

## **Disciplinary policy**

This policy forms part of your contract of employment. The councils are entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing and will consult all employees on any significant changes.

This policy applies to all council employees except for the head of paid service (the Chief Executive), the section 151 officer and monitoring officer. This is because these posts are covered by separate statutory requirements as set out in each council's constitution, although the principles and procedures in this policy should still be incorporated into any process.

This policy does not apply if you are not employed directly by Vale of White Horse or South Oxfordshire District Council, for example if you work for a partner organisation, work at the councils through a recruitment agency or are a casual worker. If you are employed by another organisation or recruitment agency their disciplinary policy and / or procedure will apply. If you are a casual worker and breach discipline your work with the councils could be withdrawn. Alternatively, an investigation may be carried out and a hearing held, although there is not an obligation to adhere to this policy.

### **INTRODUCTION**

1. This policy takes account of the Employment Act 2008 and the ACAS code of practice on disciplinary and grievance procedures.
2. Heads of service, and line managers authorised on their behalf, have a right and duty to supervise the employees of their team and to deal promptly with matters relating to discipline, misconduct and/or performance.
3. This policy can apply in cases of misconduct (relating to either one or more incidents) or ongoing poor performance in someone's day job.
4. In dealing with cases of poor performance, we will distinguish between what is within the employee's control (such as negligence, lack of application or attitudinal problems conflicting with our corporate vision and values) and what is outside their control (such as health, a lack of training or the changing nature of the job). If the reason is within the employee's control, the disciplinary policy and procedures apply. This could relate to employees with unsatisfactory attendance records where no medical reason is

established. If the reason is outside the employee's control, the capability policy applies.

## **PRINCIPLES**

5. The principles of this policy include the following:
  - we apply disciplinary procedures in a fair and consistent way
  - disciplinary procedures only take place when employees are aware of the standards that are expected of them relating to their attitude/conduct and performance
  - we apply disciplinary procedures primarily to help and encourage employees to improve rather than just as a way of imposing a punishment
  - whenever possible we use informal and low-key methods in resolving difficulties around minor misconduct or unsatisfactory performance
  - whenever possible we will make reasonable adjustments for employees with a disability.

## **INFORMAL MANAGEMENT OF AN INCIDENT OR ISSUE**

6. Line managers should deal with a case of minor misconduct or unsatisfactory performance informally. As a line manager, you should raise any concerns as soon as possible, do not let things drift. A clear conversation may be enough to improve an employee's attitude, conduct or performance, without the need to invoke the formal disciplinary procedure. You should outline your concerns but also give an opportunity for your team member to explain their side of things. An informal approach should always be considered as preferable to a formal procedure, except in particularly serious, or ongoing, cases of misconduct.
7. If your concern as a line manager relates to unsatisfactory performance, you should explain the steps that your team member needs to take to reach an acceptable standard. Depending on the circumstances, you may choose to just do this verbally, or you may decide to write down the specific objectives that should be met so that both you and the individual are clear on your expectations. This may take the form of bullet points in an email or you could reiterate objectives in a table (see example in appendix five). You need to ensure that you include a fair timescale in which the improvements should be made. You should forward this informal summary of the conversation to your team member and you may also forward it to the HR team to place on the employee's personnel file as an informal note.

## **FORMAL DISCIPLINARY PROCEDURE**

8. Line managers may choose to follow a formal disciplinary procedure if either:
  - you are faced with a case of likely misconduct where you believe that the severity of the incident(s) is such that you should go straight to a formal disciplinary procedure (please consult with your HR representative before making a decision on this)
  - you have attempted to resolve an issue of conduct informally but have not seen the required improvement
  - you have attempted to resolve an issue of underperformance informally but have not seen the required improvement (very occasionally you could go straight to a formal disciplinary procedure due to underperformance but this will normally only occur if some historical underperformance has just come to light).
9. It is important for everyone involved in a disciplinary procedure to keep in mind that the outcome will only be known after the completion of the process. If a disciplinary investigation is carried out, this does not automatically mean that a disciplinary hearing will follow. Equally, if a disciplinary hearing is held, the outcome may be that no formal warning or sanction is issued.
10. It is essential that formal disciplinary proceedings, including an investigation if required, are dealt with without unreasonable delay.
11. When following the formal disciplinary procedure line managers are required under the Equality Act 2010 to make reasonable adjustments for employees with a disability. Where a line manager is already aware that an employee has a disability or believes this to be the case they should keep this in mind and work closely with their HR business partner before taking any disciplinary action, seeking advice from the council's occupational health advisers if necessary. An employee may request a signer or an interpreter (if English is not their first language) attend any stage of a formal process.

