



Ministry
of Justice

Human Resources Directorate

Discipline policy and guidance

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Alternative format versions of this report are available on request from **hrdpolicy@justice.gsi.gov.uk** or 020 3334 3812.

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Version	Date	Reason for implementation/change
1	January 2014	Policy format implementation
2	March 2015	Update of security classifications, clarity on companion responsibilities
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4	1 April 2017	Update of sanctions for cases of internal fraud

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Policy statement

Ministry of Justice is committed to supporting employees who need help to reach and maintain the required standards of conduct. It will treat them fairly and equitably. Managers are expected to proactively engage with their staff and use the disciplinary policy and process to encourage improvements in their conduct rather than to just implement sanctions. The required standards of conduct are set out in the *Conduct policy*.

Minor instances of misconduct will generally be addressed informally through normal day to day management action. The formal disciplinary process will be used for more serious misconduct or where the employee continues to repeat minor misconduct.

This policy also accounts for the requirements to make reasonable consideration and adjustments to account for the individual needs of employees under the *Equality Act 2010* and *Mental Health Act*.

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Discipline policy

PURPOSE

This policy and the related guidelines:

- Set out the disciplinary process for all to see
- Show managers how to respond to misconduct in a way that resolves issues promptly, focuses on improvement and protects employee's rights
- Shows employees how they can expect to be treated if they become involved in a disciplinary process.

MoJ is committed to being as open and transparent as possible. Most information will be made available to employees involved in the discipline process if requested.

In very exceptional circumstances, there may be a need for a manager to withhold information. For example, to protect a witness from harassment, discrimination or bullying or where there is a real prospect of prejudicing a legal investigation.

WHO DOES IT APPLY TO?

This policy applies to all permanent and fixed term employees except those in the NOMS business group. People at all levels of seniority and lengths of service are covered. It applies to everyone in the same manner.

People working with MoJ under contract arrangements will also adhere to the *Conduct policy*. This includes agency workers, consultants/contractors and interim staff. However, should their conduct fall below the required standards, the issues should be managed under the terms of the contracts under which their services are provided.

This policy does not form part of your contract of employment. However, you are bound by the provisions of this policy which may be amended from time to time.

The *Discipline policy* is completely separate from the *Managing Attendance* and *Managing Poor Performance* policies. Any actions, especially sanctions, applied under one of these policies have no bearing on those taken under another policy.

WHAT IS MISCONDUCT?

Misconduct is a failure to adhere to the standards required in the *Conduct policy*. There are three types of misconduct: minor, serious and gross misconduct. There is no full list of acts or omissions for each type of misconduct but some indicative examples are provided.

Examples of misconduct (this list is not exhaustive)

Misconduct is a breach of the *Conduct policy*. It is not possible to categorise all misconduct that may be encountered in the workplace but the following are some examples of common forms of misconduct.

Top Tip

This is not a comprehensive list. It is merely a list of common examples. Managers wanting to see whether an employee's actions represent misconduct should refer to the *Conduct policy*. They must then make their own justifiable assessment about whether any breach is minor, serious or gross. They may need to refer to the HR Contact Centre to ensure consistency.

Minor misconduct

- Poor time keeping
- Failure to wear security pass in pass-controlled building
- Failure to follow MoJ policies and procedures
- Minor safety violations
- Unreasonable personal use of MoJ assets such as phones and email facilities
- Some breaches of information security that are accidental, genuine errors where reasonable care was taken and where there is no criminal act, no harm or distress caused and no reputational damage or significant financial cost to the Department.

Serious misconduct

- Smoking in buildings
- Failure to follow reasonable instructions
- Wilful neglect of official duties
- Offensive, abusive or repeated unwanted behaviour
- Repeated failure to follow MoJ policies and procedures

- Non-compliance with policies and procedures leading to the loss or unauthorised release of significant amounts of personal data
- Failure to secure (lock away) protectively marked documents or assets (with low to medium impact)
- Misuse of building security passes (borrowing or lending passes to others).

Gross misconduct

- Theft or fraud
- Physical violence or threatening behaviour
- Deliberate serious misuse or damage to MoJ's property
- Serious insubordination
- Bringing MoJ into serious disrepute
- Serious incapacity at work brought on by alcohol or illegal drugs
- Causing serious loss, damage or injury through serious negligence
- Serious breaches of health and safety rules
- Falsification of records (eg, timesheets, audited records)
- Serious neglect of official duties

- Serious breaches of the *IT usage policy*
- Failure to secure protectively marked documents (with high impact).

WHAT IS ZERO TOLERANCE?

The *Conduct policy* mentions bullying, harassment and other behaviour about which MoJ has a zero tolerance policy.

Zero tolerance means the manager will:

- Treat allegations seriously
- Always investigate (initial fact finding or formal investigation depending on the circumstances)
- Take proportionate action (management action or through the disciplinary process depending on the circumstances).

Zero tolerance does not mean such behaviour will automatically be considered gross misconduct or result in dismissal. However, these are possible outcomes where warranted.

