Conduct and Capability Policy

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This policy should be read in conjunction with the Conduct and Capability Process guidance.

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Conduct and Capability Policy

1 Purpose

1.1 Through its People Strategy, the University seeks to create an environment in which all staff are enabled and empowered to deliver an optimum contribution to the successful achievement of the University's mission. The University recognises, however, that there may be occasions where it is necessary to deal with incidences of misconduct by a member of staff, or situations where a lack of capability, or a serious health issue, prevents a member of staff from delivering an acceptable level of performance or attendance. The purpose of this policy is to provide the guiding principles within which the University will operate when addressing situations where a member of staff's conduct, attendance or capability falls short of the required standards, and is intended to ensure that a fair, consistent and transparent approach is adopted in dealing with issues of that nature.

1.2 This policy does not form part of any member of staff's contract of employment and it may be amended at any time. The University may also vary this procedure, including any time limits, as appropriate in any case.

2 Coverage

2.1 This policy applies to all staff of Glasgow Caledonian University, whether in full-time or part-time employment, and whether on open-ended or fixed-term contracts.

2.2 This policy does not apply to agency staff as it is the agency that employs the individual and therefore the policies in place at the agency will apply.

3 General Principles

3.1 Line Managers will act quickly to make staff aware of any concerns they have about inappropriate conduct, unacceptable absence levels or unacceptable performance levels, and will take supportive action to address those concerns.

3.2 All staff involved in conduct or capability matters will maintain strict confidentiality at all times, both in terms of any documentation they hold and discussions they have.

3.3 Line Managers will address concerns informally wherever possible. Issues will be escalated to this formal policy only where informal efforts have proven ineffective, where the member of staff has declined to engage in an informal process, or where the issue is sufficiently serious to warrant immediate formal action.

3.4 During attempts to resolve issues informally all parties will work positively towards reaching an understanding of:

- why the manager has concerns;
- any reason(s) why the member of staff finds it difficult to meet the standard of conduct, attendance or performance expected by the manager;
- what the manager's future expectations will be of the member of staff; and,
- what support is required to help the member of staff meet those expectations.

3.5 All staff must co-operate fully and promptly when required in the implementation of this policy. This will include informing the University of the names of any relevant witnesses, disclosing any relevant documents to the University, and attending investigative interviews and formal hearings if required.

3.6 Issues that have been raised formally must be dealt with promptly, within agreed timescales where possible, and concluded as soon as possible after the formal policy has been invoked.

3.7 If a member of staff encounters difficulty with any aspect of this policy because of a disability, the member of staff must discuss the situation with his/her Line Manager or a representative from the People Services department as soon as possible.

4 Confidentiality

4.1 The University's aim is to deal with matters of conduct, attendance and capability sensitively and with due respect for the privacy of the individuals involved. All

members of staff must treat as confidential any information communicated to them in relation to matters being addressed under this policy.

4.2 Where it is necessary to disclose information provided by a member of staff in confidence to allow a matter to be fully investigated, or to enable necessary advice to be obtained, the member of staff will, wherever appropriate, be notified of the intention to disclose information in advance.

4.3 Staff subject to these procedures will normally be told the names of any witnesses whose evidence is relevant to any allegations against them, unless the University believes that a witness's identity should remain confidential.

4.4 The member of staff, and anyone accompanying him/her (including witnesses), must not make electronic or other forms of audio recordings of any meetings or hearings conducted under this policy.

5 Investigations

5.1 General Principles

5.1.1 The University will maintain a pool of staff who are trained to undertake formal investigations when required by this policy.

5.1.2 Where an investigation is required, the Line Manager of the member of staff involved will commission an appropriate independent person, normally from outwith the School/Directorate, from the pool of investigators as an Investigating Officer. The Line Manager will brief the Investigating Officer and provide clear terms of reference for the investigation.

5.1.3 The Investigating Officer will be responsible for ensuring that a thorough investigation is carried out as swiftly as possible. The Investigating Officer will also be responsible for keeping the member of staff appraised of the progress of the investigation, and the expected timescale for its completion.

5.1.4 The purpose of the investigation is to gather all the relevant information and evidence and present it in a format that will allow the Line Manager to decide whether there is a case to proceed to a formal hearing. All information and evidence

which any party wishes a formal panel to consider must therefore be submitted during the investigation phase. Other than in exceptional circumstances, only evidence or information which was not available before the conclusion of the investigative process may be submitted directly to a formal panel.

