Education and Learning

Policy, Procedure and Guidance

**RESOURCE PACK**

**FOR**

**DISCIPLINARY POLICY, PROCEDURE AND GUIDANCE**

**(TEACHERS & ASSOCIATED PROFESSIONALS)**

**2022**

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Rodger Hill

Schools’ Manager - People

Education and Learning

AGREED by LNCT 26 May 2015

Updated October 2022

**1 DISCIPLINARY HEARING PROCESS**

 **(TEACHERS & ASSOCIATED PROFESSIONALS)**

1.1 The Disciplining Officer of the Hearing may be assisted by HR advisers as they see fit. An Officer from Human Resources must be present if allegations are sufficiently serious (e.g. gross misconduct/potential gross misconduct).

1.2 The Disciplining Officer should introduce those present and explain that the main purpose of the Hearing is i.e. to establish the facts and consider whether disciplinary action should be taken in accordance with the Council’s policy. The Disciplining Officer should then explain the format of the meeting ensuring that everyone is clear on the roles and responsibilities of those involved. The chair should clearly state the allegations against the employee concerned.

1.3 Any party can request an adjournment at any time, subject to the agreement of the Disciplining Officer.

1.4 The Authority's representative (normally the Investigating Officer) will put the case in the presence of the employee and the employee's representative and may call witnesses.

1.5 Where witnesses are called they will be heard separately and will withdraw when questioning is complete.

1.6 The employee and representative will have the opportunity of questioning the Authority's representative and witnesses on the evidence given.

1.7 The Disciplining Officer will have the opportunity of questioning the Authority's representative and witnesses on the evidence given.

1.8 The employee or their representative will put their case in the presence of the Authority's representative and call such witnesses as they wish.

1.9 The Authority's representative will have the opportunity to question the employee and their witnesses relative to the case.

1.10 The Disciplining Officer will have the opportunity to question the employee and their witnesses.

1.11 The Authority's representative and subsequently the employee (or their representative) will have the opportunity to sum up their case if they so wish, but not introduce new evidence at this stage.

1.12 The Authority's representative, the employee and their representative (and any person other than the Disciplining Officer and their HR advisor) will then withdraw.

1.13 The Disciplining Officer (with an appropriate HR advisor) will deliberate in private, only recalling the Authority's representative or the employee to clear points of uncertainty on the evidence already given. If such recall is necessary, both parties are to return, even if only one is concerned with the point giving rise to doubt.

1.14 The Disciplining Officer, at their discretion, will announce the decision either in writing to both parties within 5 working days or directly to both parties after the Hearing. On some occasions a hearing may reconvene to deliver a decision.

1.15 Appeals against any disciplinary action must be lodged with the Director within 10 working days of receipt of the letter confirming disciplinary action and must fully state the grounds for appeal.

In serious or complex cases the Disciplining Officer can consider the use of a note taker.

**2 EXAMPLES OF GROSS MISCONDUCT**

***The following list, which is not exhaustive, provides examples of offences which are normally regarded by the Council as Gross Misconduct***

* Theft, fraud, deliberate falsification of records;
* Abuse of employment by Council for personal advantage;
* Harassment on any grounds, including gender, sexuality, race, religion, nationality, disability, age, sexual orientation or any characteristics of an individual;
* Fighting, physical violence, serious verbal abuse;
* Sexual assault/misconduct;
* Deliberate and serious damage to Council property;
* Serious incapability through alcohol or illegal drugs;
* Gross negligence causing unacceptable loss, damage or injury;
* Insubordination/refusal to obey legitimate instruction;
* Unauthorised entry to computer or other private records;
* Serious breaches of Council policy in relation to bullying, victimisation, exclusion or intimidation (including Cyberbullying i.e. inappropriate use of e-mail, social media etc.);
* Deliberately accessing internet sites containing pornographic, offensive or obscene material;
* Statutory bar, i.e. where there would be a breach of legislation to allow an employee to continue work;
* Using a personal blog or any website to harass, criticise or embarrass the Council, its clients or employees;
* Bringing the Council into serious disrepute (which can include behaviour outside work premises or hours);
* Serious breach of confidentiality;
* Serious breach of Health & Safety rules;
* Serious breach of trust and confidence;
* Conviction for a criminal offence which makes the employee unsuitable for their job.

