



GLOBAL ACADEMY
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STAFF DISCIPLINARY PROCEDURE

INDEX

Rules and Procedures relating to discipline, capability and other employment issues

PURPOSE AND SCOPE.....	2
PRINCIPLES.....	2
INFORMAL ACTION.....	4
THE FORMAL PROCEDURE.....	5
Investigation.....	5
Suspension.....	5
Disciplinary meeting.....	5
Disciplinary sanction.....	7
Warnings.....	8
Dismissal.....	8
Records and time limits.....	9
Appeals.....	9
No disciplinary offence.....	10
APPENDIX ONE.....	11
GROSS DISCIPLINARY OFFENCES.....	11
APPENDIX TWO.....	13
SENIOR POST-HOLDERS.....	13
APPENDIX THREE.....	15
RECOMMENDED PROCEDURE.....	15
APPENDIX FOUR.....	17
DELEGATIONS.....	17

RULES AND PROCEDURES RELATING TO DISCIPLINE, CAPABILITY AND OTHER EMPLOYMENT ISSUES

1. PURPOSE AND SCOPE

- 1.1 The purpose of this procedure is to provide guidance to help and encourage all employees and volunteers to maintain and, where necessary, achieve acceptable levels of behaviour and performance and to permit remedies to be affected where such levels are not achieved.
- 1.2 The aims of the procedure are to ensure consistent and fair treatment for everyone, to encourage any necessary improvements in performance and to discourage the repetition of disciplinary offences. The procedure will not be viewed primarily as a means of imposing sanctions. It is also designed to emphasise and encourage improvements in individual conduct.
- 1.3 Throughout this procedure the phrase "disciplinary offence" is used for convenience to include breach of the terms of the employee's/volunteer's contract of employment or College rules, instances of ill-health and failure to meet acceptable standards of conduct, safety or performance. The words "discipline" and "disciplinary" shall be construed accordingly.
- 1.4 The phrase "gross disciplinary offence by virtue of his or her conduct" may include such matters as gross misconduct, gross negligence and gross incapability. Examples of gross disciplinary offences are given in Appendix One to this procedure. It is acknowledged that the mere fact that an employee is charged with, or convicted of a criminal offence, is not normally in itself reason for disciplinary action. The College Management will consider what effect the charge or conviction has on the employee's/volunteer suitability to do his or her job and his or her relationship with the College, work colleagues, students and other 'stakeholders' associated with or having an interest in the College.
- 1.5 This procedure applies to all employees and volunteers of the College. It applies, as amended by Appendix Two to this procedure, to holders of Senior Posts within the College,

1.6 It is intended that this procedure will be followed in most cases, although the College shall be free to establish and regulate its own procedures in any particular case.

1.7 This procedure does not form part of a contract of employment between the College Corporation and any of its employees.

2. PRINCIPLES

2.1 No disciplinary action will be taken against an employee/volunteer until the case has been investigated.

1.2 Both employees/volunteers and the College Management should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

1.3 The employee/volunteer will have the right to be accompanied or represented by a colleague employed by the College or any trade union representative (“the Companion”) when invited to attend any meeting convened in accordance with this procedure (“a Meeting”). The right to be accompanied is, however, dependent upon the employee/volunteer making a reasonable request. What is reasonable will depend on the circumstances of each case.

2.4 The Corporation shall permit an employee/volunteer to take time off during working hours for the purpose of being a Companion.

2.5 The Companion

(a) should be chosen by the employee/volunteer;

(b) may address the Meeting to put forward the employee’s/volunteer’s case, sum up the employee’s/volunteer’s case and respond on his or her behalf to any view expressed at the Meeting but shall not be entitled to answer questions on the employee’s/volunteer’s behalf; and

(c) should be permitted reasonable time to confer privately with the employee during the Meeting.

