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East Dunbartonshire Council

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Education Procedure Manual 2/18 Appendix 1

Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service

Toolkit for Managers

Passed at EDC Local Negotiating Committee for Teachers (LNCT)

March 2015

De minimis changes approved at EDC LNCT

June 2016

This toolkit will be subject to future updates to reflect best practice. Please consult the Resource Planning Team for advice if required.

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Documentation for Precautionary Suspension

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Standard Letter PM2/18/1b
Informing employee of Extension to Precautionary Suspension **Page 8**

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Standard Letter PM2/18/1a
Informing Employee of Precautionary Suspension

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.2.5

'The precautionary suspension must be confirmed in writing as soon as possible and certainly within 5 working days of the start of the suspension'.

Dear

I write to advise you that, in accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service (a copy of which is enclosed), you are suspended from work with full contractual pay from (*insert date*) to (*insert date*) to allow a fact finding process to take place into the following issue/allegation:

(insert details of the issue(s) /allegation(s))

The suspension is a temporary precautionary measure and does not imply that disciplinary action has or will be taken in respect of the issue/allegation. There is no right of appeal to a precautionary suspension. Suspension will be as short as possible and initially will have a maximum period of 10 working days. Any extensions to this suspension will be confirmed in writing.

You should be available for recall to work any time during this period and you should follow the agreed leave request procedures and absence reporting, as per East Dunbartonshire Council Wellbeing At Work Policy, during this time.

You will be advised as soon as possible, in writing, of the outcome of the fact finding process and of any further action to be taken.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

Standard Letter PM2/18/1b

Procedure Manual 2/18 Section 5.0

Informing Employee of Extension to Precautionary Suspension

PM2/18 Paras 5.2.8 /5.2.9

‘Precautionary suspensions should be reviewed at agreed regular intervals, normally 10 working days...A letter should be sent to the employee indicating the reasons for the extension.’

Dear

I refer to the letter confirming the decision to suspend you from work with full contractual pay from (*insert date*) to (*insert date*) to allow a fact finding to take place into the following issue/allegation:

(insert details of the issue(s) /allegation(s))

I write to advise you that the fact finding is not yet complete for the following reason(s):

(insert reason(s))

The period of suspension will therefore be extended from (*insert date*) to (*insert date*). Any further extensions to this suspension will be confirmed in writing.

The suspension is a temporary precautionary measure and does not imply that disciplinary action has or will be taken in respect of the issue/allegation. There is no right of appeal to a precautionary suspension.

You should be available for recall to work any time during this period and you should follow the agreed leave request procedures and absence reporting, as per East Dunbartonshire Council Wellbeing At Work Policy, during this time.

You will be advised as soon as possible, in writing, of the outcome of the fact finding process and of any further action to be taken.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children’s Services and the Director of Customer Services and Transformation.

Yours

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Standard Letter PM2/18/2
Informing Employee of Fact Finding Meeting

Procedure Manual 2/18 Section 6.0

PM2/18 Para 6.7

'The Fact Finding Officer must inform the employee at an early stage that a complaint or concern has been lodged. He/she should issue the letter...in private, to the employee... This should be delivered in advance of any meeting with the Fact Finding Officer'

Dear

I write to advise you that, in accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service (a copy of which is enclosed), you are required to attend a fact finding meeting.

The meeting will be conducted by *(insert name of Fact Finding Officer)* on *(insert date)* at *(insert time)* in *(insert location)*.

The purpose of the fact finding meeting is to establish the facts relating to the following issue/allegation:
(insert details of the issue(s) /allegation(s))

I must highlight that the result of the fact finding may result in disciplinary procedures being invoked.

You have the right to be accompanied at the meeting by a fellow worker or trade union official.

A representative acting in a legal capacity will *not* be considered an appropriate companion throughout internal procedures. It is your responsibility to make arrangements to ensure that you are accompanied, if you so desire.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Please confirm receipt of this invitation to the fact finding meeting by returning the tear off slip below to *(insert name)* at *(insert address)* by *(insert date)* . Please also confirm your attendance and indicate if you will be bringing a companion.

Yours

.....
Acceptance of Invitation to Fact Finding Meeting

In accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, I confirm receipt of the invitation to a fact finding meeting on *(insert date)* at *(insert time)*, in *(insert location)*. I shall attend the meeting and will be accompanied by _____ (name of companion)/will not be accompanied *

Name (Please print):

Signature:

Date:

**Delete as appropriate*

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Standard Form PM2/18/1 Fact Finding Recording Form	Procedure Manual 2/18 Section 6.0
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Name of employee/witness	Designation	Establishment
--------------------------	-------------	---------------

Date of Incident
Allegation

Date of Meeting	Time of meeting	Location
------------------------	------------------------	-----------------

Fact Finding Officer	Designation
-----------------------------	--------------------

Others in attendance at the meeting			
Name	Designation	Establishment	Role at meeting