5.1.5 Where a member of staff is prevented from participating in an investigation due to ill-health, the Investigating Officer will make a judgement on whether it is appropriate to conclude the investigation in the absence of the individual. Where the member of staff's involvement in the investigation is considered essential, the Investigating Officer may request that the member of staff is referred to Occupational Health for an assessment of the likely timescale for their ability to participate in the investigation. If the absence of a member of staff will cause an unacceptable delay to the conclusion of the investigation the Investigating Officer will base their final report on the information they have available.

5.1.6 Staff under investigation will have the right to be accompanied by a representative of a recognised Trade Union, or by a University colleague, during investigation meetings. The Investigating Officer will be supported at the meetings by a note taker and/or a representative from the People Services department to advise on policy/process.

5.2 Access to Information

5.2.1 All information which is used to inform the report produced following an investigation, to determine whether there is a case for formal action, or to inform a hearing panel's decision, will be made available to the member of staff and to the Line Manager on a confidential basis.

5.2.2 Any witness statements gathered during an investigation will be approved by the witness, and submitted as annexes to the investigative report.

5.2.3 All information which a Line Manager or member of staff wishes a hearing panel to take into consideration must be submitted to the People Services Department no later than 5 working days before the scheduled hearing date. Only in exceptional circumstances will information received after that point be considered by the panel.

6 Disciplinary Policy

6.1 General Principles

6.1.1 This section of the policy provides the guiding principles within which managers will operate when addressing an issue of potential misconduct. Issues of misconduct will include breaches of University policies, rules or regulations, and incidences of unacceptable performance which are not attributable to an underlying health or capability issue.

6.1.2 The policy is intended to ensure that disciplinary matters are dealt with in a fair, consistent and prompt manner, and that steps are taken to establish the facts, and give members of staff the opportunity to respond, before taking any formal action. The policy is also intended to reinforce the University's expectations in relation to standards of conduct, and to apply appropriate disciplinary sanctions where required.

6.1.3 Where an issue of misconduct is found to be sufficiently serious, or where there has been a series of repeated incidents of misconduct, the sanction applied may be summary dismissal.

6.2 Formal Disciplinary Process

6.2.1 When the relevant information has been considered, the Line Manager will decide on an appropriate course of action, and provide the member of staff with written notification of his/her decision.

6.2.2 Where the Line Manager considers action other than formal disciplinary action to be appropriate (e.g. counselling, development or other corrective action), he/she will discuss a suitable arrangement with the member of staff, and will confirm the outcome of that discussion to him/her in writing.

6.2.3 Where the Line Manager believes that formal disciplinary proceedings are required he/she will refer the matter to the People Services Adviser who will convene a formal hearing panel.

6.2.4 When arranging a formal hearing the People Services Department will provide the member of staff, in writing, with the allegations against them, the basis for those allegations, and what the likely range of consequences are if the panel decides that a disciplinary sanction is warranted. The People Services Department will also include the following where appropriate:

- a copy of the investigation report;
- a copy of other relevant documents (including a copy of the policy) which will be used at the disciplinary hearing; and
- a copy of, or excerpts from, any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the University will give the member of staff as much information as possible while maintaining confidentiality.

6.2.5 A member of staff will be required to attend any formal disciplinary hearing arranged to consider issues raised in relation to them. If the member of staff fails to attend without good reason, or is persistently unable to attend (for example due to health reasons), the hearing may proceed in the absence of the member of staff, and the panel will make a decision based on the available evidence. Failure to attend a hearing without good reason may be treated as misconduct in itself.

6.2.6 The member of staff will have the right to be accompanied by a representative of a recognised Trade Union, or by a University colleague, during a disciplinary hearing. The University may ask the member of staff to choose an alternative companion if the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

6.2.7 The Line Manager may be accompanied at the hearing by a University colleague.

6.2.8 The Line Manager will attend the hearing to present the case for disciplinary action, and the member of staff will attend to present their response to the allegation/complaint that has been made against them. Both parties may call

witnesses to the hearing, and will be given the opportunity to respond to any information given by a witness.

