

How to: Arrange Disciplinary Hearings

At all Disciplinary Hearings:

In normal circumstances, an investigation of the alleged misconduct should be completed. This should be completed prior to any Hearing being arranged.

Employees are entitled to 5 working days notice of Disciplinary Hearings, in writing, unless an earlier date is mutually agreed.

Employees have the right to be accompanied by a trade union representative or work colleague at Disciplinary Hearings.

Key activities for managers to undertake are:

- ✓ Arrange a time/date and location. An appropriate member of management or an advisor from Human Resources should also be in attendance. Human Resources will normally become involved in more complex Disciplinary Hearings. Further advice can be sought from the Employee Support Team or Human Resources.
- ✓ Arrange a suitable location (a work or neutral environment with no interruptions). Where appropriate, ensure that an additional room is available for any witnesses that are being called to the Hearing (two rooms may be required if the employee also intends to call any witnesses).
- ✓ Where witnesses are being called to a Hearing by management, contact them to ensure their availability on date(s) proposed for the Hearing.
- ✓ Confirm the Hearing arrangements in a [Letter](#).
- ✓ Provide written details of the alleged misconduct and copies of any evidence, witness statements and investigation report to be referred to during the course of the Hearing (include in the letter).
- ✓ Inform the employee of any witnesses that management intend to call to the Hearing (include in the letter).
- ✓ Provide the employee with the opportunity to submit relevant documentation and/or call witnesses to support their case (include/enclose in the letter).
- ✓ Where the alleged misconduct could be considered to be gross misconduct, inform the employee and advise that this could result in their dismissal (include in the letter).
- ✓ Note that if an employee is unable to attend a scheduled Hearing, the chair must be informed in advance.

- ✓ If an employee is unable to attend the scheduled Hearing, or a companion is unavailable, inform the employee they must agree an alternative date and take all reasonable steps to ensure the Hearing can proceed without unreasonable delay. An alternative can be agreed, by mutual consent, normally within 5 working days of the original proposed date.
- ✓ If an employee cannot attend a Hearing for medical reasons, this must be supported by medical evidence, if necessary from the Council [Occupational Health](#) Service. In these circumstances refer the employee to the OH Service and seek confirmation by the OH advisor of fitness to attend (or timescale for becoming fit). If the OH advice is that the individual cannot attend, a reasonable period of time must be allocated before consideration is given to holding the meeting/hearing without the presence of the employee.
- ✓ If necessary, inform the employee (include in the letter) that, if they fail to attend a Hearing without reasonable explanation or fail to attend a re-scheduled Hearing, this will result in the Hearing proceeding in their absence.
- ✓ Return copies of all paperwork to the Employee Support Team for the employee's personal file.