Introduction to Meeting	
<ul style="list-style-type: none"> Introduce all in attendance at the meeting and explain their roles. Make all parties aware of why the meeting is taking place. Confirm that written notification has been received by the employee at centre of the allegation. Inform parties that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any meeting. Make employee aware that he/she has the right to be accompanied. Make parties aware that fact findings are taking place in line with the agreed Disciplinary Procedures Make employee who is at centre of the complaint aware of the potential for disciplinary procedures being invoked following fact finding. Ensure that all relevant witnesses to be interviewed have been invited to attend a fact finding meeting Outline how the meeting will progress: questions will be asked, notes will be taken, adjournments possible, asked to sign agreement. 	<input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-bottom: 5px;" type="checkbox"/>

The Fact Finding Officer should conduct the fact finding meeting in accordance with the standard format outlined in **Guidance - The Toolkit for Managers**.

Record of Meeting	
The number of questions asked will be determined by the Fact Finding Officer This form should, where possible, be completed electronically.	
Question 1	
Response	
Question 2	
Response	
Question 3	
Response	
Question 4	
Response	
Question 5	
Response	

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Concluding the Meeting

- Confirm that there are no further questions to ask
- Ask the employee if they have any further questions or anything to add
- Inform the employee that the matter should be dealt with confidentially and that facts of the case will initially only be disclosed to the relevant officer in line with the delegated authority table. Explain that if the matter does result in disciplinary action, the employee's statement may be shared with other individuals involved in the case.
- Inform the employee of the support mechanisms which the Council can offer.
- For the employee at the centre of the allegation, outline that they should expect to receive correspondence confirming the next stage of the process within 10 working days
- Thank the employee for their time and attendance
- Provide the employee with a copy of notes taken at the meeting for signing to confirm accuracy. (This may be done immediately following the meeting or at another appropriate time when the the notes have been typed up)

EMPLOYEE/WITNESS DECLARATION

I confirm that the information above is an accurate and fair representation of the discussions that took place and the information I provided during the fact finding meeting.

Name: _____

Signature: _____ Date: _____

FACT FINDING OFFICER DECLARATION

I confirm that the information above is an accurate and fair representation of the discussions that took place and the information provided by the above employee during the fact finding meeting.

Name: _____

Signature: _____ Date: _____

THE EMPLOYEE MUST BE PROVIDED WITH A COPY OF THE SIGNED STATEMENT

Following the meeting All notes will be summarised, by the Fact Finding Officer, in a Fact Finding Report Form giving all relevant information.
 The report will be submitted, together with signed and dated witness statements and any relevant paperwork, to the Disciplinary Officer who will determine the next course of action.



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Standard Form PM2/18/2 **Procedure Manual 2/18 Section 6.0**
Fact Finding Report Form

The Fact Finding Report Form must be a summary of the fact finding process but must NOT make any recommendations of any further action to be taken.
 Any mitigating circumstances in the course of the fact finding process should be highlighted on the form.

Name of Employee	Designation	Establishment

Fact Finding Officer	Designation	Contact No.

Disciplinary Officer	Designation	Contact No.

Fact Finding Start Date	Fact Finding End date

Date of Incident

Summary of Allegation/Incident

Name of Witness	Designation	Statement Attached

Summary of Evidence
Mitigating Circumstances / Concerns
Confirmation
<p>I have completed the Fact Finding Process in respect of the issue/allegation outlined above and have attached all relevant information.</p> <p>Name:</p> <p>Signature:</p> <p>Date:</p>

All fact finding recording forms/other relevant documentation should be attached to this report form and submitted to the Disciplinary Officer.

Standard Letter PM2/18/3

Procedure Manual 2/18 Section 6.0

Informing Employee of Result of Fact Finding : No Further Action

PM2/18 Para 6.29

'Employees will be formally notified of this outcome (no further action) within 10 working days (of the conclusion of the fact finding)'

Dear

I write to advise you that, in accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, I have given careful consideration to all the facts relating to the following issue/allegation:

(insert details of the issue(s) /allegation(s))

I can confirm that there is no requirement for any further action. All references to the allegation and fact finding will be removed from your personal file and destroyed.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

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Documentation for Disciplinary Hearing

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Standard Form PM2/18/3 Record of Discipline Form	Page 25
Standard Letter PM2/18/5 Informing Employee of result of Disciplinary Hearing :No Action	Page 29
Standard Letter PM2/18/6a Informing employee of formal oral warning	Page 30
Standard Letter PM2/18/6b Informing employee of written warning	Page 31
Standard Letter PM2/18/6c Informing employee of final written warning	Page 32
Standard Letter PM2/18/7a Informing employee of dismissal with notice	Page 33
Standard Letter PM2/18/7b Informing employee of dismissal without notice	Page 34
Standard Form PM2/18/4a Formal Improvement Plan Agreement	Page 35
Standard Form PM2/18/4b Performance Improvement Review/Final Review Form	Page 36

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Standard Letter PM2/18/4
Informing Employee of Disciplinary Hearing

Procedure Manual 2/18 Section 6.0

PM2/18 Para 7.5.2

'the employee should be informed in writing ...at least a minimum of 7 working days' notice (for the disciplinary hearing) or shorter by agreement in individual cases'

PM2/18 Para 7.2

'The hearing with the employee should be held normally within 14 working days of the conclusion of the fact finding...where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.'

