



# Disciplinary Policy

Lead Officer (Post):	Director of HR and Organisational Development
Responsible Office/ Department:	People and Culture
Responsible Committee:	HR Committee
Date policy approved:	
Date policy last reviewed and updated:	
Date policy due for review:	August 2026
Date of Equality Impact Assessment:	Click or tap to enter a date.

Accessible versions of this policy are available upon request. Please contact the University Governance team

**Policy Summary**

Overview	To consolidate new staffs understanding of their duties and responsibilities, to ensure they have the knowledge and skills to perform their role safely and to a high standard, with an understanding of UHI North, West and Hebrides (NWH) mission, values and culture.
Purpose	To encourage employees to achieve and maintain acceptable standards of conduct by providing a clear framework within which any instances of alleged failure to meet such standards will be addressed. It also aims to ensure that a positive and consistent approach to managing disciplinary issues is adopted at all times across the College.
Scope	This policy applies to all new employees including academic and professional services - full time, part time and temporary staff members.
Consultation	All staff will be asked to consult on the new policy.
Implementation and Monitoring	The implementation of the policy is the responsibility of the Human Resources department.
Risk Implications	There are no risk implications.
Link with Strategy	This policy aligns with UHI's enabling plan 'people and culture' which forms part of the strategic plan (2021-2025) framework.
Impact Assessment	Equality Impact Assessment:

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## 1. Scope of the Policy

This policy applies to all employees of UHI North, West and Hebrides with the exception of the Principal.

## 2. Aims of the Policy

The aims of the policy are:

- To update the existing College Discipline Policy.
- To empower and enable Curriculum and Service Managers to undertake investigations and disciplinary procedures for minor and serious misconduct.
- To empower and enable Senior Management to undertake disciplinary action up to and including dismissal (Gross Misconduct Cases).
- To provide a revised appeal tier at Principal level.
- To provide a clearer link between discipline and standards of behaviour in the form of the **Standards of Behaviour Statement** (Appendix 1).
- To provide clearer guidance on the gravity of various types of misconduct in the form of appendix 2.

Discipline is essential for the effective running of the College and to ensure the Health and Safety of all staff and students.

All College employees are expected to adhere to the Standards described in the **Standards of Behaviour Statement** (Appendix 1). It is the responsibility of both Management and Staff to make themselves aware of the Standards of Behaviour expected and ignorance of the standards will not be seen as relevant mitigation in the case of any disciplinary action being undertaken. The Standards of Behaviour will be included in the College Induction Policy and staff must sign an assurance at the end of induction to acknowledge that they are aware of them.

## 3. Disciplinary Investigations

Where an allegation of misconduct is made or a possible disciplinary offence is identified and the facts are not clear then a Management Investigation will be undertaken.

Management Investigations can be undertaken *either* by a Senior Manager or by a Curriculum/Service Manager. The Principal or their nominee will be responsible for appointing a Senior Manager who will oversee (or undertake) the investigation. The Senior Manager will act as Investigation Manager (IM) where the alleged offender is a Curriculum / Service Manager. The Senior Manager may otherwise appoint an IM who should not, if possible, be the alleged offender's Line Manager.

This is because the Line Manager will normally be the Disciplinary Manager where an investigation finds that there may be a discipline case to answer.

The Principal will not be involved in any other aspect of an investigation so that they may act as an Independent Appeal Manager should this be required at the end of any disciplinary action.

You must not discuss any aspect of a disciplinary investigation or a disciplinary case with anyone else once you/they have been invited to a formal interview. This applies to alleged offenders and to potential witnesses. If it can be shown that you have breached confidentiality in this way, then you may be subjected to separate disciplinary action.

#### **4. Disciplinary Meetings**

Where the facts of a case are clear and a Management Investigation is not required, then a Disciplinary Meeting will be arranged.

Line Managers will normally undertake Disciplinary Meetings for Minor and Serious Misconduct.

Senior Managers will undertake Disciplinary Meetings where the allegation is (or potentially could be) for Gross Misconduct and where dismissal is a possible penalty or where a Curriculum / Service Manager is the alleged offender.

Appeals against disciplinary decisions made by Curriculum/Service Managers will be heard by a Senior Manager appointed by the Principal. The Appeal Manager can be in the same Line Management chain as the Section Manager but must be independent and must not have been involved previously in the discipline case. Appeals against disciplinary decisions made by a Senior Manager will be heard by the Principal.

Only Senior Managers may make a decision to dismiss a member of staff in cases of Gross Misconduct.

