Appendix 1

1.0 The Disciplinary Hearing: Panel Role
The role of the panel at the hearing is to consider the Investigating Manager’s evidence in relation to the allegations, and to give the employee an opportunity to state his or her case in response to the allegations and evidence presented. The whole basis of the hearing is that it must be as objective as possible and afford the employee an opportunity to correct any misunderstandings or misconceptions formed during the investigation, and to present any additional information to enable an accurate assessment of the case to be made.

2.0 General Points on the Hearing
2.1 Keep the hearing formal, but polite, and encourage the employee to speak freely – the aim of the hearing is to establish all the relevant facts.

2.2 Ask open-ended questions to establish the broad picture and to seek clarification, and use closed questions to obtain specific facts.

2.3 Avoid being drawn into arguments – if tempers flare during the hearing it may be appropriate to adjourn for a short period. Do not make personal criticisms.

2.4 If the employee becomes upset or distressed during the hearing allow them time to regain composure before continuing. If the employee becomes too distressed to continue, adjourn the hearing to a later time/date.

2.5 If it has become clear at any point in the hearing that the employee has provided an adequate explanation for their behaviour/performance, etc or there is no real evidence to support the allegations, the proceedings should be ceased and the case dismissed.

2.6 The hearing should be adjourned if new evidence has arisen during the proceedings, or at the employee’s/accompanying person’s request, if the Convener of the Panel considers this reasonable/appropriate.

3.0 Conducting a Disciplinary Hearing
3.1 The Chair will:

- Introduce those present and explain their roles
- Explain to the employee why they are there
- The purpose of the disciplinary hearing and how it will be conducted and
- The nature of the allegations

3.2 The case against the employee will be outlined normally by the relevant investigation Manager, by way of presentation of evidence and/or the calling of witnesses.

3.3 The employee and/or the accompanying person will have the opportunity to question the investigation Manager and the witnesses.

3.4 The Convener and other panel members will have the opportunity to question the investigation Manager and the witnesses.
3.5 The Chair confirms that all the evidence has been presented, that there are no further questions and asks the witnesses to leave the hearing.

3.6 The employee and/or the accompanying person will be allowed to present his/her case and respond to allegations, calling any witnesses a required.

3.7 The Investigation Manager will have the opportunity to question the employee and the witnesses. The employee must answer questions directed to him/her. The representative is not entitled to answer on their behalf.

3.8 The Chair and other panel members will have the opportunity to question the employee and the witnesses. The employee must answer questions directed to him/her. The representative is not entitled to answer on their behalf.

3.9 If at any time, evidence arises which, in the opinion of the Chair, needs further investigation then the hearing will be adjourned and reconvened later.

3.10 Both sides will be asked to summarise their cases, with the Investigation Manager summarising first.

3.11 The Chair will ask the employee if they feel they have had a fair hearing and if there is anything further either party wishes to say.

3.12 The Chair will thank everyone for attending and confirm what will happen next.

3.13 Both parties should the leave the hearing.

3.14 In private, the Panel will consider the case to decide if the allegations are well-founded, on the balance of probability and, if so, what level of disciplinary action should be taken (consider the gravity of the case – is disciplinary action warranted – if so, at what level?). Consideration should be given to:-

- Any guidance offered by the Disciplinary Procedure and Human Resources;
- Any precedents;
- The employee’s disciplinary and service record;
- Any mitigating circumstances.

3.15 If appropriate, reconvene the hearing and inform the employee of the decision.

Following the above structure will help ensure that everyone is given the opportunity to present all the relevant points and that the employee is given the fullest opportunity to respond to the allegations against him or her.

4.0 **After the Hearing**

4.1 The employee must receive written notification of the decision within 5 working days of the hearing. If action is to be taken the letter should state the level of the warning, the improvement/change in behaviour required, timescales for improvement, monitoring process, support to be given and the review date. It should also inform the employee that they have the right to appeal against any decision made.

Human Resources
April 2012