**3 DISCIPLINARY INVESTIGATION REPORT TEMPLATE**

**Strictly Private and Confidential**

**DISCIPLINARY INVESTIGATION REPORT**

|  |  |
| --- | --- |
| **Service:** |  |
| **Employee Name:** |  |
| Time period of investigation: |  |
|  |
| **Nominated Officer:** |  |
| **Investigating Officer:** |  |



|  |
| --- |
| 1. **EXECUTIVE SUMMARY**

This section should outline a brief summary of the process and include: description of allegation, investigation process, Investigating Officer actions and who the report was drawn up for the consideration and action of (Nominated Officer). |

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| --- |
| 1. **INTRODUCTION**
 |

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| --- |
| 1. **BACKGROUND**

This section should provide a brief summary of the circumstances surrounding the disciplinary matter e.g. who it was reported to, what happened, where it happen, who was involved. |

|  |
| --- |
| 1. **INVESTIGATION INITIATION & PURPOSE**

Define remit of investigation i.e. what allegations/concerns were identified as in need of investigation (provide concise bullet points list of all allegations, that will be expanded upon in “The Information Gathered” section). When the Investigating Officer was assigned and by whom, Outline HR Support (if applicable), acknowledge timeline for the investigation process. |

|  |
| --- |
| 1. **CONDUCT OF THE INVESTIGATION**

Outline how the investigation was conducted, interviews witnesses etc. |

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| --- |
| 1. **THE INFORMATION GATHERED (INTERVIEWS, DOCUMENTATION ETC.)**

Provide a summary of the findings and observations. |

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| 1. **SIGNIFICANT FACTORS**

Detail here any significant factors relating to the investigation. |

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| 1. **ISSUES ARISING**

Within this section detail any issues which have arisen during the course of the investigation.  |

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| --- |
| 1. **SUMMARY AND CONCLUSION**

Summarise the conclusions reached on the investigation. |

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| --- |
| 1. **APPENDICES**

Appendices should be clearly listed and attached to the end of the report and include documents such as:- letter of suspension, interview records, summary of individuals who contributed to the investigation process, memo instructing investigating officer to commence investigation, chronological description of events and other specific, relevant information relating to the investigation. |

**4 Chronological description of events**

|  |  |
| --- | --- |
| **Date****(comprising day of week, date and time (where appropriate))** | **Description of activity** |
| For example; |  |
| 14 March 2015 | Initial text message from M to A |
| 18 March 2015 | X approached Y expressing concern for their friend M |
| 19 March 2015 | A is suspended from duty on full pay, without prejudice |
| 20 March 2015 | Notification of Disciplinary Investigation letter sent to A |
| 28 Match 2015 | Interview with A (with B as support) |
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**5 DISCIPLINARY INTERVIEW TEMPLATE**

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| --- | --- |
| **Meeting with:** | *[name of interviewee], [Post Title if applicable]* |
| **Date, time and location** |  |
| **Present:** | [*Listing of people present, and identification of their role*] (Also initials used during the text of interview) |

|  |
| --- |
| **Introduction** |
| To include the statement, *“…this meeting had been called under the Council’s formal disciplinary procedures to examine alleged [nature of allegation/s]...”**The purpose of this meeting is to ask questions relating to the allegations and to record your responses. No opinion has yet been reached as to the validity of the allegations or the outcome of the investigation.**After the meeting you will be sent a record of the meeting and asked to sign it as an accurate record with any amendments required. It is important to note in the event that a Disciplinary Hearing is held, the notes of this meeting may be copied to* ***[insert name who is the subject of the investigation****] and used as evidence at the Hearing. You may also be required to attend the Hearing as a witness*Outline how the interview will be carried out - you asking questions, responses/explanations/ comments recorded, return to provide copy of statement and obtain signature to validate accuracy of statement. |

|  |
| --- |
| Questions and Responses |
| ***Question 1*** |
| Response to question 1 |
| ***Question 2*** |
| Response to question 2 |
| ***Question 3*** |
| Response to question 3 |
| ***Question 4*** |
| Response to question 4 |
| ***Question 5*** |
| Response to question 5 |

|  |
| --- |
| **Confirmation of statement**  |
| I agree that the above is an accurate description of the above interview |
| **Signed (Interviewee)**  |  | **Date** |  |
| **Signed (Interviewer)** |  | **Date** |  |
| **Signed (Witness)** |  | **Date** |  |

**6 TEMPLATE LETTERS**

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**TEMPLATE - notification of Suspension from Work**

<Date>

**RECORDED DELIVERY**

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**SUSPENSION FROM WORK**

Further to the discussion you had with <**Manager Name**> regarding the above, I am writing to confirm that you are suspended from duty with immediate effect whilst the following allegation(s) of misconduct are investigated.

