

**East Dunbartonshire Council**

# Discipline at Work Toolkit for Managers

**Chief Officers & Local Government  
Employees**



Education, People & Business

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## Contents

1.0	PURPOSE .....	4
2.0	SCOPE .....	4
3.0	UNDERPINNING PRINCIPLES & OBJECTIVES .....	4
4.0	PROCESS .....	5
4.1	<i>Process Overview</i> .....	5
4.2	<i>Key Skills</i> .....	5
4.3	<i>Informal Action</i> .....	6
4.4	<i>Risk Mitigation &amp; Suspension</i> .....	7
4.5	<i>Criminal Charges and Convictions</i> .....	9
4.6	<i>Special Investigation Procedures</i> .....	9
4.7	<i>Guidance for Fact Finding</i> .....	9
4.8	<i>How should Fact Findings be conducted?</i> .....	10
4.9	<i>Fact Finding Meetings</i> .....	12
4.10	<i>The Fact Finding Report</i> .....	12
4.11	<i>Disciplinary Hearing and Appeal Hearing</i> .....	13
4.12	<i>Delegated Authority Table</i> .....	13
4.13	<i>Disciplinary Outcomes</i> .....	14
4.14	<i>Appeals</i> .....	16
4.15	<i>HR Appeals Board</i> .....	16
5.0	Contacts .....	16
	Appendix 1: Suspension Risk Assessment Form .....	17
	Appendix 2: Suspension Checklist.....	19
	Appendix 3a: Suspension Template Letter .....	22
	Appendix 3b: Extension of Suspension Letter .....	24
	Appendix 4: Criminal Charges/Offences Risk Assessment Form .....	25
	Appendix 5: Special Investigation Procedures Guidance .....	26
	Appendix 6: Invitation to Fact Finding Interview .....	28
	Appendix 7: Fact Finding Recording Form .....	29
	Appendix 8: Fact Finding Report Form .....	32
	Appendix 9: Invite to Disciplinary Hearing .....	34
	Appendix 10: Notification of Disciplinary Appeal Form .....	36
	Appendix 11: Disciplinary Hearing Checklist .....	39
	Appendix 12a: Fact Finding Outcome Letter - No Formal Action/Recommendations .....	41
	Appendix 12b: Disciplinary Outcome Letter - No Formal Action/Recommendations .....	42
	Appendix 12c: Disciplinary Outcome Letter - Formal Written Warning/Improvement Plan.....	43
	Appendix 12d: Disciplinary Outcome Letter - Final Written Warning .....	44
	Appendix 12e: Disciplinary Outcome Letter - Letter of Dismissal .....	45
	Appendix 13: Record of Discipline Form.....	46
	Appendix 14: Informal Improvement Plan Agreement .....	50
	Appendix 15: Performance Improvement Review/Final Review Form.....	51
	Appendix 16: Invitation to Disciplinary Appeal Hearing .....	52

***Discipline at Work Toolkit For Managers***

Appendix 17a: Outcome of Disciplinary Appeal Letter – Appeal Upheld .....	53
Appendix 17b: Outcome of Disciplinary Appeal Letter – Not Upheld.....	54
Appendix 18: Human Resources Appeals Board – Guidance Notes for Managers.....	55

## *Discipline at Work Toolkit For Managers*

### **1.0 PURPOSE**

This toolkit is designed to assist managers in implementing the Council's Discipline at Work Policy in a fair, consistent and transparent way and should be read alongside the Policy.

### **2.0 SCOPE**

The Discipline at Work toolkit applies to Local Government Employees, Craft Employees and Chief Officers.

Special procedural requirements, relating to the application of the Discipline at Work Policy for those employees on SNCT Conditions of Service are detailed in the Education Procedure Manual 2/18 – Disciplinary Procedure for Teachers and Toolkit.

The Discipline at Work Policy does not apply to redundancy dismissals or the expiry of fixed term contracts.

### **3.0 UNDERPINNING PRINCIPLES & OBJECTIVES**

To outline the framework for dealing with a variety of circumstances and the relevant steps that a line manager should undertake in line with the Discipline at Work Policy.

To provide comprehensive guidance on the process of dealing with discipline at work issues from the informal stage, fact finding stage, through to exhausting the internal procedures.

To implement a framework that provides standard formats for implementing practices which take account of legislative compliance and best practice. The paperwork included within this toolkit will provide standard formats for line managers to use in implementing the Discipline at Work Policy following informal measures being exhausted.

The approach of the Council will be through the following principles:

- Confidentiality
- Objective Approach
- Sensitivity to the feelings of all employees involved
- Openness and Honesty
- Effective information gathering
- Willingness to resolve the issue
- Following the established procedures

**All Matters** should be dealt with in the following way:

- Consider an **informal approach** as the first step in resolving issues
- Issues should be raised and dealt with **promptly** without unnecessary delay
- Managers should act **consistently**
- **Appropriate fact findings** carried out to establish facts of each case
- Any disciplinary hearing will be conducted by a **manager not involved** in the matter giving rise to dispute. However, issues relating to **performance will involve the immediate line manager**
- In cases of disciplinary matters, the employee **understands the basis of the allegation** (which is confirmed in writing) and has the opportunity to present their case before decisions are made

## Discipline at Work Toolkit For Managers

- The **right to be accompanied** at any discipline at work hearing (relevant companions/representatives are outlined in section 4. Definitions of the Discipline at Work Policy)
- The **right of appeal** against formal decisions made in matters which involve them

### 4.0 PROCESS

#### 4.1 Process Overview

The Toolkit will support Managers to move through the following stages of the process:

- Informal Action
- Formal Fact Finding
- Disciplinary Hearing
- Disciplinary Appeal Hearing
- HR Appeals Board

#### 4.2 Key Skills

There are key skills which are considered essential in carrying out the responsibilities of the Discipline at Work Policy effectively as follows:

##### Listening Skills

- Reassure and put the person at ease
- Ensure that there are no distractions that will have an impact on the meeting
- Use appropriate responses such as nodding and asking further questions where necessary
- Don't try to listen and speak at the same time
- Use appropriate levels of sensitivity
- Be patient throughout the meeting/conversation
- Control your own feelings
- Ask questions and seek appropriate examples where relevant

##### Handling Difficult Conversations

- Lead by example, do not react in a confrontational manner
- Recognise the importance of having good team relationships
- Focus on the root of the issue and the facts
- Take account of the information objectively
- Use active listening skills to get the employee(s) point of view
- Allow the employee(s) to express their views
- Aim to reach a solution through a joint approach
- Recognise the need for a break if the situation escalates, there are occasions the employee may be 'letting off steam' but know when to de-escalate the situation.

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### Effective Note Taking

The purpose of note taking is to summarise what was discussed in a meeting/hearing, record any actions that require to be taken forward and the responsibility for doing so. Some hints and tips in making written records at meetings:

- Don't try to record every word that is said in the meeting
- Concentrate on the main points of the discussions, actions agreed and who should follow up on any actions
- Remember that the notes/reports will need to be understood by someone else and may be used further on in the process and so where possible provide the necessary detail, for example name, surname and job title when talking about somebody's actions
- Remain objective throughout
- Consider the format and language used in preparing any reports.
- Type up your notes when the meeting is still fresh in your mind
- If more than 1 person is present, ask for one person to speak at a time to allow an accurate record to be made
- Use headings or the questions asked to separate the information being presented
- Review the notes/ report prior to submitting to ensure that the content is clearly outlined and accurate

### 4.3 Informal Action

Informal action should always be the first step to consider in addressing an issue which has been raised to avoid the matter being progressed through formal procedures.

Line managers are encouraged to address issues with the employee at the earliest point possible. It is recognised that the circumstances of some incidents may not allow for this approach and should move straight to the formal Fact Finding stage. The informal approach may involve:

- Talking in private to discuss the concern
- Listening to the employee to understand the root of the problem
- Managers should keep a brief note of informal approaches and agreed remedies

Informal measures may have more positive long term effect in modifying future behaviour than moving to formal procedures. In some situations having a conversation with someone to find out a bit more about the issues will be enough. There is no requirement for the employee to have representation at this stage, as this is a meeting between manager and employee. In addressing issues raised in an informal way there may be a requirement to introduce working practices such as:

**Coaching:** Coaching may be appropriate where an employee raises a concern or complaint in relation to the role that they perform. The types of coaching that may be used could involve on the job training, job shadowing. By introducing coaching at an early stage, the employee may have an issue addressed with a positive impact on the employee and the service. This usually lasts for a short period and focuses on specific skills and goals. This is a non-directive form of development.