2.6 The College will take all reasonable steps to convene any Meeting at a reasonable time and location.

- 2.7 In this procedure the person conducting any Meeting is referred to as “the Conducting Manager”: that description may include (as appropriate) the Principal or other decision-making manager or managers, the Board of Governors or any Committee of the Board or the Chair of either.
- 2.8 The College representatives and the employee/volunteer (and his or her Companion) should make every effort to attend the Meeting.
- 2.9 If the Companion will not be available to attend the meeting at the time proposed by the College, the employee/volunteer will have the right to propose an alternative time for the Meeting, which must be reasonable and fall before the end of the period of five working days beginning with the first working day after the day proposed by the College. If the circumstances in this paragraph apply, the College will postpone the Meeting to the time proposed by the employee/volunteer.
- 2.10 If the employee/volunteer is persistently unable or unwilling to attend the disciplinary Meeting without good cause, the Conducting Manager shall be entitled to make a decision on the evidence available.
- 2.11 No employee/volunteer will be dismissed for a first disciplinary offence except in the case of a gross disciplinary offence when the penalty will normally be dismissal without notice or pay in lieu of notice.
- 2.12 An employee/volunteer will have the right to appeal against any disciplinary penalty imposed in the course of the formal disciplinary procedure.
- 2.13 In this procedure, the phrase “Appeal Committee” shall mean a duly appointed committee of the Board of Governors, excluding the principal (if appropriate) and the staff/volunteer and student members, which is established to hear an appeal referred to in this procedure.
- 2.14 Although College Managers, the Board of Governors and Committees of the Board of Governors appointed to deal with issues covered by this procedure shall be free to regulate their own procedures, a recommended procedure is set out in Appendix Three to this document. As Appendix Three covers many types of Meeting (for example, conducted by individuals or groups) it will apply subject to such amendments and adjustments as are necessary or appropriate. In any such process the Investigating Manager may be represented by a person of his or her choice and the phrase "Investigating Manager" in the recommended procedure shall be construed so as to include any such representative.
- 2.15 Where the employee/volunteer is a representative of a Trade Union recognised by the College this procedure will be followed. Depending on the circumstances, however, it might be advisable for the College Management to discuss the matter at an early stage with an official employed by the Union, after obtaining the employee’s agreement.

- 2.16 Throughout this procedure references to the Principal shall be construed as meaning a Vice Principal Postholder where circumstances demand it such as the absence of the Principal or in cases of urgency.
- 2.17 The Principal may from time to time delegate the functions allocated to him or her in this procedure to another employee of the College. In any such case:
- (a) the Principal shall remain responsible, with the Board of Governors, for ensuring that the relevant rules are observed;
 - (b) references in this procedure to the principal shall be construed as meaning the person to whom the principal has so delegated such
- 2.19 Details of general delegations that have been made in accordance with paragraphs 2.17 and 2.18 are contained in Appendix Four to this procedure. In accordance with the general principle applicable to all delegations of powers that, 'the greater shall include the lesser', any act that, in accordance with this procedure, might be undertaken by a member of staff at the College can be undertaken by a more senior member of staff or by the Board of Governors or, rather than by the Board, by the Chair of the Board of Governors if he or she has been given delegated authority to act on behalf of the Board.

INFORMAL ACTION

- 1.1 From time to time informal oral warnings may be given to an employee for the purpose of improving standards of behaviour, remedying minor faults or addressing poor performance.
- 1.2 Such informal warnings are not part of the formal disciplinary procedure and shall not be used to give rise to a formal disciplinary sanction.

2. THE FORMAL PROCEDURE

- 2.1 If a disciplinary offence appears to have occurred the resolution of the matter will normally include the following elements.
- 2.2 **Investigation**
- 2.2.1 Any allegation made against an employee/volunteer that a disciplinary offence has occurred shall be investigated as soon as practicable by the principal or a person nominated by the principal. In this document the phrase "Investigating Manager" is used to refer to the Principal or such nominee.
- 2.2.2 Investigations will often include the holding of an investigatory meeting with the employee/volunteer at which the employee/volunteer concerned may comment upon the allegations made against him or her. In other cases, the investigatory stage will involve only the collation of evidence.