6.2.9 Only the Chairperson of a formally convened hearing panel has the authority to issue disciplinary sanctions against a member of staff. The Chairperson will inform the member of staff of the panel's decision in writing within 5 working days of the hearing. Details of the disciplinary sanctions are contained in Appendix 2.

6.2.10 Warnings will expire at the end of the appropriate period, as stated in Appendix 2, subject to acceptable conduct. Warnings will remain on file thereafter, but will be considered spent.

6.2.11 Information on how certain 'special cases' should be handled, e.g. allegations against Executive Board members or Trade Union representatives, can be found in Appendix 3.

7 Capability Policy

7.1 General Principles

7.1.1 This section of the policy provides the guiding principles within which Line Managers will operate when addressing situations where a member of staff's capability prevents him/her from reaching the required standards of performance or attendance.

7.1.2 The policy is intended to ensure that a fair, consistent, prompt and transparent approach is adopted in dealing with issues relating to lack of capability or ill-health. It is also intended to ensure that such matters are dealt with sensitively, with a view to encouraging improvement where possible.

7.1.3 This policy is intended to operate in conjunction with the Performance Development Policy. Any issues that a line manager has with unacceptable performance, arising from an apparent lack of capability, by a member of staff, should be raised under the Capability Policy, and an Improvement Plan put in place, before the issues are discussed at a formal PDAR meeting.

7.1.4 Line Managers will take advice from the People Services Adviser in dealing with capability issues, and will also seek advice, where appropriate, from Occupational Health, Health and Safety, Academic Quality and Governance, or other such specialist support areas, before reaching a decision on a course of action.

7.1.5 The University is aware that both underperformance and sickness absence may result from a disability. Throughout the formal Improvement Process, particular consideration will be given to whether there are reasonable adjustments that could be made either to the requirements of a job, or other aspects of the working arrangements/environment, or whether training could be offered, that will provide support at work and/or assist a return to work. The University may also consider making adjustments to the normal Improvement Process to provide additional support to staff in appropriate cases.

7.1.6 If a member of staff considers that he/she is affected by a disability or a medical condition which affects their ability to undertake their work, the member of staff must inform his/her Line Manager or a representative from the People Services department.

7.2 Scope

7.2.1 Absence Management. Where a member of staff's level of sickness absence, or frequency of absences, is unacceptable, the formal Improvement Process described in 7.3 below will be used to resolve the matter. The purpose of initiating the process will be to facilitate an improvement in the member of staff's level of attendance at work to an acceptable standard. If the required improvement is not achieved then alternative action, which may include dismissal, will be taken to resolve the matter.

7.2.2 Lack of Capability. Where a member of staff repeatedly fails to achieve agreed objectives, continuously fails to perform day-to-day requirements of his/her role, or otherwise fails recurrently to reach the standard of performance required, and where the reason for the poor performance is not considered to relate to misconduct, then the formal Improvement Process described in 7.3 below will be used to resolve the matter. The purpose of initiating the process will be to facilitate

an improvement in the member of staff's level of performance to an acceptable standard. If the required improvement is not achieved then alternative action, which may include dismissal or sanctions short of dismissal, will be taken to resolve the matter.

7.3 Formal Improvement Process

7.3.1 If a Line Manager has concerns about a member of staff's performance or attendance, he/she will undertake an assessment of the information they have available to decide if there are grounds for taking formal action under this policy.

7.3.2 Where a Line Manager decides that a formal Improvement Process is required he/she will write to the member of staff to provide him/her with notice of the decision and invite them to attend a Stage 1 Capability meeting.

7.3.3 Stage 1 Capability. The purpose of this stage of the process is to formally notify the member of staff that his/her level of performance or attendance is below acceptable standards, and to explore methods of helping the member of staff to reach the required standards.

7.3.4 The purpose of the Stage 1 Capability meeting is to allow the manager to explain clearly his/her reasons for considering the member of staff's conduct or attendance to be unacceptable, and to allow the member of staff to explain the nature of any underlying reasons for their poor performance or attendance, and suggest any support or adjustments they believe would help them reach an acceptable standard of performance or attendance. Both parties will then discuss objectives, support and timescales that are reasonable for the member of staff to demonstrate his/her ability to function at an acceptable level. The member of staff will have the right to be accompanied by a Trade Union representative or University colleague at this meeting.