- Focused on improving performance and developing individuals' skills
- Personal issues may be discussed but the emphasis is on performance at work
- Focused on individual and organisational goals
- Provides Feedback on strengths and improvement areas

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**Mediation:** Mediation may be appropriate as a means of solving or working to improve relationships following disagreement or misunderstandings occurring. The mediator will be objective in the process and can help parties reach agreement where it is otherwise seen to be impossible. Mediation is conducted on the basis that parties involved want to reach a mutually agreeable outcome and solution. This is a voluntary process and will only take place if both parties agree. Mediation is a confidential process where the terms of discussion are not disclosed to any party outside the mediation hearing.

Your HR Case Adviser can support with advice in relation to mediation and arrangements where both parties agree this as a way of reaching a resolution. Contact details for the HR Case Adviser can be found in section 5.0 of this toolkit.

**Training:** Training for employees may be an appropriate outcome to ensuring that the issues raised by an employee are fully or partly addressed where a gap in skills, knowledge or competence to carry out the role have been raised by an employee.

Implementing training to address areas of performance or conduct at an early stage may avoid any issues arising in the future that could lead to disciplinary action.

**Informal Stage Improvement Planning:** Improvement planning can form part of informal action where an employee's conduct or performance has caused concern. Through discussion, the employee will have an awareness of what is expected of them and will be made aware of the consequences if performance does not reach a satisfactory standard in a reasonable timescale. **An informal Improvement Plan Template can be found in Appendix 14.**

**The Performance Development Review (PDR) Framework:** Please refer to the procedures established within the PDR Framework & PDR Toolkit for guidance on addressing issues within the course of the PDR Framework communication and the setting, monitoring and review of objectives.

### **4.4 Risk Mitigation & Suspension**

Following a serious allegation/incident, it may be necessary for the Manager to put in to place immediate measures to reduce the risks for all parties concerned. All such matters must be discussed with the HR Case Adviser for consistency of implementation and any decision to suspend will be confirmed at Executive Officer Level of the Strategic Area.

Where the allegation/incident is serious enough for consideration of suspension the Manager should complete the Suspension Risk Assessment and checklist in all cases:

- **Appendix 1 - Suspension Risk Assessment Form**
- **Appendix 2 - Suspension Checklist**

Suspension from duties should only be considered when other options have been exhausted and so Managers are asked to give consideration to the following in the first instance:

- Whether the employee can carry out alternative duties/temporary redeployment;
- Temporary relocation;
- Whether the employee can be monitored at all times at work and not be left alone i.e. working in pairs with a suitable colleague.



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The decision to suspend should be robust and based on the evidence available. Professional judgement is required by the manager undertaking the suspension risk assessment in each case to determine the appropriate approach to minimise the impact on the employee and any associated financial implications for the Service.

The suspension risk assessment must be viewed as a risk management strategy and undertaken by the employee's manager as the manager is closer to the working environment and may have knowledge of the employee and other parties involved. However, where the direct line manager is directly involved in dealing with the situation, it may be more appropriate for a senior independent manager to undertake the risk assessment.

The outcome of the suspension risk assessment may indicate there is a case to remove an employee from current duties through suspension. Suspension may arise in cases of Gross Misconduct but does not imply guilt or blame but is a mechanism to prevent further risk until the allegations/incidents is sufficiently investigated or further information is received which informs the risk is mitigated.

Where suspension is required an employee should be invited to a meeting by a 3<sup>rd</sup> Tier manager or above and has the right to be accompanied by a Companion/Employee Representative. A HR Case Adviser may also be present.

The employee should be advised of the suspension however, the allegations/incident should not be discussed at this point. The suspension should be confirmed in writing following the meeting using the **Template Suspension Letter (Appendix 3a)**. The points below should be covered in the meeting:

- Reason for suspension – without discussing the detail i.e. an allegation has been made;
- The suspension will be on full pay and is a precautionary measure
- How long the suspension is initially for;
- How often this will be reviewed and the communication they will receive in relation to these reviews and/or any extensions or lifting of the suspension;
- Who their contact officer will be whilst suspended for support and questions and work updates not related to the Fact Finding;
- That a Fact Finding will take place and the next steps;
- That they should not enter EDC place of Business unless requested to do so for meetings;
- That they should return their laptop, keys, ID badge etc in the interim period;
- That they are expected to be available for work at any time and the suspension will be reviewed at regular intervals and as information is received;
- If they require any form of leave this should be through the normal leave application process through their contact officer including the informing of sick leave;
- Details of the Employee Assistance Programme for support

It is recognised that each situation should be managed on an individual basis and reviewed regularly (fortnightly or before if the information presents itself to indicate review). Reviews should also be carried out through the Suspension Risk Assessment Form and Checklist and decisions recorded. The employee should be informed of any



## *Discipline at Work Toolkit For Managers*

extension to their suspension and this should be confirmed in writing (**Template extension suspension letter can be found in Appendix 3b**)

Where other measures have been put into place to mitigate risk i.e. temporary redeployment this should also be put into writing with a timeline for review.

### **4.5 Criminal Charges and Convictions**

Where an employee discloses or the Manager becomes aware the employee has committed or is convicted of a criminal offence advice should be sought from the HR Case Adviser in the first instance and the Criminal Charges/Offences Risk Assessment should be completed. The risk assessment form can be found in **Appendix 4**. This assessment then ensures that the Council has considered any reputational risk and this information is available should this be informed of again in the future.

Only where the criminal charge or conviction has been assessed to have an impact on the role the employee is carrying out will a formal Fact Finding be launched and depending on the circumstances there may be a requirement to consider implementing measures to the role to mitigate risk or suspension.

### **4.6 Special Investigation Procedures**

Certain instances may warrant Special Investigation Procedures to be invoked and are outlined in the Discipline at Work Policy as follows:

- Professional Conduct, Competence;
- Defalcation

The established guidance to **Special Investigation Procedures** can be found in **Appendix 5**.

### **4.7 Guidance for Fact Finding**

#### **What is a Fact Finding?**

A fact finding is a way of establishing the facts of an incident or allegation made in relation to an employee. The fact finding is not a hearing to take disciplinary action even if the employee admits to any allegation in the process of the meeting. A Fact Finding will generally involve meeting with the employee at which point they must be made aware of the allegations and that fact finding will precede the disciplinary procedures being invoked.

In some cases, the fact finding stage will be the collation of evidence or information for use at a disciplinary hearing. Employees must be aware that they are subject to fact finding processes. The fact finding meetings must be concluded before moving onto the next stage in the process.

#### **Who should conduct a Fact Finding?**

Fact finding Officers will be appointed to establish the facts of the circumstances surrounding an incident or allegation to establish whether the details are substantiated by evidence. Fact Finding Officers will be appointed by the relevant Senior Officer in accordance with the delegated authority.

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- Fact finding officers are impartial with no prior involvement in the issue

The role of Fact Finding Officer is to be fair and objective so that they can establish the facts of the case using effective questioning, listening skills with a sensitive approach throughout and present these to management. The Fact Finding Officer will not make a decision on further action or any outcomes of the process but will merely report on the facts.

If a Trade Union Representative is subject to a fact finding, the matter must be discussed with the full time official before proceeding.

### **Complex Cases**

In carrying out a fact finding investigation, it may be appropriate for some cases to appoint two Fact Finding Officers who will work together at all times to address the issues. This may be appropriate where the nature of the issue requires numerous employees to be interviewed or where the nature of the case would benefit from additional Fact Finding Officers being present to conduct the fact finding.

A Fact Finding Officer should make this request to the relevant Manager/Executive Officer prior to conducting interviews. The fact finding officer should assess the nature of the complaint, the complexity of the issues involved and identify who might need to be interviewed as part of the investigation. Requests for an additional fact finding officer should be made prior to conducting any interviews to allow for consistency in approach from the outset.

