

# Disciplinary Procedure (Staff)

<b>Reviewed:</b> November 2025	<b>Next review due:</b> November 2028
<b>Approving Body:</b> Corporation	<b>ELT contact:</b> Chief Financial Operations Officer
<b>Date Approved:</b> 15 December 2025	<b>Author:</b> Head of People Management

\*This procedure may need to be reviewed before the review date stated, to reflect changes in government and other agencies' advice, guidance and legislation.

## Revision Log

Date	Version No.	Brief detail of change
Aug 23	1	Reviewed.
Nov 25	2	Reviewed. No changes except inclusion of revision log.

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## 1. Introduction

City College Plymouth (the 'College') is a leading provider of vocational, professional and technical training in the South West, that strives to provide a learning environment and organisational culture that impacts positively on the health, wellbeing and sustainability of our community, to enable all our students and staff to achieve their full potential.

### Our vision

- The learning destination of choice.

### Our core values

- Respect
- Ownership
- Integrity.

## 2. Scope and purpose

The College provides a service to many different types of clients, including students, government departments and commercial organisations. It is important that all staff maintain a high standard of conduct in order to safeguard the quality of that service and the reputation of the College.

The purpose of this policy is to help and encourage employees to achieve and set acceptable standards of conduct at work. It is also designed to ensure consistent and fair treatment for all in relation to disciplinary action taken in response to misconduct.

If an employee's attitude or behaviour is seen to be inappropriate, it is reasonable for the line manager to discuss their concerns to understand the whole situation and to work with the employee to improve. The College is committed to the avoidance of formal disciplinary procedures wherever possible by addressing problems as soon as they arise. Some minor misconduct issues, maybe resolved informally, as often a discussion outlining expectations and talking through available support will be enough to resolve the situation.

This policy applies to all employees excluding "designated senior post holders" as defined in the College's Articles of Government or the Clerk to the Corporation to whom the College's disciplinary procedure for senior post holders will apply. The policy will be applied in accordance with the Articles of Government of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, 'Disciplinary and Grievance Procedures' to promote fairness and consistency.

## 3. General principles

Every effort will usually be made to avoid the use of disciplinary action where alternatives are appropriate. Where the matter is not resolved informally or is of a serious nature, the formal procedure will be used.

In the interest of ensuring that disciplinary matters are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance only. If it is not practicable to adhere to these time limits, they may be amended. Due regard will be given to the personal circumstances of all parties involved in the procedure.

Where appropriate, the College will consider alternative means of resolving problems, for example with training, counselling or use of other more suitable College procedures, before implementing disciplinary action.

Accurate and timely records will be kept of all meetings and correspondence.

Normal disciplinary standards will apply to trade union representatives. The College will however, following good industrial practice, seek the employee's agreement at an early stage to discuss the circumstances of the case with an official employed by the trade union.

All reasonable steps will be taken to maintain confidentiality and written records of any disciplinary proceedings will be kept and maintained by the College in accordance with the Data Protection Act 2018 and General Data Protection Regulation.

#### **4. Investigations**

The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations, before deciding whether to proceed with a disciplinary meeting.

The amount of investigating required will depend upon the nature of the allegations and will vary from case to case. This may involve interviewing and taking statements from employees involved and any witnesses and/or reviewing relevant documents and correspondence.

In most cases it will require the holding of an investigatory meeting with the colleague before proceeding to any disciplinary meeting. In others, the investigatory stage will be the collation of evidence by the Investigating Officer.

Any investigation undertaken is solely for the purpose of fact finding and no decision on disciplinary action will be taken until after a disciplinary meeting has been held.

The College will, at its sole discretion, determine who is an appropriate person to carry out the role of Investigating Officer. Employees should cooperate fully and promptly in any investigation. This will include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents and attending investigation interviews if required. These interviews will be chaired by the Investigating Officer with support from People Management. Notes will be taken, which may be used in the investigation report.

On completion of the investigation, the Investigating Officer will produce a short report, recommending whether a disciplinary meeting should be convened or some other steps taken in relation to the situation. The report will be sent to the People Management team who will, in discussion with other relevant College managers, decide whether a disciplinary meeting is appropriate.

Where an investigation concludes that no further action needs to be taken, this will be confirmed in writing to the appropriate employee(s).