Appeals against dismissal will be heard by the Principal.

#### **5. Disciplinary Penalties**

The range of disciplinary penalties for misconduct are:

- Minor Misconduct – Oral Warning for 6 months (\* known as the review period)
- Serious Misconduct – Written Warning for 1 year (\* as above)
- Serious/Repeated Misconduct – Final Written Warning for 1 year\* as above)
- Gross Misconduct – Dismissal

Where sufficient mitigation is provided and accepted Decision Makers have the discretion to reduce the length and/or severity of the penalty accordingly. This must only be done having consulted with the HR Department to ensure consistency.

## **6. Probationers**

A separate process has been introduced for staff who are on probation (see Probation Policy).

## **Procedure – The Key Things You Need to Know**

1. Informal Procedures for dealing with Minor Misconduct
2. Conducting a Management Investigation
3. Formal Procedures – Before the Disciplinary Meeting
4. The Disciplinary Meeting
5. After the Disciplinary Meeting
6. The Appeal Process – Before the Appeal Meeting
7. The Appeal Meeting
8. After the Appeal Meeting
9. Subsequent Misconduct within the Review Periods
10. Gross Misconduct
11. Dismissal

### **1. Informal Procedures for dealing with Minor Misconduct**

- Where your conduct, performance or behaviour falls short of the standards expected by the College, as outlined in the Standards of Behaviour Statement, then Management will use the College Disciplinary Procedures to address this.
- Where the issue is of a minor nature and where the Manager believes that the situation can be satisfactorily resolved without having to enter into a normal process then the Manager may decide to try to resolve the issue informally.
- This may mean simply having a short discussion outlining where you have fallen below the standards expected and explaining why you must improve your behaviour in future. No record will be retained of an informal discussion. For example, where you have been late for work on a couple of occasions in a week but your timekeeping is otherwise satisfactory then your Manager may take the opportunity to remind you that you are expected to attend on time.

### **2. Conducting a Management Investigation**

- If an allegation is made against you or if the facts of a complaint are not clear a Management Investigation will be commissioned. An investigation can be carried out by a Senior Manager or by a Service / Curriculum Manager depending on the nature of the alleged misconduct and the job grading of the alleged offender.
- The Principal or their nominee will appoint a Senior Manager to oversee or undertake investigations and will play no other part in the process unless an appeal against a decision made by a Senior Manager or a dismissal is received. The Senior Manager may, where appropriate, appoint a Curriculum / Service Manager to act as Investigation Manager (IM). An alleged offender's Line Manager should not, if possible, be

appointed as an IM because they may be required to act as a Disciplinary Manager if the IM finds that there is a case to answer.

- The Investigation Manager (IM) will investigate any allegations of misconduct thoroughly, impartially and bearing in mind the principles outlined in the Guidelines contained at appendix 4.
- The IM will invite witnesses and, if appropriate, the alleged offender to an Investigatory Meeting. This meeting is not a disciplinary meeting and if you are invited to such a meeting you do not have any formal rights of representation. However, the College will afford you at least 2 working days notice of the date of the interview and will be willing to allow a Trades Union representative or a work colleague attend to support you at the meeting.
- Upon conclusion of any investigation the IM must summarise the interviews and the evidence gathered in an Investigation Report. This will include a decision about whether the IM believes that there is a disciplinary case to answer. If there is a case to answer, then this means that the disciplinary process will be undertaken formally.
- The IM must pass the Investigation Report, complete with their recommendation about whether there is a case to answer, to the Appointed Senior Manager. The Senior Manager will assign the Line Manager to undertake the disciplinary process.
- Exceptionally, where it is inappropriate for the Line Manager to undertake the disciplinary process then the Senior Manager may appoint another Manager to undertake the action required. This could happen where they have been involved in the case personally (for example, as a witness) or if they have acted as the IM.

