

## **Ordinance 10**

### **Employment**

#### **1 Operating Principles (previously Ordinance 25)**

1.1 This employment **Ordinance 10** relating to employees shall be applied and construed to give effect to these operating principles.

#### **1.2 Appeals**

Any decision made under any procedure prescribed by this **Ordinance 10** will remain in force pending the outcome of an appeal.

#### **1.3 Appeal by clinical academic member of staff**

Where an appeal is made under any of the procedures prescribed by **Ordinance 10** by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service Trust or similar body, then the panel may include, in addition to its other members, an appropriate representative of the National Health Service.

#### **1.4 Confidentiality**

All parties involved in the operation of **Ordinance 10** must ensure that they maintain, as appropriate, confidentiality within and outside the University. However, none of this shall preclude information being given to any person where this is appropriate, and the University may disclose information:

1.4.1 to those who need to know in order to discharge their responsibilities;

1.4.2 where disclosure is necessary in the interests of health and safety at work or the welfare of other staff, students or the public;

1.4.3 where disclosure is required by law;

1.4.4 to witnesses and/or attendees at the meetings within the procedures.

#### **1.5 Equality**

It is expected that **Ordinance 10** will be operated impartially and that all parties involved in the procedures prescribed by them will be treated with respect and dignity and that no individual will be unjustifiably discriminated against. This includes discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

#### **1.6 The Role of Human Resources ("HR")**

HR will:

- 1.6.1 provide guidance and support to all parties involved in the operation of the procedures prescribed by **Ordinance 10**;
- 1.6.2 advise on the fair and consistent application of the relevant procedure;
- 1.6.3 give guidance to the Appropriate Manager on their responsibilities under the relevant procedure; and
- 1.6.4 be mindful of any conflict that may arise in these roles.

## 1.7 **Nominees**

References to University post holders shall be construed to refer either to the post holder or to a person nominated by him or her to act with full authority on his or her behalf.

## 1.8 **Notices and formal communication**

The University will deem any notification to be received by an employee within two days of it being posted to his/her home address as notified by the employee from time to time. If the notification is sent by email it will be deemed to have been received the day after it is sent.

## 1.9 **Postponement**

Employees (and any representative) must make every effort to attend all meetings arranged under **Ordinance 10**. If the Employee (or their representative) is unable to attend the meeting, they should inform HR as soon as possible. In the event that the employee fails to attend a meeting without good reason, the University reserves the right to make a decision in their absence.

## 1.10 **Recordings**

Audio and visual recordings in any form are prohibited during any meetings or hearings taking place under **Ordinance 10** unless agreed in advance and for reasons of accessibility.

## 1.11 **Review**

**Ordinance 10** will be reviewed from time to time to ensure that it reflects the University's legal obligations and its organisational and operational needs.

## 1.12 **Right to be accompanied**

At any meetings or hearings prescribed by **Ordinance 10** where formal action is being taken, employees have the right to be accompanied by a colleague, friend, trade union or other representative. Although the representative will be able to address the meeting and to confer with the employee during the meeting they will not be permitted to answer any questions on behalf of the employee. In some circumstances the employee's choice of companion may not be accepted. In such circumstances the employee will be asked to select an alternative representative.

## 1.13 **Statutory references**

References in **Ordinance 10** to any statute are a reference to it as amended, extended or re-

enacted from time to time. A reference to legislation shall include all subordinate legislation made from time to time under that statute.

#### 1.14 **Suspension**

The decision to suspend an employee under **Ordinance 10** will be taken by the HR Director or their nominee. The University will advise the employee of the expected length of that suspension and will keep them informed of any changes in that timeframe. The employee will be required to cooperate with any investigation and to be available for interview(s) during working hours. The University may impose conditions during the period of suspension and the employee will be notified accordingly. Any suspension may include the suspension of use of the University's intranet and email account. Suspension is a neutral act and is not considered by the University to be a disciplinary sanction.

#### 1.15 **Timescales**

Whilst every effort should be made by the University to comply with any timescales prescribed by **Ordinance 10**, timescales may be extended in complex cases. In such circumstances the University should keep the employee informed and advise them of the reasons for any delay.

#### 1.16 **Trade Union Representatives**

Where formal proceedings are contemplated against a Trade Union Representative under **Ordinance 10**, the HR Director or nominee shall inform the chair or secretary and the full time official of the Union of those circumstances before any formal meeting.

#### 1.17 **Definitions**

1.17.1 "**Appropriate Manager**" means the Line Manager, Principal Investigator, Head of Department, Head of Section, Head of Discipline, Technical Manager, the Head of School, School or Faculty Manager, or other manager within the line management structure. Where appropriate HR will consider and advise on who the Appropriate Manager is in respect of the operation of all or part of a particular procedure or policy.

1.17.2 "**Trade Union Representative**" means an accredited representative of a trade union recognised by the University.

## **2 Performance and Conduct during the Initial Service Review Period (previously Ordinance 26)**

### **2.1 Application & Scope**

2.1.1 This procedure is applicable where either an employee's performance or conduct has not improved following an initial meeting under paragraph 5 of the Initial Service Review Policy (see **Appendix A**) or their performance or conduct is so poor as to warrant dismissal.

2.1.2 Action under this procedure may be taken at any time during or at the end of an Initial Service Review Period.

### **2.2 Procedure**

2.2.1 The employee should be invited in writing to attend a meeting giving them appropriate notice and advising them of their right to be accompanied. The letter should state the reasons why they have fallen short of the required standards of performance or conduct and enclose any documents that will be referred to at the meeting.

2.2.2 At the meeting the Appropriate Manager will:

- (a) identify the poor performance or conduct and if appropriate give the reasons for considering non confirmation in post;
- (b) allow the employee and/or their representative to respond to the concerns and to ask any questions.