Allegations: **<Insert allegation(s)>**

The purpose of this suspension is to allow an investigation which is free of influence and it is therefore a term of your suspension that you are not permitted to attend work. Should you wish to visit your place of work or any other Council establishment during your suspension for any reason, you should do so by prior permission from your nominated support contact.

In addition, I would also advise that you are not permitted to discuss any matter associated with the investigation with any employee or officer of the Council without prior agreement. There are no such restrictions on contact with your representative or nominated support contact.

Your nominated support contact is; <**Officer Name>, <Job Title>, <Contact Number**>. The nominated support contact will refer any matter to me as appropriate.

Failure to abide by the above rules may be treated as serious misconduct.

Should you fall ill during the period of your suspension, you should comply with the sickness absence reporting procedures in full. Future sickness entitlement may still be affected. You will continue to accrue annual leave during the suspension and should continue to seek approval for annual leave in accordance with normal procedures. You must remain available and able to be contacted during your normal working hours. To this end, please provide me with a telephone number and address where you can be reached.

The above is in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which is enclosed.

It is important to state that being suspended from duty is not a disciplinary sanction and does not imply any presumption of guilt on your part. Also, suspension from duty is without prejudice and as such you will receive your normal pay during that time.

I will keep you advised of developments.

Yours sincerely

**<Nominating Officer>**

**TEMPLATE - Notification of Investigation**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Investigation into Matters Which May Lead to Disciplinary Action**

I am writing to inform you that a thorough investigation into the following allegation(s) of misconduct/gross misconduct ***[*delete as appropriate*]*** against you will be undertaken by **<Investigating Officer>, <Investigating Officer Title>.**

The details of the allegation(s) are as follows:

<Insert allegation(s)> ***[Be specific, avoid generalisation, if suspended it’s recommended that advice is sought from HR about wording of letter/s - REMOVE AS APPROPRIATE]]***

During the course of the investigation you will be interviewed and will be invited to offer explanation or comment on the allegation(s) made against you. You are afforded the opportunity to be supported at the interview by your Trade Union representative or work colleague.

Should any additional related allegation(s) come to light during the course of the investigation, I will advise you in writing that this/these allegation(s) will also be investigated. Any information which is gained during the investigation process may be presented at any subsequent Disciplinary Hearing.

I would remind you that you are prohibited from discussing any matter associated with the investigation with any employee or officer of the Council without prior agreement of the Investigating Officer. This restriction does not apply to your Trade Union representative.

You will be informed in writing of the outcome of the investigation at the point that it is concluded. [In the meantime you should continue to comply with the terms of your suspension as detailed in the letter to you dated ………] ***only insert where the employee is suspended***

The above is in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which is enclosed/a copy of which you received with your suspension letter on **<date>.** **[delete if necessary]**

If you require any clarification on the procedures involved in the disciplinary process, please contact Human Resources who will be able to assist.

Yours sincerely

**<Nominated Officer>**

**TEMPLATE - Investigatory Interview**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Investigatory Interview**

I refer to the letter(s) issued to you on **<Insert date(s)>** which informed you that I had been appointed as Investigating Officer and that you would be interviewed during the course of the investigation. The purpose of any interview is to make further enquires of you in relation to the allegations and the circumstances giving rise to them and to give you opportunity to respond and offer explanation. The allegations which are subject of the investigation are:

Allegations:

**<Insert allegation(s)> [*Must be consistent with original notification to the teacher]***

I am now inviting you to attend an investigatory interview on **<date/time/venue>**.

You are afforded the opportunity to be supported at the interview by your Trade Union representative or work colleague. Should you wish to arrange to be accompanied you should do so without delay and should contact me directly should any difficulties arise in making arrangements.

You are reminded that any information which is gained during the process of the interview may be presented at any subsequent Disciplinary Hearing.

The above is in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which was provided to you in earlier correspondence. I would remind you that this process is confidential and you should not discuss with anyone other than named in this letter.

If you require any clarification on the procedures involved in the disciplinary process, please contact a Human Resources Officer who will be able to assist.

In the meantime, I should be grateful if you would confirm that you will be attending by return of post or contact me directly on **<number / email>** should you have any difficulty with the arrangements.