### **3. Formal Procedures – Before the Disciplinary Meeting**

- Your Line Manager will use the formal process to resolve issues where;
  - An informal approach has been tried but has not resolved the issue.
  - The alleged offence is minor misconduct but your manager judges that in the circumstances an informal approach is not appropriate or is not likely to resolve the matter.
  - A Management Investigation has concluded that there is a case to answer.
  - The alleged misconduct is minor or serious.
  - You have committed a further act of misconduct whilst within an oral or written warning review period
- A Senior Manager will use the formal process to resolve issues where:



- A Management Investigation has concluded that there is a case to answer.
  - The alleged misconduct is gross
  - You have committed a further act of misconduct whilst within a final written warning review period
- If you are invited to attend a Disciplinary Meeting then the Disciplinary Manager will send you a Disciplinary Letter. The letter will tell you which of the Standards of Behaviour you are alleged to have breached. It will also state whether the misconduct is considered (without prejudice) to be minor, serious or gross. This charge may be reduced at a subsequent stage of the disciplinary process.
- You will also be provided with a statement detailing the nature of the allegation along with any evidence which supports the allegation. For example, a copy of any Investigation Report.
- You will be given at least 5 working days notice of the disciplinary meeting. You have the right to be accompanied at the meeting by a Trades Union representative or by a work colleague. An appropriate note taker will be present at the meeting. You will be asked to sign / agree a note of the meeting.
- If your chosen representative is unavailable on the date of the meeting then you may be offered another date within 5 working days of the original date to allow your representative to attend. This 5-day window can only be extended in exceptional circumstances.

#### **4. The Disciplinary Meeting**

At the disciplinary meeting the Disciplinary Manager must

- Confirm that you have received all the paperwork relevant to the meeting and that you are aware of your rights of representation.
- Clarify what the purpose of the meeting is, that is, to allow you to discuss the allegations and explain your behaviour or provide new information.
- Allow you to state your case asking questions or clarifying information as required.
- Inform you of what will happen after the meeting.
- Where it comes to light during a disciplinary hearing for minor / serious misconduct that the offence may actually be more serious than was first thought then the meeting must be suspended immediately. The Disciplinary Manager must consult with a Senior Manager / HR department to decide whether the new information has changed the nature of the allegation. Where the allegation is changed and where dismissal becomes a possible outcome then a Senior Manager must resume the Disciplinary Meeting at a later date.

- You will be notified in writing of the new allegation in a new Disciplinary Letter and any new evidence will be provided to you.

## **5. After the Disciplinary Meeting**

After the Disciplinary Meeting the Discipline Manager must;

- Write to you within 10 working days of the meeting to let you know what their decision is and what, if any, disciplinary penalty they have decided upon.
- Let you know the reasons for their decision.
- Let you know how you can appeal against their decision, if appropriate.

## **6. The Appeal Procedure – Before the Appeal Meeting**

- If you wish to appeal against the disciplinary decision then you must write to the Appeal Manager named in the written decision within 10 working days of the date of the decision. In your appeal you must lay out your grounds of appeal and state what outcome you would like to see.
- The Appeal Manager will arrange an appeal meeting with you within 10 working days of the receipt of the appeal or as soon as is practicable outwith the 10 days if there are exceptional reasons why they cannot meet this deadline (for example, if either party is on holiday).
- The Appeal Manager must give you at least 5 working days notice of the date of the Appeal Meeting and you have the same rights of representation as for a Disciplinary Meeting.
- If your chosen representative is unavailable on the date of the meeting then you may be offered another date within 5 working days of the original date to allow your representative to attend. This 5-day window can only be extended in exceptional circumstances.

## **7. The Appeal Meeting**

At the Appeal Meeting the Appeal Manager must;

- Explain the purpose of the meeting, that is, to allow you to explain why you think the disciplinary decision was wrong or to provide new evidence.
- Confirm that you are aware of your rights of representation.
- Allow you to state your case asking questions or clarifying information as required.
- Inform you of what will happen after the meeting.

## 8 After the Appeal Meeting

- After the Appeal Meeting the Appeal Manager must;
- Write to you within 10 working days of the meeting to let you know what their decision is.
- Let you know the reasons for their decision.
- Confirm that this marks the end of the internal process.

## 9. Subsequent Misconduct within the Review Periods

- The length of the penalty for any disciplinary sanction varies according to the level of misconduct. This is known as the review period. If you do not commit any further breaches of the Standards of Behaviour within the review period, then the penalty will expire and will be deleted from your Personnel Records.
- If you commit a further act of minor misconduct within the 6 months Oral Warning Review period then this will be treated as serious misconduct and *may* lead to a written warning. This will happen where you receive a disciplinary letter before the 6-month review period expires.
- If you commit a further act of minor or serious misconduct during a written warning review period then this will be treated as serious misconduct and *may* lead to a final written warning. This will happen where you receive a disciplinary letter before the 12-month review period expires.
- If you commit a further act of misconduct whilst within a final written warning review period then this will be treated as gross misconduct and *may* result in dismissal. This will happen where you receive a disciplinary letter before the 2-year review period expires.