## **DISCIPLINARY INVESTIGATIONS AND STEPS PRIOR TO ARRANGING A HEARING**

12. It is essential that the facts relating to any potential disciplinary hearing are established. In some cases this will require the holding of an investigation before proceeding to a potential disciplinary hearing. If an investigation is carried out, the investigating officer will meet with the relevant employee and any witnesses or other people involved. Sometimes the investigatory stage will be confined to the collation of evidence by the line manager for use at a disciplinary hearing. As a general guide, a case of misconduct (particularly

when the exact events that have occurred are not clear) is likely to warrant an investigation. A case of poor performance will not generally require an investigation to be carried out, as the line manager should have already collated sufficient evidence for the hearing to go ahead.

13. The line manager will liaise with their HR representative to decide whether to proceed with a disciplinary hearing, a disciplinary investigation, or whether to move forward with an informal process.
14. If the line manager and their HR representative decide to proceed straight to a disciplinary hearing without an investigation the line manager should explain this decision and provide the full background to their own manager, in order that they sense check the decision and agree to this approach.
15. It may be appropriate for a different manager to chair the disciplinary hearing, rather than the manager instigating the investigation or hearing. The manager instigating the action should discuss this with their HR representative. If they agree between them that a different manager should chair the hearing, the HR representative will advise the relevant strategic director who will appoint a manager to chair the hearing, taking advice about who that should be from the HR representative. This would normally be someone at head of service or tier four manager level (that is, a manager reporting directly to a head of service).
16. If the line manager and their HR representative decide that an investigation is required, the HR representative will normally liaise with the relevant strategic director to appoint an appropriate investigating officer, usually someone at head of service or tier four manager level.
17. The investigating officer will be an employee who will be unconnected to the allegation(s) and who will not have a conflict of interest that might prejudice a fair hearing. The investigating officer will confirm in writing to the employee the reason for the investigation, when the investigation is likely to take place and also whether the investigation will involve interviewing a third party or parties. If they collate personal information to be used as evidence to support disciplinary proceedings, the investigating officer must be clear with those individuals from whom it is obtained as to why it is required and how it will be used.
18. The investigating officer will carry out a thorough investigation to include analysing relevant written records and other information, interviewing the employee concerned and obtaining statements from any relevant witnesses. The investigating officer will make it clear that, whilst the interview with the employee at this stage is an investigatory interview not a disciplinary hearing, the employee has the right to be accompanied by a colleague or trade union representative so that they can witness the interview.
19. On completion of the investigation, the investigating officer will recommend to the line manager who instigated the investigation whether the matter should be dropped or whether a disciplinary hearing should be arranged. The line manager should accept the investigating officer's decision and not put undue pressure on them for any particular outcome.

20. Once the investigating officer has advised the line manager of their decision, the line manager should advise the employee of the investigation outcome in writing within five working days of receiving the investigating officer's recommendation.

## **SUSPENSION**

21. If before an investigation, or at any point during an investigation, the investigating officer finds the following:
- the outcome could be an allegation of gross misconduct
  - the continued presence of the employee concerned is likely to inhibit proper investigation of an allegation (for example they may have access to certain records, have contact with other employees who may be associated with the investigation, or may be likely to sabotage the investigation deliberately)

they will present this to the head of HR, IT and technical services (or in their absence a member of the strategic management board from an alternative portfolio to the individual under investigation) to recommend the employee is suspended from work on full normal pay.