Yours sincerely

**<Investigating Officer>**

**TEMPLATE - WITNESS Interview**

|  |  |
| --- | --- |
| <Date>  |  |
| PRIVATE & CONFIDENTIAL<Addressee><Address> |  |

Dear <Addressee>

**DISCIPLINARY PROCEDURE – WITNESS INTERVIEW**

I am writing to inform you that I have been requested to undertake a formal investigation regarding allegations that have been made against [**NAME**].

I would ask you to attend a meeting on [**DATE, TIME**] at [**LOCATION**]. During the meeting, I will be accompanied by [**NAME**]. The purpose of the interview is to ask you some questions as I believe you may have witnessed something related to this case. This investigation relates to **xxxxx**. I would like to take this opportunity to reiterate that you are required to attend this interview as a witness and that there are no allegations made against yourself. Further as an employee of the Council, it is imperative that you co-operate with Council procedures. Should you wish to be supported by your Trade Union representative or work colleague during this meeting please let me know. **[DELETE IF EXTERNAL WITNESS].**

As this process is strictly confidential, you should be aware that you must not discuss or disclose the contents of this letter or any other information relating to the process to any unauthorised parties.

Please do not hesitate to contact me if you require any further information.

Yours sincerely

**<Investigating Officer>**

**TEMPLATE - FURTHER ALLEGATION(S) ARISING**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**FURTHER ALLEGATION(S) ARISING**

I refer to my letter dated **<Date of Notification of Investigation letter>** and write to advise you that the following additional allegation(s) has/have come to light during the course of the investigation/your investigatory interview ***(delete as applicable)*:**

Allegations:

**<Insert allegation(s)> *[Be specific, avoid generalisation]***

The allegation(s) is/are now formally added to those included in the above-mentioned letter and will form part of the Investigation Report compiled by **<Investigating Officer>**.

**A (If new allegations arise prior to investigatory interview)**

In the course of the investigation you will be interviewed and will be invited to offer an explanation on the matter. Any information which is gained during the investigation process may be presented at any subsequent Disciplinary Hearing. You will be entitled to be accompanied at any interview by your Trade Union representative or work colleague.

**OR**

**B (If new allegations arose during investigatory interview)**

During the investigatory interview you referred to a matter from which the new allegation(s) arose. You were invited to offer an explanation on both the original allegation(s) as well as the new allegations. Any information gained during the investigation process may be presented at any subsequent Disciplinary Hearing.

The above is in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which was provided to you in earlier correspondence.

If you require any clarification on the procedures involved in the disciplinary process, please contact Human Resources who will be able to assist.

Yours sincerely

**<Nominating Officer>**

**TEMPLATE - NOTIFICATION OF INVESTIGATION OUTCOME – NO CASE TO ANSWER**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**NOTIFICATION OF INVESTIGATION OUTCOME – NO CASE TO ANSWER**

I am writing to inform you that a thorough investigation into the following allegation(s) of misconduct against you has been undertaken by <**Investigating Officer>**, **<Investigating Officer Title>**.

The details of the allegation(s) were as follows:

<**Insert allegation(s)>** *[Must be consistent with original notification to the employee]*

Following receipt of the completed investigation, I have decided not to proceed to a Disciplinary Interview on the grounds that <**Insert Reasons**>.

Your suspension is no longer active and you should return to your normal duties on <**date**> ***[Delete if not applicable]***

Yours sincerely

**<Nominated Officer>**

**TEMPLATE - Notification of Disciplinary Hearing (A)**

<Date>

RECORDED DELIVERY

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Notification of Disciplinary Hearing (POTENTIAL GROSS MISCONDUCT) [DELETE AS APPROPRIATE]**

I write further to my letter dated <**Date of Notification of Investigation**> in order to advise you that the investigation is now complete. Based on the evidence presented to me I have determined that there is a case for you to answer. My decision therefore is that the matter will be put before a Disciplinary Hearing in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals) and this letter serves as formal notification of this. The Hearing has been arranged as follows:

Date:

Time:

Venue:

Present at the hearing will be: **list name of attendees**

The specific allegation(s) which will be considered at the hearing is/are:

<Insert allegation(s)> **[Must be consistent with original notification to the employee, however can be modified or made more specific, if further issues have arose and have been investigated these can be included here – if in doubt speak to HR]**

You are reminded that you have the right to be accompanied by your Trade Union representative at the Hearing. If you wish to exercise this right you should inform me to make the necessary arrangements. In accordance with the Employment Relations Act 1999 you can request a delay of up to five days but only in relation to securing appropriate representation.

I attach for your information the completed Investigation Report (including witness statements) compiled by <**Investigating Officer**>.

