1. Introduction

This Statute sets out general principles and precepts to regulate the suspension, discipline, dismissal and grievances of members of staff in posts designated by the Council as academic or academic-related (professional and managerial) and applies only to such staff.

2. General principles of construction and application

(1) This Statute and any ordinances, regulations or procedures made under it shall be applied and construed in every case as having regard to the following guiding principles:

(i) to ensure that members of staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University;

(ii) to enable the University to provide education, promote learning and engage in research efficiently, effectively and economically;

(iii) to encourage employees to improve and to support them in doing so (unless circumstances are such that this cannot be a reasonable expectation);

(iv) to apply appropriate confidentiality to individual cases; and

(v) to apply the principles of justice and fairness.

(2) Any reference in this Statute to a provision in an Act of Parliament shall be taken to be a reference to that provision as may have been amended or superseded from time to time.

(3) For the purposes of this Statute the following terms shall bear the following meanings:-

(i) ‘dismissal’ shall bear the same meaning as in section 95 of the Employment Rights Act 1996;

(ii) ‘dismissal by reason of redundancy’ shall bear the same meaning as in section 139 of the Employment Rights Act 1996.

(4) The power to dismiss any member of staff by reason of redundancy, and the procedures prescribed in relation to such power, under this Statute shall not apply to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 (that is staff appointed prior to, and not promoted after, 20 November 1987), who shall for this purpose continue to be subject to such powers, if any, as applied to them prior to the introduction of the statute made by the University Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988.

(5) This Statute shall apply to the Vice-Chancellor to the extent and in the manner set out in the annex to this Statute.
3. **Suspension**

The Vice-Chancellor, a Deputy Vice-Chancellor or a Pro-Vice-Chancellor, or, when one such is not available, other appropriate person or persons designated by the Vice-Chancellor, may suspend from duty, with pay, any member of staff for alleged misconduct or to enable an appropriate investigation into alleged misconduct or for other good or urgent reason(s). This may include cases of alleged gross misconduct or cases where the University has responsibility to others, or its property, its reputation or its business processes are at risk. Suspension is not a disciplinary penalty and is not an indication of culpability. The Vice-Chancellor, a Deputy Vice-Chancellor or a Pro-Vice-Chancellor, or other person or persons designated by the Vice-Chancellor, may lift suspension before the conclusion of disciplinary proceedings if they judge that the lifting of suspension would be appropriate.

4. **Warnings and sanctions**

(1) The Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor or, when one such is not available, other person or persons designated by the Vice-Chancellor, may discipline or apply other sanction(s) as prescribed in the relevant procedure to any member of staff to whom this Statute applies.

(2) Where a member of staff has been disciplined or had other sanction(s) applied to them, that member of staff may appeal against that decision as provided for in the relevant procedure.

5. **Dismissal**

(1) The Vice-Chancellor or other appropriate person or persons designated by the Council may dismiss any member of staff to whom this Statute applies, either with or without notice, depending on the circumstances of the case, on any ground permitted by section 98 of Employment Rights Act 1996, in accordance with this Statute and any ordinances or procedures made under it.

(2) Where a member of staff has been dismissed pursuant to Clause 5(1) that member of staff may appeal against the dismissal as provided for in the relevant procedure.

6. **Grievances**

(1) Any member of staff to whom this Statute applies may seek redress of a grievance relating to that staff member’s employment as provided for in the relevant procedure.

(2) If the member of staff is dissatisfied with the outcome of a grievance, that staff member may appeal against that decision as provided for in the relevant procedure.

7. **Procedures**

(1) The Council shall ensure that there are in place (as may be amended from time to time) statutes, ordinances, regulations or other procedures that deal with the conduct and discipline, capability, grievances and dismissal of all employees of the University to whom this Statute applies.
(2) All formal procedures covering the conduct and discipline, capability, grievances and dismissal of all employees of the University to whom this Statute applies shall provide for employees to have a fair hearing, to present material and other evidence relevant to their case, and to be represented at any hearing. At the final stage of any procedure, where dismissal is under consideration, employees may be represented by a legally qualified person. Hearings shall be adjourned where necessary to secure further and better evidence, or otherwise to serve the interests of justice. The University and members of staff will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.
PROVISIONS FOR THE DISMISSAL AND REMOVAL FROM OFFICE OF THE VICE-CHANCELLOR

1. This Annex sets out the applicable procedure for the Council determining that the Vice-Chancellor shall be dismissed and removed from office, for any reason, under current legislation as amended and in force from time to time.

2. This Annex shall be construed to ensure that the Vice-Chancellor has freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themself in jeopardy of losing their job or privileges.