## **4.8 How should Fact Findings be conducted?**

### **Essentials & Best Practice:**

- Fact Finding should be conducted as soon as possible following an allegation being made or an incident occurring;
- Consider the location of where you will conduct the fact finding and any reasonable adjustments that require to be made in relation to supporting employees to attend with disabilities or other conditions;
- Flexibility over the timing and location of the meetings;
- Taking an adjournment if employees become distressed or abusive;
- Using a facilitator or interpreter where there are language barriers;
- Advance notice may be required where the Fact Finding Officer will be required to speak to all employees involved including the employee/s whom the allegations are against and witnesses;
- Advice should be sought from your HR Case Adviser where information may be required to be collected from children, vulnerable adults or a formal statement from members of the public;
- The employee **must** be aware of the potential for disciplinary action to be taken;
- The employee is aware of the right to appropriate representation;
- Accurate recording of fact finding meetings is essential to ensure that the principles of transparency and consistency are maintained throughout the process;
- No recording devices will be allowed in any meeting under this process;
- Disciplinary action **cannot** be taken under **any** circumstances at a fact finding meeting;
- Statements and reports from interviews with employees must be signed for accuracy following the meeting;

### ***Discipline at Work Toolkit For Managers***

- Statements should be an accurate reflection of what was discussed at the meeting. Where there is disagreement to the content, the elements the employee disagrees with **may** be submitted as additional information with the statements however the Fact Finding Officer should state their disagreement to this information;
- The employee should be told that they will receive written notification of the outcome as soon as possible following the meeting. This will be communicated from the appropriate officer considering the report;
- Employees involved in a Fact Finding process should be made aware of the Employee Assistance Programme for support.

**The template letter for invitation to a Fact Finding Meeting is provided in Appendix 6.**

#### **Preparation**

It is recommended that the Fact Finding Officer plan the sequence of interviews giving consideration to the timing, location and sensitivity required depending on the circumstances. The Fact Finding Officer will have been provided with initial information relating to the issue which should be considered and reviewed prior to fact finding taking place to allow for appropriate witnesses to be interviewed. The Fact Finding Officer should prepare in advance the general questions and sequence in advance of the Fact Finding meetings.

Where the use of physical evidence such as CCTV and vehicle tracking is relevant advice should be sought from your HR Case Adviser prior to accessing such evidence.

The following guidance provides suggestions which should be adapted to the type of case being dealt with.

#### **Hints & Tips: Questions in Disciplinary Fact Finding Meetings**

**Do you recall and/or understand the allegation or incident which took place in relation to this issue?**

**What is your version or explanation of the allegation made or incident?**

- The actual details of the incident/allegation (who, what, when, where)
- Clarification should be sought in this meeting on any points which are unclear

**Why did you take this action?**

Trying to gather further information on the incident and background to the incident/allegation

**What happened then?**

This will allow for further information to be gathered

**Where were you when the incident occurred?**

- The location of the employee when the alleged incident(s) took place
- If someone is unclear on the exact location, you could ask them where they were immediately before the incident occurred

**Who?**

- Witnesses and any other people present at the time of the incident or allegation being made

### *Discipline at Work Toolkit For Managers*

- The role of any other individual in the incident
- Any comments or contributions made by other individuals

On the employee responding to each question you should use appropriate follow-up questions to gather as much information as possible.

Questions and format can be planned on the Fact Finding Recording Form which should be completed during the Fact Finding Meetings. **Template Fact Finding Recording Form can be found in Appendix 7**

#### **4.9 Fact Finding Meetings**

The Fact Finding recording form provides a checklist in the introduction of the points to cover on commencement of the meeting (Appendix 7).

It is good practice to consider an adjournment when interviewing to allow for information to be reviewed and for any further questions to be considered to ensure as much information as possible is gathered.

Adjournments should be mutually agreed and used if:

- The employee gets upset or confrontational within the meeting
- Further fact finding required into issues raised
- The employee representative requests an adjournment
- More time is required to assess the information presented

The Fact Finding Recording form also contains a check list of points for concluding the meeting. Depending of the nature of the allegations and the evidence collated during the process there may be a requirement to meet with an employee on more than one occasion.

#### **4.10 The Fact Finding Report**

On concluding the Fact Finding the Fact Finding Officer will review and consider the responses and the information/evidence collated and compile this into a Fact Finding report. This report will be submitted to the relevant officer in line with the delegated authority table. The report will present the findings of the fact finding stage giving as much information as possible. **Fact Finding Report Template can be found in Appendix 8.**

All relevant information should be attached to the report including the Fact Finding Recording Form attaching all witness statements, copies of documentation and any other information essential to the report.

In writing the report the following should be considered:

- The format of the report
- The language used
- Approach to the issue and facts surrounding the case clear
- The sensitivity of the information being presented

## Discipline at Work Toolkit For Managers

In cases where there is no further action following a Fact Finding the employee/s subject to the allegations should be informed of this. A template letter can be found in **Appendix 12a**.

In cases where the report is to be progressed to a hearing the report will be used in all subsequent meetings or hearings associated with the case.

### 4.11 Disciplinary Hearing and Appeal Hearing

Managers should be aware that all records of hearings, completed forms and any other correspondence gathered will be referred to during a disciplinary/appeal hearing.

Where the decision to progress to a disciplinary hearing has been made on submission and consideration of the Fact Finding report the following is required:

- All letters inviting employees to a hearing or appeal hearing must give **no less than 7 Calendar days' notice (Template invite to Hearing Letter - Appendix 9)**
- Any relevant witness statements, fact finding report and information to be referred to at the hearing should be sent with the letter inviting the employee to a hearing along with a copy of the Discipline at Work Policy;
- The employee should have the opportunity to respond to any witness statements and information that is being considered at a hearing.
- The Disciplinary/Appeal Hearing should be arranged within a reasonable time frame and without unreasonable delay.
- Employees will have the right to appeal decisions within 14 Calendar days of receipt of written confirmation of the hearing outcome using the **Disciplinary Hearing Appeal Form – Appendix 10**

In exceptional circumstances, these timescales may vary however, ongoing communication must be made with the employee to ensure that they are kept up to date.

Detail in relation to the requirements and format of a disciplinary/appeal hearing is contained in Section 5:10 and 5.11 of the Discipline at Work Policy.

A Disciplinary Hearing Checklist to support managers during the hearing process can also be found in **Appendix 11**.

### 4.12 Delegated Authority Table

The table below outlines the authorised level of delegation to undertake disciplinary hearings.

Disciplinary Action	Authorised Level of Management to issue Disciplinary Action	Consultation with HR Operations Team Essential	Authorised Level of Management to hear Appeals against Disciplinary Action	HR Appeal Board Appeal Possible
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Formal Improvement Plan - Written Warning	5 <sup>th</sup> Tier Team Leader/Manager or above	Advisable	Next Level Line Manager	No
Final Written Warning	3rd Tier Manager or above	Yes	Next Level Line Manager	No
Punitive Action	Executive Officer	Yes	Depute Chief Executive	No
Dismissal/Summary Dismissal	Depute Executive/Executive Officer	Yes	HR Appeals Board	Yes

### **4.13 Disciplinary Outcomes**

Where possible, the disciplinary officer should verbally inform the employee of the outcome and follow this up in writing normally, within 7 calendar days. The employee should be informed of any delays to this timescale.

Template letters for the outcome of Disciplinary Appeal/Hearing can be found in the following:

- No action following the hearing and/or informal recommendations - Appendix 12b
- Formal Written Warning/Improvement Plan – Appendix 12c
- Final Written Warning (and Punitive Action – Appendix 12d
- Letter of Dismissal – Appendix 12e

Disciplinary hearing outcomes are outlined in section 5.14 of the Disciplinary at Work Policy and are given in line with The Delegated Authority Table.

The outcome of all disciplinary hearings should be recorded on the **Record of Discipline Form (Appendix 13)**

### **Formal Improvement Plan Guidance**

Formal Improvement Plans may be used as part of the disciplinary procedure to address concerns relating to an employee's conduct and or performance. The employee will be advised of the need for a Formal Improvement Plan in the letter confirming the outcome of the disciplinary hearing. This will form the Written Warning stage of the procedures and will normally remain live for a period of 6 months.

