



STAFF DISCIPLINARY POLICY

BY LAW of

CHESTER STUDENTS' UNION

Passed at Trustee Board on
25 November 2019

1. Introduction

- 1.1 This procedure is intended to help and encourage individuals to maintain acceptable standards of conduct. Unsatisfactory performance due to misconduct or a combination of misconduct and incapability will be dealt with under this procedure. The procedure ensures fair and consistent treatment is given to all employees where required standards are not being achieved.
- 1.2 All staff are expected to conduct themselves in a reasonable and responsible manner when undertaking their duties and responsibilities and also when involved in professional and social activities during the course of Chester Students' Union (CSU) business.
- 1.3 Where possible the emphasis will be on enabling employees to improve through the most appropriate mechanisms.
- 1.4 CSU can seek procedural guidance and support from external agencies. This support may include attendance at meetings and hearings.
- 1.5 If the employee concerned is the CEO, the President shall administer the process, and request a suitable external chair. This shall normally be a member of the Trustee Board.
- 1.6 For clarity, this policy applies to Sabbatical Officers as they are considered staff members.

2. Informal

- 2.1 Minor lapses from acceptable standards of conduct will usually be dealt with informally by your line manager.
- 2.2 The informal process should not be adopted at the expense of taking formal disciplinary action where necessary and the line manager reserves the right to ascertain whether a matter is to be dealt with via an informal or formal process.
- 2.3 Notes of the meeting will be taken by the line manager to record the discussion and a copy of the notes will be held on the personnel file.

3. Investigation

- 3.1 Before any Disciplinary Hearing is held, the matter will be investigated by an appropriately appointed Investigating Officer who will usually be the line manager, if this is not possible, CSU reserves the right to utilise another manager or an external person.
- 3.2 In some cases of alleged misconduct, it may be deemed appropriate to suspend the employee from work. This will be on full pay unless the investigation is into alleged criminal offence(s). All suspensions must be agreed by the CEO.
- 3.3 Whilst suspended, the employee may not come onto Union premises or make contact with students, clients, suppliers or colleagues unless authorised to do so and CSU is at liberty to disable access to the computer network.
- 3.4 Suspension is not considered to be disciplinary penalty.

4. Disciplinary Hearing

- 4.1 If the Investigating Officer finds sufficient evidence to proceed to a Disciplinary Hearing the employee will be given at least 7 calendar days' notice, with details of all panel members, including the Chair of the Hearing, details of the allegations against them, possible consequences and copies of all relevant documentation that will be relied upon.
- 4.2 The employee may be accompanied to the Hearing by a trade union representative or colleague from CSU.
- 4.3 If the employee or representative are not able to make the meeting time due to unforeseeable circumstances (eg. a medical appointment), then it will be rearranged on one occasion to be held within 5 calendar days of the original date.
- 4.4 Any additional evidence or details of witnesses should be submitted to the Chair of the Hearing for consideration within 3 calendar days of the Hearing.
- 4.5 The Chair of the Hearing will be an appropriate manager supported by a HR representative or another appropriate member of CSU staff.
- 4.6 At the Hearing, the case against the employee will be presented, and the employee will be able to present their case and respond to the allegations.
- 4.7 The investigating officer will not always be required to attend the Hearing, but may be called as a witness to provide clarification where necessary.
- 4.8 Where possible, the panel will inform the employee of the decision on the same day. The employee will be informed of the right to appeal. The decision will be confirmed in writing within 7 calendar days.

5. Disciplinary action and dismissal

- 5.1 Penalties that may be imposed:
 - 5.1.1 Stage 1 – First and Final Verbal Warning. This will usually remain active for 6 months.
 - 5.1.2 Stage 2 – First Written Warning. Where the informal processes have been unsuccessful or if a first instance of misconduct is sufficiently serious to warrant formal action. This will usually remain active for 6 months.
 - 5.1.3 Stage 3 – Final Written Warning. In cases of further misconduct or failure to improve where there is an active first written warning on your record. This may be used without a first written warning for serious cases of misconduct. This will usually remain active for 12 months.
 - 5.1.4 Stage 4 – Dismissal or other action. You may be dismissed for further misconduct or failure to improve where there is an active written warning on file, or for any act of gross misconduct. Examples of misconduct are given below.

Staff may be dismissed without warning for an act of misconduct or unsatisfactory performance during a probationary period.

- 5.2 Other penalties may be considered including an extension of a final written warning.

6. Appeal

- 6.1 Employees may appeal the decision of the Chair of the Disciplinary Hearing by writing to the CEO within 7 calendar days of receipt of the outcome of the Disciplinary Hearing. The appeal request should include details of the grounds for appeal.
- 6.2 The Appeal Hearing will be chaired by the CEO or their nominee. One of the sabbatical officers will also be on the panel.
- 6.3 The employee will be given at least 7 calendar days' notice of the Appeal Hearing.
- 6.4 The employee may be accompanied to the Appeal Hearing by a trade union representative or colleague from the Union.
- 6.5 Any additional evidence or details of witnesses should be submitted to the Chair of the Appeal Hearing for consideration within 3 calendar days of the Hearing.
- 6.6 Where possible, the Chair of the Appeal Hearing will inform the employee of the decision on the same day. The decision will be confirmed in writing within 7 calendar days. There is no further right to appeal.

7. Gross Misconduct

- 7.1 Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice.
- 7.2 The following are examples of gross misconduct, the list is not exhaustive:
 - 7.2.1 Theft or Fraud;
 - 7.2.2 Physical violence or bullying;
 - 7.2.3 Deliberate and serious damage to property;
 - 7.2.4 Serious misuse of the organisation's property or name;
 - 7.2.5 Unlawful discrimination or harassment;
 - 7.2.6 Bringing the organisation into serious disrepute;
 - 7.2.7 Conduct likely to bring discredit to or damage the business or reputation;
 - 7.2.8 Serious incapability at work brought on by alcohol or drug use;
 - 7.2.9 Causing loss, damage or injury through serious negligence;
 - 7.2.10 A serious breach of health and safety rules;
 - 7.2.11 Serious acts of insubordination;
 - 7.2.12 Breach of trust.

8. Offence outside of work/normal work place

- 8.1 The nature of some roles mean that there may be occasion for social activities that are work related. Employees are reminded that there is an expectation of professionalism at such events and they can be viewed as an extension of work, depending upon the circumstances. CSU reserves the right to determine what is considered an extension of work.
- 8.2 If an employee commits an offence or behaves in a way that undermines the organisation, damages confidence in that individual, resulting in a breakdown of mutual trust and respect, it might result in the instigation of Disciplinary action up to dismissal.