

East Dunbartonshire Council

Education Procedure Manual 2/18 Toolkit

Disciplinary Policy: Toolkit for Managers

For

Teachers and Employees on Scottish Negotiating Committee for Teachers (SNCT)

Conditions of Service

Education, People & Business



September 2022



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East Dunbartonshire Council

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CONTENTS

Documentation for Precautionary Suspension

PAGES 5-12

Informing employee of Precautionary Suspension	Standard Letter PM2/18/1a	5
Informing employee of Extension to Precautionary Suspension	Standard Letter PM2/18/1b	6
Suspension Risk Assessment Form	Standard Form PM2/18/1c	7
Suspension Checklist	Standard Form PM2/18/1d	10

Guidance and Documentation for Fact Finding

PAGES 14-24

Guidance for Fact Findings		14
Format of Fact Finding Meeting		18
Informing employee of Fact Finding Meeting	Standard Letter PM2/18/2	20
Fact Finding Recording Form	Standard Form PM2/18/1	21
Fact Finding Report Form	Standard Form PM2/18/2	23
Informing employee of result of Fact Finding: No further action	Standard Letter PM2/18/3	24

Guidance and Documentation for Disciplinary

PAGES 27-45

Format of Disciplinary Hearing		27
Informing Employee of Disciplinary Hearing	Standard Letter PM2/18/4	29
Record of Discipline Form	Standard Form PM2/18/3	31
Informing Employee of result of Disciplinary Hearing: No Action	Standard Letter PM2/18/5	37
Informing employee of formal oral warning	Standard Letter PM2/18/6a	38
Informing employee of written warning	Standard Letter PM2/18/6b	39
Informing employee of final written warning	Standard Letter PM2/18/6c	40
Informing employee of dismissal with notice	Standard Letter PM2/18/7a	41
Informing employee of dismissal without notice	Standard Letter PM2/18/7b	42
Personal Improvement Plan Agreement	Standard Form PM2/18/4a	43
Personal Improvement Review/Final Review Form	Standard Form PM2/18/4b	44

Documentation for Disciplinary Appeals

PAGES 47-51

Notification of Disciplinary Appeal Form	Standard Form PM2/18/5	47
Informing employee of Disciplinary Appeal Hearing	Standard Letter PM2/18/8	49
Informing employee of result of Disciplinary Appeal Hearing: Upheld	Standard Letter PM2/18/9a	50
Informing employee of result of Disciplinary Appeal Hearing: Not Upheld	Standard Letter PM2/18/9b	51

Guidance for Fact Finding and Disciplinary Officers

PAGE 53-56

Key Skills (Listening skills, questioning, dealing with difficult conversations, note taking, adjournments)	53
Personal Improvement Plan	55

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Reference Tables	PAGE 57
-------------------------	----------------

Level of Authorisation

Table 1

Time Limits

Table 2

Time limits for warnings or sanctions to remain live

Table 3

**Education Procedure Manual 2/18
Toolkit**

**Disciplinary Policy for Teachers and
Employees on SNCT Conditions of Service**

Documentation for Precautionary Suspension

Standard Letter PM2/18/1a
Informing employee of Precautionary Suspension **Page 5**

Standard Letter PM2/18/1b
Informing employee of Extension to Precautionary Suspension **Page 6**

Standard Form PM2/18/1c
Suspension Risk Assessment Form **Page 7**

Standard Form PM2/18/1d
Suspension Checklist **Page 10**

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

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.2.2

‘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 Policy 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 14 calendar 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.

[FOR NON TERM TIME EMPLOYEES ONLY]

******The annual holidays you have already arranged to take from [insert date] to [insert date] will not be affected by your suspension, and you will not be required to come to any investigation or other meetings, or work-related matters during that time. If you wish to apply to take additional annual holidays you must apply through the normal process by applying for annual leave through iTrent.

If you become sick during your suspension, you should follow the normal absence reporting procedure in line with East Dunbartonshire Council’s Attendance Management Policy.

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 970 3980 or email: admin@timefortalking.co.uk. Website address is <http://www.timefortalking.co.uk>

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Chief Education Officer and the Executive Officer Organisational Transformation.

Yours

Standard Letter PM2/18/1b

Procedure Manual 2/18 Section 5.0

Informing Employee of Extension to Precautionary Suspension

PM2/18 Para 5.2.2

'Precautionary suspensions should be reviewed at agreed regular intervals, normally fortnightly...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 Attendance Management Policy, during this time.