22. If the head of HR, IT and technical services agrees with the investigating officer they will notify the employee concerned immediately of the decision to suspend them on full normal pay (including standby payments etc where appropriate) until further notice, normally until after the outcome of the disciplinary hearing. Where possible the head of HR, IT and technical services will speak to the employee concerned in person, normally suspending them with immediate effect and making it clear that the suspension is not disciplinary action and does not prejudice the outcome of the investigation. They will also confirm in writing the reasons for suspending them on full pay.
23. During the period of suspension, the employee remains employed by the relevant council but they are not required to attend work. They must, however, be contactable and available to attend work if required and should not undertake any outside work of any nature during normal working hours including out of hours/standby rota duties or overtime.
24. If an investigating officer has reason to believe that the employee concerned has committed a criminal offence they will immediately inform a member of the strategic management board (from an alternative portfolio to the individual under investigation) who will decide whether to report the matter to the police.

## ADVISING OF A FORMAL DISCIPLINARY HEARING

25. Once a decision has been made to proceed to a formal disciplinary hearing (whether the decision has been made by the investigating officer or by the line manager in the absence of an investigation) the line manager will need to advise the employee in writing. If the investigating officer has recommended a formal disciplinary hearing, the line manager should advise the employee of the investigation outcome in writing within five working days of receiving the investigating officer's recommendation.
26. A letter to an employee notifying them that they are required to attend a formal disciplinary hearing will:
- include details of the allegations made
  - advise them that they are required to attend a disciplinary hearing stating the time and place of the hearing and giving at least five working days' notice
  - inform them who will chair the hearing
  - inform them that they have the right to be accompanied by a colleague or trade union representative at the hearing
  - include copies of all documents to be referred to in the hearing (in exceptional circumstances witness statements may need to be anonymous)
  - ask them to submit any documents supporting their response to the allegations to the chair of the hearing at least two working days in advance of the hearing so that these documents can be referred to in the meeting (if the employee does not feel this gives them enough time to collate the documents they should talk to the chair of the hearing about whether it is possible to extend the deadline)
  - include this disciplinary policy.

This letter may be provided in alternative formats if requested (see final paragraph).

## THE ROLES TAKEN IN A DISCIPLINARY HEARING

27. The roles of all parties involved in a disciplinary hearing are summarised below. There is more guidance for the chair, the investigating officer and the colleague in the appendices.
- **Chair** – a manager authorised to hear the case who is required to make a decision about whether or not to impose a sanction following a disciplinary hearing. In a hearing related to conduct, the chair will

normally be from a different service area. If the outcome of the disciplinary hearing could be dismissal then the chair will be a strategic director.

- **Employee** – the employee will have the opportunity to state their case, answer the allegations, call any relevant witnesses and ask questions of any witnesses.
- **Investigating Officer** – if an investigation has been carried out, the investigating officer will present their investigation findings to the chair. They will most likely be present for all the hearing, although the chair has the option of only asking them to attend part of the hearing, or to not have them present but instead refer to a report they have made on the case.
- **Witness** – a person invited by someone attending the hearing (normally the employee, the investigating officer or the chair) to give their version of events relating to the allegations of the case.
- **HR representative** – they will ensure that the chair has provided the employee with all relevant documents and will advise all parties on disciplinary procedures where necessary.
- **Colleague / trade union representative** – please see appendix 4 *guidance for representatives*.
- **Note taker** – the HR representative may take on this role or they may bring in a specific note taker. Whoever takes on the responsibility will take notes of the hearing and circulate the final version to the employee, the chair and the HR representative (if applicable). The notes will not be verbatim but will provide an accurate reflection of the meeting.

