



Circular CC 02/25 – National Disciplinary Policy and Model Procedure for Support Staff and Lecturing Staff

This Circular is issued under the provisions of the National Joint Negotiating Committee (NJNC) – Central Committee and is binding on the college signatories of the National Recognition and Procedures Agreement (NRPA). Non-NRPA colleges are encouraged to shadow the Circular.

This Circular implements the Central Committee – National Disciplinary Policy and Model Procedure agreed on Thursday 20 March 2025 attached as **Annexes 1 and 2**. The National Disciplinary Policy and Model Procedure is an agreed output of the NJNC.

The National Disciplinary Policy and Model Procedure will apply from **1 August 2025**.

Scope

The terms of this Circular will apply to all employees and new entrants, including those on a temporary, fixed term or non-permanent contracts.

If any clarification is sought on the implementation of Circular 01/25 then this should be directed to the Joint Secretaries simultaneously, copying in College Employers Scotland – ces@collegeemployersscotland.ac.uk for secretarial purposes.

A joint response will be provided to all points of clarification.

NJNC Joint Secretaries

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April 2025

Guidance,
Empowering, Principles,
Trade Unions
National Bargaining,
Scope,
Employee Relations
Resilient,
Flexible, Staff Development
Values, Fairness
Communication, Purpose,
Policies, Trust, Review,

National Disciplinary Policy
Effective from 1 August 2025

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1. Introduction

This policy is designed to help and encourage all employees to achieve and maintain appropriate standards of behaviour and conduct for their, and their colleagues' safety and well-being. The policy provides a framework for dealing with potential misconduct with the focus on encouraging an employee whose conduct is unsatisfactory to improve.

The policy will be applied consistently and fairly to all employees, based on the circumstances of their case. Every case will be dealt with in a fair, transparent, reasonable, equitable and supportive way. This approach should allow employees to feel confident to have open and frank conversations with their manager if there is a concern, rather than fearing blame or repercussions. All disciplinary matters will be dealt in a sensitive and respectful manner, with the confidentiality of those involved maintained.

This policy should be read in conjunction with the model Disciplinary Procedure to fully understand the whole disciplinary process that provides a framework and minimum standards for the colleges to follow.

This policy was developed in partnership and agreement with the College Employers Scotland representatives and recognised trade unions. This policy and model procedure will be reviewed one year from launch date and thereafter every three years or earlier if required under legislative changes.

2. Scope

This policy applies to all employees.

In the event of an alleged disciplinary breach by a recognised trade union representative, formal disciplinary action will not be taken until the circumstances have been discussed with a full-time officer of the relevant union.

This policy does not apply where there is:

- An issue of competence or capability, this will be dealt with under the Performance Improvement Policy or equivalent.
- Ill health, this will be dealt with under the Sickness Absence policy or equivalent.

3. Key Principles

The following key principles will be applied in each situation and will be reflected in college procedures and practices:

- Disciplinary cases must be dealt with promptly without unnecessary delay, sensitively and respect the privacy of those involved.
- Many potential disciplinary issues can be resolved informally with appropriate, suitable support, counselling, or another approach, such as further training, to resolve problems. Managers should seek to resolve misconduct issues at the lowest possible level, and consider informal action, when appropriate, to resolve issues.