2.2.3 An investigatory meeting should not, by itself, result in any disciplinary action against the employee/volunteer although it could result in, he or she being suspended.

2.3 **Suspension**

2.3.1 The Principal may suspend an employee/volunteer from duty on full basic pay if applicable in cases that potentially could amount to serious or gross misconduct or for any good or urgent cause such as to enable an investigation or Meeting to be undertaken or where there are grounds for doubting the suitability of the employee/volunteer to continue at work.

2.3.2 Suspension will not be used as a disciplinary sanction: this should be made clear to the employee/volunteer.

2.3.3 The employee/volunteer shall be entitled to receive from the Principal written notification of the suspension setting out the grounds on which the decision to suspend has been taken.

2.3.4 The suspension of any employee/volunteer will be for as brief a period as possible and will be kept under periodic review and will be lifted if continued suspension is no longer necessary.

2.4 **Disciplinary meeting**

2.4.1 If, following the initial investigation, a disciplinary offence appears to have occurred a disciplinary Meeting will be held; if not, the matter will be dropped. The disciplinary Meeting will take the form of a hearing with the Investigating Manager presenting the results of the investigation to the Conducting Officer.

2.4.2 Prior to the disciplinary Meeting, the Investigating Manager will prepare a written statement containing sufficient detail of the employee's/volunteer's alleged conduct, the College's concerns or the other circumstances that have led to disciplinary action being commenced against the employee/volunteer to enable the employee/volunteer to prepare to answer those issues at the disciplinary Meeting. A copy of that written statement will be sent to the employee/volunteer at least four days before the Meeting. At the same time the employee/volunteer shall be invited to the Meeting and shall be advised of the following:

- (a) the date, time and venue of the Meeting;
- (b) the identity of the person who will be conducting the Meeting;
- (c) the essential details of the evidence (which may include witness statements) in support of the matters referred to in the written statement;

- (d) that the purpose of the Meeting is disciplinary and that a disciplinary sanction (including possible dismissal where appropriate) may result;
- (e) the entitlement to be represented or accompanied by a Companion;
- (f) the opportunity to call witnesses and/or present evidence.

2.4.3 If either the employee/volunteer or the Investigating Manager wishes to refer to any documents during the disciplinary Meeting, copies of the documents should be made available to the Investigating Manager or the employee/volunteer, as appropriate, as soon as practicable and, in any event, at least three days before the meeting.

2.4.4 The names of the persons to attend the disciplinary Meeting to give evidence shall be given by the Investigating Manager to the employee/volunteer (and vice versa) as soon as practicable in advance of the Meeting. If employees/volunteers of the Corporation are to attend the disciplinary Meeting, the College shall make any necessary arrangements to facilitate that attendance.

2.4.5 The Meeting must be conducted in a manner that enables both the Investigating Manager on behalf of the College and the employee/volunteer to explain their cases.

2.4.6 The following steps will normally be included in any disciplinary Meeting although this procedure is subject to such amendment, as the Conducting Manager may consider necessary or appropriate at the time. The Conducting Manager will:

- (a) explain the purpose of the meeting;
- (b) identify those present;
- (c) clarify the entitlement to be accompanied by a Companion;
- (d) ask the employee if there will be any witnesses;
- (e) refer to the written statement previously sent to the employee/volunteer and summarise the nature of the alleged disciplinary offence;
- (f) ask the Investigating Manager to present the evidence that has been gathered.

2.4.7 The employee/volunteer will then be given the opportunity to challenge the allegations, explain the circumstances or otherwise state his or her side of things. The employee will be allowed to set out his or her case and answer any

allegations that have been made. He or she will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. He or she will also be given an opportunity to raise points about any information provided by witnesses in support of the allegations etc that have been made.

2.4.8 The Conducting Manager will listen to arguments as to the allegations or relevant circumstances and any mitigating evidence and/or circumstances.

4.4.9 Before concluding the Meeting, the Conducting Manager will ask the employee/volunteer whether there is any additional information or evidence or any further representations he or she wishes to have considered.