3. In any case where:

   (1) the Chair has received written request(s) seeking the dismissal and removal from office of the Vice-Chancellor from five or more Council members, at least three of whom should be lay members; or

   (2) the Remuneration Committee recommends the Vice-Chancellor’s dismissal and removal from office on the grounds that the Vice-Chancellor has failed to meet performance related objectives set by the Remuneration Committee.

   the Chair must refer the request to the Council for decision.

   In addition, the Chair of the Council may at any time request the Council to consider the dismissal and removal from office of the Vice-Chancellor where the Chair themself considers that there are grounds for such dismissal and removal from office.

4. Where the Council is to be asked to consider the dismissal and removal from office of the Vice-Chancellor, the Chair of the Council shall notify the Vice-Chancellor of that fact not less than two working days in advance of the meeting.

5. The Chair of the Council may suspend the Vice-Chancellor from their duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary:

   (1) where the Council is to be asked to consider the Vice-Chancellor's dismissal and removal from office; or

   (2) at any other time where the Chair considers it appropriate.

6. At any meeting of the Council at which the dismissal and removal from office of the Vice-Chancellor is to be considered under this procedure, the Vice-Chancellor will be invited to attend and make representations to the Council before a decision is made and may be accompanied by a representative. The Chair may request the Vice-Chancellor absents themself from any part of that meeting.

7. If the Council considers that it is necessary, before taking any decision on the proposed dismissal and removal from office of the Vice-Chancellor, to investigate any matter or establish any facts, it may at its discretion appoint a member or members of the Council to carry out such investigation and make a written report to the Council. It shall be for the member or members of Council so appointed to determine how any such investigation should be progressed, save that the Vice-Chancellor shall be
afforded the opportunity to make written or oral representations to the member or members of the Council appointed to undertake the investigation. Nothing in this paragraph shall oblige the Council to appoint a member or members of the Council to carry out any investigation before the Council determines whether the Vice-Chancellor shall be dismissed or removed from office.

8. The Council may decide by a simple majority of those present (subject to the meeting being quorate) to dismiss the Vice-Chancellor and remove them from office and whether such dismissal shall be a summary dismissal (i.e. without notice or payment in lieu of notice) or a dismissal on notice or (where provided for in the Vice-Chancellor’s contract of employment) with a payment in lieu of notice. If the vote shall be equally divided for and against, the Chair shall have a second and casting vote. The Council’s decision shall be final.
ORDINANCE: GRIEVANCE PROCEDURE

Part I – Application and scope

1. This procedure will apply to a grievance brought by a member of staff in relation to matters affecting them personally as an individual. A grievance may also be submitted by a group of individuals. Although the actions or inactions of individuals may be criticised in a grievance, all grievances shall be directed against the University corporately, not against individuals.

2. This procedure will apply where it has not been possible to resolve the grievance locally and/or informally or where the issues raised are sufficiently serious to make local and/or informal resolution inappropriate.

Part II – General provisions

3. Any member of staff who brings or is cited in a grievance considered under this procedure has the right to be accompanied and represented at any meeting under it by a trade union representative or work colleague. The member of staff’s chosen companion can act as a witness, take a note of the proceedings, address the meeting and confer with the member of staff but may not answer questions on their behalf.

4. Prior to the commencement of the procedure set out in Part III, or at any time throughout the procedure, the University may refer the matter to its internal mediation service to resolve the issues which form the subject of the grievance and/or institute other arrangements for informal resolution. No grievance shall be regarded as resolved informally or through mediation unless the aggrieved party so agrees.

5. Where the subject matter of a grievance is substantially the same as matters already being handled under disciplinary procedures, the grievance may be considered within or alongside the disciplinary process.

6. Every effort will be made to ensure that grievances are resolved in a timely fashion.

Part III – Procedure

7. In the first instance, a member of staff who considers that they have a grievance should attempt to resolve the matter locally and informally with the advice and support of senior colleagues as appropriate to the case.

8. Where local and informal resolution either is inappropriate or has proved ineffectual, the member of staff will set out their grievance in writing, giving full details and the resolution sought, to the Director of Human Resources. The grievance will be determined by one or two individuals selected by the Director of Human Resources or nominee ('the investigating officer(s)'), who will be a senior member or members of staff with no prior involvement in the matter. The procedure will be effected as expeditiously as possible and in the expectation that all parties will avoid the introduction of preventable delay.

9. The investigating officer(s) will seek information and evidence from the parties concerned, who will be given the opportunity to meet the investigating officer(s). Connected grievances may be subject to the same investigation.