- Where an issue cannot be resolved informally, or it is not appropriate to do so, the disciplinary procedure must be followed. An employee will be:
 - Informed in writing, that they are the subject of a disciplinary investigation and advised of the disciplinary allegation(s).
 - Provided with a copy and/or link to this policy and to the procedure that will be applied.
 - Provided details of any Employee Assistance or counselling services available, as well as reviewing and considering the wellbeing of the employee throughout the process.
 - Given information on the next steps and indicative timescales for investigation to be completed.
- An investigation will be undertaken by an Investigating Officer who will be objective and impartial, to establish the facts relating to the disciplinary allegation(s).
- Following conclusion of the investigation, an appointed Nominated Officer will consider the investigation report and decide if a formal disciplinary hearing is required or no case to answer. In any event mutually agreed additional support may be required.
- An employee will be informed in writing of the disciplinary allegation(s) against them, along with a copy of the investigation (including statements and any other material information considered) in advance of the hearing.
- Employees have the right to be accompanied by: (1) an accredited representative of a trade union; (2) a work colleague; or (3) an official employed by a trade union. All the above will be referred to in the policy and accompanying procedure as the 'companion'.
- At the disciplinary hearing, the disciplinary allegations will be outlined (in the invite to the disciplinary hearing). The investigation will be presented, and the employee will be provided with the opportunity to state their case and respond to the investigation before a final decision is made.
- Employees will not normally be dismissed for a first offence except in cases of gross misconduct/negligence.
- Employees will have the right of appeal against any formal disciplinary action.
- Information relating to disciplinaries will be destroyed in line with colleges data retention schedule, subject to related legal requirements.
- When an employee raises a grievance during a disciplinary process, the disciplinary process may be suspended to allow the grievance to be heard. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. Each case will be considered on its own merits.
- The college will ensure managers have the appropriate training to undertake the roles described in this policy.

3.1 Reasonable Adjustments

Colleges will ensure throughout the disciplinary that they do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate if required or making reasonable adjustments to procedures to ensure that they do not put anyone with a protected characteristic at a substantial disadvantage. This might mean someone else attending the disciplinary process meetings in addition to the companion (see section 3). For example, a British Sign Language signer, a translator or a support worker or someone with knowledge of the employee's specific needs.

4. Roles and Responsibilities

4.1 All Employees will:

- Ensure they are familiar with the standards of conduct expected by the college. This may include reviewing the following policies, or their equivalents. For example: Code of Conduct for Employees, Internet, Social Media, and Email Policies (to be reviewed at a local level).
- Consider seeking advice and support from their trade union representatives at any point of the disciplinary process.
- Treat any information shared with them as part of a disciplinary investigation or part of the disciplinary process as confidential, except for discussing matters with their companion or trade union.

4.2 Managers will:

- Ensure that they and their staff are fully conversant with the disciplinary rules and procedures in place and can act in line with the procedures. Managers will make full use of the informal disciplinary stages, when possible, to prevent minor disciplinary problems from escalating unnecessarily.
- Always act promptly to deal with any misconduct on the part of employees. A failure to communicate to an employee that they do not meet the required standards may lead the employee to assume that their conduct is satisfactory.
- Ensure that they undertake appropriate training relevant to their role in the disciplinary process.
- Seek advice from Human Resources (HR) if they are unclear on a potential disciplinary issue.

4.3 HR Representatives will:

- Provide advice and support to managers and employees on the application of this Policy and on all stages of the disciplinary procedure.
- Provide advice and support to Nominated Officer on the processes and legal compliance on employment matters.
- Provide advice and support on consistency of application of the Policy and Procedure.
- Monitor formal disciplinary activity across the college.
- Inform the College Leadership/Management Team if there are areas of concern in relation to the application of this Policy and Procedure.

4.4 Trade Union Representatives/companion will:

- Provide advice and support to the employee throughout the disciplinary process.

5. Links to Other Policies/Documents

[College to insert associated policies here]

6. Further Sources of Information

- a) All employees can access counselling if needed via [College to insert relevant information here].
- b) Further information can be found here:
 - [Acas Code of Practice on disciplinary and grievance procedures | Acas](#)
 - [Dealing with problems at work | TUC](#)
 - [The Model Complaints Handling Procedures | SPSO](#)

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National Model Disciplinary Procedure
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1. Introduction

The aim of this Model Disciplinary Procedure is to provide minimum procedural guidelines for colleges in support of the **National Disciplinary Policy**.

A college may adopt this Model Procedure and amend it as necessary for its circumstances or use its own existing Procedure, providing that its terms are no less than those in this document.

Standard letters that colleges may want to use to communicate throughout the Procedure are [here](#).

Disciplinary action will generate records and documentation, and these will be managed in line with related legal requirements.

The attached **Annex** is an indicative list of the types of misconduct which will normally result in disciplinary action.

