

Disciplinary - Manager Guidelines

As a disciplinary manager, your role is to determine from the evidence you have been provided, whether you have reasonable belief that the allegations raised against a colleague warrant a disciplinary sanction. It is important that any decision made as a result of a disciplinary hearing is fair and consistent and in line with Company policy and precedence.

Role

As a disciplinary manager you must:

- Look at the situation from all angles;
- Be available in advance of the disciplinary hearing to be notified and consider requests for a companion or witnesses to be called to the hearing.
- Prepare the questions you wish to ask during the meeting;
- Clarify the evidence with the colleague and ask for their responses;
- Carry out further fact finding after the meeting, where required;
- Make a decision whether a disciplinary sanction is warranted and articulate the reasons for the sanction on explain why alternative sanctions where not given;
- Inform the colleague of the outcome of the hearing, in writing.

Arranging a Disciplinary Hearing

A disciplinary hearing should be arranged by the Fact Finding Manager, who will also send out the Invite to Disciplinary Hearing letter. In conjunction with the Fact Finding Manager you should arrange:

- A date for the hearing to be conducted in a timely manner;
- A supporting colleague / note taker who has clear handwriting and will be able to follow the pace of the meeting (ensure they read the Note Taker guidelines). The supporting colleague / note taker should not have any previous involvement in the case;
- An appropriate location where you will not be interrupted;
- A handover with the fact finding manager of all evidence, notes and summary report.

You must also fully prepare for the hearing by ensuring you have read through the evidence and understand what this is telling you, and prepare the questions you plan to ask during the hearing.

In order to fully prepare for the hearing the colleague must have:

- A minimum of 48 hours written notice of the hearing;
- Copies of all of the evidence being used;
- A copy of the Disciplinary Policy and any other relating policies.
- The opportunity to nominate and bring a companion or suggest witnesses

Conducting the hearing

During the hearing you should:

- Introduce the hearing using the standard disciplinary hearing record form;
- Ensure there are sufficient note taking pages available
- Ask open and specific questions;
- Clarify points;
- Gather any further evidence the colleague wishes to put forward (providing these are appropriate and relevant to the case you will need to consider this carefully and explain your judgement to the colleague).
- Use open body language;
- Listen and observe;
- Make interim and final summaries;
- Maintain control of the hearing, by keeping the discussion to the allegations that are being considered;
- Periodically check that the supporting colleague / note taker is keeping up with the pace of the meeting and adjust your pace if necessary;
- Keep to a structure for the hearing, by discussing each allegation in turn.

You may need to complete further fact finding after the hearing where additional evidence has come to light. You may adjourn the hearing to seek advice at any point.

If you believe you are in a clear position to make a decision at the end of the hearing, you should adjourn the meeting and call the ER Team for advice and clarification (you should arrange a time with an ER Advisor to ensure their availability to call and a specific contact number to use). You can then re-convene the meeting and deliver the decision to the colleague.

If you are not in a clear position to make a decision and need time to clarify your thoughts and seek advice, you should close the hearing and advise the colleague that you will contact them in reasonable time (normally within 5 working days) with an outcome in writing (and in some circumstances, by telephone).

Coming to a Decision

In deciding on the most appropriate and fair sanction to impose, it is essential to:

- Consider whether the misconduct is sufficiently serious to justify the proposed disciplinary action, for example:
 - o Consider whether the allegations appear to be part of a pattern of behaviour;
- Speak to ER for advice on the sanction and to understand if there are any precedents or case law to consider.
- Consider any mitigating circumstances put forward— although they won't cancel out the misconduct, they may explain it and therefore justify a lesser penalty;



- Consider whether they have had any previous disciplinary sanctions;
- Consider whether the sanction is reasonable in all the circumstances.

The final decision rests with the disciplinary manager; however ER will offer advice and guidance on the procedural matters.

There are several possible outcomes of a disciplinary hearing. These are:

- No further action;
- First Written Warning (remains live on file for 9 months);
- Final Written Warning (remains live on file for 12 months);
- Dismissal with Notice;
- Summary Dismissal;