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

PM2/18 Para 7.17

'Employees will be given the opportunity to reschedule (the hearing) normally within 5 working days.... They (the employees) will be given up to a maximum of two rescheduled hearings'

Dear

In accordance with the East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, and following a fact finding process, you are required to attend a disciplinary hearing on *(insert date)* at *(insert time)* in *(insert location)*. The hearing will consider the following issue/allegation:

(Insert details of the issue(s) /allegation(s))

The hearing will be conducted by *(insert name of Disciplinary Officer)*, with *(insert name of HR Representative)* in attendance.

The purpose of the disciplinary hearing is to allow the Disciplinary Officer to consider all the information presented, including representations at the hearing itself, and to make a decision as to whether disciplinary or other action is justified and reasonable in the circumstances.

You have the right to be accompanied at the hearing by a fellow worker or trade union official. It is your responsibility to make arrangements to be accompanied if you so desire. A representative acting in a legal capacity will not be considered an appropriate companion throughout internal procedures.

I must highlight that the disciplinary hearing may result in action being taken which could potentially include or lead to dismissal.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

The following have been included with this letter :

- East Dunbartonshire Council's Discipline at Work Policy
- Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service
- Relevant evidence, collected as part of the fact finding process.

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- A list of witnesses who will be called at the hearing

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children’s Services and the Director of Customer Services and Transformation.

Please confirm receipt of this invitation to the hearing by returning the tear off slip below to *(insert name)* at *(insert address)* by *(insert date)*.

Yours

.....

Acceptance of Invitation to Disciplinary Hearing

In accordance with the East Dunbartonshire Council’s Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, I confirm receipt of the invitation to a disciplinary hearing on *(insert date)* at *(insert time)*, in *(insert location)*

I shall attend and will provide all documentation to be led in my defence together with names of all witnesses and any companion no less than two working days before the hearing.

Name (Please print):

Signature:

Date:

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Standard Form PM2/18/3 Record of Discipline Form	Procedure Manual 2/18 Section 7.0
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The form should be completed by the Disciplinary Officer, following the procedure outlined in Education Procedure Manual 2/18.

SECTION 1

Details of Employee	
Name of employee:	Designation:
Establishment:	Contact Number:
Address for Correspondence <i>It is the responsibility of the employee to provide a work/home address for all correspondence.</i>	

Disciplinary Officer	Designation	Contact No.

Fact Finding	
Fact Finding Officer :	Contact Number:
Report and relevant documentation have been received from the Fact Finding Officer	YES/NO
Disciplinary Officer satisfied with Fact Finding report. If not this must be raised prior to progressing	YES/NO

Previous Unexpired Disciplinary Action	
Nature of Disciplinary Action Taken :	Date Issued:
Date due to expire :	Any other relevant details :

Pre Hearing	
Letter, including written evidence and names of witnesses to be called, have been sent to employee	YES/NO
Time limits have been met <i>(Hearing to be heard normally within 14 working days of conclusion of fact finding with minimum of 7 working days notice of the date of the hearing. If time limits have not been met, give reasons and confirm that the delay has been communicated to the employee.)</i>	YES/NO
Confirmation by employee of attendance at hearing received	YES/NO

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SECTION 2

Details of Disciplinary Hearing	
Date and Time of the Disciplinary Hearing:	Venue of the Disciplinary Hearing:

Disciplinary Officer	Designation	Contact No.

Others in attendance at the Disciplinary Hearing

Name	Designation	Establishment	Role at Hearing

Date and Details of Allegation

Introduction to Hearing
<ul style="list-style-type: none"> • Introduce all in attendance at the hearing and explain their roles. <input type="checkbox"/> • Make all parties aware of why the hearing is taking place. <input type="checkbox"/> • Confirm that written notification has been received by the employee at centre of the allegation. <input type="checkbox"/> • Inform parties that notes will be taken of the hearing to ensure that an accurate record is held. No electronic recording devices are permitted within any hearing. <input type="checkbox"/> • Make employee aware that he/she has the right to be accompanied (if not already accompanied) <input type="checkbox"/> • Make employee aware that the hearing is taking place in line with the agreed Disciplinary Procedures <input type="checkbox"/> • Outline how the hearing will progress: The Disciplinary Officer shall conduct the hearing in accordance with the standard format outlined in the Toolkit for Managers. <input type="checkbox"/>

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The employee's response to information presented

Mitigating Circumstances
Outline any mitigating circumstances that could have an effect on the case and the allegations made.