It is/is not the intention to call witnesses to the Hearing. These will include <**Name of witness(s)>** ***Delete as applicable***. If you wish to invite witnesses, it is your responsibility to make arrangements to seek their consent and check availability. Where your witness is a Council employee then you must seek permission from the relevant line manager to release them. Please provide me with details of any witnesses that you intend to invite prior to **<date>**. [**insert date for notification of witnesses – ideally by return]** so that appropriate arrangements can be made.

New and unexpected matters arising at a Disciplinary Hearing will not be excluded from consideration but those matters should be related to the reason(s) for calling a Hearing. If you intend to produce any documentary evidence in making your case, please let me have this within 3 working days before the Hearing, so that it can be brought to the attention of all parties.

In light of the serious nature of these allegations, I will consider what disciplinary action to take, if any, and whether the Council can continue to have trust and confidence in your ability to carry out your job. (I will determine whether I believe your actions amount to Gross Misconduct **– delete if not appropriate. (In serious cases the Nominated Officer should obtain HR advice prior to sending out this letter)**. You will be given the opportunity to explain any alleged acts or omissions. You need to be aware that all disciplinary matters are considered serious and a range of sanctions are available including **[dismissal - *Do not mention dismissal in instances of 1st offence (Misconduct only)]***.

The above is in accordance with the Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which was provided to you in earlier correspondence.

You are reminded that if you persistently fail to attend the Hearing without good reason then a decision may be taken in your absence.

Please acknowledge receipt of this letter and at the same time provide me with details of anyone who will accompany you or witnesses you intend to bring.

Yours sincerely

 **<Disciplining Officer>**

**TEMPLATE - Notification of Disciplinary Hearing (B)**

<Date>

RECORDED DELIVERY

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Notification of Disciplinary Hearing**

I write further to my letter dated <**Date of Notification of Investigation**> in order to advise you that the investigation is now complete. Based on the evidence presented to me I have determined that there is a case for you to answer. My decision therefore is that the matter will be put before a Disciplinary Hearing in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals) and this letter serves as formal notification of this. The Hearing has been arranged as follows:

Date:

Time:

Venue:

Present at the Hearing will be: **list name of attendees**

The specific allegation(s) which will be considered at the Hearing is/are:

<Insert allegation(s)> **[Must be consistent with original notification to the employee, however can be modified or made more specific, if further issues have arose and have been investigated these can be included here – if in doubt speak to HR]**

You are reminded that you have the right to be accompanied by your Trade Union representative at the Hearing. If you wish to exercise this right you should inform me to make the necessary arrangements. In accordance with the Employment Relations Act 1999 you can request a delay of up to five days but only in relation to securing appropriate representation.

I attach for your information the completed Investigation Report (including witness statements) compiled by <**Investigating Officer**>.

It is/is not the intention to call witnesses to the Hearing. These will include <**Name of witness(s)>** ***Delete as applicable***. If you wish to invite witnesses, it is your responsibility to make arrangements to seek their consent and check availability. Where your witness is a Council employee then you must seek permission from the relevant line manager to release them. Please provide me with details of any witnesses that you intend to invite prior to **<date>** [**insert date for notification of witnesses – ideally by return]** so that appropriate arrangements can be made.

New and unexpected matters arising at a Disciplinary Hearing will not be excluded from consideration but those matters should be related to the reason(s) for calling a Hearing. If you intend to produce any documentary evidence in making your case, please let me have this within 3 working days before the Hearing, so that it can be brought to the attention of all parties.

In light of the serious nature of these allegations, I will consider what disciplinary action to take. You will be given the opportunity to explain any alleged acts or omissions. You need to be aware that all disciplinary matters are considered serious and a range of sanctions are available.

The above is in accordance with the Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which was provided to you in earlier correspondence.

You are reminded that if you persistently fail to attend the Hearing without good reason then a decision may be taken in your absence.

Please acknowledge receipt of this letter and at the same time provide me with details of anyone who will accompany you or witnesses you intend to bring.

Yours sincerely

 **<Disciplining Officer>**

**TEMPLATE - DISCIPLINARY HEARING REARRANGED**

<Date>

RECORDED DELIVERY

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**DISCIPLINARY HEARING REARRANGED**

I write further to my letter dated **<Date of Notification of Hearing Letter>** which advised that you were required to attend a Disciplinary Hearing to be held on **<Date, Time at Venue>**. These arrangements were made in consultation with [**you/your representative**] and you were informed that the Hearing may proceed in your absence should you or your Trade Union representative fail to attend without advance notification to me and without good reason.