2. Timescales

A formal Disciplinary process may have an impact on an employee's health and wellbeing. Therefore, it is important to progress the process within a reasonable timescale.

Timescales should be specified, agreed and adhered to unless there are exceptional circumstances, for example, the availability of key individuals and/or operational (business) reasons.

It is essential that any delays to timescales are communicated appropriately as soon as possible. Further information can be found here: [Acas Code of Practice on disciplinary and grievance procedures | Acas](#).

3. Informal Disciplinary Action (Outside the Formal Procedure)

Consideration should be given if the matter can be addressed through informal discussion.

When dealing with a matter informally, the line manager will discuss the matter with the employee and advise them that the course of action is outwith the formal Disciplinary Procedure.

4. Precautionary Suspension

There may be occasions when it is considered inappropriate for an employee to be at work, due to the nature and seriousness of the alleged misconduct. Suspension does not mean someone has done something wrong and should not be used to discipline employees.

Guidance should be obtained from Human Resources (HR), prior to an employee being precautionarily suspended or removed from the workplace.

Precautionary suspension will always be on full pay inclusive of any regular allowances and/or contractual payments and will be in line with any agreed college procedure.

Precautionary suspension must always be for as short a period as possible, and the employee will be notified in writing if there are any proposed extensions.

Further information about suspension is [here](#).

5. Grievance Raised During Disciplinary Proceedings

When an employee raises a grievance during a disciplinary process the disciplinary process may be suspended to allow the grievance to be heard.

Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. Each case will always be considered on its own merits.

6. Roles and Responsibilities

The Investigating and Nominated Officers will be fair and objective, independent to the case and available to carry out their role promptly. They will be selected from a list of trained officers.

Investigating Officer	Nominated Officer	Human Resources
<p>To investigate the allegation(s) and establish the facts.</p>	<p>To review the outcome of the disciplinary investigation and be responsible for:</p> <p>Deciding if a case is to proceed to a disciplinary hearing.</p> <p>Hearing the case and ensuring the employee has a fair opportunity to present their case.</p> <p>Deciding on disciplinary action, based on all evidence presented and appropriate level of sanction and/or other supports.</p> <p>Communicating the decision to the employee, including their rationale for their decision.</p> <p>Explaining the decision at any subsequent appeal.</p>	<p>HR will be involved in the appointment of the Officers within the procedure.</p> <p>The role of the HR representative is to provide advice, guidance, and support to managers and employees on the application of this Policy and at all stages of the disciplinary procedure.</p>
<p>Companion</p>		
<p>The role of the companion is to support the employee during the disciplinary process. The employee must be given the right to reply directly to questions and points raised at the disciplinary hearing.</p>		

7. Disciplinary Investigation

A disciplinary investigation will take place following the decision that alleged misconduct requires to be investigated. The employee will be notified, in writing, that they are the subject of a disciplinary investigation and advised of the allegations of the alleged misconduct along with the possible outcome.

The purpose of carrying out an investigation is to gather all relevant facts relating to the allegation(s), in an objective, prompt and impartial manner. Conducting an objective and thorough investigation ensures that the employee is given an opportunity to explain the circumstances and provide any mitigating factors and that all relevant facts are considered.

7.1 Establishing Information

If there is any doubt in the information, the Investigating Officer will try to seek corroborating information from other sources. If no information is available, the Investigating Officer will highlight this in their report.

The Investigating Officer will interview witnesses able to provide information on the allegation(s) being investigated.

7.2 Investigating Officers Report

The Investigating Officer will produce a report detailing the findings and give an indication to the employee when this will be completed. If timescales change the employee will be updated. The Nominated Officer will review the Investigating Officer's report. They will decide if there is sufficient evidence to proceed to a disciplinary hearing, or if other alternative action needs to be taken.

In some cases, there may be insufficient information to proceed to a disciplinary hearing or allegations may be unfounded. If this is the case, the disciplinary investigation will be destroyed unless the case involves a young person or vulnerable adult.

The employee must be informed in writing of any decision.

