary or proportionate, it may be appropriate to consider a temporary variation to working arrangements whilst the investigation is undertaken. This could include movement to a different team, or a partial reduction in some duties, e.g. whilst a health and safety assessment is undertaken.
- 5.17 Any temporary variation to duties should only last as long as is necessary and reviewed at regular intervals (at least on a monthly basis) by the manager. The outcome of such a review should confirm whether the temporary working arrangements should continue or be lifted. The outcome of the review should be confirmed in writing to the employee.

### **Investigation**

- 5.18 A disciplinary penalty must not be applied until the necessary facts have been established and a hearing convened to consider the allegations. The procedure for undertaking a disciplinary investigation to determine whether a formal disciplinary penalty may be justified can be found at [Appendix B \(Word Document 44KB\)](#).

5.19 If, following investigation, it is considered that the matter may be more appropriately dealt with under a different procedure, e.g. capability, the investigation report shall be used at any Hearing processes continued under the appropriate procedure.

### **Formal Disciplinary Hearing**

5.20 Where, following receipt of an investigation report, the Head of Department decides that there is a case to answer they should establish a disciplinary hearing. The process for establishing and conducting a disciplinary hearing can be found at [Appendix C \(Word Document 49KB\)](#) and is also shown in the flow-chart at [Appendix D \(Word Document 123KB\)](#).

5.21 For staff covered by Statute 18 formal disciplinary action that may result in an oral or written being issued shall be managed in line with the provisions of this policy and procedures. A Hearing will normally be chaired by the Head of Department (except where natural justice dictates otherwise) and an Appeal heard by a Dean or Vice-Provost. Serious disciplinary matters, including all allegations that may result in dismissal, shall be dealt with under the provisions of Statute 18 Part III, paragraphs 14-20.

5.22 If a hearing decides that disciplinary action against an employee is justified a sanction should be awarded from the list that can be found at [Appendix E \(Word Document 39KB\)](#)

### **6. Appeals**

6.1 An employee has the right to appeal against any formal disciplinary sanctions issued. The Appeals procedure can be found outlined at [Appendix F \(Word Document 46KB\)](#)

### **7. Monitoring and Review**

7.1 The HR Division will undertake annual equality monitoring to keep the fair operation of this policy under review.

#### **Appendices:**

[Appendix A – Misconduct and Gross Misconduct](#)

[Appendix B – Managing a Disciplinary Investigation](#)

[Appendix C – Procedure for Disciplinary Hearing](#)

[Appendix D – Disciplinary Procedure Flowchart](#)

[Appendix E – Levels of Disciplinary Action](#)

[Appendix F – Appeals Procedure](#)