7.3.5 Following the Stage 1 Capability meeting the Line Manager will confirm, in writing, the areas in which improvement is required, the objectives that the member of staff will work towards, the timescales for achieving the objectives, and any

support/adjustments that have been agreed. A date will also be agreed for reviewing the member of staff's progress against the objectives.

7.3.6 Where the Line Manager believes there has been sufficient improvement in performance or attendance he/she may elect to conclude the Formal Improvement Process following the review meeting. Where the objectives have not been met but the Line Manager believes there are sufficient signs of improvement he/she may elect to continue with the Stage 1 Capability process and agree a further review period. Where the Line Manager believes that there has been insufficient improvement he/she may move to a Stage 2 Capability meeting.

7.3.7 Stage 2 Capability. The purpose of this stage of the process is to advise the member of staff that his/her level of performance or attendance remains unsatisfactory, to advise him/her that formal action, including dismissal or demotion, may be necessary if the member of staff's performance or attendance continues to be below the required standard, and to explore further methods of helping the member of staff meet required levels of performance or attendance.

7.3.8 The purpose of the Stage 2 Capability meeting is to examine the reasons for the member of staff's continuing inability to meet required levels of performance or attendance, and to allow the Line Manager and the member of staff to discuss what further action might be taken to help the member of staff reach the required levels of performance or attendance. The member of staff will have the right to be accompanied by a Trade Union representative or University colleague at this meeting.

7.3.9 During the Stage 2 Capability meeting the Line Manager and the member of staff may also explore whether the member of staff believes he/she is capable of reaching the required levels of performance or attendance, or whether re-deployment to a more suitable role would offer a possible resolution.

7.3.10 Following the Stage 2 Capability meeting the Line Manager will confirm, in writing, the areas in which improvement is required, the objectives that the member of staff will work towards, the timescales for achieving the objectives, and any

support/adjustments that have been agreed. The Line Manager will also agree a date on which the member of staff's progress against the objectives will be reviewed, and advise the member of staff that the matter may proceed to a Stage 3 Capability hearing if the required levels of performance or attendance are not met.

7.3.11 Where the Line Manager believes there has been sufficient improvement in performance or attendance he/she may elect to conclude the Formal Improvement Process following the review meeting. Where the Line Manager believes that there has been insufficient improvement he/she may refer the matter to a formal Stage 3 Capability hearing.

7.4 Stage 3 Capability Hearing

7.4.1 Capability matters will normally be referred to this policy at Stage 1 of the Formal Improvement process. However, where there is information available which indicates that the member of staff will be incapable of meeting the required levels or performance or attendance in the foreseeable future, regardless of any support or reasonable adjustments that could be put in place, then the matter may be referred directly to a Stage 3 Capability Hearing.

7.4.2 Where a Line Manager believes a Stage 3 Capability Hearing is required he/she will refer the matter to the People Services Adviser who will convene a formal hearing panel.

7.4.3 When arranging a formal Stage 3 Capability hearing the People Services Department will provide the member of staff, in writing, with a copy of the case for Stage 3 Capability, a copy of any report used in determining the case (e.g. Occupational Health report), and a copy of any other relevant documents which will be used at the hearing.

7.4.4 The member of staff will be required to attend the Stage 3 Capability hearing. If the member of staff fails to attend without good reason, or is persistently unable to attend (for example due to health reasons), the hearing may proceed in the absence of the member of staff, and the panel will make a decision based on the available evidence.

7.4.5 The member of staff will have the right to be accompanied by a representative of a recognised Trade Union, or by a University colleague, during a Stage 3 Capability hearing. The University may ask the member of staff to choose an alternative companion if the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

7.4.6 The Line Manager may be accompanied at the hearing by a University colleague.

7.4.7 The Line Manager will attend the hearing to present the case for Capability Dismissal, and the member of staff will attend to present their response to the case that has been made against him/her.

7.4.8 Only the Chairperson of a formally convened Stage 3 Capability panel has the authority to order the dismissal of a member of staff under this policy. The Chairperson will inform the member of staff of the panel's decision in writing within 5 working days of the hearing.

7.4.9 Where there is a decision to dismiss the member of staff, such dismissal will be made with appropriate notice, or payment in lieu of notice with the agreement of the member of staff.