[FOR NON TERM TIME EMPLOYEES ONLY]

******The annual holidays you have already arranged to take from [insert date] to [insert date] will not be affected by your suspension, and you will not be required to come to any investigation or other meetings, or work-related matters during that time. If you wish to apply to take additional annual holidays you must apply through the normal process by applying for annual leave through iTrent.

If you become sick during your suspension, you should follow the normal absence reporting procedure in line with East Dunbartonshire Council's Attendance Management Policy.

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 970 3980 or email: admin@timefortalking.co.uk. Website address is <http://www.timefortalking.co.uk>

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Chief Education Officer and the Executive Officer Organisational Transformation.

Yours

Suspension Risk Assessment Form Standard Form PM2/18/1c

Employee Details			
Employee Name		Employee ID	
Job Title		Location	
Allegation			
Description & Date Allegation Raised			
Risk Assessment			
Is the matter considered Gross Misconduct		Yes/No	
Initial facts available			
Physical evidence			
Source of evidence			
Witnesses			
Professional views/history			
Response from employee			
Police involvement		Yes/No	

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Additional information			
How can the effect be minimised			
Nature of work – does continuing in work: compromise the position of the council/employee; affect the emotional/physical wellbeing of employee; prejudice the disciplinary investigation			
Decision			
Suspension Considered Appropriate (provide reason)	Yes/No	Temp Redeployment Considered Appropriate (provide reason)	Yes/No
Additional Comments			
Review			
Line Manager		Liaison Officer	
Investigating Officer		HR Adviser	
Follow Up Notes			
Date:			
Date:			
Date:			
Date:			
Date:			

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Date:	
Date:	
Date:	
Date:	
Date:	
Date:	
Outcome: Details of outcome including any disciplinary actions taken, support mechanism required and key dates	

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Suspension Checklist

Standard Form PM2/18/1d

Name of Employee		Employee ID	
Job Title		Location	
Suspension Checklist			
Checklist		Comments	
Why are you considering suspension? i.e. Has there been a critical incident and/or serious allegation(s) made			
Is the presence of the employee likely to hinder an initial investigation			
Have you ascertained details of the incident that leads you to think suspension is the only reasonable course of action			
Does the allegation against the employee potentially constitute Gross Misconduct			
Is there a workable alternative to suspension (deployment to another work area, restriction of work duties)			
Is there a risk of harm to self/others if the employee remains at work			
Are you able to explain to the employee the reason(s) for suspension			
Has the employee been sent a formal letter notifying them of the suspension and the allegations to be investigated			
Have you notified the employee that they will be granted full pay during their suspension			
If restriction of duties is to be considered, have you considered what duties you are intending to restrict			
Is your course of action reasonable/realistic in the circumstances			
Have you identified a date when you can meet with the employee as part of the initial investigation and notified the employee			
Have you identified and notified the appropriate individual of your course of action?			
Have you allocated a Support Officer to support the employee during their suspension			

Have you identified the frequency of contact between the Support Officer and the employee	
Have you identified an Investigating Officer who will be able to give priority to the initial investigation	
Have you informed the employee that they should be available for alternative work should work become available	
Have you informed the employee that they should follow normal sickness reporting procedures and notify their Support Officer	
Have you notified the employee that they should apply for Annual Leave using the normal procedure using their Support Officer	
Has IT been notified to temporarily lock the employee's account, retain all information and not to delete the account	
Has HR and Payroll been notified of the employee's suspension	
Has the employee returned their ID badge, phone, laptop and any other council property	
Have you asked the employee if they need to collect any belongings prior to leaving and have you supported and facilitated this	
Have you notified the employee that they should not enter their place of work or have contact with work colleagues or clients	
Confirm correspondence address, telephone numbers, email address and preferred method of contact	
Signpost to counselling services or in lieu of this a referral to Occupational Health	

Ending Suspension Checklist

Checklist	Comments
Has the employee been notified of the change, if so, by whom, how and when	
Has this been confirmed in writing to the employee	
Has the Line Manager been informed	
Has the Investigating Officer been informed	
Has the Executive Officer been informed	
Are there any other individuals/bodies that have to be informed, if so, who and how will they be informed	