An investigatory meeting is not a formal disciplinary meeting. If, following an investigation, the College believes that there may be a case to answer, a formal disciplinary meeting will be arranged in accordance with this procedure.

An investigation carried out following a student complaint, staff complaint or grievance, or under any of the College's other procedures may form all or part of an investigation under this procedure, as appropriate.

#### **5. Suspension**

The College may (at its absolute discretion) suspend a member of staff. This will only happen if it has reasonable grounds to believe the staff member may be guilty of gross misconduct, where relationships have broken down, or where it believes that College property or its responsibilities to other parties are at risk, or where their continued presence may hinder an investigation.

The decision to suspend is ultimately the responsibility of the College, but may be exercised by a member of the Executive Leadership Team (ELT), or to another College manager to whom the responsibility has been delegated.

If the College suspends a staff member:

- They must stay away from work; not visit the College's premises; and not make contact with staff, students, parents or other officers of the College (unless a member of ELT authorises this in writing).
- The only exception to this is that the employee may contact somebody specifically to ask them to be a witness, or to accompany them at a meeting under this Policy, without asking the College first.
- If pre-approved holidays fall during a period of suspension, they will still count as holiday leave and will be deducted from the staff member's holiday entitlement as normal.

Any such period of suspension is not a punishment, nor is it considered as disciplinary action against the staff member, nor does it imply that any decision has been taken about the case.

If the College decides to suspend an employee from duty, they will be informed of the reasons for your suspension in writing, without unreasonable delay.

Any suspension will normally last only as long as required to enable an investigation into the circumstances giving rise to such belief of serious misconduct to be carried out and any formal process which follows it.

The staff member will be entitled to continue to receive full pay during the period of suspension.

## **6. Informal procedure**

If appropriate, before taking formal disciplinary action, reasonable effort will be made to resolve matters by informal discussions with the staff member. This will be dealt with either by a Head of Department/Faculty, the People Management team, or a member of ELT.

The College recognises that cases of minor misconduct are often best dealt with informally. Therefore, minor lapses from acceptable standards of conduct may result in an informal, verbal warning or reprimand, or other management advice.

If, despite informal discussions (or if informal discussions are not appropriate), the employee's conduct does not meet acceptable standards, the formal procedure, described below, will be used.

## **7. Formal procedure for disciplinary meetings**

If, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct the College will invite the staff member to attend a disciplinary meeting by advance written notice.

The College, will, at its sole discretion, determine who is an appropriate person to carry out the role of Disciplinary Chair (the "Disciplinary Chair"). The Disciplinary Chair will be a different person to the Investigating Officer. However, the Investigating Officer may attend to present the findings of the investigation and any supporting material.

Written notice will be given to the employee at least 5 working days prior to the disciplinary hearing. The letter of notice will:

- set out the nature of the allegations, and what is to be discussed at the meeting in sufficient detail to enable the staff member to prepare your case;
- advise you of the possible consequences of the allegations;
- set out the date, time and place of the meeting;
- advise of your right to be accompanied at the meeting;
- advise who the College's witnesses will be (if any);

- provide copies of the College's witness statements, or where this is not possible, summaries; and
- provide copies of any other supporting evidence on which the College intends to rely.

A disciplinary meeting will be convened as soon as reasonably practicable after the conclusion of the investigation and once the employee has had a reasonable opportunity to consider the information provided with the notice of the meeting. No decision will be made as to whether disciplinary action is to be taken, or the nature of any disciplinary action to be taken, before the meeting takes place.

If the employee wishes to call relevant witnesses to the meeting, they should advise the People Management representative of this in advance of the meeting.

At the meeting, the employee will be told about the complaint against them and taken through the evidence. They will be given an opportunity to state their case and challenge any evidence produced in support of the allegations by the College. The employee will be permitted to ask questions, present evidence and call witnesses (provided they have complied with advising the People Management Team of their wish to call relevant witnesses in advance of the meeting). They will also be given an opportunity to raise points about any information provided by witnesses. Any witness who is a fellow work colleague will be given a reasonable amount of time off work to prepare for and attend the meeting.