2.2.3 Following the meeting the Appropriate Manager will consider all the representations made and decide whether or not the employee should:

- (a) be given an opportunity to improve, and if so explain: the specific action(s) that the employee is required to take; the outcomes that they are expected to achieve; the timescale within which these must be achieved (the "Improvement Period"); and that if these are not achieved within the Improvement Period their employment may be terminated; or
- (b) receive notice of termination of their employment; or
- (c) be dismissed without notice of termination of their employment.

2.2.4 Any decision reached should be confirmed in a letter to the employee with a copy to HR.

### **2.3 Appeal**

2.3.1 Where an employee's employment has been terminated during their Initial Service Review period they have a right to appeal against the decision using the appeal procedure set out in the Staff Grievance Procedure.

## Appendix A

### Initial Service Review Policy

#### 1 Application and Scope

- 1.1 During the initial service review period employees will be subject to this policy and will not be subject to the University's disciplinary and capability procedures or participate in Staff Review and Development.
- 1.2 This policy is designed to:
  - (a) support employees while they are settling into their role;
  - (b) give the University time to assess the employee's suitability in their role including skills, conduct, capability and attendance together referred to as "Performance"; and
  - (c) provide a framework within which any areas of concern can be identified, addressed and resolved.
- 1.3 The Appropriate Manager will give employees:
  - (a) details of their role and expected standards of performance;
  - (b) access to the necessary information, equipment, training and other resources; and
  - (c) details of relevant rules, policies, procedures and standards of conduct.
- 1.4 Support shall be provided through regular discussions between the employee and the Appropriate Manager. This shall be a two way process, giving the employee an opportunity to raise issues, as well as enabling the Appropriate Manager to evaluate progress.
- 1.5 The University wishes to support employees to complete their initial service review period successfully. Action under this procedure may be taken if any part of an employee's Performance is found to be deficient.
- 1.6 Transferring staff – Employees transferring within the University will be treated as follows:
  - (a) employees transferring to a comparable role while subject to an initial service review period will continue the initial service review period in the comparable role;
  - (b) employees transferring to a different role while subject to an initial service review period will commence a new initial service review period in the new role;
  - (c) employees transferring to a comparable role who have completed their initial service review period in another comparable role will not usually be required to complete a further initial service review period;

- (d) employees transferring to a different role after having completed an initial service review period will not be subject to a new initial service review period in the new role but should be supported by the Appropriate Manager as set out in 4.1 below; and
- (e) in a case where an employee has been redeployed to another role within the University, a trial period will usually be a more appropriate method of ascertaining whether the redeployment is suitable for both the employee and the University.

## **2 Length of Initial Service Review Period**

- 2.1 The employee's initial service review period is set out in their terms and conditions of employment and will not normally be longer than twelve months.
- 2.2 The length of the initial service review period may vary where a significant or particular element of the work falls in a specific part of the year to ensure that this period is adequately covered and to enable the employee to demonstrate their Performance in respect of this particular element of their role.

## **3 Extension to Initial Service Review Period**

- 3.1 The University may extend the initial service review period where, for example, due to sickness absence or other authorised absence it has not been possible to assess the employee's Performance. Where the review period is extended, the employee shall be notified accordingly.

## **4 Initial Service Review Procedure**

- 4.1 Throughout the initial service review period an employee's Performance should be subject to assessment by the Appropriate Manager. Regular and informal one to one meetings should be held to:
  - (a) support the employee in their role;
  - (b) review Performance at work;
  - (c) ensure that the employee is kept informed of their progress against the required standards;
  - (d) advise them of any concerns and how these can be addressed; and
  - (e) ensure the employee is able to raise any questions they may have about their Performance or development requirements.
- 4.2 In addition to informal one to one meetings, formal, documented initial service reviews are to be carried out at the half way stage and towards the end of the initial service review period. The purpose of these reviews is to assess and record the employee's standard of Performance and to identify progress made and any further support, development or guidance required.

- 4.3 Human Resources shall remind the Appropriate Managers of the need for a formal review and report. It is the responsibility of the Appropriate Manager to carry out the formal reviews in good time.
- 4.4 Formal reviews should be set up in advance so that both parties have time to prepare for the meeting.
- 4.5 As part of the formal review meeting the Appropriate Manager should:
- (a) provide support and guidance;
  - (b) identify good performance and progress made;
  - (c) discuss the employee's Performance against the requirements of the position identified in the job description and against any objectives and targets that have been identified;
  - (d) review timekeeping and attendance, including sickness absence;
  - (e) review training requirements and agree any further development needs;
  - (f) identify any areas of Performance that need improving – identifying the standards required and how these can be achieved;
  - (g) be sensitive to issues of equality and diversity, seeking guidance as appropriate;
  - (h) set a date for next review meeting if appropriate; and
  - (i) record the details of the review meeting on the initial service review form and send it to HR.

## 5 **Concerns during Initial Service Review Period**

- 5.1 At any time during the initial service review period where the Performance of an employee is causing concern the Appropriate Manager's first step will normally be to discuss the problem with the employee. Such discussions shall identify the nature of the problem and consider its causes and possible solutions. The Appropriate Manager shall ensure that the employee is aware of the standard of Performance expected; outline in what respect the employee's Performance is failing to meet an acceptable standard and, through discussion with the employee, seek to identify ways of resolving the problem.
- 5.2 If any employee's Performance does not improve following this meeting, or their Performance is so poor as to warrant dismissal it may be necessary to take further action under **Ordinance 10.2**.

## 6 **Confirmation in Post**

- 6.1 On satisfactory completion of the initial service review period the employee will be informed in writing that they have been confirmed in post

### **3 Potential Redundancies (previously Ordinance 27)**

#### **3.1 Application and Scope**

Where the University has identified a potential redundancy situation it will try to minimise the effect of any potential redundancies through the steps set out in this procedure.

