



Advanced Access Platforms – Disciplinary Policy

Purpose of the policy and procedure

Disciplinary rules are important for the running of Advanced Access Platforms (AAP) so that everyone understands what is expected of them and operates safely and lawfully. AAP expects all of its staff to follow all of its rules, policies and procedures at all times. Disciplinary procedures are necessary so that employees who breach the rules of conduct expected by AAP are treated reasonably, consistently and fairly in every case.

Scope

The procedure in this document applies to all employees of AAP. Any conduct which adversely affects AAP, its employees, workers, students, visitors or agents, such as negligence, breaches of work rules or unsafe practices may lead to disciplinary action.

Procedure

What we expect from you

To comply with AAP rules, policies and procedures at all times

To carry out your job to the rules and standards expected of your role

To behave appropriately and in line with all AAP rules, policies and procedures with colleagues, customers, and visitors to any of AAP's depots.

To maintain effective and professional work and study relationships with colleagues or fellow staff and treat all with dignity and respect

To clarify expectations, behaviours and rules with your line manager if you are unsure about them

To co-operate if you are asked to be involved with a disciplinary case

To co-operate with those dealing with a potential disciplinary case concerning you

To treat those dealing with a disciplinary case with courtesy and respect at all times

What you can expect from AAP.

Consistent fair and reasonable treatment of disciplinary matters.

To act promptly when potential disciplinary matters come to light

To deal with minor breaches of discipline informally



on site speeding or persistent parking offences

unauthorised absences from work, which have no underlying chronic medical condition and are not disability related

minor breach of financial regulations

repeated lateness or persistent time wasting

What gross misconduct is

Gross misconduct is a breach of AAP policies and disciplinary rules which is so serious that it amounts to fundamental breach of trust and confidence between you and the company.

You can be summarily dismissed for a first offence which is considered to constitute gross misconduct. If you are dismissed for gross misconduct, the dismissal is without notice or payment in lieu of notice.

The following are some of the offences AAP considers to be gross misconduct. This list is not exhaustive or exclusive:

any form of assault or physical violence

theft, deliberate malpractice, deception, cover up of deficiencies or falsification of documents or accounts

serious breach of financial regulations

bringing the company into serious disrepute

deliberate unauthorised disclosures to a third party of any confidential information or intellectual property

failure to comply with the law in all business activities

submission of falsified claims for overtime, expenses, advances or allowances or other fraudulent acts

falsely reporting or recording sick absence

acts of discrimination, bullying, harassment or victimisation of employees, students or visitors to a depot which compromise that person's dignity

downloading of inappropriate material from the internet as set out in the IT Acceptable Use Policy

serious breach of health and safety procedures

deliberate plagiarism

incapacity to work due to being under the influence of alcohol or illegal substances

using or dealing in illegal substances on company premises

wilful damage to property belonging to the AAP, customers, visitors or fellow employees

serious insubordination

abusive behaviour

To investigate the facts as may be appropriate before taking action under the formal parts of this procedure

To advise you in writing at all stages of the formal procedure of the nature of the complaint and give you the opportunity to state your case, present any evidence, witnesses and mitigating factors before a decision is reached

The right to be accompanied by a 'companion' (as defined by the ACAS Code of Practice) – an AAP work colleague or trade union representative – at each stage of the procedure except the informal stage

For the meeting to be rearranged (on one occasion) if you or your companion cannot attend a disciplinary hearing for a reason that was not reasonably foreseeable at the time the meeting was arranged

Not to dismiss you for a first breach of disciplinary rules except in the case of gross misconduct

To have the right of appeal against disciplinary penalties awarded

To be treated with courtesy and respect at all times throughout your case

To be given reasonable notice of any disciplinary hearing with hearings taking place at a reasonable time and location. All parties must take all reasonable steps to attend meetings punctually

To record all cases of disciplinary action taken under these procedures and to supply on request to you copies of any such records held which relate to you

What managers have a responsibility to do

Set an example to all staff through their own conduct and behaviour

Reinforce clear standards for the conduct of all staff that they manage and provide appropriate feedback to their staff in respect of their conduct

Manage the conduct of their staff, adhering to this policy and procedure at all times

Seek professional advice from Human Resources as identified in this policy and procedure (e.g. throughout a case) and where they are unsure how to proceed