### Decision

At the end of the disciplinary meeting, the Disciplinary Chair will normally adjourn the meeting before making a decision. Following the adjournment, the Disciplinary Chair may issue a verbal decision. If the Disciplinary Chair is unable to reach an immediate decision following the meeting, they will write to the employee with the outcome. In either circumstance, the outcome will be confirmed in writing to the employee within five working days of the meeting, or as soon as reasonably practicable, together with an explanation of any disciplinary action to be taken and notification of the employee's right to appeal.

## **8. Disciplinary action**

There are four stages of disciplinary sanction. Other than in cases of gross misconduct, the employee will not normally be dismissed for a first offence. The College reserves the right to impose sanctions at any level, or to skip levels depending on the circumstances of the case.

### Stage 1: Verbal Warning

If the employee's conduct does not meet acceptable standards, they will normally be given a verbal warning.

This verbal warning will give details of the misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will clarify that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 2 will be considered. However, the employee will also be advised that if any further act of misconduct is sufficiently serious, the College reserves the right to go to a further stage in the procedure. They will be advised of the right of appeal in accordance with Section 10 below.

A brief note of the verbal warning will be placed on the employee's People Management file. The warning will usually expire and will be disregarded for disciplinary purposes after [6] months, subject to their conduct having been satisfactory throughout that period.

### Stage 2: First written warning

The employee will usually be given a first written warning if:

- They have committed a serious act of misconduct;
- They fail to comply with a formal verbal warning given under Stage 1;

- or despite having been given, under Stage 1, a formal verbal warning, they commit a further offence of misconduct.

This written warning will give details of the misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will state that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 3 will be considered. The written warning will also advise them of the right of appeal in accordance with Section 10 below.

A copy of the written warning will be placed on the employee's People Management file. The warning will usually expire and will be disregarded for disciplinary purposes after [12] months, subject to their conduct having been satisfactory throughout that period.

### Stage 3: Final written warning

The employee will normally be given a final written warning if:

- They fail to comply with a first written warning given under Stage 2;
- despite having been given, under Stage 2, a first written warning as the result of misconduct, they commit a further offence of misconduct,; or
- their misconduct, although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant a final written warning.

The final written warning will give details of the misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will state that if the employee commits a further offence of misconduct, during the time limit specified in the warning, their employment may be terminated. The final written warning will also advise the employee of the right of appeal in accordance with Section 10 below.

A copy of the written warning will be placed on the employee's People Management file. The warning will usually expire and will be disregarded for disciplinary purposes after [12] months (although, in exceptional cases, the period may be longer), subject to their conduct having been satisfactory throughout that period.

### Stage 4: Dismissal with notice

The Disciplinary Chair may, following a disciplinary meeting, give you notice of dismissal if:

- the employee fails to comply with a final written warning given under Stage 3;
- despite having been given, under Stage 3, a final written warning as the result of either misconduct, they commit a further offence of misconduct.

The letter of dismissal will specify the reasons for dismissal, the date on which their employment will terminate and their right to appeal against the dismissal. The employee will also be told that they have a right to appeal in accordance with Section 10 below.

## **9. Gross misconduct / summary dismissal**

The employee may be dismissed without notice or pay in lieu of notice if they are found to be guilty of gross misconduct or some other fundamental breach of the College's rules or their contract of employment. This means that there is no obligation on the College to allow the employee to work their notice period or make a payment in lieu of notice.

If the employee's behaviour justifies it, the College may summarily dismiss the employee without any previous warning(s) having been given.

The College shall, without unreasonable delay, provide the employee with written confirmation of their dismissal setting out the reasons for dismissal, the date on which their employment will terminate and their right to appeal against the dismissal in accordance with Section 10 below.

The following offences are examples of offences which are normally regarded as gross misconduct:

- Theft or unauthorised possession of any property or facilities belonging to the College, or to any employee or student.
- Serious damage deliberately sustained to College property.
- Deliberate falsification of College registers, reports, accounts, expense claims, self-certification forms or other documents.
- Attempted or actual bribery or corruption.
- Deliberate refusal to carry out duties or reasonable instructions or to comply with College rules.
- Serious acts of insubordination.
- Serious negligence/incompetence which causes unacceptable loss, damage or injury.
- Serious incapability and/or misconduct as a result of being intoxicated by reason of alcohol or illegal drugs.
- Violent, dangerous or intimidatory conduct.
- Bullying or harassment of any student, member of staff or third party associated with the College or Corporation.
- Violation of the College's rules and procedures concerning health and safety at work.
- Unlawful discrimination.
- A criminal offence, which may (whether it is committed during or outside your hours of work for the College) adversely affect the College's reputation, your suitability for the type of work you are employed by the College to perform or your acceptability to other employees or to students.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Seriously breaching any of the College's policies and procedures

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

## **10. Appeal**

If the employee wishes to appeal against a disciplinary decision they must, within 10 working days of the date of the decision, inform the Chief Financial Operations Officer in writing, stating the grounds for appeal.