#### **3.2 Avoiding Compulsory Redundancies**

3.2.1 The University is committed to retaining employees wherever possible and will seek to minimise redundancies by forward planning within the relevant area. Where redundancies are proposed consideration will be given to ways of avoiding redundancy or reducing the numbers involved. Examples of such steps include:

- (a) reviewing the use of agency staff, self-employed contractors and consultants;
- (b) restricting recruitment in affected categories of employees;
- (c) identifying suitable alternative work for potentially redundant employees;
- (d) staff turnover;
- (e) seeking volunteers for redundancy (selection of volunteers for redundancy shall be at the discretion of the University and shall be determined by the University's requirements to retain key skills and experience to meet the present and anticipated needs of the University);
- (f) considering the introduction of agreed short time working, job sharing or other flexible working arrangements, where these are practicable;
- (g) filling vacancies from among existing employees.

3.2.2 Any measures adopted must not adversely affect the University's organisational or operational needs.

#### **3.3 Identification of Potential Redundancies**

3.3.1 Where a potential redundancy situation has been identified an Appropriate Manager will where appropriate:

- (a) identify the pool from which employees will be selected for dismissal by reason of redundancy: and
- (b) propose the criteria by which individuals will be selected from the pool for dismissal by reason of redundancy;

#### **3.4 Identification of the Pool**

The pool will be defined by the nature of the work that is (or will be) ceasing or reducing. A pool may be limited to one individual or to a group of individuals carrying out the work.

#### **3.5 Selection Criteria**



3.5.1 The criteria used to select employees who will potentially be made redundant will be transparent and fair and based on the skills required to meet the University's existing and anticipated organisational and operational needs.

3.5.2 Selection may be based on the:

- (a) skills, experience and aptitude of the employee;
- (b) standard of work performance;
- (c) attendance and/or disciplinary record of the employee;

and the selection process may include interviews with relevant employees.

### **3.6 Consultation with Trade Union(s)**

3.6.1 The Appropriate Manager and the relevant Trade Union(s) will engage in collective consultation (as required by law) and in such circumstances will discuss any proposed redundancies and ways of avoiding them.

3.6.2 The purpose of the consultation is to seek ways of:

- (a) avoiding the redundancy situation;
- (b) reducing the number of dismissals; and
- (c) mitigating the effects of the proposed redundancies.

3.6.3 Where appropriate, consultation may include discussions concerning the definition and size of the proposed pool for selection and the proposed selection criteria.

3.6.4 The University will respond to any written submissions from the relevant Trade Union(s) in respect of the above

### **3.7 Consultation with individual employees.**

3.7.1 Where a potential redundancy situation has been identified which may affect a group of more than 20 employees an Appropriate Manager may inform those individuals of the proposal prior to the commencement of individual consultation.

3.7.2 Those employees who have been provisionally selected for redundancy will be consulted with individually.

3.7.3 Where appropriate, consultation will include discussion of matters such as:

- (a) the reason for the proposal;
- (b) ways to avoid or mitigate the effect of the proposed redundancy;
- (c) the rationale for the employee's inclusion in the pool;
- (d) the fact that the employee has been provisionally selected for redundancy;

- (e) where there is a pool of one, the rationale for the pool;
- (f) the method of selection and/or scoring and the opportunity to challenge them;
- (g) the proposed redundancy payment.

3.7.4 Individual consultation will be carried out as follows:

- (a) The employee will be invited in writing to attend a formal consultation meeting with an Appropriate Manager who may be accompanied by a representative from HR. The letter will explain the reason for the meeting and give any other relevant information to the employee. The employee will be given the right to be accompanied to the consultation meeting. The employee and their representative may make representations, which will be considered.
- (b) Following this meeting the Appropriate Manager may decide that the post is redundant. If so the Appropriate Manager will write to the individual to advise them of the decision. The letter will respond to any representations made during the consultation meeting and, if the post is declared redundant, will explain the employee's right of appeal, together with details of any notice provisions and any payments that they will receive.
- (c) Where appropriate, further consultation meeting(s) may take place with either the Appropriate Manager or with a manager more senior to the one who undertook the initial consultation meeting(s) at which action taken to date may be reviewed. The manager who conducted the initial consultation meetings may also be invited to attend and a representative from HR may also be present.
- (d) Following the meeting(s) the Appropriate Manager (or a more senior manager) may decide that the post is redundant. If so the Appropriate Manager will write to the individual to advise them of the decision. The letter will respond to any representations made during the consultation meeting(s) and, if the post is declared redundant, will explain the employee's right of appeal, together with details of any notice provisions and any payments that they will receive.

**3.8 Redundancy Payments**

3.8.1 Redundancy payments will be calculated as follows:

0-9 complete years of service - statutory redundancy payment

Ten or more complete years of service - statutory redundancy payment x2

3.8.2 Eligibility for a redundancy payment may be lost if an employee refuses an offer of reasonable alternative employment.

**3.9 Alternative Employment**

3.9.1 During the notice period the University operates a redeployment policy to try to find alternative employment for employees who have been given notice of redundancy. Where suitable alternative employment is offered it will be subject to a trial period.

3.9.2 Employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

### 3.10 **Appeal**

3.10.1 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.

3.10.2 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.

3.10.3 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.