I received notification on **<Date>** that **<Name of person unable to attend>** were unable to attend. This was accepted and the hearing was postponed on this occasion.

Further arrangements have now been made for the Hearing to be held as detailed below:

Date:

Time:

Venue:

I therefore write to confirm these arrangements and to inform you that the Hearing will proceed on this occasion in the absence of you or your representative should such circumstances arise. If you cannot attend personally you are invited to present your case either through your Trade Union representative or if that person is not available, an alternative Trade Union representative, or submit your case in writing in advance.

The specific allegations which will be considered at the Hearing are:

Allegations:

**<Insert allegation(s)>**

The above is in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which was provided to you in earlier correspondence.

Yours sincerely

**<Disciplining Officer>**

**TEMPLATE - INVITE TO WITNESS TO ATTEND DISCIPLINARY HEARING**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

You have been called as a witness to attend a Disciplinary Hearing on **<date> at <time> at <place>**. This Hearing has been arranged for a disciplinary panel to hear evidence and make a decision about **<name of employee>'s <insert allegation>**.

We are calling you to give evidence at the Hearing because you have already assisted us with the investigation by **[attending an investigatory interview/submitting a witness statement]**.

You will be required to give evidence and answer questions that are put to you by **<name of employee>** or **<name of the employee's representative>** and **<the disciplinary panel>**. The disciplinary panel will be chaired by **<name of disciplinary officer(s)>** and **<name of individual>**.

You may wish to be accompanied at this meeting by a workplace colleague [or a Trade Union representative].

We appreciate that giving evidence as a witness may not be easy for you. However, your evidence is important in this case and we are grateful for your assistance in this matter. If you cannot attend the scheduled Hearing for any reason, I would be grateful if you could let me know as soon as possible. Itwould also be helpful if you could let me know by <date> whether or not you will be accompanied.

I would be grateful if you could keep this matter confidential and not discuss it with your colleagues. If you have any questions or concerns, please do not hesitate to contact me.

Yours sincerely

**<Disciplining Officer>**

**TEMPLATE - FAILURE TO ATTEND DISCIPLINARY HEARING**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Option 1 - Manager does not know why employee did not attend**

I refer to our letter dated **<date>** inviting you to attend a Disciplinary Hearing. The Disciplinary Hearing was to take place at **<location>** on **<date>** at **<time>**, but you did not attend.

It is very important that you have the opportunity to present your side of events at the Disciplinary Hearing. Depending on the facts established at the Hearing, the outcome could be **<state potential action>**, but ideally a decision on this would not be made until you have had a full opportunity to put forward your version of events and the Hearing has been concluded.

Please contact me as soon as possible to explain why you did not attend and so that we can rearrange the Disciplinary Hearing.

**Option 2 - Manager suspects that employee is being evasive**

I refer to our letter dated **<date>** inviting you to attend a **[rearranged]** Disciplinary Hearing. The Disciplinary Hearing was to take place at **<location>** on **<date>** at **<time>**, but you did not attend **[because <state any reason employee put forward for failing to attend> ]**.

It is very important that you have the opportunity to present your side of the case at the Disciplinary Hearing. You are therefore now invited to attend a rearranged Disciplinary Hearing at **<location>** on **<date>** at **<time>**. The purpose of the meeting remains the same. It is to discuss your alleged misconduct, as set out in the **[attached document/document that we sent you in our original letter dated <date>].**

Depending on the facts established at the Hearing, the outcome could be [state potential action], but ideally a decision on this would not be made until you have had a full opportunity to put forward your version of events and the hearing has been concluded.

**[As this is the [second] time that you have failed to attend the rearranged Disciplinary Hearing, unless we are satisfied that you had a good reason for your non-attendance, we will have no option but to go ahead with the rearranged Disciplinary Hearing, whether you are in attendance or not.]**

If there are genuine extenuating circumstances that mean you are unable to attend the rearranged disciplinary hearing, which will take place at **<location>** on **<date>** at **<time>,** you must let me know as soon as possible.

Yours sincerely

<**Disciplining Officer>**

**template - disciplinary Hearing Decision – NO ACTION TO BE TAKEN**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Disciplinary HEARING – NO ACTION TO BE TAKEN**

I write further to the Disciplinary Hearing held on **<Date>** which considered the following allegations:

Allegations:

**<Insert allegation(s)> [*Must be consistent with original notification to the employee]***

At the Hearing it was established/you agreed/you accepted ***[Delete as applicable]***

(Brief details of incident/actions)

I took into account all the evidence provided at the Hearing and considered any mitigating circumstances before delivering my decision of no disciplinary action.