In dealing with some cases, the use of Improvement Planning at the formal stage may not be deemed appropriate due to the nature of the case.

### **Setting Improvement Plans**

It may be appropriate to set the improvement at a disciplinary hearing where the level of improvement is clear. The employee will be issued with a copy/additional copy of the agreed Formal Improvement Plan following the Disciplinary Hearing.

Improvement planning provides a two way communication process for the employee and line manager to work together to address concerns. The line manager should:

- Discuss and complete the 'Formal Improvement Plan Agreement' following the Disciplinary Hearing where the facts of the case are clear.

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## ***Discipline at Work Toolkit For Managers***

- Discuss where performance/conduct has been considered to be unsatisfactory
- Consider the shortfalls in performance/conduct which require to be addressed
- Discuss timescales for improvement and discuss the 6 month deadline for the improvement to be met
- Highlight that failure to reach the appropriate levels of improvement may lead to further action being taken
- Inform the employee that any further issues within the 6 month period may lead to further action being taken which could include dismissal
- Review meetings must be arranged to ensure that the employee and line manager have an opportunity to discuss progress prior to the 6 month deadline being met. The review can be recorded using the 'Performance Improvement Review Form'
- The employee will have the right to be accompanied at the progress reviews and final review of the improvement plan
- The employee should be informed when they have met the improvement levels expected
- Where the improvement has been met the standard expected, the employee should be informed that the Formal Written Warning will be removed from their record

**The template for a Formal Improvement Plan Agreement can be found in Appendix 14.**

### **Other Disciplinary Action**

Other disciplinary action may be appropriate depending on the circumstances surrounding the individual case. These may include:

- Disciplinary Transfer
- Disciplinary Suspension without pay (up to 5 working days)
- Demotion
- Loss of seniority
- Loss of increment

Any decisions made under the Discipline at Work policy should consider the reasonableness of the decision relating to the circumstances of the issue.



## Discipline at Work Toolkit For Managers

### 4.14 Appeals

Employees have the right to appeal the decision of the disciplinary hearing within 14 Calendar of receipt of written confirmation of the hearing outcome using the Notification of **Disciplinary Appeal Form – Appendix 10**.

The Appeals Hearing format is the same as for Disciplinary Hearings as is outlined in Section 5.11 of the Discipline at Work Policy. All Appeals will be considered by a Manager and/or Executive Officer who is impartial and has not been involved in the case at any stage.

Template letters are contained within the following Appendices:

- Appendix 16 – **Invite to Appeal Hearing**
- Appendix 17a – **Outcome of Disciplinary Appeal Letter – Appeal Upheld**
- Appendix 17b – **Outcome of Disciplinary Appeal Letter – Appeal not Upheld**

### 4.15 HR Appeals Board

Appeals against dismissal will be heard by the HR Appeals Board. The process to be followed as outlined in the **Appendix 2 of the Discipline at Work Policy** however, **Guidance Notes for Managers** in preparing for a HR Appeals Board can be found in **Appendix 18** of this toolkit.

## 5.0 Contacts

HR Case Advisers			
Name	Job Title	Email	Ext No
Anne Marie Cunningham	Team Leader HR Operations	<a href="mailto:annemarie_cunningham@eastdunbarton.gov.uk">annemarie_cunningham@eastdunbarton.gov.uk</a>	5535
Lorna McLaughlin	HR Case Adviser	<a href="mailto:lorna.mclaughlin@eastdunbarton.gov.uk">lorna.mclaughlin@eastdunbarton.gov.uk</a>	3243
Eliz Gordon	HR Case Adviser	<a href="mailto:eliz.gordon@eastdunbarton.gov.uk">eliz.gordon@eastdunbarton.gov.uk</a>	4833
<a href="mailto:hrcaseadvisors@eastdunbarton.gov.uk">hrcaseadvisors@eastdunbarton.gov.uk</a>			

### Appendix 1: Suspension Risk Assessment Form

Employee Details			
Employee Name		Employee ID	
Job Title		Work Location	
Date of Suspension Risk Assessment		Date of alleged Incident	
Allegation			
Description & location of allegation raised			
Risk Assessment			
Is the matter considered Gross Misconduct			
Initial facts available			
Response from Employee			
Police / regulatory body Involvement			
Any other information (including any physical evidence requiring			
Role performed by employee & overview of duties			
Impact of allegations on the risk of continuing in the role pending fact finding			

## *Discipline at Work Toolkit For Managers*

Risk posed			
Can measures be implemented to minimise the risk?			
<b>Decision</b>			
Suspension Considered appropriate		Temp Redeployment considered appropriate	
Additional comments			
<b>Measures Required Pending Fact Finding</b>			
Requirement to disable access to laptop			
Date Actioned			
Preservation of CCTV Evidence			
Date actioned			
Wellbeing Support			
Date Actioned			

## Discipline at Work Toolkit For Managers

### Appendix 2: Suspension Checklist

<b>Employee Name</b>		<b>Employee Reference Number:</b>	
<b>Job Title</b>		<b>Location</b>	
<b>Suspension Checklist</b>			
<b>Checklist</b>		<b>Comments</b>	
Why are you considering suspension? i.e. Has there been a critical incident and/or serious allegation(s) made			
Is the presence of the employee likely to hinder an initial investigation			
Have you ascertained details of the incident that leads you to think suspension is the only reasonable course of action			
Does the allegation against the employee potentially constitute Gross Misconduct			
Is there a workable alternative to suspension (deployment to another work area, restriction of work duties)			
Is there a risk of harm to self/others if the employee remains at work			
Are you able to explain to the employee the reason(s) for suspension			
Has the employee been sent a formal letter notifying them of the suspension and the allegations to be investigated			
Have you notified the employee that they will be granted full pay during their suspension			
If restriction of duties is to be considered, have you considered what duties you are intending to restrict			
Is your course of action reasonable/realistic in the circumstances			
Have you identified a date when you can meet with the employee as part of the initial investigation and notified the employee			
Have you identified and notified the appropriate individual of your course of action?			

## *Discipline at Work Toolkit For Managers*

Have you allocated a Support Officer to support the employee during their suspension	
Have you identified the frequency of contact between the Support Officer and the employee	
Have you identified an Investigating Officer who will be able to give priority to the initial investigation	
Have you informed the employee that they should be available for alternative work should work become available	
Have you informed the employee that they should follow normal sickness reporting procedures and notify their Support Officer	
Have you notified the employee that they should apply for Annual Leave using the normal procedure using their Support Officer	
Has IT been notified to temporarily lock the employee's account, retain all information and not to delete the account	
Have you updated Itrent in relation to the employee's suspension	
Has the employee returned their ID badge, phone, laptop and any other council property	
Have you asked the employee if they need to collect any belongings prior to leaving and have you supported and facilitated this	
Have you notified the employee that they should not enter their place of work or have contact with work colleagues or clients	
Confirm correspondence address, telephone numbers, email address and preferred method of contact	
Signpost to counselling services or in lieu of this a referral to Occupational Health	
<b>Ending Suspension Checklist</b>	
<b>Checklist</b>	<b>Comments</b>
Has the employee been notified of the change, if so, by whom, how and when	
Has this been confirmed in writing to the employee	
Has the Line Manager been informed	
Has the Investigating Officer been informed	
Has the Executive Officer been informed	

## ***Discipline at Work Toolkit For Managers***

Are there any other individuals/bodies that have to be informed, if so, who and how will they be informed	
Have you updated Trent ending the suspension	
If the employee was not suspended but placed on restricted duties has the manager altered this back to their original status	
Have arrangements been made to meet with the employee on their return to work with a return to work meeting	
Has a plan been implemented to integrate the employee back in to the workplace	
If the employee has been dismissed, has the relevant individual been informed	
Has a debrief session been arranged with those affected	

Line Manager Signed:

Date:

HR Case Adviser Signed:

Date:

## *Discipline at Work Toolkit For Managers*

### **Appendix 3a: Suspension Template Letter**

#### **Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

Dear **[insert employee name]**,  
Following our meeting on (date) This letter confirms that you are suspended from work from **[insert date]** until further notice while a Fact Finding is carried out regarding **[insert concern/issue]**.

