



People Matter

Frequently Asked Questions – Discipline At Work

The revised Discipline at Work Policy comes into effect in **January 2020**. A new Toolkit for employees has been developed with all the relevant information contained and should be read along-side the policy.

The Discipline at Work Policy applies to Local Government Employees, Craft Employees and Chief Officers. Teachers and those on SNCT Conditions of Service should refer to the Education Procedure Manual 2/18.

You will see the Discipline at Work Policy also refers to a **Charter of Commitment** which will also come into place in January 2020. The Charter of Commitment outlines the roles and responsibilities for all those involved in the process of the policy including employees of the Council.

This FAQ document aims to provide you with answers to some of the questions you may have in relation to the policy update and what these changes mean for you.

1. What has changed from the Previous Policy?

The main changes are:

- Clearer guidance on the requirement for the Council to refer to professional bodies where a registered employee is subject to an allegation of misconduct which may also have a bearing on their registration (for example Scottish Social Services Council);
- The time between the end of the fact finding process and moving to a formal disciplinary hearing (if required) has been updated, taking into consideration how complex the case is;
- There is additional guidance in relation to when an employee may need to be suspended including the need for regular reviews and communication;
- Information in relation to the appropriate use of CCTV and other forms of physical evidence for example vehicle tracking;
- Information in relation to who can represent an employee where professional registration is at risk and/or the circumstances merit it;
- The Appeal timeline for any disciplinary sanction given has moved to 14 Calendar days.

2. If I am subject to an allegation of misconduct what happens?

Informal action will always be considered for the first step to consider in addressing an issue which has been raised to avoid the matter being progressed through formal procedures. However, some incidents may not allow for this approach and may require to go straight to the formal Fact Finding stage.

3. What happens if I am suspended and who makes this decision?

Suspension from duties is only considered when all other options have been considered. Managers are required to carry out a suspension risk assessment before this decision is made. Where suspension is required you will be invited to a meeting



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by a 3rd Tier manager or above and you will have the right to be accompanied by a companion/employee representative.

The suspension will be confirmed in writing and the letter will confirm the reason for the suspension and the length of time the suspension is for. Your suspension will be on full pay and is a precautionary measure. This should not be viewed as a punishment or sanction. During your period of suspension you will be expected to be available for work during your normal working hours and your suspension will be reviewed at regular intervals as information is received.

4. 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 and will be carried out as soon as possible. If you are subject to a Fact Finding this will generally involve meeting with you, at which point you will be made aware of the allegations in detail. The purpose of a fact finding is to collect all the relevant information in relation to the allegation/issue. You may also be invited to a Fact Finding as a witness and this will be outlined in your letter as it is thought you may have information in relation to the incident/allegation which is being investigated.

5. If I am asked to attend a disciplinary hearing what do I need to do?

If you have received a letter inviting you to attend a disciplinary hearing you should return the tear off slip attached to the letter confirming that you will attend the hearing. In addition, you should confirm the name of your representative and whether you intend to call any witnesses. It is your responsibility to make contact with your representative to advise them of the date of the hearing.

You will be provided with a copy of all statements gathered during the fact finding investigation as well as a copy of the Fact Finding report prepared by the Investigating Officer and any relevant information gathered during the investigation. If you are unable to attend the hearing this can be re-scheduled and you are asked to propose an alternative date within 7 Calendar days.

6. How long does a warning stay on my file?

In the event of an allegation/incident being substantiated following a Disciplinary Hearing, the following sanction may be imposed:

- Formal Written Warning/Improvement Plan will remain live on your record for 6 months
- Final Written Warning will remain live on your record for 12 months

Other sanctions may also apply which are outlined within the policy.

The outcome of the disciplinary hearing will be provided to you normally within 7 calendar days.



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7. Can I appeal any disciplinary sanction?

You have the right to appeal against decisions where you feel the action taken or level of action is unfair in the circumstances.

Appeals must be submitted in writing using the Discipline Appeal Form within 14 Calendar days from the date of the outcome.

8. If I am convicted of a criminal offence do I need to inform my Manager?

You should speak with your Line Manager if you are either alleged to have committed or are convicted of committing a criminal offence. Further information can be found in the Discipline at Work Policy.

9. Will my professional body be advised of any disciplinary matters or criminal conviction?

The Council has a duty to advise your registered body of any actual, or depending on the body's requirements, alleged misconduct in line with the Council's Discipline at Work Policy.

10. Where can I seek further information and support from?

If you would like further information or support please contact:

HR Case Advisers			
Name	Job Title	Email	Ext No
Anne Marie Cunningham	Team leader HR Operations	annemarie_cunningham@eastdunbarton.gov.uk	5535
Nikki Edgar	HR Case Management Adviser	nikki.edgar@eastdunbarton.gov.uk	5647
Lorna McLaughlin	HR Case Adviser Management	lorna.mclaughlin@eastdunbarton.gov.uk	3243
Susie Andrews	HR Case Adviser Management	susie.andrews@eastdunbarton.gov.uk	5608
Susan Hamilton	HR Case Adviser Management	susan.hamilton@eastdunbarton.gov.uk	5628

HR Business Partners			
Name	Job Title	Email	Ext No
Lisa MacGregor	Team Leader Organisational Development	lisa.macgregor@eastdunbarton.gov.uk	3429



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Lesley Milligan	HR Business Partner	lesley.milligan@eastdunbarton.gov.uk	3429
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Employee Assistance Programme

Time for Talking - The Council's EAP provider is **Time For Talking** and they offer:

- A 24 hour helpline for one-to-one support/advice service which can be accessed whenever you need it;
- Telephone Counselling
- Face-to-face Counselling (Referral through your Line Manager or Case Adviser)
- **Website** - Variety of tools and resources including podcasts to help employee's self-manage life's challenges
- Secure online chat application, allowing 24/7 real-time access to a counsellor

The EAP can be accessed by all East Dunbartonshire Council Employees as follows:

Tel: 0800 970 3980

Website: <https://www.timefortalking.co.uk/> (link is external)

Password for live chat: Tftnow – please note the password is case sensitive.