Yours sincerely

**<Disciplining Officer>**

**TEMPLATE - Disciplinary Hearing Decision – SPOKEN WARNING**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Disciplinary Warning – SPOKEN WARNING**

I write further to the Disciplinary Hearing held on **<Date>** which considered the following allegations:

Allegations:

**<Insert allegation(s)> [*Must be consistent with original notification to the employee]***

At the hearing it was established/you agreed/you accepted ***[Delete as applicable]***

(Brief details of incident/actions)

I took into account all the evidence provided at the Hearing and considered any mitigating circumstances before delivering my decision on the sanction awarded.

This letter serves as confirmation of the decision that you were given Spoken Warning in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals).

This conduct is not acceptable and must not be repeated/this performance is not acceptable and must improve to an acceptable level within (specify period) ***[Delete as applicable****].* To assist you I have set out below the areas where improvement is required.

(Brief Details)

I must warn you that if you fail to make the necessary improvement or there are other disciplinary offences during the currency of this warning you will be liable to further disciplinary action which may include more serious warnings and in certain circumstances could lead to dismissal.

The warning will be retained on your personnel file for 6 months from the date of this letter but will be disregarded for disciplinary purposes after this period. The warning will be cited should you be subject to any further disciplinary action during this period.

You have the right to appeal against this decision as detailed in the Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which you were sent in earlier correspondence. Appeals must be lodged with the Director of Skills, Education and Learning within 10 working days of receipt of this letter and must state your grounds for appeal.

Yours sincerely

**<Disciplining Officer>**

**TEMPLATE - Disciplinary Hearing Decision - First Written Warning**

**(9 MONTHS)**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Disciplinary Warning – First Written Warning (9 mONTHS)**

I write further to the Disciplinary Hearing held on **<Date>** which considered the following allegations:

Allegations:

**<Insert allegation(s)> [*Must be consistent with original notification to the employee]***

At the Hearing it was established/you agreed/you accepted ***[Delete as applicable]***

(Brief details of incident/actions)

I took into account all the evidence provided at the Hearing and considered any mitigating circumstances before delivering my decision on the sanction awarded.

This letter serves as confirmation of the decision that you were given a First Written Warning in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals).

This conduct is not acceptable and must not be repeated/this performance is not acceptable and must improve to an acceptable level within (specify period) ***[Delete as applicable***]. To assist you I have set out below the areas where improvement is required.

(Brief Details)

I must warn you that if you fail to make the necessary improvement or there are other disciplinary offences during the currency of this warning you will be liable to further disciplinary action which may include more serious warnings and in certain circumstances could lead to dismissal.

The warning will be retained on your personnel file for 9 months from the date of this letter but will be disregarded for disciplinary purposes after this period. The warning will be cited should you be subject to any further disciplinary action during this period.

You have the right to appeal against this decision as detailed in the Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which you were sent in earlier correspondence. Appeals must be lodged with the Director of Skills, Education & Learning within 10 working days of receipt of this letter and must state your grounds for appeal.

Yours sincerely

**<Disciplining Officer>**

**TEMPLATE - Disciplinary Hearing Decision - Final Written Warning**

**(12 MONTHS)**

<Date>

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

Dear <Addressee>

**Disciplinary Warning – Final Written Warning (12 MONTHS)**

I write further to the Disciplinary Hearing held on **<Date>** which considered the following allegations:

**<Insert allegation(s)> [*Must be consistent with original notification to the employee]***

At the Hearing it was established/you agreed/you accepted ***[Delete as applicable]***

**(Brief details of incident/actions)**

I took into account all the evidence provided at the Hearing and considered any mitigating circumstances before delivering my decision on the sanction awarded.

This letter serves as confirmation of the decision that you were given a Final Written Warning in accordance with Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals).

This conduct is not acceptable and must not be repeated/this performance is not acceptable and must improve to an acceptable level within **<specify period>** ***[Delete as applicable].*** To assist you I have set out below the areas where improvement is required.

(Brief Details)

I must warn you that if you fail to make the necessary improvement or there are other disciplinary offences during the currency of this warning then you will face further disciplinary action, which given that this is a final written warning, will render you liable to dismissal.

The warning will be retained on your personnel file for 12 months from the date of this letter but be disregarded for disciplinary purposes after this period. The warning will be cited should you be subject to any further disciplinary action during this period.