Witnesses called by the Disciplinary Officer
Name: Information:
Name: Information:
Name: Information:
Name: Information:

Witnesses called by the Employee
Name: Information:
Name: Information:
Name: Information:
Name: Information:

Any other information submitted during the hearing

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Decision Made by Disciplinary Officer	
Prior to making any decisions, the Disciplinary Officer must ensure that the procedures outlined in Education Procedure Manual 2/18 have been followed and documentation as per the The Toolkit for Managers has been completed.	
No action to be taken	
Formal Oral Warning (Live for 6 months)	
Written Warning (Live for 9 months)	
Final Written Warning (Live for 12 months)	
Personal Improvement Plan in conjunction with any of the above, if required	
Dismissal with notice	
Dismissal without notice	
Other Punitive Action: Please state	

Concluding the Meeting	
<ul style="list-style-type: none"> • Thank the employee and their companion for their time and co-operation in the hearing. <input type="checkbox"/> • A decision may be communicated to the employee at the meeting but inform the employee that this will be confirmed in writing by the Disciplinary Officer within 5 working days of the hearing. <input type="checkbox"/> • Highlight that any further misconduct may result in further disciplinary action which may include dismissal. <input type="checkbox"/> • Inform the employee of the support mechanisms which the Council can offer. <input type="checkbox"/> • Inform the employee of the right to appeal the decision using the Notification of Disciplinary Appeal (Standard Form PM2/18/5) To be submitted to the relevant person as per the table below, within 10 working days of receipt of decision letter <input type="checkbox"/> 	

Nature of warning	Issued By	Appeal submitted to
Oral warning	Head Teacher or nominee	Director of Education and Children’s Services or nominee
Written warning	Head Teacher or nominee	Director of Education and Children’s Services or nominee
Final written warning	Director of Education and Children’s Services or nominee	Education Appeals Board
Dismissal	Director of Education and Children’s Services or nominee	Education Appeals Board

Confirmation of outcome of Hearing to Employee	
Date letter sent to confirm decision	
Has the timescale been met (normally within 5 working days)	Yes / No
If the timescale has not been met, state the reason and confirm that this has been communicated to the employee.	

Disciplinary Officer Information	
Name	
Designation	
Telephone Number	
Signature	Date:

Standard Letter PM2/18/5 **Procedure Manual 2/18 Section 7.0**
Informing Employee of Result of Disciplinary Hearing : No Action

PM2/18 Para 7.22 – 7.23

‘The decision (of the hearing) will be communicated in writing...within 5 working days. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.’

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

Dear

I refer to the disciplinary hearing, held in accordance with the East Dunbartonshire Council’s Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service on (*insert date*). The hearing related to

(insert details of the issue(s) /allegation(s))

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my finding that the issue(s) /allegation(s) is/are unsubstantiated.

Accordingly I have decided that no further action will be taken.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children’s Services and the Director of Customer Services and Transformation.

All references to the allegation, fact finding and the disciplinary hearing will be removed from your personal file and destroyed.

Yours

Standard Letter PM2/18/6a
Informing Employee of Formal Oral Warning

Procedure Manual 2/18 Section 8.0

PM2/18 Para 7.22-7.23

'The decision (of the hearing) will be communicated in writing...within 5 working days. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.'

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

Dear

I refer to the disciplinary hearing, held in accordance with the East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service on (*insert date*).

The hearing related to

(insert details of the issue(s) /allegation(s))

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my finding that the issue(s) /allegation(s) is/are substantiated. Accordingly I have decided that it is appropriate to issue you with a formal oral warning.

A personal improvement plan may be required and if so, will be discussed and agreed with you.

This oral warning and personal improvement plan (if appropriate) will be subject to a period of 6 months monitoring and will be noted on your personal record until this has been satisfactorily completed.

I must highlight that any further misconduct may result in more serious disciplinary action being taken which could include or lead to dismissal.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

If you feel that the decision is unfair, you have the right to appeal, within 10 working days of receipt of this letter, using the enclosed Discipline Appeal Form. Your appeal should be addressed to (*Insert Name, Job Title and Address*).

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

Standard Letter PM2/18/6b
Informing Employee of Written Warning

Procedure Manual 2/18 Section 8.0

PM2/18 Para 7.22-7.23

'The decision (of the hearing) will be communicated in writing...within 5 working days. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.'

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

Dear

I refer to the disciplinary hearing, held in accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service on (*insert date*).

The hearing related to

(insert details of the issue(s) /allegation(s))

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my finding that the issue(s) /allegation(s) is/are substantiated. Accordingly I have decided that it is appropriate to issue you with a written warning.

A personal improvement plan may be required and if so, will be discussed and agreed with you.

This written warning and personal improvement plan (if required) will be subject to a period of 9 months monitoring and will be noted on your personal record until this has been satisfactorily completed.

I must highlight that any further misconduct may result in more serious disciplinary action being taken which could include or lead to dismissal.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

If you feel that the decision is unfair, you have the right to appeal, within 10 working days of receipt of this letter, using the enclosed Discipline Appeal Form. Your appeal should be addressed to (*Insert Name, Job Title and Address*).