## 10 Gross Misconduct

You have the right not to be dismissed for a first instance of misconduct except where that misconduct is gross (see appendix 2). Dismissals for Gross Misconduct can only be made by a Senior Manager. Appeals against dismissals can only be heard by the Principal.

## 11. Dismissal

If you are dismissed due to Misconduct then you will not be entitled to any notice nor will you be entitled to any Pay in Lieu of Notice nor any Compensatory Payment in respect of your dismissal.

If you are a member of one of the College's Occupational Pension Schemes then your entitlement to a pension will remain and will be frozen until your retirement.

## Appendix 1 – Standards of Behaviour Statement

This statement applies to all UHI North, West and Hebrides staff and relates to the behaviour of staff towards each other and other members of the College community i.e. students, visitors and contractors. The statement will assist staff, line managers and the senior management team to recognise workplace behaviour or conduct that is not appropriate and to take action to address the behaviour through the College Disciplinary Policy.

### **Workplace Behaviour**

The College requires that all staff behave:

- Professionally
- Lawfully
- Safely
- Honestly
- Respectfully
- Equitably
- Responsibly
- Productively
- Efficiently
- Ethically
- Fairly
- Impartially
- Sensitively
- In the best interests of the College

Staff should, in addition, ensure they comply with the College's policies and procedures. Elements of these standards of behaviour are elaborated further within the College's policies and procedures including:

Health & Safety policy  
Attendance Management policy  
ICT Acceptable Use policy  
Equality, Diversity and Inclusiveness policy  
Probation Policy  
Bribery and Corruption Policy

This list is not exhaustive.

### **Unacceptable Workplace Behaviour**

The UHI North, West and Hebrides Senior Management Team will not accept unacceptable workplace behaviour from any of its staff. Staff, line managers and senior management all have a responsibility to take action in relation to unacceptable behaviour. Reports or complaints of unacceptable behaviour will be taken seriously by the College and handled in a confidential, impartial and fair

manner. The information below provides more detailed guidance on what may be regarded as unacceptable behaviour within, or on occasions, out with the College. This list is neither exclusive nor exhaustive.

Examples of Unacceptable Workplace Behaviour:

- Gross negligence e.g. where your actions/inaction or behaviour places staff, students or third parties at serious risk.
- Unsafe work practices or behaviour which may put yourself, students or other staff at risk.
- Aggressive or abusive behaviour such as threatening gestures or actual violence or assault on staff, students or members of the public
- Verbal abuse or harassment e.g., yelling, abusive or offensive language, dialogue which could be viewed as picking on one individual based upon personal characteristics, whether these are protected or not.
- Offending gestures and behaviour
- Drunkenness or being under the influence of illegal drugs while at work;
- Possession, custody or control of illegal drugs on the College's premises;
- Unwelcome physical contact including that of a sexual, intimate or threatening nature
- Maliciously excluding or isolating individuals
- Irregular attendance and/or repeated bad timekeeping
- Undermining performance, reputation or professionalism of others by deliberately withholding information, resources or authorisation or supplying incorrect information
- Posting statements on social media sites, including Facebook, blogs or Myspace which are insulting, abusive or likely to cause offence to a reasonable person or making negative comments which damage the College's reputation or its relationship with its staff, students or third parties.
- Malicious or mischievous gossip or complaint
- Stealing from the College, students, members of staff or the public;
- Falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
- Falsification of records, reports, accounts, expense claims or self-certification forms, whether or not for personal gain;

- Deliberate damage to or misuse of the College's property;
- Working or being on holiday whilst on sick leave except where the holiday has been notified and is reasonable as part of a rehabilitation process.
- Conduct in or out-with work that brings the College's name into disrepute, including any criminal charges brought against you (employees must report any arrests or convictions to their line manager immediately).
- Failure to comply with legislative COVID19 requirements, for example failure to quarantine.

## Appendix 2 - Examples of Misconduct / Penalties

### Minor Misconduct

Description	Example of Misconduct	Type of Penalty
An isolated example of misconduct which does not meet expected standards	<ul style="list-style-type: none"> <li>Irregular attendance and/or persistent bad timekeeping</li> <li>Offensive gestures or behaviour</li> <li>Mischievous gossip or complaint</li> <li>Undermining performance, reputation or professionalism of others by deliberately withholding information, resources or authorisation or supplying incorrect information</li> </ul>	The minimum penalty is an oral warning for 6 months. In more serious cases the normal penalty will be a written warning.