The suspension will be with full contractual pay and is a temporary measure which will be subject to regular review. This suspension does not constitute disciplinary action and therefore there is no right of appeal against suspension. Suspension will be as short as possible and initially will be for a maximum period of 14 days and will be reviewed on a fortnightly basis. Any extensions to this suspension will be confirmed in writing to you.

During this time your named Contact Support Officer will be (name) and they can be contacted at (number/email).

As your suspension can be reviewed at any time or if an alternative to suspension is identified you should be available for recall at work at any time during this period. Therefore, if you require any form of leave including sick leave or annual leave you should follow the agreed request and reporting procedures during this time through the Contact Support Officer. Your availability for recall to work at any time is inclusive of attending workplace meetings.

The annual holidays you have already arranged to take from **[insert date]** to **[insert date]** will not be affected by your suspension, and you will not be required to come to any investigation or other meetings, or work-related matters during that time.

If you wish to apply to take additional annual holidays you must apply through the normal process by contacting (employee contact). If you become sick during your suspension, you should follow the normal absence reporting procedure in line with East Dunbartonshire Council's Wellbeing at Work policy.

While you are suspended you must not carry out any work related duties and you should not enter any Council location unless agreed with **[insert name]**. You will be required to hand in your ID badge, mobile phone, laptop and any other council property to your [employee contact] during the period of suspension. As this matter is confidential, you are not permitted to discuss this matter with any Council employee.

When the investigation is complete we will let you know the outcome.

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.



***Discipline at Work Toolkit For Managers***

Should you have any questions in relation to the content of this letter or your suspension please contact your Contact Support Officer. If you require additional support at this time the details of the Council's Employee Assistance Programme is as follows:

Telephone: 0800 9703980

Email: [admin@timefortalking.co.uk](mailto:admin@timefortalking.co.uk)

Website: [www.timefortalking.co.uk](http://www.timefortalking.co.uk)

Online Chat Password: Tftnow

Yours sincerely,

[insert name]

*Discipline at Work Toolkit For Managers*

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**Appendix 3b: Extension of Suspension Letter**

**Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I refer to your current suspension as outlined in the letter (date) to (date) to enable a fact finding to take place on the issue of (issue).

A review of the suspension has taken place and I write to advise the fact finding remains on-going and the decision for suspension remains. Therefore your period of suspension will now be extended from (date) to (date).

As previously advised the suspension will be with full contractual earnings and is a temporary measure which will continue to be regularly reviewed and does not form disciplinary action, therefore you do not have the right of appeal against this decision.

You should be available for recall at work any time during this period and you should follow the agreed absence reporting and leave request procedures during this time.

You will be advised as soon as possible of the outcome of the fact finding process and you will be notified in writing of any further action to be taken.

Any extensions to this suspension will be confirmed in writing.

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Should you have any questions in relation to the content of this letter or your suspension please contact your Contact Support Officer. If you require additional support at this time the details of the Council's Employee Assistance Programme is as follows:

Telephone: 0800 9703980  
Email: [admin@timefortalking.co.uk](mailto:admin@timefortalking.co.uk)  
Website: [www.timefortalking.co.uk](http://www.timefortalking.co.uk)  
Online Chat Password: TftNow

Yours sincerely,

[insert name]

*Discipline at Work Toolkit For Managers*

**Appendix 4: Criminal Charges/Offences Risk Assessment Form**

Employee Details			
Employee Name:		Employee Number:	Reference
Job Title:		Location:	
Offence Risk Assessment			
Offence/declaration:			
Level of Risk (Likelihood and severity):			
Control Measures/ Management Action Taken:			
Additional Comments:			
Line Manager:		Date:	
HR Case Adviser:		Date:	

*Discipline at Work Toolkit For Managers*

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**Appendix 5: Special Investigation Procedures Guidance**

In certain instances, where the circumstances relating to an incident/situation warrant special investigation prior to punitive disciplinary action being considered, such investigations shall be carried out in accordance with the procedures below.

**Professional conduct, competence**

Where it is considered advisable to have incident/ situations regarding professional conduct or competence investigated a special investigation will be commissioned and a report prepared by officers qualified to do so and who have no direct involvement in the situation or with local management of the employee(s) involved.

Where a special investigation is commissioned the following procedures shall apply:-

- 1) The decision shall normally rest with the Depute Chief Executive/Executive Officer and he/she should advise the Team Leader – HR Operations of his/her wish to have a 'Special Investigation' carried out.
- 2) Having discussed the situation with the Depute Chief Executive/ Executive Officer and being satisfied that this is the proper course, the Team Leader – HR Operations or their representative shall convene a meeting with the full-time officer or senior trade union officials of the appropriate trade union(s) together with the Depute Chief Executive/ Executive Officer and his/her support staff.
- 3) At the meeting, the trade unions will be formally advised of the background to the situation and of the reasons for an 'Special Investigation' being considered necessary. The union representatives will be advised of the officers nominated to undertake the investigation and asked to nominate their own Liaison Officer.
- 4) At this stage, the terms of reference and the scope of the investigation should be agreed with the trade union(s) and the procedures set in motion.
- 5) All staff to be interviewed shall have the right to be interviewed in the presence of the nominated Liaison Officer or, if a member of a different union, an official of that union if they so wish, and the union(s) shall be kept advised of the progress of the investigation.
- 6) At the conclusion of the investigation, a report shall be prepared and presented to the Depute Chief Executive/ Executive Officer and the Team Leader – HR Operations or nominated representative and arrangements made for the trade union(s) to be likewise provided with a copy.
- 7) A meeting shall then be arranged, attended by the trade union(s) at which the content and the recommendations of the report will be discussed.
- 8) Where the report clearly indicates that remedial action (e.g. further training or guidance and/or counselling etc) as opposed to disciplinary action is indicated, then agreement on this should be sought with the union(s) involved and an agreed statement recorded.
- 9) Where, however, the findings are such as to warrant disciplinary action, then management shall indicate to the trade union(s) the course of action they propose taking and thereafter take the appropriate procedural steps in terms of the Discipline at Work procedures.

### ***Discipline at Work Toolkit For Managers***

10) Thereafter, the normal discipline at work procedures, rights and privileges etc shall apply, together with the right of appeal, where appropriate.

#### **Defalcation**

Where an incident/situation occurs involving the suspected or actual misappropriation or embezzlement of cash, monies, etc. placed in a person's charge, this must reported to the Depute Chief Executive/ Executive Officer, and an investigation will be conducted by the Corporate Fraud Team in line with the **Corporate Fraud and Corruption Policy**.

1) All Depute Chief Executives, Executive Officers, and Departmental Managers shall make arrangements to ensure that, where a suspected or known irregularity has occurred, this must immediately be reported to the appropriate Depute Chief Executive, Executive Officer, Manager, or other nominated senior officer. An '*irregularity*' is defined as the misappropriation or embezzlement of monies or materials placed in the employee's charge or any suspected such incident in the exercise of the functions of the Council. Such irregularities shall be dealt with in accordance with the Council's 'Corporate Fraud and Corruption Policy'.

2) A Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer, having been informed of a suspected or known irregularity, shall immediately notify the Chief Internal Auditor, requesting that a preliminary evaluation be undertaken. The Chief Internal Auditor will advise the Chief Executive, thereafter carry out a preliminary evaluation, and report back to the Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer.

3) The Internal Audit Team will thoroughly investigate cases of irregularity. This will include the right, in accordance with the agreed Council '*Financial Regulations*', and on production of identification, to:-

- a) Enter, at all reasonable times, any Council premises or land;
- b) Have unrestricted access to all records, documents, and correspondence, including any data held on computer storage media which relate to the operation, administration and financial transactions of the Council;
- c) Require and receive such explanations as are considered necessary concerning any matter under examination; and
- d) Require any employee, or agent, of the Council to produce on demand, cash, stores, or any other Council property under their control or to which they have access.

A preliminary evaluation will be undertaken by the Internal Audit Team to ascertain whether or not there is any substance to the allegations, which may include obtaining information and explanations from Council employees, as considered appropriate. Employees may be required to provide information to establish the facts, and as such should not require representation at this stage.

An adverse audit report may form the basis of a further audit and/or a fact finding investigation under the council's Discipline at Work Policy as may be decided by the Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer. It would subsequently be the duty of that person to conduct a Fact Finding under the Discipline at Work Policy.