8 Appeals

8.1 A member of staff has the right to appeal against any decision or sanction imposed on them by a formal hearing panel.

8.2 The appeal must be submitted in writing to the Director of People within 10 working days of the hearing panel's decision being issued, and must contain complete details of the grounds for appeal. The grounds for appeal must fall under one or more of the following headings: i) procedural error, ii) new evidence, iii) unfair or perverse decision.

8.3 All relevant evidence/information must be submitted at the time of appeal. On receipt of the information the People Services Adviser will convene a formal hearing

panel. The panel will focus its attention on the stated grounds for appeal, and will not normally repeat the original hearing.

8.4 The member of staff will attend the appeal hearing to present the grounds for their appeal. The Chair of the original hearing panel will attend to present information on the panel's decisions and deliberations in response to points raised by the member of staff.

8.5 Following consideration of the information presented an Appeal Panel may decide to uphold the sanction imposed by the original panel, remove the sanction, or it may increase or decrease the level of sanction in light of any new information provided. The Appeal Panel cannot impose a sanction that could not have been imposed by the original panel.

8.6 The Chairperson of the Appeal Panel will issue the panel's decision to the member of staff in writing within 5 working days of the appeal hearing. This will conclude the internal process.

9 Formal Panel Composition

9.1 All formal matters, whether they be initial hearings or appeals, will be considered by a panel consisting of three members, none of whom will normally be in the line management structure of the member of staff. The panel will be chaired by a member of Senior Management and will also include one senior member of either academic, research or support staff, as appropriate to the case, and one member of staff selected from the Independent Staff Pool.

9.2 No member of an appeal hearing panel will have had any prior involvement in the matter.

9.3 A representative from People Services will attend the hearing to advise the panel on matters of procedure and/or legislation. The People Services representative will not participate in the panel’s decision-making.

10 Suspension / Changes to Duties

10.1 A Line Manager may decide to suspend a member of staff on full pay, or temporarily alter the member of staff's duties/responsibilities while an investigation is ongoing.

10.2 Suspension from duty will be warranted where: the member of staff is deemed to be a threat to the health and safety of themselves, colleagues or students; their presence is likely to compromise a thorough investigation; or, they represent a threat to the continuation of critical business processes. A suspension will last until an investigation proves it is unwarranted, or until a disciplinary panel decides to remove the suspension. While suspended the member of staff should not visit University premises or contact any students, suppliers, contractors or staff, unless authorised to do so by his/her Line Manager or a member of the People Services Department.

10.3 Where the matter under investigation raises serious concerns about the quality of students' learning experience, or the quality of the service being provided, a Line Manager may decide to make temporary changes to a member of staff's duties, responsibilities and/or working location. This may include removing the member of staff from teaching or contact with members of the public until the matter is resolved.

10.4 Neither suspension, nor temporary changes to duties, will imply that any decision has been made prior to a formal hearing, nor will either represent a disciplinary sanction.

11 Timescales

11.1 Matters raised formally under this policy must be treated with high priority, and should be given precedence by all parties over all but business critical activity.

11.2 Normal expectations will be that an investigation will be concluded within 4 weeks of commencing. Where it is believed that an investigation will require more time, for example, because the matter is complex, where several witnesses must be interviewed, or where staff are absent or unavailable, the Investigating Officer will inform the member of staff, as soon as possible, of the reason for the delay and their estimated timescales for completion.

11.3 Where a member of staff believes that the process is being unnecessarily delayed he/she should discuss the matter with the People Services Adviser and request their intervention.

12 Equality Impact Assessment

12.1 An Equality Impact Assessment has been completed for this policy and is attached in Appendix 4. The main potential for negative impact is expected to arise from decisions made by managers during the operation of this policy. To reduce the potential risk, People Services will monitor the impact of the operation of this policy on an ongoing basis, will provide detailed guidance for managers and staff to support this policy, and will work with managers as necessary to ensure that, as far as possible, their decisions are fair and equitable.

13 Review

13.1 This policy will be reviewed by People Services on an annual basis. If no amendments are required this will be reported to SPC. Where minor amendments are found to be necessary the policy will be revised and circulated to JCC, EB and SPC with the amendments highlighted for information. Where more significant amendments are necessary the policy will be re-drafted and updated through the normal consultation and approval process.