4.4.10 At the conclusion of the disciplinary Meeting the Conducting Manager shall determine the appropriate disciplinary action having regard to:

- (a) the disciplinary offence;
- (b) the particular circumstances; and
- (c) the employment history.

The appropriate disciplinary penalty, if any, will be determined in the light of the above items even if, at first sight, that may appear to result in inconsistency of treatment between employees.

4.4.11 The decision of the Conducting Manager may be announced at or soon after the conclusion of the disciplinary Meeting and will be communicated, together with the employee's/volunteer's right of appeal, in writing as soon as practicable.

4.5 Disciplinary sanction

4.5.1 Subject to any relevant delegations, the Conducting Manager may impose any disciplinary sanction referred to below.

4.5.2 As a general rule one of the disciplinary sanctions set out below will be imposed in the circumstances shown alongside each of those sanctions:

- (a) written warning - where the circumstances are sufficiently serious to justify a written warning

- (b) final written warning - where there has been no improvement since a previous warning, or

a further disciplinary offence has been committed, or

the circumstances are so grave as to justify a final written warning without prior warning;

- (c) dismissal - where there has been no improvement since a previous final written warning, or

a further disciplinary offence has been committed, or

in the case of a gross disciplinary offence where the circumstances are such as to justify dismissal without prior warning; or

- (d) demotion - where the circumstances warrant dismissal (as described above) the Conducting Manager may, as an alternative to dismissal and subject to the employee's agreement, impose a sanction of demotion coupled with a final written warning.

4.6 Warnings

4.6.1 In any case where the Conducting Manager has decided to give a warning, the written decision should give details of:

- (a) the complaint;
- (b) the reason for the warning;
- (c) the level of disciplinary warning that has been given and warn that action at the next higher disciplinary level will be taken if no satisfactory improvement occurs or a further disciplinary offence is committed;
- (d) where appropriate, the change in behaviour or the improvement in standards required and the timescale to be allowed for that improvement;

- (e) how long it is expected to be before the warning becomes “spent” (see paragraph 4.8.2 below);
- (f) the right of appeal;
- (g) how to exercise that right of appeal.

4.6.2 If the warning relates to the capability of the employee/volunteer the written decision may also give details of any advice, training, support or assistance that will be made available to the employee/volunteer in order to assist the employee/volunteer to achieve the required standards.

4.7 Dismissal

4.7.1 Dismissal can take one of the two forms set out below.

Dismissal for reasons other than a gross disciplinary offence

4.7.2 Where the circumstances described in paragraph 4.7.3 do not prevail, an employee/volunteer will not be dismissed if he or she has not previously been given a disciplinary warning (which remains extant) and, if dismissed, will be entitled to notice of dismissal or pay in lieu.

Dismissal because of a gross disciplinary offence

4.7.3 An employee/volunteer who, following an investigation and disciplinary Meeting is found to have committed a gross disciplinary offence by virtue of his or her conduct (whether by act or omission) will normally be summarily dismissed: that is to say that dismissal may take immediate effect without any need for prior warning, notice or pay in lieu of notice.

Notification of dismissal

4.7.4 The dismissal may be communicated orally or in writing, or orally and confirmed in writing without unreasonable delay. In either case, the written notification to the employee/volunteer will give:

- (a) the reason for the dismissal;

- (b) the date upon which the employment is to terminate or (if the decision has been given orally to the employee) has terminated;
- (c) the appropriate period of notice (if any);
- (d) details of the right of appeal;
- (e) details of how to exercise that appeal.

4.8 Records and time limits

4.8.1 A copy of any written decision will be placed on the employee's/volunteer's personal file.

4.8.2 If, following receipt of a warning, the employee's/volunteer's conduct and performance improve and continue at an acceptable standard, formal warnings will become 'spent' as follows:

- (a) written warning - after a period of twelve months from the written warning;
- (b) final warning - after a period of eighteen months from the final warning.

4.8.3 The above time periods may be lengthened in individual cases (in exceptional circumstances) and refer to periods during which the employee/volunteer is at work. If, therefore, the employee/volunteer is absent from work for more than short periods for reasons other than authorised holiday, the time period during which the warning will remain on the employee's/volunteer's record will be extended to reflect that absence.