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

Standard Letter PM2/18/6c
Informing Employee of Final Written Warning

Procedure Manual 2/18 Section 8.0

PM2/18 Para 7.22-7.23

'The decision (of the hearing) will be communicated in writing...within 5 working days. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.'

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

Dear

I refer to the disciplinary hearing, held in accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service on (*insert date*).

The hearing related to

(insert details of the issue(s) /allegation(s))

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my finding that the issue(s) /allegation(s) is/are substantiated. Accordingly I have decided that it is appropriate to issue you with a final written warning.

A personal improvement plan may be required and if so, will be discussed and agreed with you.

This final written warning and personal improvement plan (if appropriate) will be subject to a period of 12 months monitoring and will be noted on your personal record until this has been satisfactorily completed.

I must highlight that any further misconduct may result in more serious disciplinary action being taken which could include or lead to dismissal.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

If you feel that the decision is unfair, you have the right to appeal, within 10 working days of receipt of this letter, using the enclosed Discipline Appeal Form. Your appeal should be addressed to (*Insert Name, Job Title and Address*).

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

Standard Letter PM2/18/7a
Informing Employee of Dismissal with Notice

Procedure Manual 2/18 Section 8.0

PM2/18 Para 7.22-7.23

'The decision (of the hearing) will be communicated in writing...within 5 working days. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.'

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

Dear

I refer to the disciplinary hearing, held in accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, on *(insert date)*.

The hearing related to

(insert details of the issue(s) /allegation(s))

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my finding that the issue(s) /allegation(s) is/are substantiated.

Taking into account the seriousness of this finding and having given proper consideration to any mitigating factors, I have decided that your employment in the post of *(insert title)* within *(insert establishment)* will be terminated with effect from *(insert date)*.

The decision to dismiss you from the post is for the following reasons :

(Insert reasons)

Payment in lieu of notice will be paid.

If you feel that this action is unfair you have the right to appeal, within 10 days of receipt of this letter, using the enclosed Discipline Appeal Form. Your appeal should be addressed to *(Insert Name, Job Title and Address)*.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

Standard Letter PM2/18/7b
Informing Employee of Dismissal without Notice

Procedure Manual 2/18 Section 8.0

PM2/18 Para 7.22-7.23

'The decision (of the hearing) will be communicated in writing...within 5 working days. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.'

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

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I refer to the disciplinary hearing, held in accordance with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, on *(insert date)*.

The hearing related to

(insert details of the issue(s) /allegation(s))

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my finding that the issue(s) /allegation(s) is/are substantiated.

Taking into account the seriousness of this finding and having given proper consideration to any mitigating factors, I have decided that your employment in the post of *(insert title)* within *(insert establishment)* will be terminated with effect from *(insert date)*.

The decision to dismiss you from the post is for the following reasons :

(Insert reasons)

If you feel that this action is unfair you have the right to appeal, within 10 days of receipt of this letter, using the enclosed Discipline Appeal Form. Your appeal should be addressed to *(Insert Name, Job Title and Address)*.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

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Appendix 1 : Toolkit for Managers

Standard Form PM2/18/4a **Procedure Manual 2/18 Section 8.0**
Personal Improvement Plan Agreement

Personal Details

Name of employee: _____ Job Title: _____ Establishment: _____

Meeting

Date of Meeting: _____

Present at Meeting: _____

Improvement Plan (This should deal with issues of conduct only; issues relating to competence must be addressed through the process outlined in Education Procedure Manual 2/28 Procedures for Implementing the GTCS Framework on Teacher Competence)

Area(s) of Improvement Required	Indicators for Improvement	Support Required	Target Date

Declaration

We have discussed and agreed the objectives required to enhance the employee's conduct in line with recent disciplinary procedures.

Employee: _____ Date: _____
 (Signature)

Head Teacher/Chief Education Officer/Director of Education and Children's Services/other nominee: (as appropriate)
 (Signature) _____ Date: _____ Review Date: _____

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Standard Form PM2/18/4b
Procedure Manual 2/18 Section 8.0

Personal Improvement Plan Review/Final Review

Personal Details

Name of employee: _____ Job Title: _____ Establishment: _____

Meeting

Date of Review Meeting: _____

Present at Meeting: _____

Review of Improvement Plan

Area(s) of Improvement identified in Improvement Plan	Indicators for Improvement	Improvement achieved	Further action required	Target Date

Declaration

We have discussed and agreed that:

The Improvement Plan had now been concluded
 The Review has identified further actions required

Employee: _____ Date: _____
 (Signature)

Head Teacher/Chief Education Officer/Director of Education and Children’s Services/other nominee: (as appropriate)
 (Signature) _____ Date: _____

Next Review Date (if appropriate): _____

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Documentation for Disciplinary Appeals

Standard Form PM2/18/5 Notification of Disciplinary Appeal Form	Page 39
Standard Letter PM2/18/8 Informing employee of Disciplinary Appeal Hearing	Page 41
Standard Letter PM2/18/9a Informing employee of result of Disciplinary Appeal Hearing : Upheld	Page 42
Standard Letter PM2/18/9b Informing employee of result of Disciplinary Appeal Hearing : Not Upheld	Page 43

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Standard Form PM2/18/5
Procedure Manual 2/18 Section 8.0

Notification of Disciplinary Appeal Form

This form should be completed by the employee and submitted to the relevant person as per the table at the end of the form.