3.10.4 The panel's decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager.

## **Appendix B**

### **Employment Rights Act 1996, Section 139**

- 1 For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:
  - (a) the fact that his employer has ceased or intends to cease:
    - (i) to carry on the business for the purposes of which the employee was employed by him; or
    - (ii) to carry on that business in the place where the employee was so employed; or
  - (b) the fact that the requirements of that business:
    - (i) for employees to carry out work of a particular kind; or
    - (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish.
- 2 For the purposes of subsection (1) the business of the employer together with the business or businesses of his associated employers shall be treated as one (unless either of the conditions specified in paragraphs (a) and (b) of that subsection would be satisfied without so treating them).
- 3 For the purposes of subsection (1) the activities carried on by a local education authority with respect to the schools maintained by it, and the activities carried on by the governors of those schools, shall be treated as one business (unless either of the conditions specified in paragraphs (a) and (b) of that subsection would be satisfied without so treating them).
- 4 Where:
  - (a) the contract under which a person is employed is treated by section 136(5) as terminated by his employer by reason of an act or event; and
  - (b) the employee's contract is not renewed and he is not re-engaged under a new contract of employment, he shall be taken for the purposes of this Act to be dismissed by reason of redundancy if the circumstances in which his contract is not renewed, and he is not re-engaged, are wholly or mainly attributable to either of the facts stated in paragraphs (a) and (b) of subsection (1).
- 5 In its application to a case within subsection (4), paragraph (a)(i) of subsection (1) has effect as if the reference in that subsection to the employer included a reference to any person to whom, in consequence of the act or event, power to dispose of the business has passed.
- 6 In subsection (1) "cease" and "diminish" mean cease and diminish either permanently or temporarily and for whatever reason.

**Employment Rights Act 1996 Section 136 (5)**

(5) Where in accordance with any enactment or rule of law:

(a) an act on the part of an employer; or

(b) an event affecting an employer (including, in the case of an individual, his death),

operates to terminate a contract under which an employee is employed by him, the act or event shall be taken for the purposes of this Part to be a termination of the contract by the employer.

## Appendix C

### Trade Union and Labour Relations (Consolidation) Act 1992, Section 188

- 1 An employer proposing to dismiss as redundant an employee of a description in respect of which an independent trade union is recognised by him shall consult representatives of the union about the dismissal in accordance with this section.
- 2 The consultation must begin at the earliest opportunity, and in any event-
  - (a) where the employer is proposing to dismiss as redundant 100 or more employees at one establishment within a period of 90 days or less, at least 90 days before the first of those dismissals takes effect;
  - (b) where the employer is proposing to dismiss as redundant at least 10 but less than 100 employees at one establishment within a period of 30 days or less, at least 30 days before the first of those dismissals takes effect.
- 3 In determining how many employees an employer is proposing to dismiss as redundant no account shall be taken of employees in respect of whose proposed dismissals consultation has already begun.
- 4 For the purposes of the consultation the employer shall disclose in writing to the trade union representatives-
  - (a) the reasons for his proposals,
  - (b) the numbers and descriptions of employees whom it is proposed to dismiss as redundant,
  - (c) the total number of employees of any such description employed by the employer at the establishment in question,
  - (d) the proposed method of selecting the employees who may be dismissed, and
  - (e) the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.
- 5 That information shall be delivered to the trade union representatives, or sent by post to an address notified by them to the employer, or sent by post to the union at the address of its head or main office.
- 6 In the course of the consultation the employer shall-
  - (a) consider any representations made by the trade union representatives, and
  - (b) reply to those representations and, if he/she rejects any of those representations, state his/her reasons.
- 7 If in any case there are special circumstances which render it not reasonably practicable for the

employer to comply with a requirement of subsection (2), (4) or (6), the employer shall take all such steps towards compliance with that requirement as are reasonably practicable in those circumstances.

- 8 This section does not confer any rights on a trade union or an employee except as provided by sections 189 to 192 below.

## **Appendix D**

### **Redundancy Notice Provisions**

- (a) With the exception of staff covered by paragraphs (b) to (e), for whom protected arrangements will instead apply, staff will be given a minimum notice provision as follows in the event of dismissal by reason of redundancy:
- Staff employed by the University for less than 5 years: 3 months
  - Staff employed by the University for at least 5 years but fewer than 7 years: 4 months
  - Staff employed by the University for at least 7 years but fewer than 9 years: 5 months
  - Staff employed by the University for 9 years or more: 6 months
- (b) All staff employed by the University on a permanent academic or academic related contract before the 1 October 2004, or offered such employment on such terms before that date, will retain the right to a minimum of one year's notice in the event of redundancy.
- (c) All staff employed by the University on an academic or academic-related contract at the 1 October 2004 and who were offered a permanent contract on or after the 1 October 2004 will be entitled to a minimum of 6 months' notice in the event of redundancy.
- (d) All staff employed by the University on a permanent support staff contract at 30 April 2006, and those employed at that date on a fixed-term contract who subsequently transferred to a permanent contract, will be entitled to a minimum of 6 months' notice in the event of redundancy.
- (e) The employment of a member of staff, who is employed on a fixed-term contract and who is subsequently selected for dismissal in a situation of general redundancy, will end either at the termination of the fixed-term contract or following 3, 4, 5 or 6 months' notice of redundancy in accordance with his or her length of service as set out in (a) above, whichever is the earlier.



## **Appendix E**

### **Redundancy Pay**

Any member of staff whose contract of employment is terminated by reason of redundancy will be entitled to receive a redundancy payment, based on length of service as follows. Enhanced redundancy payments applicable to redundancies effective from 1 May 2006 onwards.

Staff with 0-10 years' service - Statutory Redundancy Pay only

Staff with 10-20 years' service - Statutory Redundancy Pay x 2

Staff with 20 years' + service - Statutory Redundancy Pay x 2 (with no cap on weekly pay but a cap on total figure of £20K. The "cap on weekly pay" is the maximum amount of money defined (by the government) as a "week's pay" for the purposes of calculating a statutory redundancy payment.)

## **4 Conduct Framework for Staff who have completed their Initial Service Review Period (Previously Ordinance 28)**

### **4.1 Application and Scope**

4.1.1 The purpose of this procedure is to provide a constructive framework for dealing with staff conduct and to ensure that disciplinary action, where necessary, is applied fairly and consistently.

4.1.2 This procedure applies to all employees who have (where applicable) satisfactorily completed their Initial Service Review.