## THE OUTCOME OF A DISCIPLINARY HEARING

28. Once the chair has informed the employee of the outcome verbally they will confirm this in writing within five working days. The chair can decide to take the following actions:

- no formal sanction given (either no action taken or an informal letter outlining areas of improvement required which does not constitute a formal disciplinary sanction and will not be taken into account at any future hearings)
- first written warning
- final written warning
- dismissal with notice period paid

- summary dismissal without notice period being paid (only applicable in cases of gross misconduct)
- some other action either given in addition to or instead of a disciplinary sanction such as a compulsory transfer to another service team, a loss of seniority and / or reduction in grade
- if a formal sanction is live at the time of the awarding of annual incremental salary increases, the employee will not normally receive the incremental increase (they will receive any applicable cost of living award)
- if a formal sanction is awarded the chair may also choose to implement a performance improvement plan (or PIP). This will set out objectives the employee needs to meet, what assistance will be given and the deadline for the target(s) to be met. Appendix five includes a blank performance improvement plan.

29. Sometimes, ongoing poor conduct or performance will involve an employee going through the stages of the various sanctions. For example, the conduct or performance may initially warrant a first written warning. If it continues within the duration of the first written warning, a new hearing will be arranged at which point the applicable sanction would be a final written warning. If it continues further, the next sanction would be dismissal.

30. If an employee's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. Gross misconduct is covered in more detail later in this policy.

31. The letter to the employee explaining the outcome of the hearing will:

- state the disciplinary sanction (if applicable)
- explain the reasons for this decision or any other action taken
- explain what improvement is expected, when progress will be reviewed and whether support or training will be provided
- state that failure to improve within this timescale could lead to further disciplinary action
- state the employee's right to appeal the decision

- If the decision is to dismiss the employee, the letter will also state whether this is with or without notice and outline the date on which the employment contract will terminate.

This letter may be provided in alternative formats if requested (see final paragraph).

## **APPEAL HEARING**

32. If an employee wishes to appeal the outcome of a disciplinary hearing, they should write to the chair of the hearing clearly stating the grounds of the appeal within five working days of receiving the disciplinary decision. They should refer to one of the following as grounds for their appeal:

- the finding or penalty is unfair
- new evidence has come to light
- the disciplinary procedure was not used correctly.

33. The purpose of the appeal is to investigate whether the original decision was reasonable in all the circumstances. The appeal will not take the form of a complete re-hearing of the case. The appeal hearing need not take place before any dismissal or disciplinary action takes effect. The appeal hearing will normally take place within ten working days of the receipt of the formal appeal.

34. The appeal will be chaired by someone not previously involved in the case and usually someone who is more senior to the original chair. If the appeal is against a decision to dismiss, a member of the strategic management board will chair the appeal hearing.

35. The chair of the original hearing will respond to the employee in writing within five working days of receipt of their appeal and the letter will:

- invite them to an appeal hearing stating the time and place of the hearing and giving at least five working days' notice
- inform them who will chair the appeal hearing
- inform them that they have the right to be accompanied by a colleague or trade union representative at the appeal hearing
- ask them to submit any documents supporting their appeal to the chair of the appeal hearing at least two working days in advance of the hearing so that these documents can be referred to in the meeting. The employee may introduce new evidence only if it has

become available since the date of the latest disciplinary hearing and they could not have reasonably known of its existence at that time.

36. The chair of the original disciplinary hearing will normally attend the appeal hearing, in addition to the chair of the appeal hearing, the employee concerned, the employee's colleague or trade union representative, a HR representative and possibly an additional note taker.
37. The chair conducting the appeal hearing has the authority to quash, reduce or increase a disciplinary sanction and their decision is final.
38. The chair will normally inform the employee of the outcome verbally and in writing and will normally provide the written outcome within five working days of the hearing.

## **GROSS MISCONDUCT**

39. Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the employer and will normally result in summary dismissal where the employer terminates the employee's contract of employment without notice or pay in lieu of notice. An employee who is summarily dismissed will receive no payment for the period between dismissal and any appeal hearing. If, however, the person hearing the appeal reinstates them they will receive payment for this period retrospectively.
40. Matters that each council view as amounting to gross misconduct include, but are not limited to:
  - theft, fraud, deliberate falsification of records, bribery
  - gross negligence
  - unauthorised access to computer records, or a serious breach of the council's rules on email and internet usage
  - physical violence, for example, fighting or assault on another person
  - deliberate or reckless damage to the council's property
  - an inability to perform job duties as a result of alcohol consumption or illegal use of drugs
  - serious negligence which causes, or might cause, unacceptable loss, damage or injury to the council, a fellow worker, member of the public, or any other party
  - serious act of insubordination such as deliberate refusal to carry out reasonable instructions