4) A report on the preliminary evaluation by the Chief Internal Auditor will be submitted to the Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer who shall, having paid due regard to the advice tendered by the Chief Internal Auditor, determine whether or not the audit investigation should be extended.

## *Discipline at Work Toolkit For Managers*

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5) Having regard to 4. above and any other matter which may have arisen and which may require disciplinary investigation, the Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer, will decide whether or not the employee(s) concerned should be removed from the existing workplace and found alternative duties, or be suspended, with pay, pending the results of any such further investigations, subject to advice from the Executive Officer, Organisational Transformation.

6) Where a decision is taken by a Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer, that a suspension to allow further investigation is warranted, the employee(s) shall be advised in person of the decision. At this point, the employee(s) may be accompanied by a Trade Union or other appropriate representative, if so desired by the employee(s), and be advised of the reasons therefore, and also that any such suspension is precautionary, not disciplinary, and is with pay.

7) If, in the course of the further investigations, supplementary interviews by Internal Audit are required with the employee(s) concerned, the Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer, must be so advised, and the employee(s) concerned must be given the opportunity of being accompanied by the appropriate Trade Union, or other appropriate representative, should the employee(s) so request.

8) In either event, on completion of the audit investigation, the Chief Internal Auditor shall submit a written report to the Chief Executive and the Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer concerned.

9) The Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer, shall consider the terms of the reports submitted, and consequently determine what, if any, further enquiries are necessary where that officer considers that disciplinary action may be required. Where such disciplinary action is to be initiated, this shall be conducted fully in accordance with the agreed Council Disciplinary at Work Policy. Where such action is not considered necessary, the employee has already been suspended, and no other matters are being investigated by the Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer, the employee(s) shall be allowed to return to work.

10) The Depute Chief Executive, Executive Officer, Departmental Manager, or other nominated senior officer, will advise the Chief Executive and the Executive Officer, Organisational Transformation of the outcome of any disciplinary hearing, including any action taken against the employee(s) concerned.

11) The Chief Internal Auditor may refer any such cases to the Police where there is suspected criminality.

**Note:** For employees under investigation by the Crown Office and Procurator Fiscal Service (COPFS) for fraud, it is the Executive Officer of the Council's duty to inform Employee Services of the outcome. This is a requirement under SAARS due to implications for document retention.

## **Appendix 6: Invitation to Fact Finding Interview**

### **Private and Confidential**

## *Discipline at Work Toolkit For Managers*

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**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I write to advise you that in accordance with the Discipline at Work Policy, you are required to attend a fact finding meeting.

The meeting will be conducted by **(Fact finding Officer)** on **(Date)** at **(Time)**. The purpose of the meeting is to establish the facts surrounding the following allegation/issue:

- **(Reason)**

**(Delete as appropriate)\*\***

**For Witness only\*\*** At this stage you are required to attend as a witness only and there are no allegations made against you. However, should this change due to the information presented during the Fact Finding you will be informed of this in writing and asked to attend a further Fact Finding meeting to discuss.

This meeting will allow for the opportunity to present any information and facts you may have surrounding the allegation/issue outlined. You have the right to be accompanied by an appropriate representative/Companion which can be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

**[insert name]**

## **Appendix 7: Fact Finding Recording Form**



*Discipline at Work Toolkit For Managers*

Fact Finding Recording Form	
<b>Allegation</b>	
<b>Date</b>	
<b>Location</b>	
<b>Present</b>	
<b>Introduction</b>	
<ul style="list-style-type: none"> <li>• All parties are aware of why the meeting is taking place.</li> <li>• Confirm that written notification has been received by the employee at the centre of the complaint.</li> <li>• Parties have been informed that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any hearing.</li> <li>• The employee should be made aware that they have the right to be accompanied.</li> <li>• Parties have been made aware that fact findings are taking place in line with the agreed Discipline at Work Policy</li> <li>• Employees who are at the centre of the complaint have been made aware of the potential for disciplinary procedures being invoked following fact finding.</li> <li>• All relevant witnesses to be interviewed are invited to attend a fact finding</li> <li>• Outline how the meeting will progress: questions will be asked, notes will be taken, adjournments possible, asked to sign agreement.</li> <li>• Should any party require an adjournment to advise.</li> </ul>	
<b>In Gathering the Facts of the case:</b>	
<ul style="list-style-type: none"> <li>• All parties are given an opportunity to put forward their case.</li> <li>• Additional/new witnesses cited to ensure a full and fair fact finding has been carried out.</li> <li>• Consider the facts presented and whether you have a full picture of the incident.</li> </ul>	
<b>Question 1:</b>	
<b>Response:</b>	
<b>Question 2:</b>	
<b>Response:</b>	
<b>Question 3:</b>	
<b>Response:</b>	

## Discipline at Work Toolkit For Managers

### Concluding the Meeting

- Confirm that there are no further questions to ask
- Ask the employee if they have any further questions or anything to add
- Inform all employees involved that the matter should be dealt with confidentially and that facts of the case will initially only be disclosed to the relevant officer in line with the delegated authority table. Explain that if the matter does result in disciplinary action, the employee's statement may be shared with other individuals involved in the case.
- Advise there may be a requirement to meet with the employee again depending on the information presented during the Fact Finding Process.
- For the employee at the centre of the allegation or issue, outline that they should expect to receive correspondence confirming the next stage of the process.
- Thank the employee for their time and attendance.
- Provide a copy of notes taken to employee on their signing to confirm accuracy. (This may be following the meeting if possible or at another appropriate time when they have been typed up).

### Following the Meeting

- All notes presented in a report giving all relevant information. This report will include:
  - All information from the case put forward by employee(s) (Signed & Dated)
  - Any relevant paperwork presented/submitted
  - Witness Statements (Signed & Dated)

The Fact Finding Officer presents the facts of the case and the matter will now be the responsibility of the relevant delegated officer to determine the next course of action.

### EMPLOYEE DECLARATION

**I confirm that the information above is an accurate and fair representation of the discussions that took place and the information I provided during the fact finding meeting.**

Name:

Signature:

Date:

### FACT FINDING OFFICER DECLARATION

**I confirm that the information above is an accurate and fair representation of the discussions that took place and the information provided by the above employee during the fact finding meeting.**

Name:

Signature:

Date:

Action Required	Responsibility	Progress/Complete


## Appendix 8: Fact Finding Report Form

Fact Finding Report Form			
Fact finding officer(s)	Designation	Contact Details	Fact Finding Start & End Date(s)
Incident/Allegation Summary			
Evidence Gathered			
Mitigating Circumstances / Concerns			
Confirmation			
I have completed the Fact Finding Process in respect of the issue outline above and have attached all relevant information related to the Fact Finding procedures carried out.			

Name:

Date:

## Appendix 9: Invite to Disciplinary Hearing

### Private and Confidential

NAME  
ADDRESS  
POSTCODE

Date:

### Invitation to a Disciplinary Hearing

I write in reference to the recent fact finding investigation into (issue).

In accordance with the Council's Discipline at Work Policy you are required to attend a disciplinary hearing on (Date), (Time) in (Location).

The hearing will provide an opportunity for you to respond to the allegations listed above and all evidence collected as part of the fact finding process has been copied and included with this letter. I must highlight that disciplinary action may be taken following the conclusion of the hearing **which could include or lead to dismissal. (\*\* Delete as appropriate)**

The hearing will be conducted by (Name) with (HR Rep) in attendance. You have the right to be accompanied and I would be obliged if you could confirm your companion's details and any witnesses that you intend to call to me prior to the hearing taking place. A representative/companion may be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

I would be grateful if you could confirm receipt of the invite to the hearing by returning the tear off slip below to (Name). Please also confirm your attendance and whether you will have representation or witnesses at the hearing.

Yours sincerely

(Name)  
(Role)

Enc: Fact Finding Report  
Discipline at Work Policy  
Cc: HR

.....

I confirm receipt of the invite to the disciplinary hearing on (Date), (Time), (Location) in accordance with the Council's Discipline at Work Policy.

