

Disciplinary Policy

1. Introduction

The University has agreed disciplinary procedures with the relevant unions and these are detailed in the links section below.

It is expected that most problems will be resolved informally, and to be fair to staff appropriate informal action should be taken before formal action is considered (unless it is a case of serious or gross misconduct). Such informal action is not a part of the formal Disciplinary Procedures, although each procedure contains a section on informal action.

2. Implementing the policy

It is essential that good documentation is maintained and that the University can show that it has followed the appropriate procedures for the particular staff category in order to substantiate its actions in the event of any internal appeal by a member of staff against disciplinary action, or any external claim against the University for unfair dismissal.

It is essential that the proper notification of formal Disciplinary action is given to individuals i.e. that they are informed in writing of the complaints, that they are given the stipulated notice for the date of the hearing, that they are given copies of any documents that might be used in evidence, that they are informed of their rights with regard to representation; and that it is clear in the notification letter which stage of the proceedings is being followed.

A copy of the appropriate Disciplinary Procedures or Capability Procedure should be provided to the individual with the letter notifying them of the complaint.

In a case of Serious Misconduct the Third Stage of the Disciplinary Procedures should be initiated without the preliminary stages being followed.

3. Responsibility of Managers

Managers should whenever possible try to resolve matters informally. However, where further action is required managers should ensure they follow the relevant disciplinary procedures and retain the appropriate records, either within electronic files or paper documentation.

4. Written Reasons for Dismissal

Any employee with two years' continuous service at their termination date has a right to request a 'written statement of reasons for dismissal' and the University is required by law to provide this statement within 14 days of the request being made, unless it is not reasonably practicable. The written statement can be used as evidence in any subsequent proceedings, for example in relation to a claim of unfair dismissal.

If an employee is dismissed at any time while they are pregnant or after childbirth in circumstances in which their maternity leave period ends by reason of their dismissal, or if an employee on adoption leave is dismissed in circumstances in which the adoption leave period ends by reason of the dismissal, under the Employment Rights Act 1996 the employee is entitled to a written statement of reasons for the dismissal irrespective of length of service and without having to make a request.

5. Sexual harassment and harassment at work

The University will take seriously any complaints of harassment in the workplace and will, where this is appropriate, deal with such conduct as a disciplinary matter under the relevant agreed disciplinary procedures.

The University recognises the impact of all harassment in the workplace and embraces its responsibility for ensuring that staff (and workers) do not face harassment in the workplace. The University adopts best practice and takes all reasonable steps for both the effective prevention of harassment, and the appropriate response if this should occur.

In addition, victimisation or the threat of less favourable treatment of any parties involved in the complaint and/or because of action being taken under the Bullying and Harassment procedure, will not be tolerated and will lead to disciplinary action.

6. OU Staff based in Wales

For OU staff working in Wales, the University welcomes complaints submitted in Welsh or English, these staff may also choose to respond to complaints in Welsh or English.

7. Equality, diversity and inclusion

Policies are inclusive of all Open University staff, regardless of: race, sex, disability, age, religion or belief, sexual orientation, gender, gender identity, gender expression or gender reassignment.

8. Useful references

Disciplinary Procedures Support Staff

Disciplinary Procedures Academic and Academic Related Staff