- serious acts of bullying, harassment or discrimination
- misconduct of a serious nature likely to offend decency, including sexual offences or inappropriate sexual behaviour at work
- misconduct of a serious nature outside the work place, including criminal offences that make workers unsuitable for their type of work
- corrupt or improper activities, including those specified in the council's code of conduct
- serious misuse of the council's property or name or bringing it into serious disrepute
- serious infringement of health and safety rules
- serious breach of trust or confidentiality (excluding whistle-blowing or matters subject to the Public Interest Disclosure Act 1998).

## **DISCIPLINARY RECORDS**

41. The documents relating to a disciplinary process will be kept on the employee's personnel file after a disciplinary process has taken place and will be kept on file in accordance with the Data Protection Act 1998. These include:

- documents relating to a disciplinary investigation, disciplinary hearing or appeal hearing including letters, notes from meetings, and witness statements
- confirmation of a formal warning given
- written record of a disciplinary transfer
- written record of a demotion
- written record of dismissal / summary dismissal.

42. The following normally applies:

- a first written warning will normally be live for 12 months
- a final written warning will normally be live for 24 months.

43. When a warning expires it will remain on the employee's personnel file but will be disregarded for any future disciplinary hearings unless there are exceptional circumstances for not doing this.

## **ALTERNATIVE FORMATS**

44. Alternative formats of this publication can be made available on request. These include large print, braille, audio, email, easy read and other languages. Please contact the HR team on 01491 823424.

Version 1 issued: February 2010  
Version 2 issued: August 2011  
Version 3 issued: September 2012  
Version 4 issued: April 2014  
Version 5 issued: July 2014  
Version 6 issued: September 2014

## **APPENDIX ONE – GUIDANCE FOR INVESTIGATING OFFICERS**

If you are asked to investigate the facts relating to a potential disciplinary hearing you need to ensure that you can make time to do this. You will need to prioritise the investigation above your other work and may need to decline the request to be the investigating officer if you are unable to do this.

Once you have confirmed that you will undertake the investigation, you should start by making yourself familiar with the contents of this policy. The policy will cover most aspects of the process that you will be involved in.

In addition to what is included in this policy, you need to keep in mind that each investigation will vary and that you have discretion regarding which evidence you refer to, who you meet and the order you do things. You should talk to your HR representative about what you need to do during the investigation – they are there to support you.

You will want to interview all those involved in any incidents that have prompted the disciplinary investigation. You will need to explain to them that you will be making notes during their conversation and that these notes will be referred to if you decide to progress to a formal disciplinary hearing. Although the notes do not need to be verbatim, they must be an accurate record of the meeting and need to be clear enough for someone not previously involved in the history of the case to understand them. Once you have completed the notes you should ask the people you have interviewed to check them and confirm in writing that they are content with what is included (this can be by signing and dating a printed copy of the notes or by a confirmation email).

When you interview the employee who may be subject to a disciplinary hearing, you need to advise them that your investigation may or may not lead to a formal hearing. Although your interview will not be part of the formal hearing, they will have the right to be accompanied by a colleague or trade union representative. Their companion would be present to observe your interview and provide support to the employee. They should not answer questions on the employee's behalf although they may prompt the employee to add comments if they have overlooked a point. An employee may request a signer or an interpreter (if English is not their first language) attend an investigatory interview.

If you are unable to interview someone either in person or by phone, you may decide to accept a statement from them instead. Your investigation will be a balance between ensuring you have looked at all the evidence but not taking too long to produce your conclusions as it is unfair on the employee to keep the investigation ongoing for too long.

In concluding whether the case should progress to a formal disciplinary hearing or not, you will need to summarise your rationale in writing. You do not need to be certain that the conclusion of a disciplinary hearing would be some form of sanction in order to recommend that the hearing takes place. The outcome would be a decision for the chair. Your role is to decide whether the evidence warrants moving to this stage or not.