Have you notified HR and Payroll of the suspension ending and the return to work (RTW) entered	
If the employee was not suspended but placed on restricted duties has the manager altered this back to their original status	
Have arrangements been made to meet with the employee on their return to work with a return to work meeting	
Has a plan been implemented to integrate the employee back into the workplace	
If the employee has been dismissed, has the relevant individual been informed	
Has a debrief session been arranged with those affected	

Line Manager Signed:

Date:

HR Case Adviser Signed:

Date:

**Education Procedure Manual 2/18
Toolkit**

**Disciplinary Policy for Teachers and
Employees on SNCT Conditions of Service**

Guidance and Documentation for Fact Finding

Guidance for Fact Findings	Page 14
Format of Fact Finding Meeting	Page 18
Standard Letter PM2/18/2 Informing employee of Fact Finding Meeting	Page 20
Standard Form PM2/18/1 Fact Finding Recording Form	Page 21
Standard Form PM2/18/2 Fact Finding Report Form	Page 23
Standard Letter PM2/18/3 Informing employee of result of Fact Finding : No further action	Page 24

GUIDANCE FOR FACT FINDINGS

What is a Fact Finding?

A fact finding is a way of establishing the facts of an incident or allegation made in relation to an employee. The fact finding is not a hearing to take disciplinary action even if the employee admits to any allegation in the process of the meeting. Fact finding will generally involve meeting with the employee at which point they must be made aware of the allegations and that fact finding will precede the disciplinary procedures being invoked.

In some cases, the fact finding stage will be the collation of evidence or information for use at any disciplinary hearing. This may include information gathered within reviews under the established procedures outlined in the Wellbeing at Work Policy.

Employees must be made aware that they are subject to fact finding processes. The fact finding meetings must be concluded before moving onto the next stage in the relevant procedure.

Who should conduct a Fact Finding?

Fact Finding Officers will be appointed to establish the facts of the circumstances surrounding an incident or complaint to establish whether the details are substantiated by evidence. Fact Finding Officers will be appointed by the Depute Chief Executive Education, People and Business, Chief Education Officer or Head Teacher on an allegation or incident occurring.

The role of Fact Finding Officer is to establish the facts of the case using effective questioning, listening skills with a sensitive approach throughout and present these to management. The Fact Finding Officer will not make a decision on further action or any outcomes of the process but will merely report on the facts of the issue(s).

If a Trade Union representative is subject to fact finding, the matter must be discussed with the full time official before proceeding.

How should Fact Findings be conducted?

Essentials

- Advanced notice may be required where the Fact Finding Officer will be required to speak to all employees involved including the employee at the centre of the Incident /allegation
- The employee must be aware if there are any potential disciplinary actions to be taken
- The employee is aware of the right to appropriate representation
- Accurate recording of fact finding meetings is essential to ensure that the principles of transparency and consistency are maintained throughout the process
- Disciplinary action cannot be taken under **any** circumstances at a fact finding meeting
- The employee should be told that they will receive written notification of the outcome within 10 working days or within a reasonable timeframe following the meeting. This will be communicated from the appropriate officer considering the report
- Statements and reports from interviews with employees **must be** signed for accuracy

Preparation

It is recommended that those involved in fact finding will plan the sequence of interviews giving consideration to the timing, location and sensitivity required depending on the circumstances. The Fact Finding Officer will have been provided with initial information relating to the issue which should be considered and reviewed prior to fact finding taking place to allow for appropriate witnesses to be interviewed.

The following guidance provides suggestions which should be adapted to the type of case being dealt with.

Hints & Tips: Questions in Disciplinary Fact Finding Meetings
<p>Do you understand the allegation or incident which took place in relation to this issue?</p> <p>What is your version or explanation of the allegation made or incident?</p> <ul style="list-style-type: none"> • The actual details of the incident/allegation • Clarification should be sought in this meeting on any points which are unclear <p>Why did you take this action?</p> <p>Trying to gather further information on the incident and background to the incident/allegation</p> <p>What happened then?</p> <p>This will allow for further information to be gathered</p> <p>Where were you when the incident occurred?</p> <ul style="list-style-type: none"> • The location of the employee when the alleged incident(s) took place • If someone is unclear on the exact location, you could ask them where they were immediately before the incident occurred <p>Who?</p> <ul style="list-style-type: none"> • Witnesses and any other people present at the time of the incident or allegation being made • The role of any other individual in the incident • Any comments or contributions made by other individuals <p>On the employee responding to each question you should use appropriate follow-up questions to gather as much information as possible.</p> <p>Best Practice in Fact Finding</p> <ul style="list-style-type: none"> • Conducted as soon as possible following an allegation being made or an incident occurring • Fact finding officers are impartial with no prior involvement in the issue • Consider the location of where you will conduct the fact finding • Flexibility over the timing and location of the meetings • Employee made aware that the issue may result in disciplinary procedures being invoked • Taking an adjournment if employees become distressed or abusive • Using a facilitator or interpreter where there are language barriers • Communication with the employee following the conclusion of fact findings

