

## **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, consistent and in line with Company policy and precedence.

### **As a disciplinary hearing manager you must:**

- Review all evidence provided to you prior to the disciplinary hearing
- Look at the situation from all angles
- Prepare the questions you wish to ask during the meeting (being mindful that you will likely need to ask follow up questions as needed)
- Clarify the evidence with the colleague or any responses given in the fact finding
- Decide whether a disciplinary sanction is warranted, Consider whether any additional actions e.g. demotion/relocation are applicable
- Inform the colleague of the outcome of the hearing, in writing setting out clearly the reasons for the sanction and explaining why alternative sanctions were not given.

### **Arranging a Disciplinary Hearing**

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

- Agree a date you can hear the disciplinary hearing (where possible this should be within 5 days)
- Arrange a notetaker for the hearing
- Arrange an appropriate, private location to conduct the hearing
- Ensure you have received all evidence being relied upon ahead of the hearing
- Discuss with the fact finding manager if you are unclear on any of the evidence shared with you.

### **The colleague is required to receive:**

- A minimum of 48 hours written notice of the hearing
- Copies of all of the evidence being relied upon
- The opportunity to be accompanied by a colleague or a Trade Union Representative
- The opportunity to adjourn the hearing at any point

### **Conducting the hearing**

During the hearing you should:

- Introduce the hearing setting out who you are, what the purpose of the meeting is and the structure the meeting will take

- Ask open questions, ensuring any follow up questions are asked if answers are unclear or vague
- Gain clarity on any points you are unclear about
- Allow the colleague the opportunity to put forward their response
- Listen and observe
- Maintain control of the hearing, by keeping the discussion to the allegations that are being considered
- Periodically check that the note taker is keeping up with the pace of the meeting and adjust your pace if necessary
- Summarise what was discussed at the end of the hearing and agree a timeframe that you will get back to the colleague with an outcome.

In some situations you may need to complete further fact finding after the hearing. If this is the case you should inform the colleague of this and keep them updated on timeframes and when the hearing will be re-adjourned. Any further evidence from your investigation will need to be shared with them ahead of the re-adjourned hearing.

Following the hearing you should call the ER Team as soon as possible to discuss your thoughts on the outcome (ensuring they have access to the notes to be able to review).

### **Reaching a Decision**

You must consider:

- All evidence
- The impact of the misconduct
- Whether this is a pattern of behaviour i.e. has this been addressed with the colleague before
- The colleague's length of service and role
- Any mitigating factors
- Company precedent and case law (discuss with ER)
- Whether there are any other reasonable alternatives

As the disciplinary hearing manager you are ultimately responsible for determining the outcome and should only discuss the case with ER.

### **The potential outcomes are:**

- No formal action
- First Written Warning
- Final Written Warning
- Dismissal with Notice
- Summary Dismissal
- Demotion/Relocation