4.8.4 In this procedure, references to a warning becoming "spent" shall mean that if a disciplinary offence is found to have occurred, the spent warning will not be relied upon as a basis for progressing to impose a higher level of disciplinary sanction than the spent warning but the spent warning can be taken into account in determining whether it is appropriate to apply the

disciplinary sanction that the disciplinary offence under consideration appears to warrant.

4.9 Appeals

4.9.1 An employee/volunteer has the right to appeal against any formal disciplinary action.

4.9.2 Written notice of the appeal (which must set out the grounds for the appeal) must be given to the Head of Human Resources within fourteen days receipt by the employee/volunteer of the disciplinary decision.

Appeal against warning

4.9.3 An appeal against a warning will be heard by the Principal or a manager of appropriate authority seniority nominated by the Principal provided that any such a person has not had any previous material involvement in the matter.

Appeal against dismissal

4.9.4 An appeal against a decision to dismiss will be heard by an Appeal Committee or the Principal to be determined in accordance with paragraph 2 of Appendix 4.

All appeals

4.9.5 Any appeal will be heard without unreasonable delay and, ideally, at an agreed time and place. If the appeal relates to a dismissal the employee/volunteer shall be entitled to five days' notice of the date, time and venue of the appeal Meeting, unless an earlier date has been mutually agreed.

4.9.6 At the appeal Meeting the employee/volunteer will be entitled to:

- challenge the allegations, explain the circumstances or otherwise state his or her side of things;
- call witnesses and/or present evidence.

4.9.7 The disciplinary penalty will be reviewed but cannot be increased, other than in exceptional circumstances such as new evidence coming to light. The

decision will be communicated to the employee/volunteer in writing as soon as practicable and will be final.

4.10 No disciplinary offence

If, whether on initial investigation, disciplinary Meeting or appeal, it is adjudged that the employee/volunteer was not blameworthy, any written reference to the complaint shall be removed from the employee's record and where the employee/volunteer has been suspended, any money or benefits to which he or she would have been entitled but for the suspension shall be repaid.

APPENDIX ONE

Gross disciplinary offences

The following are examples of gross disciplinary offences which, will normally be regarded as grounds for summary dismissal:

- (a) dishonesty, theft or unauthorised possession of any property or facilities belonging to the College, to any third party associated with the College or to any employee or student;
- (b) serious wilful or reckless damage to, or the abuse of, or neglect of, College property;
- (c) misuse of or improper interference with computer hardware or software (including unauthorised or improper use of the internet or e-mail);
- (d) fraud or deliberate falsification of College documents including registers, reports, accounts, expenses claims or self-certification forms;
- (e) bribery or corruption;
- (f) refusal to carry out duties or reasonable instructions or to comply with College rules;
- (g) gross insolence or insubordination;
- (h) serious negligence or incompetence which causes;
 - unacceptable loss,
 - damage or injury to persons or property,
 - detriment to academic standards;
- (i) incapability as a result of being intoxicated by reason of alcohol or illegal drugs;
- (j) violent, dangerous or intimidatory conduct;

- (k) violation of or non-compliance with the College rules and procedures including the financial regulations, health and safety, safeguarding and equality and diversity;
- (l) sexual, racial or other harassment or discrimination of another employee or a student;
- (m) unlawfully disclosing confidential information about the College or its affairs;
- (n) a criminal offence or similar behaviour which may (whether it is committed during or outside the employee's/volunteer's hours of work for the College) adversely affect the College's reputation, the employee's/volunteer's suitability for the type of work he or she is employed by the College to perform or his or her acceptability to other employees or to students;
- (o) disloyalty, such as competing with College business;
- (p) acts or omissions which cause or in the opinion of the College might cause unacceptable loss, damage or injury to persons or property or harm to the reputation of the College;
- (q) use of foul or abusive language;
- (r) loss of any necessary driving licence;
- (s) without authority, taking a College vehicle home for any reason or using a vehicle for any purpose other than College business;
- (t) use of the College's or a student's time, material, equipment or property for any purpose other than College business;
- (u) acts or omissions which in the opinion of the College have brought or may bring the College into disrepute or otherwise destroy the essential relationship of trust and confidence between the employee and the College or its students;

The above examples are neither exhaustive nor exclusive and all matters which are considered by the Principal to be gross disciplinary offences shall be dealt with accordingly.