Name (please print):

Signature:

Date:

**PLEASE RETURN TO THE ABOVE NAMED INDIVIDUAL**

## Appendix 10: Notification of Disciplinary Appeal Form

Personal Details	
Name:	Employee Reference:
Designation:	Department:
Location:	Contact Number:
<p>Any correspondence related to the discipline should be forwarded to the address below:              It is the responsibility of the employee to provide a work/home address for all correspondence</p>	
Companion Details	
Trade Union Name:	Trade Union Rep:
Other Representative:	
Disciplinary Action Taken	
Appeal Hearing	
First Appeal	
Appeal to HR Appeals Board <i>(not applicable to Written/Final Written Warning)</i>	
Grounds of Appeal	
The action taken is unfair in the circumstances	
The level of disciplinary action taken	
Grounds of Appeal Please state the ground of your appeal in the space provided	



**Proposed Remedy to the issue**

--

**Ground of Appeal – Optional Guide**

Do you admit or deny the offence for which disciplinary action was taken against you?

Admit

Deny

**If you admit the offence, but wish to submit an explanation of your conduct or provide a statement of mitigation, please do so.**

--

**If you deny the offence, please give your account of the incident**

--

**If you wish to submit additional evidence, not considered as part of the disciplinary hearing, please do so with clarification of why this was not previously raised**

--

**If you dispute the reasons for disciplinary action please state what, in your opinion was the reason for action taken against you.**

--

**If you consider the action taken against you excessive, please state why.**

--

**Employee**

Signature:

--

Date:

--

<b>Written /Final Written Warnings/Punitive Action</b>	<b>Dismissal</b>
<b>Complete and send to:</b>  Executive Officer of Strategic Area	<b>Complete and send to:</b>  Depute Chief Executive - Education, People and Business East Dunbartonshire Council Southbank Marina 12 Strathkelvin Place Kirkintilloch Glasgow G66 1TJ

## Appendix 11: Disciplinary Hearing Checklist

<b>Disciplinary Hearing Checklist</b>
<p><b>Disciplinary Essentials:</b></p> <ul style="list-style-type: none"> <li>• Evidence must be sent to the employee prior to the disciplinary hearing taking place</li> <li>• The employee must be notified of the requirement to attend no later than 7 calendar prior to the hearing taking place.</li> <li>• Confirm receipt of written notice of the disciplinary hearing</li> <li>• The right to be accompanied outlined</li> <li>• Decisions must be confirmed to the employee in writing following the hearing within 7 Calendar days</li> <li>• Employees must be aware of the right of appeal</li> <li>• Employees must be made aware of the consequences of any further misconduct</li> <li>• If there are delays to timescales the employee must be made aware of this</li> </ul>
<p><b>Introduction</b></p> <ul style="list-style-type: none"> <li>• Employee welcomed to the hearing</li> <li>• Confirm that the employee received written notification of the hearing</li> <li>• All those present introduced</li> <li>• Employee reminded of their right to be accompanied (if unaccompanied)</li> <li>• Employee made aware that notes will be taken to ensure an accurate record of the hearing is held. No electronic recording devices will be permitted at any hearing</li> <li>• Outline the issues which have led to the disciplinary hearing</li> <li>• Ask if the employee accepts the allegations allegation's</li> </ul> <p><b>Discussing the Facts</b></p> <ul style="list-style-type: none"> <li>• Refer to informal attempts to resolve the issue (if appropriate)</li> <li>• Outline the main points from the fact finding report that support the hearing taking place</li> <li>• Give the employee the opportunity to respond to the information presented</li> <li>• Take account of any mitigating circumstances and their impact on the case</li> <li>• Call any relevant witnesses and invite the employee to do so</li> </ul> <p><b>Adjournments</b></p> <ul style="list-style-type: none"> <li>• It will be necessary to take an adjournment to consider the information presented prior to making any decision. The length of the adjournment will depend on the nature of the case</li> <li>• If necessary, take a short adjournment to consider the information and whether there is a requirement for more information</li> <li>• Mitigating factors should be followed up during an agreed adjournment period</li> </ul> <p><b>Concluding the Hearing</b></p> <ul style="list-style-type: none"> <li>• Prior to adjourning the hearing to consider the information ask if the employee feels they have had a fair hearing</li> <li>• Thank the employee and the companion (where appropriate) for their time and cooperation in the hearing</li> <li>• Inform the employee that a decision will be confirmed in writing within <b>7</b> working days of the hearing</li> <li>• If the action to be taken is clear at the hearing, this should be confirmed to the employee and followed up in writing within <b>7</b> working days.</li> </ul>

- It should be highlighted that any further misconduct may result in further disciplinary action which may include dismissal.
- Inform the employee that they have the right to appeal the decision using Disciplinary Appeal Form and this should be submitted within **14** Calendar days of receipt of the outcome letter.
- Ensure that all notes have been typed up accurately and are verified by the management support.

## **Appendix 12a: Fact Finding Outcome Letter - No Formal Action/Recommendations**

### **Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I refer to the fact finding investigation carried out by (Fact Finding Officer) in relation to (issue).

Having now fully considered the information available, I would confirm that I have decided to take no further action in relation to this matter.

In reaching my decision I do however recommend that the following recommendations are implemented to provide you with support and prevent further occurrence of such incidents in the future:

- **Add recommendations**

Your Line Manager will be in contact in relation to the implementation these recommendations.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

[insert name]

## **Appendix 12b: Disciplinary Outcome Letter - No Formal Action/Recommendations**

**Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I refer to the disciplinary hearing that was held on (date). In line with the Council's Discipline at Work Policy, I can confirm on consideration of all the information presented that **(delete as appropriate)** the allegations against you are not founded/ **The allegations against you are founded however in taking into account your mitigating circumstances** and my decision is not to issue you with any formal disciplinary action in response to the (issue).

In reaching my decision I do however recommend that the following recommendations are implemented to provide you with support and prevent further occurrence of such incidents in the future:

- **Add recommendations**

Your Line Manager will be in contact in relation to the implementation these recommendations.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

**[insert name]**

## **Appendix 12c: Disciplinary Outcome Letter - Formal Written Warning/Improvement Plan**

### **Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I refer to the disciplinary hearing that was held on (date). In line with the Council's Discipline at Work Policy, I can confirm my decision to issue you with (action taken) in response to the (issue).

In reaching my decision I considered that **(brief description of what was founded and reason)**

This written warning/improvement plan will be subject to a period of 6 months monitoring and will be noted on your personal record until this has been satisfactorily completed.

I must highlight that any further misconduct may result in more serious disciplinary action being taken which could include or lead to dismissal.

You have the right to appeal using the Discipline Appeal Form within 14 working days of receipt of this letter. Your appeal should be addressed to (Name, Job Title and Address).

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

[insert name]

## **Appendix 12d: Disciplinary Outcome Letter - Final Written Warning**

### **Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I refer to the disciplinary hearing that was held on (date). In line with the Discipline at Work Policy within the Council, I can confirm my decision to issue you with a (Type of sanction) in response to the (issue).

In reaching my decision I considered that **(brief description of what was founded and reason)**

This warning has been issued following the first written warning issued for (reason) on (date) / (due to the nature of the misconduct).

This warning will remain live on your personal record for 12 months and any further misconduct may result in more serious disciplinary action being taken which could include dismissal.

**\*\* Delete as appropriate**

In addition to the warning I have also decided to issue the following punitive action:

- **(Loss of increment, demotion, disciplinary Transfer, Suspension without pay up to 5 days)**

In reaching my decision **(outline reasons why and any additional detail of punitive action)**.

You have the right to appeal using the Discipline Appeal Form within 14 working days of receipt of this letter. Your appeal should be addressed to (Name, Job Title and Address) using the disciplinary appeals form.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

**[insert name]**



## **Appendix 12e: Disciplinary Outcome Letter - Letter of Dismissal**

### **Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I refer to the disciplinary hearing that was held on **(date)**. In line with the disciplinary procedures within the Council, I can confirm that your employment in the post of **(Title)** within **(Dept)** will be terminated with effect from **(date)**.