Details of Employee	
Name of employee:	Designation:
Establishment:	Contact Number:
Address for Correspondence <i>It is the responsibility of the employee to provide a work/home address for all correspondence.</i>	

Representative Details	
Trade Union Name:	Trade Union Rep:
Other Representative:	

Disciplinary Action Taken	
Grounds of Appeal	
The level of disciplinary action taken	
The level of action taken is unfair in the circumstances	

Grounds of Appeal
Please state the ground of your appeal in the space provided
Proposed Remedy to the issue

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Ground of Appeal – Optional Guide		
Do you admit or deny the offence for which disciplinary action was taken against you?	Admit	Deny
If you admit the offence, but wish to submit an explanation of your conduct or provide a statement of mitigation, please do so.		
If you deny the offence, please give your account of the incident		
If you wish to submit additional evidence, not considered as part of the disciplinary hearing, please do so with clarification of why this was not previously raised		
If you dispute the reasons for disciplinary action please state what, in your opinion was the reason for action taken against you.		
If you consider the action taken against you excessive, please state why.		

Employee
Signature:
Date:

Nature of warning	Issued By	Appeal heard by
Oral warning	Head Teacher or nominee	Chief Education Officer, Director of Education and Children’s Services or nominee
Written warning	Head Teacher or nominee	Chief Education Officer, Director of Education and Children’s Services or nominee
Final written warning	Director of Education and Children’s Services or nominee	Education Appeals Board
Dismissal	Director of Education and Children’s Services or nominee	Education Appeals Board

Standard Letter PM2/18/8
Informing Employee of Appeal Hearing

Procedure Manual 2/18 Section 9.0

PM2/18 Para 9.6

'An appeal hearing will normally be arranged to take place within 20 working days of receipt of the notice of appeal. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given.'

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

PM2/18 Para 9.7

'The employee should be given at least 5 working days' notice...of the appeal hearing'.

Dear

I write to acknowledge receipt of the appeal against the decision made by (*insert name of Disciplinary Officer*) at the disciplinary hearing which took place on (*insert date*).

You have appealed the outcome of the disciplinary hearing in respect of the grounds/type of action taken* (*delete as appropriate*).

I can confirm that the appeal against the decision at the Disciplinary Hearing will be heard by (*insert name of person hearing appeal*) and has been arranged to take place on (*insert date*), at (*insert time*) in (*insert location*).

You have the right to be accompanied at the appeal hearing by a fellow worker or trade union official. It is your responsibility to make arrangements to be accompanied if you so desire. A representative acting in a legal capacity will not be considered an appropriate companion throughout internal procedures.

I would be grateful if you could confirm receipt of the invitation to the hearing by returning the tear off slip below to (*insert name*) at (*insert address*) by (*insert date*) .) Please also confirm your attendance and provide details of any companion and any witnesses that you intend to call.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

.....
Acceptance of Invitation to Appeal Hearing

In accordance with the East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, I confirm receipt of the invitation to an appeal hearing on (*insert date*) at (*insert time*), in (*insert location*) I shall attend and will provide all documentation to be led in my defence together with names of all witnesses and any companion no less than two working days before the hearing.

Name (Please print):
Date:

Signature:

Standard Letter PM2/18/9a

Procedure Manual 2/18 Section 9.0

Informing Employee of Result of Disciplinary Appeal : Upheld

PM2/18 Para 9.10

*'The decision (of the appeal hearing) will be confirmed in writing...within 5 working days'
Where delay occurs, all parties involved will be informed of the reason for the delay and a revised
timeframe will be given.'*

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

Dear

I refer to the Disciplinary Appeal Hearing held on (*insert date*) to consider your appeal against (*oral warning/written warning/final written warning* * delete as appropriate) issued to you on (*insert date*) by (*insert name of Disciplinary Officer*).

Having considered the evidence presented and representations made at the hearing of (*insert date*), I wish to advise you that I have taken the decision to uphold your appeal.

In accordance with the East Dunbartonshire Council's Discipline at Work Policy and East Dunbartonshire Council's Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service the (*oral warning/written warning/final written warning* * delete as appropriate) issued to you on (*insert date*) will be removed from your personal file and destroyed.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours

Standard Letter PM2/18/9b

Procedure Manual 2/18 Section 9.0

Informing Employee of Result of Disciplinary Appeal : Not Upheld

PM2/18 Para 9.10

***'The decision (of the appeal hearing) will be confirmed in writing...within 5 working days'
Where delay occurs, all parties involved will be informed of the reason for the delay and a revised
timeframe will be given.'***

INSERT AN APPROPRIATE PARAGRAPH IN THE LETTER WHERE THIS APPLIES

Dear

I refer to the Disciplinary Appeal Hearing held on (*insert date*) to consider your appeal against (*oral warning/written warning/final written warning* * delete as appropriate) issued to you on (*insert date*) by (*insert name of Disciplinary Officer*).