4.1.3 The general obligations for employees in respect of their conduct are set out in **Appendix G**

### **4.2 Early Action**

4.2.1 It is part of the supervisory process that managers bring to the attention of employees the standards of behaviour required and any failure to meet those standards. Minor misconduct should be dealt with by the employee's line manager (the "Manager") informally and without delay. The Manager should speak to the employee to ensure that they understand the nature of the concerns, expectations of improvements in conduct and where appropriate timescales and the nature of any support available.

4.2.2 It is expected that cases of minor misconduct will be dealt with informally between the employee and their Manager. However, if that informal discussion does not bring about an improvement or where there is a more serious case of misconduct, formal action under this procedure may be necessary.

### **4.3 Suspension**

4.3.1 Where appropriate the University may suspend an employee on full pay whilst it undertakes an investigation into alleged misconduct.

### **4.4 Investigations**

4.4.1 Before a disciplinary hearing is convened the Appropriate Manager will normally appoint an investigator (supported by HR) to carry out an investigation into the circumstances of the alleged misconduct. The purpose of the investigation is to:

- (a) gather evidence; and
- (b) consider if the matter should proceed to a formal hearing.

4.4.2 If there is no disagreement concerning the facts of the case, for example because the misconduct is admitted, an investigation may not be necessary before a disciplinary hearing is arranged. However, in cases where misconduct is not admitted or if there are conflicting views or evidence, further investigation would usually be appropriate before a decision is taken to proceed to a formal hearing.

4.4.3 As part of any investigation, the employee may be invited to provide a written response

to the allegations as well as invited to attend an investigation meeting.

4.4.4 The investigator will decide whether:

- (a) there is a case to answer;
- (b) there is no case to answer; or
- (c) the matter should be considered under an alternative procedure.

#### 4.5 **Taking Formal Action**

4.5.1 Where it is decided that formal action is to be taken the employee will normally be given ten days' notice and invited to attend a disciplinary hearing.

##### ***Prior to the Hearing***

4.5.2 The employee will be provided with details of the allegation(s) and an indication as to whether the alleged misconduct is considered as potentially a serious/gross misconduct case and therefore whether a sanction less than or up to dismissal may be considered.

4.5.3 Prior to the hearing the employee will be invited to provide:

- (a) their response to the allegations including bringing forward any relevant witnesses; and
- (b) any documentation that they will refer to in the hearing.

4.5.4 Prior to the hearing any documentation or other evidence that is to be relied upon by either the employee or the University will be made available to each other and to the Appropriate Manager at least seven days before the hearing.

##### ***The Conduct Hearing***

4.5.5 An appropriate person (supported by HR) shall present the allegation(s) against the employee at the hearing.

4.5.6 The hearing will be conducted by an Appropriate Manager supported by HR.

4.5.7 The Appropriate Manager will arrange for notes of the meeting to be taken.

4.5.8 At the hearing the employee will be given an opportunity to present their case, question witnesses and raise any issue that they wish to have considered. The Appropriate Manager will be able to question those involved in the case.

##### ***The Outcome of the Hearing***

4.5.9 At the end of the hearing the Appropriate Manager will consider all representations then decide whether or not, on the balance of probabilities, the allegation(s) are proved and if they are proved what level of disciplinary sanction, up to and including dismissal is appropriate. On the basis of the information presented, the Appropriate Manager may decide to impose any of the disciplinary sanctions or other measures set out in paragraph 5 and 6.

4.5.10 The decision may be given on the day of the hearing and will in any event be confirmed in writing within fourteen days of the hearing. The employee has a right of appeal against any decision.

#### ***Disciplinary Sanctions***

4.5.11 There are three levels of sanction that may be given: first written warning, final written warning and dismissal.

#### ***Warnings***

4.5.12 The warnings given under this procedure will normally be “live” for a period of 12 months. At the end of that period, subject to the employee’s satisfactory conduct, the warning will normally be disregarded for disciplinary purposes. However, the University reserves the right to issue warnings for a longer period depending on the nature or seriousness of the offence and to take previous action taken under this procedure into account when issuing a sanction or other measure in respect of a subsequent allegation of misconduct even when the stated duration of any previous warning(s) or other action taken has expired. The University reserves the right to extend the period of time in which a warning is live to reflect any period of time for which the employee is absent from work (not including, for example, annual leave) whilst the warning is live.

4.5.13 A written warning will be placed on the employee's personnel file and will set out:

- (a) the areas where the required standards of behaviour and/or conduct have not been met;
- (b) any specific action(s) that the employee is required to take and outcomes that they are expected to achieve to correct/improve their behaviour or conduct including any time period for completion;
- (c) any measures such as additional training or support which will be taken with a view to correcting or improving conduct or behaviour;
- (d) the date(s) of any interim review meeting(s) to review progress;
- (e) the Review Period, i.e. the period of time over which the employee will need to demonstrate that they can sustain the required improvement or correction in behaviour or conduct; and
- (f) the consequences of failing to improve or correct their behaviour or conduct within the review period or of further unsatisfactory behaviour or conduct (whether similar or not) within the Review Period including, if appropriate, termination of employment.

#### ***First Written Warning***

4.5.14 Where the misconduct is of a minor nature or, after early action has been taken but there has been no improvement in conduct or behaviour, a first written warning may be issued.

### ***Final Written Warning***

4.5.15 If after a first written warning has been given, the employee commits a repeated or further act of misconduct, or where the misconduct is considered sufficiently serious to warrant a final written warning but not sufficiently serious to justify dismissal, a final written warning may be issued.

### ***Dismissal***

4.5.16 If after a final written warning has been given, the employee commits a repeated or a further act of misconduct, or where the employee commits an act of gross misconduct (see **Appendix G**) the Appropriate Manager may consider dismissal or summary dismissal (that is dismissal with or without notice).