Appendix 1. **Examples of Misconduct and Gross Misconduct**

The following is a non-exhaustive list of examples of misconduct:

- failure to carry out lawful, reasonable and safe instructions from an appropriate manager;
- failure to respond adequately to previous warnings;
- rudeness to students, clients, colleagues, managers, or visitors to the University;
- careless disregard of the University's rules or regulations or a breach of its policies or procedures.

The following is a non-exhaustive list of examples of gross misconduct:

- a wilful refusal or failure to carry out reasonable and safe instructions from an appropriate manager;
- a serious breach of the University's policies, rules or regulations;
- a serious breach of legislation, including the Consumer Credit Act, Data Protection legislation, Employment Rights Act, or any other legislation which governs the operations of the University's business;
- a serious breach of security or confidentiality, including misuse or disclosure of confidential information;
- any act of unlawful discrimination, harassment or victimisation including on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- the deliberate unauthorised possession, copying, alteration, dissemination, destruction or retention of University records or information;
- a serious breach or contravention of safe working practices, established procedures, or safety rules or regulations either wilfully, or through negligence or incompetence;
- conduct likely to bring the University into disrepute, including abusive language, violent behaviour, threatening violence, immoral or obscene conduct, whether within or outwith the University;

- physical assault on persons carried out on University premises, whilst engaged on University business, or while attending a function as a member of University staff;
- conduct which falls under the definition of gender based violence, as outlined in the University's Preventing and Responding to Gender Based Violence policy
- research misconduct including, fraud, dangerous or negligent deviations from accepted research practice. This includes failure to adhere to established protocols if this failure results in unacceptable risk or harm to humans, other vertebrates or the concealment of such actions;
- negligence or incompetence which causes unacceptable loss or damage;
- theft, fraud, breach of the University's cash handling procedures or unauthorised possession of property belonging to the University;
- conviction of a criminal offence that is considered damaging to the University's reputation, that destroys the relationship of trust between the University and the member of staff, or which prevents the individual from performing his/her work;
- frustration or fundamental breach of the contract of employment;
- misrepresentation or falsification of any sort, including the University's attendance procedures, timesheets, overtime records, expense claims, employment applications or recruitment information;
- deliberate interference with the University's operations, work or service;
- deliberate unauthorised entry into the University's computer network and/or systems or other breaches of information security;
- unauthorised use of the University's telephone or fax equipment for personal international calls;
- any act or conduct which destroys the relationship of trust between the University and the member of staff;
- repeated incidents of misconduct which have resulted in formal warnings being issued.

Appendix 2. **Disciplinary Sanctions**

The Chair of a Disciplinary Panel will have the power to apply the following sanctions.

First Warning: For issues of minor misconduct a First Warning will be issued, which will expire 6 months after the date on which it was issued. The member of staff will be advised of this in writing, and a copy will be kept in the member of staff's People Services file.

Final Warning: A Final Written warning may be issued where: there has been a failure to maintain the recognised standards of conduct following a previous unexpired warning; there has been further misconduct by the member of staff, or, the severity of the misconduct warrants it. In situations of gross misconduct, if the offence is shown to have some level of mitigation that warrants action just short of dismissal this warning will be applied. A Final Warning will expire 12 months after the date on which it was issued. The member of staff will be advised of this in writing, and a record of the final warning will be kept in the member of staff's People Services file.

Dismissal: Dismissal may be applied when a member of staff has previously received a final warning and there is a failure to improve conduct, or when there has been an act of gross misconduct which warrants immediate dismissal. In the case of summary dismissal the member of staff would not receive notice, or pay in lieu of notice.

Time limits for Warnings

Warnings will normally expire as detailed above, subject to acceptable conduct.

Appendix 3. **Special Cases**

Disciplinary Action against a Trade Union Representative

Where disciplinary action is being considered against a member of staff who is a Trade Union representative the University must advise the full time union official at the start of the process, thereafter the normal Procedure will be followed.

Disciplinary Action against the Principal or Member of the Executive

Where a member of the University Executive Board is the subject of a disciplinary process the Principal will appoint an appropriate independent person to undertake an investigation into the allegations. The Principal will Chair any subsequent Disciplinary Panel and, where necessary, a lay member of University Court will chair the Appeal Panel.