You have the right to appeal against this decision as detailed in the Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which you were sent in earlier correspondence. Appeals must be lodged with the Director of Skills, Education and Learning within 10 working days of receipt of this letter and must state your grounds for appeal

Yours sincerely

**<Disciplining Officer>**

**TEMPLATE - Disciplinary Hearing Decision - Dismissal**

<Date>

RECORDED DELIVERY

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

THIS LETTER SHOULD BE APPROVED BY

 HR PRIOR TO RELEASE

Dear <Addressee>

**disciplinary hearing decision - Dismissal**

I refer to the Disciplinary Hearing held on **<Insert Date>** when you were dismissed from your post as **<Insert Job Title>**. You were represented/declined to be represented by **<Insert name>**.I have considered all aspects of the procedure followed by the Council and I determine that the investigation was conducted fairly, reasonably and without unreasonable delay. [**Expand/Amend As Necessary**]

 At the Hearing the following allegations were explored:-

**<Insert allegations> [Must be consistent with original notification to the employee, however can be modified if further information was explored at hearing that is related to the original allegations - if in doubt speak to HR]**

It was established, agreed and accepted by you that:

**Describe details of reasons for dismissal, what was established, what was agreed and accepted or if this wasn’t accepted, reference to evidence supporting decision (balance of probability test) why there is a genuine belief that the incident occurred etc. refer to any case law that may have been discussed at the Hearing or considered during decision making process which adds weight to decision]**

After careful consideration of this matter, all evidence provided, mitigating circumstances and noting that you were subject to a final written warning for pervious serious misconduct with the Council, I have considered my options very carefully and have decided to terminate your employment with effect from **<Date of Hearing when decision was given>**. You will receive a payment of **<number of weeks payment in lieu of notice>** as compensation for premature termination of contract and I will arrange for any other monies due to be forwarded by the Director for Finance.

Please treat this letter as a statement of reasons for dismissal. You have the right of appeal against this decision as detailed in the Council’s Disciplinary Policy, a copy of which you were sent in earlier correspondence. If you wish to appeal you must write to Head of Organisational Development and Human Resources within 10 working days of receipt of this letter with full details of your grounds for appeal.

Yours faithfully

**<Disciplining Officer>**

**TEMPLATE - Disciplinary Hearing Decision - Dismissal without Notice (Gross Misconduct)**

<Date>

RECORDED DELIVERY

PRIVATE & CONFIDENTIAL

<Addressee>

<Address> THIS LETTER SHOULD BE APPROVED BY

 HR PRIOR TO RELEASE

Dear <Addressee>

**disciplinary hearing decision - Dismissal without Notice (GROSS MISCONDUCT)**

I refer to the Disciplinary Hearing held on **<Date>**, the conclusion of which was that you were dismissed from your post of [**INSERT TITLE**] OR I advised that I wanted to take further time to consider the evidence and now write to notify you of my decision as follows **[amend as necessary]**

At the Hearing the following allegations were explored:-

**<Insert allegations> [Must be consistent with original notification to the employee, however can be modified if further information was explored at hearing that is related to the original allegations - if in doubt speak to HR]**

It was established, agreed and accepted **[amend as necessary]** by you that:

**Describe details of reasons for dismissal, what was established, what was agreed and accepted or if this wasn’t accepted, reference to evidence supporting decision (balance of probability test) why there is a genuine belief that the incident occurred etc. refer to any case law that may have been discussed at the Hearing or considered during decision making process which adds weight to decision]**

After taking into account all the evidence I have considered my options very carefully. I decided that this constitutes gross misconduct and leaves no alternative but to terminate your employment with immediate effect. I believe this is a proportionate response to the allegations, that it is a fair and reasonable outcome in all the circumstances. I therefore write to confirm that your last day of employment with Dumfries and Galloway Council was **<Date the decision was made>.[NOTE if the decision was made after the Hearing, please make the effective date of termination the day after the decision to ensure there is reasonable time given for the employee to have receipt of the decision]**

Please treat this letter as a statement of reasons for dismissal. Any monies owed to you will be forwarded by Payroll Department.

You have the right to appeal against this decision as detailed in the Dumfries and Galloway Council’s Disciplinary Policy (Teachers & Associated Professionals), a copy of which you were sent in earlier correspondence. Appeals must be lodged with theHead of Organisational Development and Human Resources within 10 working days of receipt of this letter and must state your grounds for appeal.

Yours faithfully

**<Disciplining Officer>**