8. Disciplinary Hearing

Where a disciplinary hearing is required, the employee will be provided with a minimum of five working days' notice in writing. The written notification will include copies of the investigation report together with any other evidence to be referred to in the hearing.

The purpose of the hearing is to establish the facts, take account of the findings of the investigation and hear the case presented. The hearing will normally be held in person. In certain circumstances, consideration will be given to holding the hearing in an alternative format.

If the employee or companion is unable to attend the disciplinary hearing, they confirm this so the hearing can be rescheduled.

9. Non-Attendance of a Disciplinary or Appeal Hearing

9.1 Due to Ill Health

Where an employee is unfit to attend the hearing, the absence will be managed in line with the college's Absence/Attendance Management Policy.

9.2 Failure to Attend

Where an employee fails to attend the hearing without a reasonable explanation, then the college will offer a further date for the hearing.

If an employee is repeatedly unable or unwilling to attend a disciplinary meeting without a reasonable explanation, the hearing will be held in the employee's absence and the college will decide on the evidence available.

10. Conducting a Disciplinary Hearing

At the hearing, the Nominated Officer will:

- a) Make introductions and explain roles.
- b) Explain the purpose and format of the hearing.
- c) Outline the allegation(s) and potential disciplinary action.
- d) Confirm with the employee that they understand the process and are satisfied with the arrangements.

The Investigating Officer will be available to attend a disciplinary hearing if required and requested in advance by either party to provide clarification.

Each witness may be called (if required) and potentially be questioned by the Nominated Officer or the employee. The employee/companion will set out their case in response to the allegation(s) and respond to any questions from the Nominated Officer. The employee will be requested to sum up their case.

10.1 Reaching a Decision

When the Nominated Officer is reaching their decision, they must consider the nature of the misconduct, any live disciplinary record, and any mitigation provided by the employee and be consistent with action taken in similar cases. They should seek guidance from the HR representative.

10.2 Communicating the Decision

The decision may be given verbally at the hearing, following an adjournment but must always be confirmed in writing to the employee within five working days of the hearing. If the employee was represented, a copy of the letter must be issued to their companion.

11. Disciplinary Hearing Outcomes

The outcomes following a hearing can be no action, written warning, final written warning, action short of dismissal and dismissal.

11.1 No Action

At the disciplinary hearing, the Nominated Officer will decide whether disciplinary action is required or if suitable support, counselling, or another approach, such as further training, will be more appropriate.

A manager will take note of the meeting, which will be shared with the employee.

11.2 Written Warning

A first/minor offence may be given a written warning, which should be held on the employee's HR file for a period of six months for disciplinary purposes and will then be removed, along with any paperwork.

A written warning will be held on the employee's HR file for a period of six months for disciplinary purposes.

11.3 Final Written Warning

A final written warning may be given where:

- a) An employee who has been issued with a first written warning fails to achieve or maintain the required levels of behaviour and/or conduct, or there is a further act of misconduct.
- b) The misconduct or behaviour is considered sufficiently serious, and the action needs to reflect the situation.

A final written warning will be held on the employee's HR file for a period of 12 months for disciplinary purposes.

11.4 Action Short of Dismissal

This can be used as an alternative to dismissal and kept on an employee's HR file for up to a further period of 12 months.

Action short of dismissal may be given where:

- a) An employee who has been issued with a final written warning fails to achieve or maintain the required levels of behaviour and/or conduct, or there is a further act of misconduct.
- b) The misconduct or behaviour is considered sufficiently serious, and the action needs to reflect the situation.

11.5 Dismissal

Employees will not normally be dismissed for a first offence except in cases of gross misconduct or where the behaviour is of such a nature that the college is unable to tolerate their continued employment.

12. Retaining a Record

Where there is an allegation or disciplinary action is taken involving a vulnerable adult or child being put at risk or abused, the disciplinary investigation and related information will be retained in line with legislation.

13. Appeals

Where an employee feels the disciplinary action taken against them is wrong or unjust, the employee has the right to appeal. They must submit an appeal in writing within 10 working days of receipt of the decision.

The appeal hearing will not normally be a full re-hearing of the case unless there has been a procedural error. The outcome of the appeal hearing will confirm, amend, or withdraw the disciplinary action.