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 if:

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

Follow up

On concluding the fact finding, the summary report should be forwarded to the relevant officer making the decision on the next stage of the process. All relevant information should be attached to the report including the Fact Finding Recording Form attaching all witness statements, copies of documentation and any other information essential to the report.

The Fact Finding Report

In reviewing the responses to the fact finding you should consider the information that you will present in the report to the relevant officer in line with the delegated authority table. The report will present the findings of the fact finding stage giving as much information as possible.

All relevant information should be attached to the report including the Fact Finding Recording Form attaching all witness statements, copies of documentation and any other information essential to the report. This information should be forwarded to the relevant officer dealing with the next stage of the process.

In writing the report you should consider:

- The format of the report
- The language used
- Making your approach to the issue and facts surrounding the case clear
- The sensitivity of the information being presented

The report will be used in all subsequent meetings or hearings associated with the case.

Complex Cases

In carrying out fact finding, for some cases which might be complex, it may be appropriate to appoint two Fact Finding Officers who will work together at all times to address the issues. This may be appropriate where the nature of the issue requires numerous employees to be interviewed or where the nature of the case would benefit from additional Fact Finding Officers being present to conduct the fact finding.

A Fact Finding Officer should make this request to the relevant Head Teacher/ Chief Education Officer prior to conducting interviews. The Fact Finding Officer should assess the nature of the complaint and the complexity of the issues involved. Requests for an additional Fact Finding Officer should be made prior to conducting any interviews to allow for consistency in approach from the outset.

Note: For employees under investigation by the Crown Office and Procurator Fiscal Service (COPFS) for fraud, it is the Council's duty to inform Employee Services of the outcome. This is a requirement under SCAARS due to implications for document retention.

Employee Complaints Procedure

This need for additional Fact Finding Officers may be appropriate for allegations made under the Complaints Procedure which may be of a more complex nature. The Complaints Procedure may be

used by an employee to report allegations of bullying, discrimination, harassment and/or victimisation.

The use of the Complaints Procedure does not exclude or replace any rights of an employee from taking formal action through the Grievance at Work Policy. Employees have the opportunity to pursue an issue under the Grievance at Work Policy where they are not satisfied with the outcome via the Employee Complaints Procedure.

In some cases where issues are of a complex nature there may be a requirement to extend the fact finding periods to ensure that all the facts are known. This may require variation in the time limits to be agreed with the employee and where appropriate the companion. This may also be the case where mitigating factors are highlighted within a hearing which will require clarification by the relevant appointed officer.

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 the 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)

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

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

Procedure Manual 2/18 Section .5.0

PM2/18 Para 5.3.7

'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 Education Procedure Manual 2/18: Disciplinary Policy 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 970 3980 or email: admin@timefortalking.co.uk. Website address is <http://www.timefortalking.co.uk>

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Chief Education Officer and the Executive Officer Organisational 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 Policy 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*

Standard Form PM2/18/1 Fact Finding Recording Form	Procedure Manual 2/18
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Fact Finding Recording Form	
Allegation	
Date	
Location	
Present	
Introduction <ul style="list-style-type: none"> • All parties are aware of why the meeting is taking place. • Confirm that written notification has been received by the employee at the centre of the complaint. • Parties have been informed that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any hearing. • The employee should be made aware that they have the right to be accompanied. • Parties have been made aware that fact findings are taking place in line with the agreed Discipline at Work Policy and Education Procedure Manual 2/18: Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service • Employees who are at the centre of the complaint have been made aware of the potential for disciplinary procedures being invoked following fact finding. • All relevant witnesses to be interviewed are invited to attend a fact finding • Outline how the meeting will progress: questions will be asked, notes will be taken, adjournments possible, asked to sign agreement. 	
In Gathering the Facts of the case: <ul style="list-style-type: none"> • All parties are given an opportunity to put forward their case. • Additional/new witnesses cited to ensure a full and fair fact finding has been carried out. • Consider the facts presented and whether you have a full picture of the incident. 	
Question 1:	
Response:	
Question 2:	
Response:	
Question 3:	
Response:	