## **APPENDIX TWO - GUIDANCE FOR THE CHAIR OF A FORMAL DISCIPLINARY HEARING**

As the chair you should follow the guidance below:

### **Prior to the hearing**

- make sure that you have read this policy thoroughly and are familiar with the processes outlined
- be clear in advance who should attend the disciplinary hearing. You will need the employee who is the subject of the disciplinary, a HR representative who will provide procedural advice and take notes (or potentially a separate note taker). The employee may bring a representative and if an investigation has been carried out, the investigating officer will normally attend for the duration of the hearing. You may also have relevant witnesses that could attend for all or part of the hearing. An employee may request a signer or interpreter (if English is not their first language) attend. Please discuss the structure of the hearing with your HR representative as who attends may vary according to the nature of the case - the key point is that the hearing is heard fairly and all relevant information is provided
- If the employee is unable or unwilling to attend the disciplinary hearing, you would normally re-arrange the date once to give them a reasonable chance to attend. If they advise you that they will not attend either the original or the re-arranged hearing (or do not attend without prior notification) you may choose to go ahead with the re-arranged hearing in their absence. Your HR representative will advise you on the most appropriate approach to take
- you should ensure that a letter is emailed to the employee to confirm the details of the formal disciplinary hearing, covering the points outlined in this policy and adhering to the timescales stated. Your HR representative will help you with this
- consider whether you should book an additional room that can be used in the event of any adjournments
- ensure you are familiar with the details of the case and any evidence provided. It will be much more straightforward in the hearing if you know what information is to hand and what else you need to know in order to make a decision. You should allocate some time during the two days prior to the hearing to read through any evidence submitted in advance by the employee.

### **Introducing the hearing**

- you must explain the purpose of the hearing and confirm that all attendees have copies of the information being referred to in the meeting

- outline that notes will be taken throughout the hearing and will be distributed to all relevant parties afterwards. These notes will not necessarily be verbatim, but will be an accurate record of the discussion
- explain that everyone involved will have enough time to fully explain their case and that anyone can request an adjournment for a comfort/distress break at any time
- you should clarify with the employee the role their colleague / trade union representative will take (if they have brought a companion). Their colleague / trade union representative should be allowed to address the hearing, to put forward and sum up the employee's case and confer with them during the hearing. They must not answer questions on the employee's behalf, address the hearing if the employee does not wish them to, or prevent other attendees from explaining their case.

## **The main body of the hearing**

You have some discretion on exactly how you chair the hearing. The exact order of the hearing will depend on the specific details of the case - the key point is that the hearing is heard fairly and all relevant information is provided. You need to make sure that:

- the employee is clear on the allegations against them. This may mean going through or re-capping on the evidence that you or the investigating officer have collated. Alternatively, as the employee will have had access to the documentation in advance they may be clear on all the details and you will not need to run through it.
- the employee and / or their colleague / trade union representative are able to present their case, call any witnesses they wish, add any additional points and sum up their case if they wish.
- the investigating officer (if applicable) or any witnesses they call on are given the opportunity to clarify any points covered in their statements
- decide whether there is a need to adjourn the hearing until later in the day, or to another day, in order to clarify any points raised or to arrange for someone else involved in the events to attend. You have the option of adjourning the hearing to investigate the case further if you think you are missing information required to provide an outcome (although as this will delay the process you should avoid this course of action if possible). If an investigation has already been carried out, the investigating officer will normally make further enquiries and will present the outcomes to you as the chair. They will record written notes from these additional discussions. In exceptional circumstances, you may decide to keep the evidence given by individuals confidential but you would need to explain the reason for this and provide a summary of what was discussed.

## Concluding the hearing

You must:

- adjourn the hearing to allow consideration of the points raised (only the chair and HR representative will remain)
- reconvene the hearing if you decide you need further clarification of any evidence presented prior to making a decision
- decide whether or not there is a need for a sanction and what actions should follow from the hearing
- reconvene the hearing and inform the employee of your decision and the reasons for it
- ensure that any formal disciplinary action is proportionate to the nature of the offence and has taken any mitigating circumstances into account
- inform the employee that they will receive written confirmation of the decision, the length of time any sanction will be in place, an explanation of any improvement expected including timescales, details of their right of appeal and a copy of the notes taken at the hearing, within five working days.