The decision to dismiss you from the post is for reasons of your (conduct, capability, some other substantive reason)

Payment in lieu of notice will be made for XXX. **(If working notice delete) (If summary dismissal delete)**

This decision has taken place following (include all evidence and previous warnings)/ (due to the nature of misconduct)

If you feel that this action is unfair you have the right to appeal using the Disciplinary Appeals Form within 14 days of receipt of this letter. Your appeal should be addressed to the Executive Officer – Organisational Transformation for consideration by the Human Resources Appeals Board.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

[insert name]

### Appendix 13: Record of Discipline Form

The form should be completed by the disciplinary officer and submitted following the procedure outlined in the Discipline at Work Policy. Disciplinary Officers can contact their HR Case Adviser for assistance in completing the form. The form is available in alternative format where required by contacting the HR Operations Team.

Personal Details	
Name:	Employee Reference:
Designation:	Department:
Location:	Contact Number:
Any correspondence related to the discipline should be forwarded to the address below: It is the responsibility of the employee to provide a work/home address for all correspondence	

Companion Details	
Trade Union Name:	Trade Union Rep:
Other Representative:	

Background to the Case
Informal Measures implemented prior to formal action taken
Previous attempts made to resolve the issue by Manager

Fact Finding	
Investigating Officer	
Reports from Fact Finding support discipline hearing being held	
Employee aware of potential disciplinary action	
Disciplinary officer satisfied with Fact Finding report. If not please raise this prior to progressing	

Details of individual reporting incident	
Name	
Designation	

Previous Unexpired Disciplinary Action	
Action Taken	
Date Issued	
Date due to expire	
Details	

Pre Hearing	
Letter sent to employee	
Time limits met If 'no': reason outlined	Yes/No

Present at Hearing	
Management and HR	
Name	Designation
Employee & Companion Details	
Name	Designation

Details of Alleged Incident

Explanation Offered

Parties / Witnesses called

Information Submitted	
Submitted By	Details

Mitigating Circumstances
<p>Outline any mitigating circumstances that could have an effect on the case and the allegations made. It may be appropriate to adjourn after such information has been presented.</p>

Decision Made by Disciplinary Officer	
<p>For all action taken the Disciplinary Officer <b>must</b> ensure that they have followed the procedures outlined in the Discipline at Work Policy and supporting Managers Toolkit.</p> <p>Any disciplinary action must only be taken following fact finding procedures followed to ensure that sufficient information is gathered on the issue.</p> <p>If no action is taken, this should be confirmed to the employee in writing.</p>	
No Action Taken	
Referral to support services	
Formal Written Warning/Improvement Plan (Live for 6 Months)	
Final Written Warning (Live for 12 months)	
Summary Dismissal	
Dismissal without notice	
Other Punitive Action: Please state	

Remedy or Actions Required		
Action	By Who	Deadline

Confirmation to Employee	
Date letter sent to confirm actions	
Timescales Met	Yes / No
If 'No' Please state the reason and confirm that this has been communicated to the employee	

Disciplinary Officer Information		
Name		
Designation		
Telephone Number		
Signature		Date:

## Appendix 14: Informal Improvement Plan Agreement

### Personal Details

Employee's Name:

Job Title:

Department:

Date of Meeting:

### Area(s) of Performance/ Conduct Improvement Required

#### Performance Indicators for Improvement

#### Target Date

### Assistance required (e.g. training, coaching, mediation):

### Declaration

We have discussed and agreed the objectives required to enhance the employee's performance in line with recent disciplinary procedures.

Employee:

Date:

Manager:

Date:

Next Review Date:

## Appendix 15: Performance Improvement Review/Final Review Form

Personal Details	
Employee's Name:	Department:
Companion Name:	Job Title:
Date Performance Improvement Plan Started:	Date of Progress/Final Review:

Improvement Reviewed

Actions Required for Next Review	
<b>Action</b>	<b>By Who</b>
Review/Completion Date:	

Declaration
<p>The review has identified further actions required</p> <p>The Improvement Plan had now been concluded</p> <p>Employee Agreement:</p> <p>Manager Agreement:</p> <p>Date of Agreement:</p>

## **Appendix 16: Invitation to Disciplinary Appeal Hearing**

### **Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I write to acknowledge receipt of the appeal against the decision made at the disciplinary hearing which took place (Date) with (Chair).

You have appealed the outcome of the disciplinary hearing due to (action taken).

I can confirm that the appeal against the decision at your Disciplinary Hearing has been arranged to take place (Date), (Time) (location) with (Chair). You have the right to be accompanied and I would be obliged if you could confirm your companion's details and any witnesses that you intend to call to me prior to the hearing taking place. A representative/companion may be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

[insert name]



## **Appendix 17a: Outcome of Disciplinary Appeal Letter – Appeal Upheld**

**Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

### **Outcome of Disciplinary Appeal - Upheld**

I refer to the hearing held on (Date) to consider your appeal against (written warning/final written warning) issued to you on XXX.

Following the case put forward by yourself (and representative) at the meeting of (date), I wish to advise you that I have taken the decision to uphold your appeal.

In accordance with the Discipline at Work Policy, the (written warning/final written warning) issued to you on (date) will be removed from your file.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate).

Yours sincerely,

[insert name]

## **Appendix 17b: Outcome of Disciplinary Appeal Letter – Not Upheld**

### **Private and Confidential**

**NAME**  
**ADDRESS**  
**POSTCODE**

**Date:**

I refer to the hearing held (Date) to consider the appeal against (written warning/final written warning) issued to you on XXX.

Following the case put forward by yourself (and representative) at the meeting of (date), I wish to advise you that I have taken the decision not to uphold your appeal.

In accordance with Discipline at Work Policy, the (written warning/final written warning) issued (date) shall remain on your personal file. I would take this opportunity to highlight that any further misconduct may result in more serious disciplinary action being taken which could include dismissal.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate).

Yours sincerely,

[insert name]

## **Appendix 18: Human Resources Appeals Board – Guidance Notes for Managers**

### **Preparing for a HR Appeals Board**

The Assistant to the Depute Chief Executive - Education, People & Business will contact the Executive Officer immediately by phone, e-mail or in person when an appeal to the HR Appeals Board is received. A copy of the letter invoking the appeal will be forwarded as soon as possible. The Assistant to the Depute Chief Executive - Education, People and Business will be in contact again, usually by phone or e-mail, to check the availability for the management side to attend the Hearing. The final arrangements will be confirmed in writing.

The Executive Officer should as a priority:

1. Identify who will present the management case at the Hearing:
2. Lead role; this would normally be the Executive Officer who heard the appeal at the previous stage.
3. Other members in the management side might include any or all of the following:
  - The manager who heard it at an earlier stage than (a) above
  - The HR Case Adviser involved at previous stage(s)
  - Witness(es) (who must be available, even if they are not called in to the main hearing on the day)
  - If the disciplinary appeal is about another employee, that employee should also be available even if they are not called in to the main hearing on the day).

Liaise with the Assistant to the Depute Chief Executive of Education, People and Business as follows:

Provide the names of those to be involved in the management case.

Ensure all documents for consideration by the Board are forwarded to the Assistant to the Depute Chief Executive - Education, People and Business. These must include:

- The original disciplinary hearing forms and appeal forms from previous stages
- Managements' letters responding to each of the previous stages
- Other documents which might include other relevant correspondence, documents, minutes, records

Please ensure that any copies of documents submitted are:

- Single-sided,
- Legible - where appropriate, hand-written documents should be reproduced in type print.
- Without staples

Provide a management report which, depending on the case, and whether the above documents give a comprehensive account, may be either:

- An executive summary (relying mainly on the above documents to present the case)
- A comprehensive report (detailing the issues with minimal reference to the above documents)

**Please note that it is the Executive Officer's responsibility to ensure that all his/her management side, including witnesses, are aware of the arrangements for the Hearing.**

The management submission must be with the Assistant to the Depute Chief Executive - Education, People and Business at **least** 10 working days before the date of the Hearing.

The management submission will be collated along with the appellant's submission. Committee Administration will circulate copies to the Board and the Assistant to the Depute Chief Executive - Education, People and Business will distribute copies to the management team, the appellant and his/her representative.

The Human Resources Board comprises eight elected members; a minimum of three must attend on the day to form a quorum. The Chief Solicitor and Monitoring Officer (or nominated officer) and the Executive Officer - Organisational Transformation (or nominated officer) will also be on the panel to act as advisers to the Board.

#### **Other Formats & Translations**

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank, Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòin gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।