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 all employees involved 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.
- For the employee at the centre of the allegation or issue, outline that they should expect to receive correspondence confirming the next stage of the process
- Thank the employee for their time and attendance
- Provide a copy of notes taken to employee on their signing to confirm accuracy. (This may be following the meeting if possible or at another appropriate time when they have been typed up)

Following the Meeting

- All notes presented in a report giving all relevant information. This report will include:
 - All information from the case put forward by employee(s) (Signed & Dated)
 - Any relevant paperwork presented/submitted
 - Witness Statements (Signed & Dated)

The Fact Finding Officer presents the facts of the case and the matter will now be the responsibility of the relevant delegated officer to determine the next course of action.

EMPLOYEE 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:

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Standard Form PM2/18/2
Fact Finding Report Form

Procedure Manual 2/18 Section 5.0

Fact Finding Report Form			
Fact finding officer(s)	Designation	Contact Details	Fact Finding Start & End Date(s)
Incident/Allegation Summary			
Evidence Gathered			
Mitigating Circumstances / Concerns			
Confirmation			
<p>I have completed the Fact Finding Process in respect of the issue outline above and have attached all relevant information related to the Fact Finding procedures carried out.</p> <p>Name:</p> <p>Date:</p> 			

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Standard Letter PM2/18/3

Procedure Manual 2/18 Section 5.0

Informing Employee of Result of Fact Finding: No Further Action

PM2/18 Para 5.3.28

‘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 Chief Education officer and Executive Officer for Organisational Transformation.

Yours

Education Procedure Manual 2/18
Toolkit

Disciplinary Procedures for Teachers and
Employees on SNCT Conditions of Service

Guidance & Documentation for Disciplinary Hearing

Format of Disciplinary Hearing	Page 27
Standard Letter PM2/18/4 Informing Employee of Disciplinary Hearing	Page 29
Standard Form PM2/18/3 Record of Discipline Form	Page 31
Standard Letter PM2/18/5 Informing Employee of result of Disciplinary Hearing: No Action	Page 37
Standard Letter PM2/18/6a Informing employee of formal oral warning	Page 38
Standard Letter PM2/18/6b Informing employee of written warning	Page 39
Standard Letter PM2/18/6c Informing employee of final written warning	Page 40
Standard Letter PM2/18/7a Informing employee of dismissal with notice	Page 41
Standard Letter PM2/18/7b Informing employee of dismissal without notice	Page 42
Standard Form PM2/18/4a Formal Personal Improvement Plan Agreement	Page 43

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 Case Management Advisor 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 7 calendar 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 7 calendar 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

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

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.4.5

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

PM2/18 Para 5.4.5

‘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 5.4.16

‘Employees will be given the opportunity to reschedule (the hearing) normally within 7 calendar days.... They (the employees) will be given up to a maximum of two rescheduled hearings’

Dear

Invitation to a Disciplinary Hearing

I write in reference to the recent fact findings into (issue).

In accordance with the Council's Education Procedure Manual 2/18: Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service you are required to attend a disciplinary hearing on (Date), (Time) in (Location).

The hearing will provide an opportunity for you to respond to the allegations listed above and all evidence collected as part of the fact finding process has been copied and included with this letter. I must highlight that disciplinary action may be taken following the conclusion of the hearing which could include or lead to dismissal.

The hearing will be conducted by (Name) with (HR Rep) in attendance. You have the right to be accompanied and I would be obliged if you could confirm your companion's details and any witnesses that you intend to call to me prior to the hearing taking place. A representative/companion may be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

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 invite to the hearing by retuning the tear off slip below to (Name). Please also confirm your attendance and whether you will have representation or witnesses at the hearing.

Yours sincerely

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

(Name)

(Role)

Enc: Fact Finding Report
Education Procedure Manual 2/18: Disciplinary Policy for Teachers and Employees on
SNCT Conditions of Service

Cc: HR

.....