The categories of conduct warranting disciplinary action

Offences under AAP disciplinary procedure fall into two categories:

misconduct

gross misconduct

What misconduct is

Misconduct is a less serious breach of AAP rules which would not normally result in dismissal for a first offence. The severity and frequency of the breach will be considered when determining the level of warning. The following list, which is neither exhaustive nor exclusive, gives some of the offences AAP deems to be misconduct:

failure to disclose any potential conflicts of interest in personal life or that of a close family member

failure to report any criminal conviction or police caution

serious negligence

serious abuse of research ethics

continued absence without leave

covert recording of staff, meetings etc – without express consent, for example

Representation

You have the right to be accompanied at an investigatory interview and throughout the formal procedure. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

There is no right to be accompanied by a companion at meetings under the informal resolution procedure (see section 10) although you may seek advice on a confidential basis from a trade union representative before or after such a meeting. There may be exceptional situations where the manager, Human Resources and the employee all agree for a companion to be present.

Informal resolution procedure

For minor infringements of discipline, your line manager or supervisor will make every effort to resolve the matter by informal discussions with you and may write to you confirming your discussions or may give you an informal verbal warning. With an informal verbal warning under this procedure, your manager will discuss the nature and circumstances of the misconduct and suggest a remedy and timeframe within which the misconduct should be rectified. No record of an informal verbal warning under this procedure will be kept on your personal file. Where this approach fails to resolve the issue, or repeated minor breaches of discipline occur, the formal disciplinary procedure will be implemented.

Formal procedure

Investigation

As soon as reasonably practicable after a suspected breach of disciplinary rules comes to light, your line manager or other appropriate person will instigate an impartial investigation. The purpose of the investigation is to gather facts. In cases of serious allegations of misconduct or gross misconduct the investigator will be appointed by the Head of Department under guidance from Human Resources.

You will be advised as soon as possible that an investigation is taking place and this will be confirmed to you in writing. You will normally be interviewed as part of the investigation, but there may be exceptional circumstances where AAP will proceed directly to a formal disciplinary meeting. You have the right to be accompanied to a formal investigatory meeting by a companion as defined by this procedure.

If, as part of an investigation, it is necessary for a member of staff to be interviewed by someone from another organisation (such as a regulatory body) that member of staff will have the right to be accompanied by a Trade Union representative or AAP employee, and a member of the AAP Board will also be present.

AAP may inform and/or involve the Police and/or any other relevant statutory bodies where required at the appropriate point of the formal Disciplinary Procedure.

Suspension

If considered appropriate you may be suspended from your duties while the investigation is undertaken although you will normally only be suspended if:

- a) there is a significant health and safety or business risk or the potential for such risk and/or
- b) your continued presence in the workplace may hinder an investigation taking place

You may be suspended at the beginning or at any time during the investigation depending on the circumstances. If you are suspended it will be confirmed to you in writing. Suspension is a precautionary measure only, pending the outcome of disciplinary proceedings and is not a punishment in itself. When suspended your contract of employment will continue in full force and effect and you will be paid your normal basic pay rate and receive any usual benefits. You will not be allowed onto company premises while suspended without the prior consent of your line manager or supervisor. When suspended you are required to be available to attend meetings and respond to requests under this procedure. You must continue to report sickness in the normal way as set out in the Sickness Absence Policy and Procedure and request annual or other leave as required under AAP rules.

Disciplinary meeting

Having established the facts, if there is reasonable belief that you have committed a disciplinary offence, you will be invited to a disciplinary meeting. The meeting will normally be chaired by your line manager unless personally involved in the incident or its investigation, in which case it should be the next most senior line manager. You have the right to be accompanied by a companion (as defined previously). You will be sent a copy of the evidence to be considered at the meeting and will have the opportunity to state your case fully. You should also give copies of any papers or witness statements that you intend to rely on at the meeting at least two working days in advance of the meeting to the person dealing with the meeting.

You will be given at least five working days' notice to attend the meeting which you (and your companion) must make every effort to attend. The meeting will only be re-arranged if you provide a good reason why you are unable to attend, or your companion cannot make the arranged date.

If the rearranged meeting is more than five working days from the date of the original meeting and your companion cannot make the rearranged date, you must find a replacement.