The Appeal Manager will inform the employee in writing of their final decision within five working days of the appeal hearing.

The decision of the Appeal Manager is final, and there is no further right of appeal.

Further information about appeals can be found [here](#).

14. External referrals

If, at the end of this procedure, a decision has been made to:

- a) Take disciplinary action resulting in the dismissal of an employee.
- b) Take action short of dismissal involves an employee being permanently moved from a regulated role and/or working with children or protected adults.

Or, an employee has left the college's employment, and it was likely that they would have been dismissed. It is essential that consideration is given to the following.

14.1 Disclosure Scotland

The college has a legal duty to refer any decisions described above relating to the harmful behaviour of any employee to Disclosure Scotland even if it takes place outside of work or after the employee has left employment. This referral must be made within three months of the decision.

Harmful behaviour is defined by Disclosure Scotland [here](#).

The matter should be referred to the Lead Signatory and HR for the college, who may make the referral to Disclosure Scotland.

14.2 Regulatory Bodies

A decision to refer decisions described at 11. must be considered to ensure the college fulfils its responsibilities to the appropriate regulatory body.

The Nominated Officer will liaise with HR and a referral may be made to the regulatory body.

The main regulatory bodies are:

- a) **Scottish Social Services Council** [here](#).
- b) **General Teaching Council for Scotland** [here](#).
- c) **Nursing and Midwifery Council** [here](#).

Disciplinary Code

Misconduct

The following list is neither exhaustive nor exclusive but is indicative of the types of misconduct which will normally result in disciplinary action being taken, short of dismissal in the first instance:

- Damage, unauthorised and/or misuse of college property.
- Inappropriate use of the college's IT systems.
- Minor breaches of the college's policies and procedures.
- Unauthorised use of the college's computer systems.
- Health and safety.
- Minor breaches of Health and Safety.
- Breach of confidentiality.
- Unauthorised disclosure of personal information or confidential college information, which breaches the college policies and/or data protection legislation.
- Unauthorised contact with the media.

Other forms of misconduct

- Minor breaches of college policies or procedures.
- Persistent poor time keeping.
- Unauthorised absence from work.
- Abusive or threatening behaviour or offensive language towards any person whilst engaged on college business.
- Refusal to follow reasonable management instructions or carry out contractual obligations.
- Carelessness or negligence in carrying out the duties and responsibilities of the post.
- Being incapable of carrying out the duties of the post due to intake of alcohol or unprescribed use of drugs.
- Smoking in no-smoking areas.

Gross Misconduct

This list is not exhaustive.

- Theft, Fraud and Misrepresentation.
- Theft or unauthorised possession of property or facilities belonging to the college or someone else.
- Dishonest or fraudulent acts. For example – college records, registers, timetables, reports, accounts, expenses claims or self-certification forms.
- Failing to follow the college financial management policies and/or procedures.
- Deliberate breach of confidentiality.
- Abuse of the role within the college.
- Bribery, fraud and/or corruption.
- Providing false or misleading information or non-disclosure of information, either during the recruitment process or in subsequent employment, which effects the contract of employment.
- Unauthorised/Improper Use of college property and equipment/systems.
- Deliberate and serious damage to property.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Use the college's internet or email systems for conducting a private or commercial business.
- Intentionally access or transmit information that distributes a computer virus.
- Health and Safety.
- Deliberate breach of Health and Safety.
- Gross Carelessness/Negligence.
- Equality and Fair Treatment.
- Bullying or harassment, sexual harassment and/or victimisation.

- Acts of direct or indirect discrimination on the grounds of protected characteristics or trade union membership.

Other forms of Gross Misconduct

- Violent, threatening, or dangerous behaviour.
- Bringing the college into disrepute.
- Being incapable of carrying out the duties of the role due to intake of alcohol or substance misuse.
- Criminal conviction/civil liability or other unacceptable conduct which renders the employee unsuitable to carry out the duties and responsibilities of the role.
- Refusal to follow reasonable management instructions or carry out contractual obligations.