## **4.6 Other Measures**

In all cases the University will consider whether it is appropriate to withhold any increment of salary from the employee. The University reserves the right to impose such other disciplinary measures as it considers appropriate in the circumstances.

## **4.7 Appeals**

### ***Appeals against a sanction or measure other than dismissal***

4.7.1 If an employee wishes to appeal they should write to the HR Director within 14 days of receiving the written notification of the sanction setting out the reasons for the appeal.

4.7.2 The HR Director will then arrange for the appeal to be heard by an Appropriate Manager who has had no prior involvement in the case. The appeal hearing will be a review of the decision and will be supported by HR.

4.7.3 Where, on appeal, the case is upheld, in whole or in part, the Appropriate Manager conducting the appeal may substitute a different sanction. It is not intended that a substituted sanction would be more severe.

4.7.4 The decision may be given at the appeal hearing and will in any event be confirmed in writing within fourteen days of the hearing.

4.7.5 The decision following the appeal shall be final.

### ***Appeals against dismissal***

4.7.6 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.

4.7.7 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.

- 4.7.8 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.
- 4.7.9 The panel's decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager

## Appendix F

### Summary of Disciplinary Action

<b>Action</b>	<b>Taken by postholder (or nominee)</b>	<b>Consults</b>	<b>Possible action before hearing</b>	<b>Notice (working days)</b>	<b>Present at hearing (or nominee)</b>	<b>Action which may follow hearing</b>	<b>Period in force</b>	<b>Time for appeal (working days)</b>
Informal discussion			Appropriate Manager			Advice, training, transfer		
Stage 1 warning	Appropriate Manager	Human Resources Manager	Investigation	7	Human Resources Manager	Stage 1 warning	6 months	20
Stage 2 warning	Appropriate Manager	Human Resources Manager	Investigation / Suspension	7	Human Resources Manager	Stage 2 warning	Up to 2 years	20
Stage 3 Gross misconduct or breach of Stage 2 warning	Appropriate Manager	Human Resources Director	Investigation /Suspension	7	Human Resources Director	Disciplinary action, including dismissal		20

## **Appendix G**

### **Rules of Conduct for Members of Staff**

#### **Introduction**

These Rules apply to all members of staff of the University and form part of their terms and conditions of employment. They set out behaviour which may amount to misconduct, resulting in disciplinary action. The Rules are intended to promote a productive, harmonious and safe working environment.

#### **General Requirements**

Members of staff are expected to:

- a) Comply with their contract and terms and conditions of employment;
- b) Fulfil the duties of their post as reasonably required by their Appropriate Manager;
- c) Observe relevant University rules, regulations, codes of practice and policy statements;
- d) Comply with health and safety and data protection requirements.

#### **Misconduct**

The following list gives examples of behaviour which may constitute misconduct. This list is not intended to be exhaustive:

- a) Conduct which constitutes a criminal offence, of a kind that is judged in all the circumstances to be relevant to the member of staff's employment by the University, whether committed on University premises or elsewhere;
- b) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language at work;
- c) Sexual, racial, or any other form of harassment, including bullying of any student or member of staff of the University, or any visitor to the University, or any other failure to respect the University's Equal Opportunities and Dignity at Work Policies;
- d) Incapacity at work through the use of alcohol or drugs;
- e) Fraud, deceit, deliberate falsification of records, deception or dishonesty in relation to the University or its staff, students or visitors;
- f) Theft, misappropriation or misuse of University property, or the property of the University's staff, students or visitors, including intellectual property;
- g) Fraud or plagiarism in connection with academic research or failure to comply with the University's Research Misconduct Policy;
- h) Computer misuse, contrary to the University's regulations;
- i) Misuse or unauthorised use of University premises, equipment or facilities;



- j) Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;
- k) Action likely to cause injury or impair safety on University premises, or infringement of University Health and Safety policy;
- l) Negligence which causes or might cause unacceptable loss, damage or injury;
- m) Improper bias in relation to students, whether relating to admission or assessment;
- n) Failure to respect the rights of any student or member of staff of the University, or any visitor to the University, to freedom of belief and freedom of speech;
- o) Breach of the provisions of any University code, policy, rule or regulation;
- p) Misuse of the University's name, or bringing the University into serious disrepute;
- q) Undertaking paid work detrimental to or in conflict with the University's interests without the University's permission;
- r) Unauthorised absence;
- s) Poor timekeeping;
- t) Failure to comply with a reasonable request or instruction from an appropriate person.

#### **Gross Misconduct**

A member of staff who is found to have been guilty of misconduct shall normally in the first instance be given a warning. However gross misconduct, of such seriousness as to give good grounds for immediate dismissal, may lead to summary dismissal without warning. When determining whether an issue should be dealt with as misconduct or gross misconduct, the actual or potential consequences of the conduct shall be considered. Examples of behaviour which may constitute gross misconduct include assault or physical violence, theft, fraud, research misconduct and serious breaches of regulations relating to health and safety or data protection.

## **5 Performance Framework for staff who have completed their Initial Service Review Period (previously Ordinance 29)**

### **5.1 Application and Scope**

5.1.1 The purpose of this procedure is to provide a constructive framework to address, identify and resolve any areas of concern relating to an individuals' performance and to ensure that any action taken is fair and consistent.

5.1.2 This procedure applies to all employees (except those who are in their initial service review period).

### **5.2 Early Action**

5.2.1 It is part of the supervisory process that managers bring to the attention of employees the standards of performance required and any failure to meet those standards. Any minor lapses in performance should be dealt with by the employee's line manager (the "Manager") informally and without delay. The Manager should speak to the employee to ensure that they understand the nature of any concerns, expectations of improvements in performance (for example in levels of skill, knowledge, responsibility, autonomy and behaviours) and where appropriate timescales and the nature of any support or training available. Where an employee has identified that their performance may have been affected by ill health or a disability, additional support may be available (see Ill Health Policy).