Having considered the evidence presented and representations made at the hearing of (*insert date*), I wish to advise you that I have taken the decision not to uphold your appeal.

In accordance with the East Dunbartonshire Council's Discipline at Work Policy and East Dunbartonshire Council's Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service the (*oral warning/written warning/final written warning* * delete as appropriate) issued to you on (*insert date*) shall remain on your personal file. I must highlight that any further misconduct may result in more serious disciplinary action being taken which could include, or lead to dismissal.

In line with East Dunbartonshire Council's Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Procedures for Teachers and Employees on SNCT Conditions of Service, you have the right to a further appeal of this decision by submitting an appeal to (*Insert Name, Job Title and Address*).

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Director of Education and Children's Services and the Director of Customer Services and Transformation.

Yours



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Guidance for Fact Finding and Disciplinary Officers

Key Skills	Page 47
Personal Improvement Plan	Page 49
Format of Fact Finding Meeting	Page 51
Format of Disciplinary Hearing	Page 53

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Key Skills Guidance

Conducting meetings

- Ensure that there are no distractions that will have an impact on the meeting
- Reassure and put the person at ease
- Introduce everyone and explain their roles in the meeting
- Use appropriate levels of sensitivity
- Be patient throughout the meeting/conversation
- Listen carefully to responses and focus on the key points
- Control your own feelings
- Do not make personal judgements
- Ask questions and seek appropriate examples where relevant
- Use appropriate responses such as nodding and asking further questions where necessary

Effective Note Taking

- The purpose of note taking is to provide a summary of a meeting
- Don't try to record every word that is said in the meeting; concentrate on the main points of the discussions
- Remember that the notes/reports will need to be understood by someone else
- Remain objective throughout
- Consider the format and language used in preparing any reports.
- Ask for one person to speak at a time to allow an accurate record to be made
- Ask for people to repeat something if required.
- Use headings or the questions asked to separate the information being presented
- Type up when the meeting is still fresh in your mind
- Review the notes/ report prior to submitting to ensure that the content is clearly outlined and accurate

Handling Difficult Conversations

- Lead by example; do not react in a confrontational manner
- Focus on the root of the issue and the facts
- Take account of the information objectively
- Use active listening skills to get the employee(s) point of view
- Allow the employee(s) to express their views
- Recognise the need for a break if the situation escalates

Adjournments

It is good practice to consider an adjournment when interviewing to allow for information to be reviewed and for any further questions to be considered to ensure as much information as possible is gathered. Adjournments should be mutually agreed and used in situations where, for example,

- The employee gets upset or confrontational within the meeting
- Further information is required into issues raised
- The employee or representative requests an adjournment
- The Fact Finding or Disciplinary Officer requests an adjournment
- More time is required to assess the information presented

Questioning

Questions for the most part should be open, although closed questions may be appropriate where clarity to an answer is required.

Examples of closed questions

- Do you understand the allegation or incident which took place in relation to this issue?
- Where were you when the incident occurred?
- Who were you with when the incident occurred?

Examples of open questions

- What is your version or explanation of the allegation made or incident?
- Why did you take this action?
- What happened then?

You should use appropriate follow-up questions to gather as much information as possible.

Personal Improvement Plan Guidance

Personal Improvement plans may be used as part of the disciplinary procedure to address concerns relating to an employee's conduct. The employee will be advised of the need for a Personal Improvement Plan in the letter confirming the outcome of the disciplinary hearing.

In dealing with some cases, the use of Improvement Planning at the formal stage may not be deemed appropriate due to the nature of the case.

Setting Improvement Plans

It may be appropriate to set the improvement at a disciplinary hearing where the level of improvement is clear. In some instances, a follow-up meeting may be appropriate.

Improvement planning provides a two way communication process for the employee and line manager to work together to address concerns. The Head Teacher/Chief Education Officer/Director of Education and Children's Services (or nominee) should:

- Discuss and complete the 'Personal Improvement Plan Agreement' as part of the hearing where the facts of the case are clear. In some instances it may be deemed appropriate to arrange another hearing for this to take place.
- Discuss where conduct has been considered to be unsatisfactory
- Discuss timescales for improvement.
- Highlight that failure to reach the appropriate levels of improvement may lead to further action being taken
- Inform the employee that any further misconduct may result in further disciplinary action
- An interim meeting must be arranged to ensure that the employee and line manager have an opportunity to discuss progress prior to the final deadline being met. The review can be recorded using the 'Performance Improvement Review Form'
- The employee will have the right to be accompanied at the progress review and final review of the improvement plan
- The employee should be informed when they have met the improvement levels expected

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Fact Finding Guidance

The format of a Fact Finding meeting

The interview will be conducted formally.