At a meeting your companion is entitled to address the meeting, ask questions and confer privately with you. Your companion does not, however, have the right to answer questions on your behalf or address the meeting if you do not wish them to or prevent the employer from explaining their case.

A member of Human Resources may be present to provide advice on proceedings as appropriate, in cases of misconduct. In cases of gross misconduct a member of Human Resources should be present. A note taker will normally be present to take written notes of the meeting and you will receive a copy of the notes of the meeting. The covert recording of such meetings is forbidden and if undertaken will be considered as an act of gross misconduct (as would be any act of covert recording).

Adjourning the disciplinary meeting

Prior to making a decision the disciplinary meeting will be adjourned to consider all relevant information. The meeting may also be adjourned if necessary for the purpose of clarifying or gathering additional information. If new information is gathered or clarified you will be advised of

the new information and given a reasonable time to consider it prior to the meeting being reconvened.

Confirmation of outcome

Following an adjournment and once the manager conducting the meeting is satisfied that all relevant information has been gathered and properly considered you will be advised of the decision and what, if any, disciplinary action is to be taken.

The decision and action will be confirmed to you in writing and you will receive a copy of the notes of the disciplinary hearing. If you consider that the notes do not properly reflect the discussion you have the right to propose amendments to the record within five working days. Where these are agreed, the record will be duly amended. If your proposed amendments are not agreed, your comments will be attached to the record. You will also be advised of your right to appeal against the decision.

Formal warnings

Depending on the severity and circumstances of the case, AAP may apply at its discretion, either a first written warning or a final written warning for misconduct offences. The company will take into account any active warnings that may apply to you at the time of the misconduct. The warning issued to you will state what the problem is, and if appropriate what is required to correct the problem and the time scale for achieving this. It will also confirm that further disciplinary action will follow if the problem is not satisfactorily rectified or there is further misconduct.

Dismissal

In cases where it is concluded that gross misconduct has taken place, AAP may summarily dismiss you without notice or payment in lieu of notice.

In cases of repeated misconduct, AAP may dismiss you with notice or payment in lieu of notice (unless it is concluded that this constitutes gross misconduct in which case you may be summarily dismissed).

The decision to dismiss will be taken at the level of Head of Department or a nominated deputy, or a more senior officer. The company will confirm the decision to dismiss you in writing, after the dismissal, setting out the nature of the misconduct that led to the dismissal and the right to appeal from the decision.

Alternative sanctions to dismissal

Gross misconduct cases may not always result in dismissal. Depending on the circumstances of the case and any mitigating factors, the company may issue the following disciplinary penalties:

monetary payments by way of restitution for culpable loss or damage caused by you, and/or

final written warning

other appropriate actions to prevent the repetition of the misconduct

You have the right to appeal, a decision to impose any of the above sanctions.

What an active warning is and how long it remains active

Being under an active warning means that if you commit a further misconduct or gross misconduct offence, the University will take the current warning into account when deciding what action to take. Once the warning has expired it will not be taken into account for disciplinary purposes but will remain on your personal file in HR for 12 months when it will be removed.

The active warning periods are:

first written warning 12 months

final written warning 12 months

Documentation

Following the completion of a disciplinary investigation, hearing or related issue all documents and letters relating to it will be stored confidentially within the Human Resources Department in line with all Data Protection Act requirements.

Appeals

You have a right of appeal against any formal action under the formal Disciplinary Procedure, save for a decision following an appeal hearing.

The right of appeal must be exercised within 10 working days of receipt of the letter of confirmation of disciplinary action.

The appeal, stating the grounds on which it is made, must be in writing addressed to the Director of AAP.

An appeal against a first and final written warning will normally be heard by the Head of Department (or their nominee who should be senior to the manager who made the decision being appealed, and who must have had no previous involvement in the case). Where there is no appropriate person within the Department, a Head of Department from a different department may hear the appeal. If the original disciplinary meeting was held at Head of Department level, the Director of the Service.

An appeal against dismissal will be heard by a panel of three board members chaired by a Director of AAP.

The company will aim for an appeal to be heard within four weeks of the appeal being lodged, unless otherwise agreed between the parties.

The decision of the appropriate appeal body (communicated in writing to the employee) shall be final within the procedures of the company.



John Corcoran
Managing Director

January 2023