## **APPENDIX THREE – GUIDANCE FOR THE CHAIR OF A DISCIPLINARY APPEAL HEARING**

If you chair a formal disciplinary appeal hearing you should follow the principles and the broad structure of the initial disciplinary hearing as outlined above. As with the initial hearing, the attendees and the exact format of the discussion will vary from case to case and you have discretion on this. The key points are that the meeting is fair and prompt, and that actions from it are implemented.

The main difference between your role and that of the chair of the original hearing is that as part of the introduction you will explain that the purpose of the appeal hearing is not to rehear the detail of the disciplinary hearing, but to focus on specific factors that the employee feels have received insufficient consideration, such as:

- an unfair finding
- new information subsequently coming to light
- that the disciplinary procedure was not followed correctly.

The chair of the original hearing should attend the disciplinary appeal hearing and you must ensure that they have the opportunity to explain their overall decision(s) and the thought process behind the decision that is relevant to the appeal hearing.

## **APPENDIX FOUR – GUIDANCE FOR REPRESENTATIVES**

If someone has asked you to represent them at a disciplinary hearing you are at liberty to do this. The time you take at the hearing, and any preparation time beforehand, will be included as working hours – you do not need to do this in your own time.

You are not obliged to act as their representative. For example, if you feel that taking up this role may be a conflict of interest you can decline it.

You should keep in mind that you do not necessarily need to be fully supportive of someone's case to act as their representative. Your role is to help them put their case forward in the most appropriate way, to ensure they have not overlooked points and to give them support during what is almost certainly going to be a difficult time for them. It is possible to do this without agreeing with every point they wish to make.

You should make sure that you have read this policy and are familiar with it prior to the hearing. If you understand the process being undertaken, you will be able to concentrate fully on the detail of the particular case, enabling you to give full support to the employee.

During the disciplinary hearing, you are able to address the meeting, put forward and sum up the employee's case, and confer with them. You must not answer questions on the employee's behalf, address the hearing if the employee does not wish you to, or prevent other attendees from explaining their case.

If you have any questions about your role, please speak to your HR representative who will be able to help you.

## APPENDIX FIVE – EMPLOYEE OBJECTIVES FOR INFORMAL USE

If a manager wishes an employee to focus on an area of their performance (whether they are underperforming or in order to further stretch them) they should be clear on the objectives the employee should meet. The employee also needs to be clear on what they need to aim for. Their objectives may be relayed verbally, by email, or in a table such as the one below. As a manager, you should ensure that you include a fair timescale in which the objectives should be achieved. You should forward this informal summary of the conversation to your team member and you may also forward it to the HR team to place on the employee's personnel file as an informal note.

<b>Objective</b>	<b>Measure of Success</b>	<b>Assistance to be given to achieve objective</b>	<b>Date to be achieved / reached</b>

## **APPENDIX SIX – EMPLOYEE PERFORMANCE IMPROVEMENT PLAN (FOLLOWING A FORMAL SANCTION)**

If a formal sanction is awarded the chair may also choose to implement a performance improvement plan (or PIP). This will set out objectives the employee needs to meet, what assistance will be given and the deadline for the target(s) to be met. A blank PIP is shown below:

# Performance Improvement Plan

**Name:**

**Date:**

**Manager reviewing performance:**

This is a formal document which should only be used after a formal disciplinary or capability hearing has been held. It outlines the areas where you need to improve your performance or conduct at work. It shows any support you will receive to achieve the specific target(s) listed. The person reviewing your progress (usually but not necessarily your direct line manager) will meet with you on the review date shown to assess whether to continue with the performance improvement plan, call another disciplinary or capability hearing to potentially move to another stage in the process, or to end the need for the performance improvement plan.

Area(s) for improvement	Specific target(s) set	Assistance to be provided to help you reach the target	Date of review