APPENDIX TWO

Senior Postholders

This procedure shall apply, subject to the following amendments, to Senior Postholders within the College and to the Clerk to the Governors (for convenience both Senior Postholders and the Clerk are referred to below as the “Senior Postholder”). If, however, the Clerk is suspended or dismissed under Article 17 of the College Articles of Government, that suspension or dismissal shall not affect the position of the Clerk in the separate role of Clerk to the Governors.

In this Appendix references to the Chair of the Board of Governors shall, in the absence of the Chair, mean the Vice Chair.

Subject as expressly provided in this Appendix, throughout the procedure and this Appendix references to the Principal shall be construed as meaning the Chair of the Board of Governors where circumstances demand it, such as where the Principal is the subject of the procedure or in cases of urgency.

1. Informal Action (*Paragraph 3 of the procedure refers*)

If, as a result of the informal discussion, advice or guidance about future conduct is given to the Senior Postholder this should be confirmed in writing to the Senior Postholder, specifying any agreed remedial actions and timescales, if applicable.

2. Investigation (*Paragraph 4.2 of the procedure refers*)

The Investigating Manager in any case where a disciplinary offence has occurred involving a Senior Postholder shall be the Principal except in any case involving the Principal when the Investigating Manager shall be a person (or a group of persons, in which case the following references to a person or a member shall be construed in the plural) nominated by the Chair. Such a person might be a person external to the College or could be a member of the Board of Governors (other than a staff or student member). In that latter case the nominated member should normally not attend, as a member, any meeting of the Board of Governors or any of its Committees at which disciplinary action against the Senior Postholder may be considered.

3. Suspension (*Paragraph 4.3 of the procedure refers*)

In paragraph 4.3.1 and 4.3.2, the reference to the Principal shall be construed as meaning the Chair of the Board of Governors.

4 **Disciplinary Meeting (*Paragraph 4.4 of the procedure refers*)**

4.1 If the Chair of the Board of Governors, or in his or her absence the ~~Deputy~~ Vice Chair, or a majority of the members of the Board of Governors (or in the case of a Senior Postholder who is not the Principal, the Principal), consider that it might be appropriate for disciplinary action to be taken against the Senior Postholder, the Chair, ~~Deputy~~ Vice Chair, the Board of Governors or the Principal (as appropriate) shall refer the matter to a Disciplinary Committee of the Board of Governors to examine the case and make a decision.

4.2 The Disciplinary Committee shall consist of at least three members of the Board of Governors. The Chair of the Board of Governors, the Vice-Chair, the Principal and any member of the Board of Governors who is either employed at or a student at the College shall not be eligible for membership of the Disciplinary Committee.

4.3 The Disciplinary Committee shall be convened as soon as practicable.

4.4 The Investigating Manager (as defined in paragraph 2 of this Appendix) may assist the Disciplinary Committee in its work in any way: for example, by investigating matters and/or presenting to the Disciplinary Committee the case against the Senior Postholder.

4.5 Paragraphs 4.4 to 4.10 of the Procedure shall apply subject to such amendments as shall be necessary or appropriate: for example,

- (a) disciplinary Meeting shall mean Disciplinary Committee;
- (b) Conducting Manager shall mean Disciplinary Committee or where appropriate its Chair;
- (c) appeals will be heard by an Appeal Committee;
- (d) appeal Meeting shall mean a meeting of the Appeal Committee;
- (e) arrangements for any appeal will be made by the Clerk to the Governors or the Board's nominated representative.