In the event that allegations are made against the Principal then the Chair of University Court will appoint a lay member of Court to undertake the investigation. Where a disciplinary meeting is subsequently required another independent lay member of Court will chair the disciplinary panel. The Chair of University Court will normally Chair the Appeal Panel so therefore should not be involved in any earlier stage of the disciplinary process.

Member of staff facing Criminal Charges or Convictions

A member of staff should not be dismissed, or otherwise disciplined, solely because he/she has been charged with a criminal offence. In such cases the Line Manager, in consultation with the People Services Adviser, must make an assessment of whether the member of staff's conduct, or the charge, merits action because of its impact on staff, students and/or stakeholders of the University, or because of its impact on the University or the University's reputation. It is important that the Line Manager contacts his/her People Services Advisor to discuss the most appropriate way to proceed in these cases.

Appendix 4. **Equality Impact Assessment**

Name of policy/procedure/strategy: Conduct & Capability Policy	
School/Directorate: Directorate of People	
Name of policy/procedure/strategy owner: Kathleen Cleary, Professional Services Manager	
Date of Assessment: 12 March 2013	
1. Briefly describe the aims, objectives and purpose of the policy/procedure/strategy.	To allow managers to address formally issues of misconduct by staff, and situations where a member of staff fails consistently to meet expected standards of performance due to lack of capability.
2. What are the intended outcomes?	To ensure fairness, openness and consistency in dealing with issues of misconduct or lack of capability.
3. Who are the main stakeholders? (e.g. staff, students, visitors).	Senior managers, line managers and staff.
4. How does the policy/procedure/strategy take into account different needs and circumstances (e.g. Ethnicity: cultural sensitivities, plain English; Disability: Alternate/ accessible formats; Gender: inclusive to women and men; Sexual Orientation; Faith or Belief, religious practices; Age: needs of younger and older people)?	The policy is designed to ensure issues are generally addressed in a fair and consistent manner, regardless of the beliefs, needs or other characteristics of the staff involved. Where an individual's specific circumstances are relevant to the matter being addressed, the requirement for discussion and communication between the member of staff and the manager will provide opportunity for those circumstances to be discussed and taken into account.
5. What is the likely impact on the general duty to have *due regard* to the need to **eliminate unlawful discrimination, harassment, victimisation** and any other conduct prohibited by the Equality Act? *E.g. Is there evidence to indicate that the policy may result in less favourable treatment for particular groups?*	This policy is likely to have a positive impact on the general duty to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act, as it is the policy which will be used to address formally any situations where a member of staff is alleged to have conducted themselves in a manner that is in breach of the Act.

6. What is the likely impact on the general duty to have *due regard* to the need to **advance equality of opportunity** between people who share a protected characteristic and people who do not share it? *E.g. Is there evidence to show that the policy helps to remove disadvantage or encourages the participation of particular groups?*	The policy is likely to have a positive impact on advancing equality of opportunity as it provides the formal mechanism for providing support and adjustments when a member of staff is prevented from reaching required standards of performance or attendance due to a health or disability-related issue.
7. What is the likely impact on the general duty to have *due regard* to the need to **foster good relations** between people who share a protected characteristic, or not? *E.g. Is there evidence to illustrate that the policy helps to tackle prejudice or promote understanding?*	This policy is likely to have a positive impact on the general duty to foster good relations, as it is the policy which will be used to address formally any situations where a member of staff is alleged to have conducted themselves in a manner that undermines good relations.
8. How will any negative impact identified above be addressed?	The potential for negative impact is expected to arise from decisions made by managers during the operation of this policy. To reduce the potential risk, People Services will monitor the impact of the operation of this policy on an ongoing basis, will provide detailed guidance for managers and staff to support this policy, and will work with managers as necessary to ensure that, as far as possible, their decisions are fair and equitable.
9. What is the overall impact rating? (Choose one rating)	Unknown: No evidence or data has been collected therefore an assessment cannot be made.
10. How will the results of the equality impact assessment be published?	The results will be published on the GCU's Equality and Diversity website, and also communicated to relevant stakeholders.
11. How will the implementation of the policy, procedure, strategy and its impact on equality be monitored and reviewed?	The Policy will be reviewed as part of GCU's annual policy review process.