The appeal will be heard by a senior person or appointed party who has not been involved in the disciplinary process in question so far. Wherever possible, the person hearing the appeal will be senior or at the same level as the manager who chaired the original disciplinary meeting.

The appeal meeting will be held as soon as reasonably practicable after the notice to appeal has been received. The employee will be given at least 3 days' notice of the meeting date to allow him or her to prepare for the meeting.

At the appeal meeting, the employee will be given the opportunity to state their case and has the right to be accompanied. If the chosen companion of the employee is unavailable on the date of the initial meeting, the employee may delay the date of that meeting once by up to five working days to enable the chosen companion to attend. The location and timing of any alternative meeting should be convenient to both the employer and the employee, but should not unduly delay the process.

At the appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The appeal decision will be notified to the employee in writing without unreasonable delay following the appeal meeting. The appeal decision is final.

## **11. Right to be accompanied at disciplinary and appeal meetings**

The employee is entitled to be accompanied at any disciplinary meeting (including any appeal meeting) by a fellow work colleague of their choice or trade union representative who meets the statutory requirements. It is the employee's responsibility to secure the attendance at any meeting of any companion.

The employee may not be accompanied by:

- any other person, such as a relative, without the prior agreement of the College; or
- a legal representative.

The person accompanying the employee is entitled to address the meeting to put and sum up the employee's case, respond on the employee's behalf to any views expressed at the meeting and confer with the employee during the meeting. The person accompanying the employee does not have the right to answer questions on their behalf, address the meeting if the employee does not wish it, or prevent the College from explaining its case. Any work colleague who the employee has requested to accompany the employee will be given a reasonable amount of paid time off to prepare for and attend the meeting.

Before the meeting takes place, the employee must notify the People Management Team of the name and contact details of their companion.

## **12. Attendance at disciplinary and appeal meetings**

The employee should make every effort to attend any disciplinary meeting (including any appeal meeting). If either the employee or the person accompanying the employee cannot attend on the proposed date for the meeting, the employee may suggest a reasonable alternative date, which must be within five working days of the date first proposed. This five-day time limit may be extended by mutual agreement between the employee and the College. If the employee fails to attend any re-arranged meeting without good cause, the College will be entitled to make a decision on the evidence available at the re-arranged meeting in the employee's absence. The employee will have the right to either submit written representations and/or be represented.

If the employee is unable to attend a disciplinary meeting due to sickness, the College will offer a new date for the meeting. However, if the employee is unable to attend a meeting within what the College considers to be a reasonable period of time, then the College will consider alternative ways of conducting the meeting. This may involve conducting the meeting by phone or virtually, inviting the employee to send written submissions or asking a colleague to attend on the employee's behalf.

The College will also where possible seek guidance from Occupational Health to support the employee.

## **13. Electronic Recordings**

The College does not allow the recording of any meetings which form part of this process. It may be considered an act of up to gross misconduct for an employee to covertly record such meetings.

## **14. Criminal Offences**

If the police are involved in any issues which the College is also investigating, the College will not usually delay its internal processes whilst awaiting the outcome of any decision to charge or criminal prosecution.

Conduct outside of work which is alleged to be criminal may be considered a disciplinary matter by the College if it is reasonably believed that it is relevant to your job.

## **15. Disclosure and Barring Service**

The DBS has been created to help prevent unsuitable people from working with children and vulnerable adults.

The College has a duty to refer to the DBS any information about individuals who it considers may pose a risk, ensuring that potential threats to vulnerable groups can be identified and dealt with by the appropriate authorities.

## **16. Monitoring, Review and Evaluation**

This policy will be reviewed every three years, taking into account feedback from:

- Disciplinary Authorities
- Investigating Officers
- Trade Union Representatives