I shall attend and will provide all documentation to be presented 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:

PLEASE RETURN TO THE ABOVE NAMED INDIVIDUAL

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Standard Form PM2/18/3
Record of Discipline Form

Procedure Manual 2/18 Section 5.0

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 calendar 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

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

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

Text box

Introduction to Hearing

- Introduce all in attendance at the hearing and explain their roles. ☐
- Make all parties aware of why the hearing 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 hearing to ensure that an accurate record is held. No electronic recording devices are permitted within any hearing. ☐
- Make employee aware that he/she has the right to be accompanied (if not already accompanied) ☐
- Make employee aware that the hearing is taking place in line with the agreed Disciplinary Procedures ☐
- 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. ☐

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

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

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 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"/>
<ul style="list-style-type: none"> 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 7 calendar days of the hearing. 	<input type="checkbox"/>
<ul style="list-style-type: none"> Highlight that any further misconduct may result in further disciplinary action which may include dismissal. 	<input type="checkbox"/>
<ul style="list-style-type: none"> Inform the employee of the support mechanisms which the Council can offer. 	<input type="checkbox"/>
<ul style="list-style-type: none"> 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	Issued By	Appeal submitted to
Oral warning	Head Teacher or nominee	Chief Education Officer, Depute Chief Executive Education, People and Business or nominee
Written warning	Head Teacher or nominee	Chief Education Officer, Depute Chief Executive Education, People and Business or nominee
Final written warning	Chief Education Officer, Depute Chief Executive Education, People and Business or nominee	Education Appeals Board
Dismissal	Chief Education officer, Depute Chief Executive Education, People and Business 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 7 calendar days)	Yes / No
If the timescale has not been met, state the reason and confirm that this has been communicated to the employee.	

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Disciplinary Officer Information		
Name		
Designation		
Telephone Number		
Signature		Date:

Standard Letter PM2/18/5 **Procedure Manual 2/18 Section 5.0**
Informing Employee of Result of Disciplinary Hearing: No Action

PM2/18 Para 5.4.22

'The decision (of the hearing) will be communicated in writing...within 7 calendar 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 Chief Education Officer and Executive Officer for Organisational 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 5.0

PM2/18 Para 5.5.7

‘The decision (of the hearing) will be communicated in writing...within 7 calendar 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 970 3980 or email: admin@timefortalking.co.uk. Website address is <http://www.timefortalking.co.uk>

If you feel that the decision is unfair, you have the right to appeal, within 14 calendar 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 Chief Education Officer and Executive Officer for Organisational Transformation.

Yours

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

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.5.7

‘The decision (of the hearing) will be communicated in writing...within 7 calendar 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 970 3980 or email: admin@timefortalking.co.uk. Website address is <http://www.timefortalking.co.uk>

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 Chief Education Officer and Executive Officer for Organisational Transformation.

Yours

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

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.5.7

‘The decision (of the hearing) will be communicated in writing...within 7 calendar 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 970 3980 or email: admin@timefortalking.co.uk. Website address is <http://www.timefortalking.co.uk>

If you feel that the decision is unfair, you have the right to appeal, within 14 calendar 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 Chief Education Officer and Executive Officer for Organisational Transformation.

Yours

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

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.5.7

‘The decision (of the hearing) will be communicated in writing...within 7 calendar 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 14 calendar 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 Chief Education Officer and Executive Officer for Organisational Transformation.

Yours

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

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.5.7

‘The decision (of the hearing) will be communicated in writing...within 7 calendar 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)

If you feel that this action is unfair you have the right to appeal, within 14 calendar 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 Chief Education Officer and Executive Officer for Organisational Transformation.

Yours

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Standard Form PM2/18/4a Formal Personal Improvement Plan	Procedure Manual 2/18 Section 5.0
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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	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: (Signature)	Date:		
Head Teacher/Chief Education Officer/Executive Officer for Organisational Transformation/other nominee: (as appropriate)			
(Signature)	Date:	Review Date:	

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Standard Form PM2/18/4b
Personal Improvement Plan Review/Final Review

Procedure Manual 2/18 Section 5.0

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

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Declaration

We have discussed and agreed that:

The Improvement Plan had now been concluded

☐

The Review has identified further actions required

☐

Employee:
(Signature)

Date

Head Teacher/Chief Education Officer/Executive Officer for Organisational Transformation / other nominee:
(as appropriate)
(Signature)

Date:

Next Review Date (if appropriate):