10. The investigating officer(s) will report their findings and any recommendations to the Director of Human Resources. The parties to the grievance will be informed by the
Director of Human Resources or nominee, in writing, of the decision in relation to the grievance and any recommendations to the University and of the right of appeal.

Part IV – Appeal

11. The Vice-Chancellor may delegate his responsibilities under Part IV to a Deputy Vice-Chancellor.

12. A member of staff will have the right to appeal against any decision under this procedure and must specify the grounds of their appeal. The grounds of appeal must be in writing and must be sent to the Secretary within fifteen working days of the date of the decision for consideration by the Vice-Chancellor.

13. Without prejudice to the generality of the right of appeal, the appeal should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.

14. If the Vice-Chancellor considers that there are prima facie grounds for appeal, a three-person panel will be established to hear the appeal; the membership of the panel will include a lay member of the Council and a member of the Senate.

15. If the Vice-Chancellor considers that there are no prima facie grounds for appeal, the appeal may be rejected, and that decision shall be final. No appeal will however be rejected without the appellant being given the opportunity of a hearing.

16. At the meeting the member of staff will be given the opportunity to state their case and raise any factors which they wish to have considered.

17. The panel will forward the outcome of its deliberation to the Director of Human Resources, who will convey the decision to the member of staff concerned in writing.

18. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.
ORDINANCE: CONDUCT PROCEDURE

Part I – Application and scope

1. This procedure applies in cases of misconduct and gross misconduct by any member of staff covered by Statute.

Part II – General provisions

2. An investigation may be conducted if, having taken into account the scope and nature of the alleged misconduct or gross misconduct, the relevant manager considers that this is necessary. This may require holding an investigatory meeting and collating evidence for use at any hearing. In such instances, the investigating officer will not hear any subsequent disciplinary case or otherwise take any disciplinary decisions.

3. Members of staff who are the subject of a formal meeting, hearing or appeal under this procedure have the right to be accompanied and represented at any such meeting or hearing by a trade union representative or work colleague. The member of staff’s chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff but may not answer questions on their behalf.

4. At any stage in the disciplinary process, if considered appropriate, in light of the suspension principles outlined in the overview statute, the member of staff may be suspended from work on full pay by the Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor, or, when one such is not available, other person or persons designated by the Vice-Chancellor (the ‘suspending officer’). Suspension is not a disciplinary penalty and is not an indication of culpability. Such suspension will be reviewed periodically by the Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor and may be lifted at their discretion. During any period of suspension, the member of staff will be required to cooperate fully with any investigation and to be available for interview during normal office hours, but they will be entitled to access any University premises and to engage in their normal day to day duties only with the prior agreement of the head of school or service in consultation with the suspending officer. The suspending officer may also deny a suspended member of staff access to the University’s e-mail or other digital facilities where the suspending officer considers it necessary or appropriate in the context of the case.

5. Where the University considers it appropriate, the contents of an investigation undertaken under another statutory or other equivalent procedure may be used as part of this procedure.

6. In the twelve months following a member of staff being given a disciplinary warning under this procedure, any salary increment falling due may be withheld.

Part III – Informal procedure

7. When a member of staff’s conduct is called into question but the line manager does not consider the formal procedure in Part IV to be necessary, the line manager will meet with the member of staff to discuss the issue with them informally. A written record of discussions will be made.
Part IV – Formal procedure

Stage 1 – Potentially leading to a formal warning

8. Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the informal process is considered to be inappropriate, the University may consider taking formal action under Stage 1 of this procedure.

9. Where misconduct may have occurred, the member of staff will be required to attend a formal disciplinary meeting at which they will be given the opportunity to respond and state their case. At least five working days notice of the hearing will be given in writing to the member of staff, and any documents to be relied on at the hearing will be given to the member of staff at least three working days before the hearing.

10. At Stage 1, the formal meeting will be conducted by the head of the relevant school or service or their nominee (‘the Disciplinary Manager’).

11. If, having considered the evidence, the Disciplinary Manager is satisfied that the member of staff has committed misconduct, the Disciplinary Manager will write to the member of staff informing them whether it is appropriate for a formal disciplinary warning to be given. If such warning is given the letter will set out the nature of the misconduct, the change in conduct required, the period during which the warning will remain active (no longer than one year) and the consequences of further misconduct. The letter will also set out the member of staff’s right of appeal against the decision.