5.2.2 It is expected that minor cases of underperformance will be dealt with informally between the employee and their Manager. However if that informal discussion does not bring about an improvement or where there are more serious concerns about an employee's performance, formal action under this procedure may be taken.

### **5.3 Considering Taking Formal Action**

5.3.1 Before any formal action is taken the Appropriate Manager will review the circumstances and the detail of the performance concerns. In particular the Appropriate Manager will consider:

- (a) the nature of the concerns;
- (b) whether the employee has been informed of what is expected of them and where the performance shortfalls lie;
- (c) whether the employee has identified that their performance may have been affected by ill health or a disability and what steps have been taken under the Ill Health Policy;
- (d) the support or training that may have already been provided to the employee.

### **5.4 Taking Formal Action**

5.4.1 Where it is decided that formal action is to be taken the employee will normally be given ten days' notice and invited to attend a capability hearing.

### ***Prior to the Hearing***

- 5.4.2 The employee will be provided with details of the performance concerns and an indication as to their seriousness and whether dismissal may be considered.
- 5.4.3 Prior to the hearing the employee will be invited to provide:
  - (a) their response to the performance concerns including bringing forward any relevant witnesses;
  - (b) any documentation that they will refer to in the hearing.
- 5.4.4 Prior to the hearing any documentation that is to be relied upon by either the employee or the University will be made available to each other and to the Appropriate Manager at least seven days before the hearing.

### ***The Capability Hearing***

- 5.4.5 An Appropriate Person (supported by HR) may explain the performance concerns about the employee at the hearing.
- 5.4.6 The hearing will be conducted by the Appropriate Manager supported by HR.
- 5.4.7 The Appropriate Manager will arrange for notes of the meeting to be taken.
- 5.4.8 At the hearing the employee will be given an opportunity to present their case, question witnesses and raise any issue that they wish to have considered. The Appropriate Manager will be able to question those involved in the case.

### ***The Outcome of the Hearing***

- 5.4.9 At the end of the hearing the Appropriate Manager will consider all representations then decide if on the balance of probabilities whether the performance concerns are justified and if justified what level of capability sanction, up to and including dismissal is appropriate. On the basis of the information presented the Appropriate Manager may decide to impose any of the capability sanctions set out in paragraph 4.11. In all cases the Appropriate Manager will consider whether it is appropriate to withhold any salary increment from the employee.
- 5.4.10 The decision may be given on the day of the hearing and will in any event be confirmed in writing within fourteen days of the hearing. The employee has a right of appeal against any decision.

### ***Capability Sanctions***

- 5.4.11 There are three levels of sanction that may be given: first written warning, final written warning and dismissal.

### ***Warnings***

- 5.4.12 The warnings given under this procedure will normally be "live" for a period of 12 months. At the end of that period, subject to the employee's satisfactory performance,

the warning will normally be disregarded for disciplinary purposes. However, the University reserves the right to issue warnings for a longer period depending on the nature or seriousness of the poor performance and to take previous action taken under this procedure into account when issuing a sanction or other measure in respect of subsequent poor performance even when the stated duration of any previous warning(s) or other action taken has expired. The University reserves the right to extend the period of time in which a warning is live to reflect any period of time for which the employee is absent from work (not including, for example, annual leave) whilst the warning is live.

5.4.13 A written warning will be placed on the employee's personnel file and will set out:

- (a) the areas where the required standards of performance have not been met;
- (b) any specific action(s) that the employee is required to take and outcomes that they are expected to achieve to improve their performance including any time period for completion;
- (c) any measures such as additional training or support which will be taken with a view to improving performance;
- (d) the date(s) of any interim review meeting(s) to review progress;
- (e) the Review Period i.e. the period of time over which the employee will need to demonstrate that they can sustain the required improvement in performance; and
- (f) the consequences of failing to improve performance within the Review Period or of further unsatisfactory performance (whether similar or not) within the Review Period including, if appropriate, termination of employment.

#### ***First Written Warning***

5.4.14 Where the poor performance is of a minor nature or, after early action has been taken but there has been no improvement in performance, a first written warning may be issued.

#### ***Final Written Warning***

5.4.15 If after a first written warning has been given the employee's performance has not improved, or where the performance concerns are considered sufficiently serious to warrant a final written warning but not sufficiently serious to justify dismissal, a final written warning may be issued.

#### ***Dismissal***

5.4.16 Dismissal of an employee may be considered where performance:

- (a) has not improved sufficiently within the review period set out in a final written warning;
- (b) is unsatisfactory while a final written warning is still active; or

- (c) has been grossly negligent such as to warrant dismissal without the need for a final written warning.

5.4.17 When considering dismissal the Appropriate Manager may decide:

- (a) to dismiss the employee;
- (b) that there are insufficient grounds to dismiss the employee;
- (c) on the imposition, or extension of a warning already issued under this procedure; or
- (d) to explore options other than dismissal with the employee.

## 5.5 Appeals

### ***Appeals against warnings***

- 5.5.1 If an employee wishes to appeal, they should write to the HR Director within 14 working days of receiving the written notification of the warning. The appeal letter must set out the reasons for the appeal.
- 5.5.2 The HR Director will then arrange for the appeal to be heard by an Appropriate Manager who has had no prior involvement in the case. The appeal hearing will be a review of the decision to issue a warning and will be supported by HR.
- 5.5.3 The Appropriate Manager conducting the appeal may substitute a different sanction from that appealed against; it is not intended that a substituted sanction would be more severe.
- 5.5.4 The decision may be given at the appeal hearing and will in any event be confirmed in writing within 14 days of the hearing.
- 5.5.5 The decision following the appeal shall be final and there will be no further internal right of appeal.

### ***Appeals against dismissal***

- 5.5.6 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 working days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.
- 5.5.7 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.
- 5.5.8 University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be

represented by a member of staff or other representative.