### Serious Misconduct

Description	Example of Misconduct	Type of Penalty
Repeated minor offences or significant disregard for the standards expected	<ul style="list-style-type: none"> <li>Verbal abuse eg, yelling, abusive or offensive language</li> <li>drunkenness or being under the influence of illegal drugs whilst at work;</li> <li>Maliciously excluding or isolating individuals</li> <li>Unsafe work practices or behaviour which may harm the staff member, students or others</li> <li>Conduct that brings the College's name into disrepute</li> <li>Aggressive or abusive behaviour such as threatening gestures or actual violence or assault on staff or members of the public</li> <li>Bullying, harassment or intimidation</li> <li>Unwelcome physical</li> </ul>	The minimum penalty will be a written warning for 12 months. In more serious cases the normal penalty will be a final written warning or, in exceptional circumstances be treated as gross misconduct.

	<p>contact including that of a sexual, intimate or threatening nature</p> <ul style="list-style-type: none"> <li>• deliberate damage to or misuse of the College's property;</li> <li>• conviction of a serious criminal offence e.g. sexual or racial harassment, fraud, assault, dishonesty/theft,</li> <li>• serious negligence</li> <li>• Posting inappropriate comments on social media sites, blogs or other e-media which may cause offence or damage the reputation of staff, students or third parties.</li> </ul>	
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### **Gross Misconduct**

Description	Example of Misconduct	Type of Penalty
Acts of misconduct serious enough to destroy the trust implicit in the employment contract between the College and the employee and make any further working relationship and trust impossible, including repeated serious misconduct.	<ul style="list-style-type: none"> <li>• possession, custody or control of illegal drugs on the College's premises;</li> <li>• stealing from the College, students, members of staff or the public;</li> <li>• falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;</li> <li>• falsification of records, reports, accounts, expense claims or self-certification forms, whether or not for personal gain;</li> <li>• Gross negligence e.g. where your actions/inaction or behaviour places staff, students or 3<sup>rd</sup> parties at serious risk;</li> <li>• Failure to report to the College that you are</li> </ul>	The normal penalty will be dismissal (with or without notice). If the Dismissing Manager accepts mitigation put forward by the employee the penalty may be reduced to a Final Written Warning.



	<p>barred from working with children or protected adults under the PVG scheme.</p> <ul style="list-style-type: none"><li>• Working or being on holiday whilst on sick leave except where the holiday has been notified and is reasonable as part of a rehabilitation process.</li></ul>	
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## **Appendix 3 - Management Investigations – Good Practice Guidelines**

### **Why is a Disciplinary Investigation Important?**

It is important for Investigation Managers (IMs) to handle any disciplinary investigation professionally, objectively and fairly. A fair investigation provides the basis of a fair disciplinary process. If a member of staff has been subjected to a disciplinary penalty following an investigation and the investigation has not been undertaken properly then the employee may make a successful claim to an employment tribunal. This is especially important where dismissal is a possible penalty.

Not only must the employer be able to justify that the penalty is proportionate to the offence but you, as an Investigating Manager, could be summoned to a Tribunal to explain any shortcomings in your investigation.

To protect yourself, the College and to ensure that any alleged offender is treated fairly there are a number of principles which an Investigating Manager should adhere to when conducting an investigation.

### **What a disciplinary investigation might involve**

If you have been assigned to conduct a disciplinary investigation then the main aim of the investigation is to establish the facts surrounding the alleged offence.

The IM should consider;

- checking if the employee has any previous disciplinary warnings on file and whether or not these warnings are still live
- interviewing other employees (potential witnesses) who may have relevant information. Taking witness statements or notes from interviews.
- checking relevant independently verifiable facts (telephone / computer records, training records etc
- reviewing all relevant documentation; and
- holding an investigatory meeting with the alleged offender to establish the facts

### **Suspension from work during an investigation**

Suspending an alleged offender from work for a short period to allow an investigation to take place may be appropriate where

- if proven, the employee's conduct would be sufficiently serious to be grounds for summary dismissal, for example, if he or she is suspected of

theft

- the employer has grounds to believe that the employee might deliberately cause damage if allowed to remain at the workplace, for example damage to the employer's computer network
- the employee's continuing presence at work might prejudice the investigation in some way
- the employee has acted in a violent way or threatened violence
- the employee has been accused of bullying or harassment; or
- The employee's continued attendance at work may damage the College's reputation in the interim – eg, a criminal allegation which has been reported in the press

Suspension from work pending a disciplinary investigation should normally be with full pay. This is because suspension without pay would, in most cases:

- be in breach of the employee's contract; and
- create the impression that the employee had been judged "guilty" without there first having been a proper investigation.