The Fact Finding Officer will chair the meeting accompanied by a HR Business Partner and a note taker

At the start of the meeting, the Fact Finding Officer should:

- Introduce all in attendance at the meeting and explain their roles.
- Confirm that written notification has been received by the employee at centre of the allegation.
- Make all parties aware of why the meeting is taking place.
- Inform parties that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any meeting.
- Make employee aware that he/she has the right to be accompanied, if not already accompanied.
- Make parties aware that fact findings are taking place in line with the agreed Disciplinary Procedures
- Make employee who is at centre of the complaint aware of the potential for disciplinary procedures being invoked following fact finding.
- Ensure that all relevant witnesses to be interviewed have been invited to attend a fact finding meeting
- Outline how the meeting will progress:

During the meeting:

- The Fact Finding Officer will ask questions
- The Note Taker will make a record of the meeting
- Adjournments are possible

At the end of the meeting, the Fact Finding Officer should:

- Confirm that there are no further questions to ask
- Ask the employee if they have any further questions or anything to add
- Inform the employee that the matter should be dealt with confidentially and that facts of the case will initially only be disclosed to the relevant officer in line with the delegated authority table. Explain that if the matter does result in disciplinary action, the employee's statement may be shared with other individuals involved in the case.
- Inform the employee of the support mechanisms which the Council can offer.
- For the employee at the centre of the allegation, outline that they should expect to receive correspondence confirming the next stage of the process within 10 working days
- Thank the employee for their time and attendance
- Provide the employee with a copy of notes taken at the meeting for signing to confirm accuracy. (This may be done immediately following the meeting or at another appropriate time when the notes have been typed up)

Disciplinary Hearings Guidance

The format of a Disciplinary Hearing

The hearing will be conducted formally.

The Disciplinary Officer will chair the hearing accompanied by a HR Business Partner and a note taker

At the start of the hearing, the Disciplinary Officer should:

- Introduce all in attendance at the meeting and explain their roles.
- Confirm that written notification and documentation, to be used in the course of the hearing, have been received by the employee at centre of the allegation.
- Confirm that documentation has been received by the Disciplinary Officer.
- Decide if new evidence or additions to the list of witnesses is permissible and if a hearing is required to consider the new evidence.
- Make all parties aware of why the meeting is taking place.
- Inform parties that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any meeting.
- Make employee aware that he/she has the right to be accompanied, if not already accompanied.
- Make parties aware that the disciplinary hearing is taking place in line with the agreed Disciplinary Procedures
- Outline how the hearing will progress
- Outline the issues/allegations which have led to the disciplinary hearing
- Refer to informal attempts to resolve the issue (if appropriate)

The Fact Finding Officer should:

- Present the management case.
- Answer any questions posed by the Disciplinary Officer
- Answer any questions posed by the employee or the accompanying person/representative.

The Disciplinary Officer should:

- Call and question any witnesses

The employee should:

- Present their case, call and question any witnesses.

During the hearing, short adjournments should be permitted if required. Any mitigating circumstances may be considered.

At the end of the hearing, the Disciplinary Officer should:

- Either announce the decision and indicate that the decision will be confirmed in writing within 5 working days of the hearing
Or indicate that a decision has not been made at this point and further consideration is required.
The decision will be communicated in writing within 5 working days of the hearing.
- Inform the employee that if there is a delay in communicating the decision, all parties will be informed of the reason and a revised timeframe will be given.
- Make the employee aware that any further misconduct may result in further disciplinary action
- Inform the employee that they have the right to appeal the decision using the Notification of Disciplinary Appeal Form and this should be submitted within 10 working days of receipt of the outcome letter.
- Inform the employee of the support mechanisms which the Council can offer.
- Thank the employee and the companion (where appropriate) for their time and cooperation in the hearing

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Reference Tables

Table 1 **Page 57**

Time Limits

Table 2

Level of Authorisation

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Table 3

Time Limits for sanctions

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Reference Tables

Table 1 Time limits

Aspect of disciplinary procedure	Time limits(working days)
Precautionary suspension	10 days until each review
Notification of decision to proceed to disciplinary hearing	10 days notice (minimum) or shorter (by agreement in individual cases)
Notification of decision of disciplinary hearing	5 days maximum
Time limit to lodge appeal	10 days (maximum) from date of notification of decision of disciplinary hearing
Date of notification of appeal hearing	5 days maximum
Date of notification of appeal hearing	No later than 20 days from receipt of notice of appeal
Notification of outcome of appeal hearing	5 days maximum

Table 2 Level of Authorisation

Nature of warning	Issued By	Appeal heard by
Oral warning	Head Teacher or nominee	Director of Education and Children’s Services or nominee
Written warning	Head Teacher or nominee	Director of Education and Children’s Services or nominee
Final written warning	Director of Education and Children’s Services or nominee	Education Appeals Board
Dismissal	Director of Education and Children’s Services or nominee	Education Appeals Board

Table 3 Time limits for sanctions

Level of Warning	Duration of Warning
Oral warning	6 months
Written warning	9 months
Final written warning	12 months

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Appendix 1 : Toolkit for Managers



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