Stage 2 – Potentially leading to a final warning

12. If the member of staff does not meet the required standard of conduct set out under Stage 1, commits any further misconduct during the currency of an existing warning, or where the alleged misconduct is such that it is appropriate to dispense with Stage 1, the University may consider whether a formal disciplinary meeting should be convened under Stage 2 of this procedure.

13. If misconduct may have occurred, the member of staff will be required to attend a formal disciplinary meeting at which they will be given the opportunity to respond and state their case. At least five working days notice of a hearing will be given in writing to the member of staff, and any documents to be relied on at the hearing will be given to the member of staff at least three working days before the hearing.

14. At Stage 2, the Disciplinary Manager will be the dean of the relevant faculty or service equivalent or nominee. The line manager of the member of staff whose conduct is under examination will not be appointed to act as Disciplinary Manager.

15. If, having considered the evidence, the Disciplinary Manager is satisfied that the member of staff has committed misconduct, the Disciplinary Manager will write to the member of staff informing them whether it is appropriate for a final disciplinary warning to be given and if such warning is given, the nature of the misconduct, the change in conduct required, the period during which the warning will remain active (no longer than two years) and the consequences of further misconduct. The Disciplinary Manager may also consider the removal of any title or office held in addition to the substantive appointment. The letter will also set out the right of appeal against the decision.
Stage 3 – Potentially leading to dismissal

16. If the member of staff does not meet the required standard of conduct set out in the final disciplinary warning issued under Stage 2 of this procedure, commits further misconduct during the currency of an existing warning, or where allegations of gross or very serious misconduct are raised such that it is considered appropriate to dispense with Stages 1 and 2, the University may take formal action under Stage 3 of this procedure.

17. If there are grounds to indicate that an act of further, or gross, or serious, misconduct may have occurred, the member of staff will be required to attend a formal disciplinary hearing before a three-person panel established by the Secretary or nominee; the membership of the panel shall include one lay member of the Council and a member of the Senate. The letter requiring attendance at the formal disciplinary hearing will include a statement of the alleged misconduct and will warn the member of staff that one consequence of the hearing may be the termination of their employment with or without notice. The member of staff will be given at least fifteen working days notice of the hearing, and any documents to be relied on at the hearing will be given to the member of staff at least ten working days before the hearing.

18. At the hearing the member of staff will be given the opportunity to state their case and raise any factors which they wish to have considered.

19. Where allegations are partly or wholly upheld by a panel, the panel may impose sanctions, including but not limited to:
   - dismissal (without notice in the case of gross misconduct);
   - withholding of any forthcoming increment of salary;
   - demotion to a post of lower grading;
   - redeployment;
   - removal of any title or office held in addition to the substantive appointment.

The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation.

20. The decision, the reasons for that decision and any sanction(s) will be set out in writing and the member of staff will be notified of their right of appeal.

Part V – Appeals

21. The member of staff will have the right to appeal against any decision under this procedure and must specify the grounds for their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.

22. An appeal against a warning at Stages 1 or 2 must be sent to the Director of Human Resources within fifteen working days of the member of staff receiving the decision. The Director of Human Resources or nominee will invite an appropriate senior member of staff who has had no prior involvement in the matter to consider the appeal.

23. An appeal against a sanction at Stage 3 must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be
considered by a three-person panel consisting of the Vice-Chancellor (or a Deputy
Vice-Chancellor), a member of the Senate and either a lay member of the Council or
an independent practising lawyer.

24. The decision of the appeal panel will be final and cannot be further appealed. It will be
communicated with all due expedition.
ORDINANCE: CAPABILITY PROCEDURE

Part I – Application and scope

1. This procedure sets out the process to be followed if capability issues arise.

2. For the avoidance of doubt, this procedure does not apply where the probation procedure is in force.

Part II – General provisions

3. Members of staff who are the subject of a formal meeting, hearing or appeal under this procedure have the right to be accompanied and/or represented at such meeting or hearing by a trade union representative or work colleague. The member of staff’s chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff but may not answer questions on their behalf.

4. In any proceedings under this procedure:
   a. due regard will be taken of any ill health or disability;
   b. heads of school or service and others with management responsibilities under the procedure will take appropriate professional advice;
   c. any member of staff whose capability is called into question will be given the opportunity to state their case, to raise any factors they wish to have considered and to present evidence; and
   d. a member of staff whose capability is called into question may agree to demotion to a post of lower grading or to the removal of any title or office held in addition to their substantive appointment.

Part III – Informal procedure

5. An informal procedure will be used in cases of minor lapses, or lapses which are uncharacteristic, transitory or arising from temporary circumstances or misunderstood expectations, and the line manager does not consider the formal procedure in Part IV to be necessary. In such instances the line manager may meet the member of staff to discuss the issue with them and to issue advice, guidance and support. A written record of informal discussions will be made following such a meeting.