APPENDIX THREE

Recommended procedure

This is a possible procedure, which may, at the discretion of the College be used at disciplinary and appeal Meetings. This procedure is subject to such amendment, as the person conducting the meeting may consider necessary or appropriate at the time.

At any meeting, the Investigating Manager and/or the person conducting the meeting can be accompanied or represented by a person of his or her choice. (Referred to below as the College's adviser).

The employee will have the right to be accompanied or represented by a Companion.

The timing and location of meetings must be reasonable.

1. The person conducting the Meeting will explain the purpose of the Meeting and identify those present. He or she will then read out the written statement, previously sent to the employee, giving the reasons for the Meeting and the nature of the alleged disciplinary offence.
2. The Investigating Manager will present the evidence and may call witnesses.
3. Questions on the case against the employee may be asked of the Investigating Manager and/or any witnesses in turn, by (as appropriate):
 - (i) the Companion;
 - (ii) the employee;
 - (iii) the College's adviser;
 - (iv) the person conducting the Meeting.
4. The employee or the Companion will reply, putting the case, and calling witnesses, as appropriate.
5. Questions on the case of the employee may be asked of the employee and/or any witnesses in turn, by (as appropriate):
 - (i) the Investigating Manager;
 - (ii) the College's adviser;

- (iii) the person conducting the Meeting.
6. The employee or the Companion may make a closing submission but may not introduce any new matter.
 7. The Investigating Manager shall have a right of reply and may sum up the case against the employee but may not introduce any new matter.
 8. Before concluding the Meeting the person conducting the Meeting will ask the employee whether there is any additional information or any further representation he or she wishes to have considered.
 9. The parties will withdraw while a decision is considered.
 10. After due deliberation (which may require an adjournment to consider or investigate matters that have been raised) the decision may be communicated to the parties in writing or announced to the parties and confirmed in writing. If during any such adjournment, the person conducting the Meeting discovers new information, which is relevant to the disciplinary matter, he or she will not consider the decision without first reconvening the Meeting to allow the employee or, if appropriate, the Investigating Manager to comment upon the new information.

APPENDIX FOUR

Delegations

In exercise of the powers contained in the Articles of Government of the College (as reflected in paragraphs 2.17 and 2.18 of this procedure) the Principal and/or the Board of Governors have delegated functions otherwise allocated in those Articles to them as set out below and the provisions of the procedure, including without limitation, the provisions of paragraphs 4.3, 4.5, 4.7 and 4.9, shall be construed (with such amendments as are necessary) accordingly.

1. **Suspension and Dismissal** (*paragraphs 4.3 and 4.7 particularly refer*)

- 1.1 The Principal's powers of suspension and dismissal shall be delegated to a Vice Principal in respect of any employee of the Corporation who is not a Senior Postholder:
- 1.2 The delegation contained in paragraph 1.1 above shall not apply (and as such the provisions of the procedure as drawn may apply) in exceptional cases (to be determined at the discretion of the Principal) for example, where the Vice Principals have had or are required to have prior material involvement that would preclude further involvement in accordance with such delegation.

2. **Appeals** (*paragraph 4.9.4 particularly refers*)

- 2.1 The Governors' functions of considering appeals from any employee who, in accordance with paragraph 1.1 above, has been dismissed by a Vice Principal shall be delegated to the Principal.
- 2.2 The delegation contained in paragraph 2.1 above shall not apply:
 - 2.2.1 if, due to the circumstances described in paragraph 1.2 above, the delegation contained in paragraph 1.1 above did not apply and the Principal dismissed the employee; or, more generally,
 - 2.2.2 in circumstances where the interests of natural justice demand that the Principal should not consider the appeal.
- 2.3 If, due to the circumstances described in paragraph 2.2 above, the delegation contained in paragraph 2.1 above does not apply, the Principal's function of

considering appeals from any employee who has been dismissed by a Vice Principal shall be delegated to the Chair (or in the Chair's absence, the Vice-Chair) of the Board of Governors but he or she may decline to exercise that power and choose, instead, to refer the appeal to an Appeal Committee for decision.

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