Education Procedure Manual 2/18
Toolkit

Disciplinary Procedures for Teachers and
Employees on SNCT Conditions of Service

Documentation for Disciplinary Appeals

Standard Form PM2/18/5 Notification of Disciplinary Appeal Form	Page 47
Standard Letter PM2/18/8 Informing employee of Disciplinary Appeal Hearing	Page 49
Standard Letter PM2/18/9a Informing employee of result of Disciplinary Appeal Hearing: Upheld	Page 50
Standard Letter PM2/18/9b Informing employee of result of Disciplinary Appeal Hearing: Not Upheld	Page 51

Standard Form PM2/18/5	Procedure Manual 2/18	Section 5.0
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	

[illegible]

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

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	Issued By	Appeal submitted to
Oral warning	Head Teacher or nominee	Chief Education Officer, Depute Chief Executive Education, People and Business or nominee
Written warning	Head Teacher or nominee	Chief Education Officer, Depute Chief Executive Education, People and Business or nominee
Final written warning	Chief Education Officer, Depute Chief Executive Education, People and Business or nominee	Education Appeals Board
Dismissal	Chief Education Officer, Depute Chief Executive Education, People and Business or nominee	Education Appeals Board

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

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

Procedure Manual 2/18 Section 5.0

PM2/18 Para 5.6.8

'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 5.6.8

'The employee should be given at least 7 calendar 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 Chief Education Officer and Executive Officer for Organisational 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):

Signature:

Date:

Standard Letter PM2/18/9a

Procedure Manual 2/18 Section 5.0

Informing Employee of Result of Disciplinary Appeal: Upheld

PM2/18 Para 5.6.11

***‘The decision (of the appeal hearing) will be confirmed in writing...within 7 calendar 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 Chief Education Officer and Executive Officer for Organisational Transformation.

Yours

Standard Letter PM2/18/9b

Procedure Manual 2/18 Section 5.0

Informing Employee of Result of Disciplinary Appeal: Not Upheld

PM2/18 Para 5.6.11

'The decision (of the appeal hearing) will be confirmed in writing...within 7 calendar 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 no further right to appeal this decision.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to the Chief Education Officer and Executive Officer for Organisational Transformation.

Yours

Education Procedure Manual 2/18
Toolkit

Disciplinary Procedures for Teachers and
Employees on SNCT Conditions of Service

Guidance for Fact Finding and Disciplinary Officers

Key Skills

Page 53

Personal Improvement Plan

Page 55

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/Executive Officer for Organisational Transformation (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

**Education Procedure Manual 2/18
Toolkit**

**Disciplinary Procedures for Teachers and
Employees on SNCT Conditions of Service**

Reference Tables

Table 1 **Page 57**
Time Limits

Table 2
Level of Authorisation **Page 57**

Table 3
Time Limits for sanctions **Page 57**

Education Procedure Manual 2/18
Disciplinary Policy for Teachers and Employees on SNCT Conditions of Service
Toolkit for Managers

Reference Tables

Table 1 Time limits

Aspect of disciplinary procedure	Time limits(working days)
Precautionary suspension	14 calendar days until each review
Notification of decision to proceed to disciplinary hearing	7 calendar days' notice (minimum) or shorter (by agreement in individual cases)
Notification of decision of disciplinary hearing	7 calendar days maximum
Time limit to lodge appeal	14 calendar days (maximum) from date of notification of decision of disciplinary hearing
Date of notification of appeal hearing	7 calendar days
Date of appeal hearing	No later than 20 working days from receipt of notice of appeal
Notification of outcome of appeal hearing	7 calendar days

Table 2 Level of Authorisation

Nature of	Issued By	Appeal heard by
Oral warning	Head Teacher or nominee	Chief Education Officer, Depute Chief Executive Education, People & Business or
Written warning	Head Teacher or nominee	Chief Education Officer, Depute Chief Executive Education, People & Business or
Final written warning	Chief Education Officer, Depute Chief Executive Education,	Education Appeals Board
Dismissal	Chief Education Officer, Depute Chief Executive Education, People & Business or Nominee	Education Appeals Board

Table 3 Time limits for sanctions

Oral Warning	6 months
Written Warning	9 months
Final Written Warning	12 months

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

Kirkintilloch G66 1TJ Tel: 0300 123 451

本文件可按要求翻譯成中文，如有此需要，請電 **0300 123 4510**。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر **0300 123 4510** پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੋਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ **0300 123 4510** ਫ਼ੋਨ ਕਰੋ।

Gabhaidh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòn gu **0300 123 4510**

अनुसोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया **0300 123 4510** पर फ़ोन कीजिए।