Part IV – Formal procedure

Stage 1 – Possible issue of a written caution

6. Where the member of staff’s capability is judged not to meet standards acceptable to the University or where informal action or advice has proved ineffective, the head of school or service shall convene a formal review meeting with the member of staff. The letter inviting the member of staff to the meeting shall set out the issues to be considered, shall give at least five working days’ notice of the meeting, and shall include any documents to be relied upon at the meeting.

7. After the meeting, and if deemed appropriate, the head of school or service may issue a written caution to the member of staff that makes clear the improvement that is required, the support that will be made available and the consequences if improvement is not achieved and maintained within the timescale of the caution (which will remain effective for a period not exceeding twelve months).
8. This written caution will be recorded in the form of a letter with a copy to be sent to the member of staff. The letter will also set out the right of appeal against the decision. A copy will be placed on the member of staff’s personal file and will be removed six months after the caution expires, subject to achievement and maintenance of the required improvement(s).

Stage 2 – Possible issue of a final written caution

9. If it is considered that the member of staff has not met the required improvements by the conclusion of the Stage 1 review period (or sooner if the capability issues are not improving), or if the capability issues are sufficiently serious such that it is appropriate to move immediately to the next Stage, the member of staff will be invited to a Stage 2 review meeting. The letter inviting the member of staff to the meeting shall set out the issues to be considered, shall give at least five working days’ notice of the meeting, and shall include any documents to be relied upon at the meeting. The Stage 2 meeting will be conducted by the head of school or service involved or, if any party so requests, by another head of school or service.

10. At the conclusion of the Stage 2 review meeting, the head of school or service will decide what action, if any, needs to be taken including issuing a final written caution to the member of staff which makes clear the improvement required, the support that will be made available, and the consequences if improvement is not achieved within the timescale of the caution (which will remain effective for a period not exceeding twelve months).

11. This final written caution will be recorded in the form of a letter to be sent to the member of staff. The letter will also set out the right of appeal against the decision. A copy will be placed on the member of staff’s personal file and will be removed six months after the caution expires, subject to achievement and maintenance of the required improvement(s).

Stage 3 – Potentially leading to dismissal

12. If the member of staff does not improve as specified in the final written caution issued under the Stage 2 review above, or where serious capability issues arise or gross negligence is alleged, and after such investigation as is appropriate in the circumstances, the member of staff will be invited to a formal hearing at Stage 3 before a three-person panel established by the Secretary or nominee; the membership shall include a lay member of the University Council and a member of the Senate. The member of staff will be advised in writing of the grounds that have led to the hearing being called, including full details of the alleged capability issues, and will be advised that one consequence of the hearing may be the termination of their employment. They will be given at least fifteen working days’ notice of the hearing, and any documents to be relied on at the hearing will be made available to them at least ten working days in advance.

13. Where allegations are partly or wholly upheld by the panel, it may impose sanctions including but not limited to:

- dismissal (without notice in the case of gross negligence);
- further caution;
- withholding of any forthcoming increment of salary;
- demotion to a post of lower grading;
- removal of any title or office held in addition to the substantive appointment;
- redeployment.

14. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation.

15. The decision and any sanction(s) will be communicated in writing, with reasons, and the member of staff will be notified of their right of appeal.

Part V – Appeals

16. The member of staff will have the right to appeal against any decision under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty/improvement measures unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.

17. An appeal against a warning at Stages 1 or 2 must be sent to the Director of Human Resources within fifteen working days of the member of staff receiving the decision. The Director of Human Resources or nominee will invite an appropriate senior member of staff who has had no prior involvement in the matter to consider the appeal.

18. An appeal against a sanction at Stage 3 must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or a Deputy Vice-Chancellor), a member of the Senate and either a lay member of the Council or an independent practising lawyer.

19. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.
ORDINANCE: ILL-HEALTH PROCEDURE

Part I – Application and scope

1. Set out below is the procedure to be followed where a member of staff is unable to perform their duties for reasons of long-term ill-health, incapacity or injury.

Part II – General provisions

2. Before action is taken under this procedure the head of school or service, in consultation with the faculty or service Human Resources Manager and, as appropriate, with the Occupational Health service, must consider whether there are reasonable adjustments which could be made to the requirements of a role or to other aspects of working arrangements that would provide support at work and/or assist a return to work.