- 5.5.9 The panel's decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager

**Appendix H**  
**Summary of Action**

<b>Action</b>	<b>Taken by postholder (or nominee)</b>	<b>Consults</b>	<b>Possible action before hearing</b>	<b>Notice (working days)</b>	<b>Present at hearing (or nominee)</b>	<b>Action which may follow hearing</b>	<b>Time for appeal (working days)</b>
Informal discussion	Appropriate Manager					Advice, training, transfer	
Stage 1 Notification of concern	Appropriate Manager	Human Resources Manager	Gather information	7	Human Resources Manager	Stage 1 Notification of concern	20
Stage 2 Warning	Appropriate Manager	Human Resources Manager	Gather information	7	Human Resources Manager	Gather information	20
Stage 3 Panel	Panel of 3	Human Resources Director	Gather information	7	Human Resources Director	Action including dismissal	20

*2 July 2010*

## 6 **Potential Dismissal for other reasons (previously Ordinance 30)**

### 6.1 **Application and Scope**

- 6.1.1 Where it is believed that there are circumstances which, although not covered by any of the other University procedures, lead the University to contemplate the dismissal of an employee, the steps set out in this procedure will be followed.
- 6.1.2 The procedure is intended to apply where dismissal of an employee is contemplated in any circumstance not covered by **Ordinances 10** for example:
- (a) where it is considered that the employee cannot continue to work in the position which they hold because to do so would mean that they and/or the University would be in breach of legislation. In such a case the University may be required to terminate the employment with immediate effect in which case the provisions set out in paragraph 4 may not apply. The employee will still have a right to appeal against their dismissal;
  - (b) dismissal of a member of clinical academic staff whose honorary NHS contract is compromised, withdrawn and/or whose registration is revoked or suspended;
  - (c) dismissal arising from the expiry of a fixed term contract where the reason for the expiry is not redundancy (e.g. where the individual is covering for sabbatical or maternity leave, etc);
  - (d) where the employee is unable to attend work due to imprisonment;
  - (e) dismissal from a remunerated post in the University which is undertaken in addition to an employee's substantive post; or
  - (f) where there has been breakdown in mutual trust and confidence in the working relationship.

### 6.2 **Investigation**

Where necessary an investigation will be undertaken to:

- (i) gather evidence; and
- (ii) consider if the matter should proceed to a formal hearing.

In such cases the Appropriate Manager will appoint an investigating officer. Where the University considers it appropriate, the findings and outcome of an investigation undertaken under another procedure may be used as part of this process.

### 6.3 **Procedure**

- 6.3.1 Where dismissal of an employee is contemplated, the Appropriate Manager will write to the employee inviting them to a meeting detailing the purpose of the meeting and the circumstances that led the University to consider terminating employment.
- 6.3.2 Prior to the meeting the employee where appropriate will be:



- (a) provided with relevant documentation which include a copy of any investigation report, at least seven days before the meeting;
  - (b) invited to provide a written response; and
  - (c) invited to bring forward witnesses that they believe are relevant to the matter.
- 6.3.3 At the meeting the employee will be given an opportunity to present their case, question witnesses and raise any issues they wish to have considered and the Appropriate Manager conducting and hearing the case will be able to question all those involved in the case.

#### 6.4 **Outcome**

- 6.4.1 The Appropriate Manager will consider all representations before reaching a decision. The decision may include (but will not be limited to) the following outcomes:
- (a) there are insufficient grounds to dismiss the employee under this procedure;
  - (b) employee's employment should be terminated with or without notice; or
  - (c) the case should be considered under an alternative procedure.
- 6.4.2 The decision may be given at the meeting and will in any event be confirmed in writing within seven days of the meeting. The employee has a right of appeal against the decision.

#### 6.5 **Appeals**

- 6.5.1 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.
- 6.5.2 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.
- 6.5.3 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.
- 6.5.4 The panel's decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager.

## **7 Potential Dismissal on Grounds of Ill-health (previously Ordinance 31)**

### **7.1 Application and Scope**

- 7.1.1 This procedure is only applicable where the University is considering dismissing an employee on the grounds of ill-health (which may or may not amount to a disability as defined by the Equality Act 2010) for example where an employee has:
- (a) had a period of long term sickness absence;
  - (b) had frequent intermittent sickness absence, which is found to be attributable to an underlying medical condition; or
  - (c) has sustained difficulty in fulfilling the required standards of a role due to an underlying medical condition, even if the employee is not absent from work.
- 7.1.2 No action may be taken by the University under this procedure unless it has first considered the Ill Health Policy.

### **7.2 Termination of Employment**

- 7.2.1 Where the University is considering terminating the employee's employment on the grounds of ill-health it will follow the procedure set out below.
- (a) The employee will be invited to attend a meeting to consider whether the employee's employment should be terminated.
  - (b) The meeting will be conducted by an Appropriate Manager who will consider all representations made by the University and the employee. In particular consideration will be given to any medical evidence supplied by either the employee or the University; whether the University has taken appropriate measures under the Ill Health Policy and the impact on the employee's ability to undertake the range of duties associated with their role; the delivery of the service of which the employee's role forms part; other members of the team or group in which the employee is employed.
  - (c) On the basis of the information presented, the Appropriate Manager may decide:
    - (i) to dismiss the employee;
    - (ii) that there are further steps that either the University or the employee should take before termination of employment is considered, including where appropriate the reconsideration of further adjustments such as alternative employment; or
    - (iii) that the matter should be considered under an alternative procedure.
  - (d) The decision may be given at the meeting and will in any event be confirmed in writing within 14 days of the meeting. The employee has a right of appeal against the decision.

### **7.3 Appeals**

- 7.3.1 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision

appealed against. The appeal must state the grounds of appeal.

- 7.3.2 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.
- 7.3.3 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.
- 7.3.4 The panel's decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and to the Appropriate Manager.