The employee should always be informed, in writing:

- why he or she is being suspended
- how long the suspension is likely to last
- that the suspension is on full pay
- that the suspension is not a penalty
- that the suspension does not mean that he or she has been judged guilty
- that he or she will have a full opportunity to state his or her version of events, explain his or her conduct, and answer any allegations at a subsequent interview

**A Decision to suspend an employee must be made by a Senior Manager after having taken advice from the HR department**

## Interviewing witnesses

Where an employee has, or may have, relevant information about an act of misconduct committed by a colleague the employee should be interviewed as part of the investigation to establish what evidence they can provide.

When interviewing a witness, the IM should:

- reassure them that the purpose of the interview is to gather information
- Reassure them that they are there as a witness and that no allegations have been made against them
- explain that their assistance is important and explain that any testimony may be seen by the alleged offender
- Probe the witness to uncover every aspect of their testimony and clarify general statements
- Do not lead the witness based on your own knowledge/opinions – ask open questions
  - “what did you actually see”
  - “exactly what did they say”
  - “What made you think that he was drunk at the time”
- focus on facts, not opinions; and
- Do not rush to conclusions – you are only fact finding at this stage

The IM should focus on what the witness personally saw or heard. Second hand accounts (hearsay) are not usually considered to be strong evidence.

The IM should also take care to separate facts from assumptions and opinions. It is very easy for people to jump to conclusions based on what they have seen or heard, and then assume that these conclusions represent facts. For example, it may be a fact that a particular employee fell down a flight of steps, but only an opinion that this was because he or she was under the influence of alcohol at the time.

As well as considering the possibility that a witness may have been mistaken about what they claim to have seen or heard, the IM should consider if the witness's version of events is likely to be accurate and reliable. The witness might, for example:

- be exaggerating
- be basing the evidence on opinion or assumption, rather than on fact
- have a personal grudge against the alleged offender; or
- be allowing emotion to get in the way of rational analysis

### **Witness statements**

The manager conducting the investigation should record a note of any witness interviews and may collect a written statement if the witness prefers to present their evidence in this way. It may be necessary to interview a witness to clarify or ask supplementary questions about the evidence in their written statement. Written notes of interviews and witness statements should always be signed and dated by the witness.

It is not possible to force a witness to provide a written statement. However, the manager should seek to persuade the witness that their testimony is important in ensuring that the IM gathers all the relevant facts and ensuring that a fair decision is arrived at.

### **Interviewing an alleged offender**

As part of the investigation, it may be necessary for the IM to interview the employee who is accused of misconduct. To ensure that this is done effectively and fairly, the interviewing manager should:

- prepare a list of relevant questions in advance of the interview
- stick to facts and avoid making assumptions
- point out and question any discrepancies
- not be afraid to challenge what the employee is saying
- be careful not to express disapproval or pass judgment on the employee – stick to establishing the facts
- ensure that no gaps remain in the testimony which can be filled by further probing
- be very careful not to allow the interview to turn into a disciplinary hearing.

**An investigatory interview is not the same as a disciplinary interview. Essentially, the purpose of an investigatory interview is to establish what happened, while the purpose of a disciplinary interview is to decide what to do about it.**

It is important that the IM does not allow the interview to become a disciplinary hearing. The investigatory interview should be restricted to gathering the facts about what happened.

**Decision to commence disciplinary proceedings**

Following the investigation, the Investigating Manager must consider whether or not disciplinary proceedings are appropriate. The IM should:

- Record the evidence in the form of a report – summarising / paraphrasing key pieces of evidence to ensure that subsequent readers can follow the decision making logic
- Ensure that the report looks professional – i.e., is sequential, has a contents page, list of enclosures and a written summary of the decision including what it is based upon
- Consider the matter objectively
- take into account all the evidence, including the alleged offender's version of events
- Make a decision about whether there is a case to answer by applying the balance of probabilities principle; and
- take a reasoned decision on whether or not to instigate disciplinary proceedings against the employee.

If, on conclusion of the investigation, an IM decides that disciplinary action is appropriate then the investigation report should be passed back to the Senior Manager to assign the case to the Disciplinary Manager (normally the line manager). The Disciplinary Manager should then instigate disciplinary action once they have discussed the case with an HR Advisor.