3. Members of staff who are the subject of a formal meeting or appeal under this procedure have the right to be accompanied and represented at such meeting or hearing by a trade union representative or work colleague. The member of staff’s chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff but normally may not answer questions on their behalf.

4. In the first instance, absence will be managed in accordance with the University’s policies covering absence through illness, which include appropriate review meeting(s).

Part III – Medical advice

5. In all cases where action under this procedure is under consideration, the Director of Human Resources or nominee will decide whether it is necessary or appropriate for the University to seek to obtain additional medical advice in relation to the member of staff’s medical condition. The member of staff is encouraged, in their own interest, to cooperate in this regard. Such advice will ordinarily be sought by the University from the member of staff’s general practitioner and/or specialist consultant. In addition, advice may be sought from an occupational health specialist or, in exceptional circumstances, a medical practitioner or consultant appointed by the University, or from any combination thereof. The member of staff may be required to attend medical appointments arranged by the University and may also provide additional medical information - produced by a medical expert - which they feel is relevant. Where an attempt by the University to obtain relevant medical evidence or information has proved unsuccessful, the University may take the decision to apply this procedure nonetheless.

Part IV – Formal procedure

6. Following appropriate review meeting(s) under the University’s policies covering absence through illness, if issues of health or incapacity appear unlikely to be resolved within a reasonable timescale and there are grounds to indicate that a member of staff is incapable of performing their duties for reasons of incapacity caused by ill-health, physical or mental incapacity or injury, they will be invited, in writing, to a formal meeting at which the potential termination of their employment will be considered by a three-person panel to be established by the Secretary or nominee. The membership of the panel shall include one lay member of the Council and a member of the Senate. The member of staff will be advised in writing of the reasons that have led to the meeting being called and will be
given at least fifteen working days’ notice of the meeting. Copies of any documents to be relied on at the meeting will be given to the member of staff at least ten working days before the meeting.

7. Both in advance of and at the meeting the member of staff will be given the opportunity to state their case, to raise any factors which they wish to have considered and to present evidence.

8. If the member of staff does not attend a meeting despite being given the opportunity to attend on at least two occasions a decision may be taken in their absence, provided that reasonable account has been taken of any constraints on attendance occasioned by the member of staff’s ill-health, incapacity or injury, and provided always that the member of staff has been offered reasonable opportunities to make written representations.

9. During its deliberations, the panel may seek advice, and in any case shall ensure that it is guided by expert opinion.

10. The decision following the meeting may include (but will not be limited to) the following outcomes:

   a. that the member of staff be deployed to a different role; or
   b. that the member of staff’s employment should be terminated; or
   c. that there are insufficient grounds to dismiss or redeploy the member of staff under this procedure; or
   d. that the member of staff remains in their current role with reasonable adjustments.

   In the case of a. or c. above, the panel may, if it considers it necessary, recommend measures to ensure that the member of staff receives appropriate support.

11. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation.

12. The decision will be notified to the member of staff in writing and the member of staff will be notified of their right of appeal.

Part V – Appeal

13. The member of staff will have the right to appeal against any decision to terminate their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.

14. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or a Deputy Vice-Chancellor), a member of the Senate and a lay member of the Council, one of whom may be medically qualified.

15. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.
ORDINANCE: TERMINATION OF NON-SUBSTANTIVE APPOINTMENT PROCEDURE

Part I – Application and scope

1. This procedure will apply only to the premature removal of an individual from a non-substantive appointment, which is distinct from the individual's substantive post in the University, and where dismissal from the substantive post is not under consideration. There will be no requirement to follow this procedure where the non-substantive appointment elapses at the end of an agreed term of office.

Part II – General provisions

2. Save as provided otherwise, individuals who are the subject of a formal meeting under this procedure have the right to be accompanied and represented at such meeting or hearing by a trade union representative or work colleague. The chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the individual, but may not answer questions on the individual’s behalf.

3. This procedure will be invoked only when it is alleged that the holder of a non-substantive appointment has failed adequately to perform the duties of that appointment, or is in material breach of University policies or values.

4. At any stage in this process, if appropriate, the member of staff may be suspended without loss of remuneration from the non-substantive appointment by the Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor, or other person or persons designated by the Vice-Chancellor (the ‘suspending officer’). Suspension is not a disciplinary penalty and is not an indication of culpability and will only be used where it is deemed appropriate in the context of the alleged failure or breach. Such suspension will be reviewed periodically by the suspending officer and may be lifted at their discretion.

Part III – Procedure

5. If the premature removal from a non-substantive appointment is contemplated the Secretary or nominee will write to the individual to invite them to a meeting and to inform them:

   a. of the reasons for the potential termination of the appointment; and
   b. of their right to attend a meeting to make representations; and
   c. that they will be given the opportunity to state their case, to raise any factors they wish to have considered and to present evidence; and
   d. that they may be accompanied and represented by a work colleague or union representative at the meeting.

6. The individual concerned will be given at least ten working days’ notice of the meeting, and will be provided with copies of any documentation to be relied on at the meeting at least five working days before the meeting.

7. A Deputy Vice-Chancellor will preside at the meeting and determine the outcome. Following the meeting a written decision with reasons will be sent to the individual by the Secretary or nominee and will include notification of the individual’s right to appeal against the decision.
Part IV – Appeal

8. The member of staff will have the right to appeal against any decision to terminate prematurely a non-substantive appointment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.

9. Any appeal must be sent to the Secretary, for consideration by the Vice-Chancellor, within fifteen working days of the individual receiving the decision. The Vice-Chancellor shall determine the appeal and the decision will be final. The decision of the Vice-Chancellor shall be communicated in writing, with reasons and with all due expedition.
ORDINANCE: CONTRAVENTION PROCEDURE

Part I – Application and scope

1. This procedure is intended to apply in circumstances where the reason for dismissal is that the member of staff cannot continue to work in the position which they hold without contravention (either on their part or on that of the University) of a duty or restriction imposed by or under an enactment.

2. Should the nature of a particular situation require an immediate decision, the University would seek to apply as much of this procedure as is possible or appropriate, subject to the circumstances of the case. Where timescales require, the decision would be made by the Director of Human Resources. The right of appeal would remain.

Part II – General provisions

3. Members of staff who are the subject of a formal hearing or appeal hearing under this procedure have the right to be accompanied and represented at such hearing or appeal hearing by a trade union representative or work colleague. The member of staff’s chosen companion can act as a witness, take a note of the proceedings, address the hearing and confer with the member of staff but may not answer questions on their behalf.

Part III – The procedure

4. Where evidence arising from an investigation or provided otherwise indicates a circumstance or reason defined in paragraph 1 above, the member of staff will be required to attend a formal hearing before a three-person panel, the membership of which will be established by the Secretary or nominee and shall include one lay member of the Council and a member of the Senate. The member of staff will be advised in writing of the issues that have led to the hearing being called, and shall be given at least fifteen working days’ notice of the hearing. Copies of any documents to be relied on at the hearing will be made available to the staff member at least ten working days before the hearing.

5. At the hearing, the member of staff will be given the opportunity to state their case and raise any factors they wish to have considered.

6. The decision may include (but will not be limited to) the following outcomes:
   a. that the member of staff should be dismissed on grounds described in paragraph 1 above, with or without notice;
   b. that there are insufficient grounds to dismiss the member of staff under this procedure;
   c. that there are insufficient grounds to dismiss the member of staff under this procedure but that the matters should be considered under an alternative procedure;
   d. that redeployment might be appropriate.

7. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation. The decision will be notified to the member of staff in writing and the member of staff will be notified of their right of appeal.
Part IV – Appeals

8. The member of staff will have the right to appeal against any decision to terminate their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; that new evidence has become available which could not reasonably have been taken into account originally.

9. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or a Deputy Vice-Chancellor), a member of the Senate and either a lay member of the Council or an independent practising lawyer.

10. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.
ORDINANCE: REDUNDANCY PROCEDURE

Part I – Application and scope

1. This procedure sets out the process to be followed to dismiss any member of the academic or academic-related (professional and managerial) staff by reason of redundancy.

2. For the avoidance of doubt, this procedure does not apply where the procedure to support the employment security of staff on fixed funding or fixed term contract applies.

Part II – General provisions

3. This procedure applies where the Council has decided that it is desirable that there should be a reduction in the academic or academic-related (professional and managerial) staff:
   a. of the University as a whole; or
   b. of any specific area of the University;
   by way of redundancy.

Part III – Procedure

4. Where the Council has reached a decision under paragraph 3 above it shall appoint a Redundancy Committee to give effect to its decision by a specified date and for that purpose:
   a. to select and recommend the requisite members of the academic and academic-related (professional and managerial) staff for dismissal by reason of redundancy; and
   b. to report its recommendations to the Council.

5. The Council shall either approve any selection recommendation made or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

6. A Redundancy Committee appointed by the Council shall comprise:
   a. a Chair; and
   b. two members of the Council, not being persons employed by the University; and
   c. two members of the Senate.

7. Where the Council has approved a selection recommendation made under paragraph 4 above it may authorise an officer of the University as its delegate to dismiss any member of the academic or academic-related (professional and managerial) staff so selected.

8. Each member of the academic or academic-related (professional and managerial) staff selected shall be given separate notice of the selection approved by the Council, and will include notification of the member of staff’s right to appeal against the decision.

9. Each separate notice shall sufficiently identify the circumstances which have satisfied the Council that the intended dismissal is reasonable and in particular shall include:
a. a summary of the action taken by the Council;
b. an account of the selection processes used by the Redundancy Committee;
c. a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part IV (Appeals) below; and
d. a statement as to when the intended dismissal is to take effect.

Part IV – Appeals

10. The member of staff will have the right to appeal against any decision to terminate their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.

11. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or Deputy Vice-Chancellor), a member of the Senate and either a lay member of the Council or an independent practising lawyer.

12. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.
ORDINANCE: PROCEDURE FOR THE RESOLUTION OF SUBSTANTIAL EMPLOYMENT ISSUES

Part I – Application and scope

1. This procedure is intended to facilitate the resolution of substantial employment cases which do not appear to fall within the scope of other procedures included in [cross reference]. The focus of this procedure is to ensure that all attempts are made to identify options for resolution. This may include (but will not be limited to) consideration of options such as mediation, redeployment, relocation and termination by mutual agreement.

2. This procedure shall be applied and construed in every case to ensure that members of staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University. This procedure will not override any protections afforded to individuals under other legislation, for instance under the Public Interest Disclosure Act and the Equality Act.

Part II – General provisions

3. Members of staff who are invited to a meeting or hearing under this procedure have the right to be accompanied and represented by a trade union representative, legal representative or work colleague. The member of staff’s chosen companion can act as a witness, take a note of the proceedings, address the meeting or hearing and confer with the member of staff but may not answer questions on their behalf.

Part III – Preliminary stages

4. Where evidence arising from an initial investigation or arising otherwise indicates that there might be a substantial employment issue not covered by other procedures:

   Stage 1 – an academic member of the University Executive Group will review the evidence and will agree to the matter progressing further under this procedure only if satisfied that proceeding does not breach the principle of academic freedom (as detailed in paragraph 2 above);

   Stage 2 – the Director of Human Resources will review the evidence and will agree to the matter progressing under this procedure only if satisfied that proceeding does not breach protections afforded to individuals under other legislation (as detailed in paragraph 2 above);

   Stage 3 – the member of staff will have the opportunity to request a meeting if they believe that it is inappropriate to consider the matter under this procedure. The member of staff and their representative or colleague will attend a meeting with a member of the University Executive Group and the Director of Human Resources (or Deputy Director of Human Resources) to explain their rationale. If it is considered by the University to be more appropriate for the matter to be dealt with under another procedure included in [cross reference], progress under this procedure will be terminated and the member of staff and their representative will be advised in writing within five working days of the alternative course of action to be followed;

   Stage 4 – If it is deemed appropriate at stage 3 for the matter to progress under this procedure, the member of staff may request that other forms of resolution not previously explored are considered. For example, where there is a conflict of interest
or a relationship breakdown, consideration should be given to resolutions including mediation, redeployment, relocation and termination by mutual agreement.

5. Where alternative approaches to resolution are deemed inappropriate, or where previous attempts at resolution have failed, the case will proceed in line with Part IV below.

Part IV – The procedure

6. Where a resolution to a substantial employment issue cannot be found, the member of staff concerned may be required to attend a formal hearing before a three-person panel, the membership of which will be established by the Secretary or nominee and shall include one lay member of the Council and a member of the Senate. The member of staff will be advised in writing of the issues that have led to the hearing being called, and shall be given at least fifteen working days’ notice of the hearing. Copies of any documents to be relied on at the hearing will be made available to the staff member at least ten working days before the hearing.

7. At the hearing, the member of staff will be given the opportunity to state their case and raise any factors they wish to have considered.

8. The outcome may include (but will not be limited to) the following:
   a. that no action is deemed necessary;
   b. that a resolution under paragraph 1 above is appropriate;
   c. that the member of staff may resign;
   d. that the member of staff’s employment may be terminated by mutual agreement;
   e. that the member of staff’s employment may be terminated by the employer, with or without notice.

9. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation. The decision will be notified to the member of staff in writing and the member of staff will be notified of their right of appeal.

Part IV – Appeals

10. The member of staff will have the right to appeal against any decision to end their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; that new evidence has become available which could not reasonably have been taken into account originally.

11. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of an independent practising lawyer as Chair, a member of the Senate and a lay member of the Council.

12. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.