WHAT IS GROSS MISCONDUCT?

Gross misconduct is a breach of the Conduct policy that is so serious that it:

- destroys the relationship of trust, upon which the employment contract is based, and makes any further working relationship impossible;
- risks MoJ's property (including reputation); or
- risks MoJ's obligations to other parties (including those related to data protection and information assurance).

An employee is likely to be dismissed following a finding of gross misconduct unless there are significant mitigating circumstances involved which the manager thinks would make dismissal inappropriate.

REPORTING MISCONDUCT

Allegations of misconduct against an employee should be reported to their manager. An OFFICIAL - SENSITIVE protective marking will be used on all documentation associated with the allegation. The allegations will then be dealt with under this policy. If the allegations are upheld, the employee's conduct will be addressed through management action or formally through the discipline process.

Employees will report any evidence of illegal activity related to MoJ to their line manager. They will also ensure that security breaches are reported to their line manager.

WHAT IS WHISTLEBLOWING?

The *Whistleblowing Policy* assist employees who believe that, in the course of their duties, they are being required to act in a way which:

- is illegal, improper or unethical;
- is in breach of constitutional convention or a professional code;
- may involve maladministration; or
- is otherwise inconsistent with the *Civil Service Code*.

The *Whistleblowing Policy* also provide a mechanism for the confidential reporting of information risks.

WHAT ARE THE EMPLOYEE'S RIGHTS?

Employees who are subject to a disciplinary process have the right to:

- Be advised in writing that their conduct is the subject of a disciplinary investigation and the nature of the allegations against them
- Reasonable written notice of the date and time of a disciplinary hearing with a copy of the investigation report with at least five working day's notice to prepare
- Respond to the allegations against them at the hearing
- Be accompanied at the disciplinary hearing
- Be notified in writing of the outcome of the process
- Appeal the outcome of the disciplinary hearing.

HOW WILL A DISCIPLINARY ISSUE BE MANAGED?

Minor instances of misconduct will generally be addressed informally through normal day to day management action. This involves the manager having open and positive discussions with the employee focused on supporting them to maintain the required standard of conduct. The formal disciplinary process will be used for more serious misconduct or where the employee continues to repeat minor misconduct.

ROLES AND RESPONSIBILITIES

Managers conducting a disciplinary process will:

- Advise the HR Contact Centre if the employee whose conduct is being investigated is a representative of a trade union
- Manage the process in a fair and transparent manner
- Maintain objectivity
- Maintain confidentiality and ensure that sensitive information is given the appropriate protective marking and managed in accordance with the requirements of that marking
- Manage delays to promote a prompt resolution while giving the employee reasonable time to prepare and arrange for someone to accompany or represent them
- Ensure the employee's rights are protected
- Organise a note taker to attend the hearing
- Ensure the attendance of an HR Case Manager at any disciplinary hearing which could result in a dismissal

- Justify and document decisions.

Investigation Officers will:

- Identify and consider all relevant evidence
- Maintain confidentiality ensuring that sensitive information is given the appropriate protective marking and managed in accordance with the requirements of that marking
- Produce an investigation report, which fairly and objectively accounts for all relevant evidence and justifies its recommendations
- Produce a summary investigation report for the manager to pass to the employee.

Employees subject to a discipline process will:

- Maintain confidentiality
- Co-operate fully with the process and enable a speedy and fair resolution
- Attend meetings when required
- Advise the investigating manager if they will be accompanied or represented at a hearing and by whom within the specified timeframe

- Advise the investigating manager of any witnesses and/or evidence they would like considered during the process
- Be available for meetings if suspended
- Raise any special information which they would like to have taken into account (this includes any mitigating circumstances or events which may have influenced their conduct but which the manager may not be aware of)
- Lodge any appeal within 15 working days of being informed in writing of the outcomes of the process.

Witnesses will:

- Attend meetings with the investigating manager
- Provide truthful and comprehensive statements and answers
- Volunteer information which they believe is relevant to the investigation
- Maintain confidentiality.

HR Shared Services will:

- Where necessary, liaise with the relevant trade union if a union representative is the subject of a disciplinary process
- Assist managers to assess the seriousness of misconduct
- Provide additional specialist guidance in complex cases
- Advise managers regarding departures from the disciplinary process
- Support understanding of the process by providing advice, guidance and training
- Attend disciplinary hearings and appeals which could result in dismissal to advise the manager on policy compliance
- Maintain confidentiality.

Note takers will:

- Provide an accurate and legible written description of the key points raised at the meeting
- Provide the written notes to the manager in the timeframes specified and to his or her satisfaction
- Maintain confidentiality and ensure that documentation is marked OFFICIAL - SENSITIVE.

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THE RESPONSE TO MISCONDUCT

Managers are required to monitor the conduct of their staff and promptly address any shortcomings. Much of this will be minor misconduct which can be managed informally through **management action** which means identifying the misconduct with the employee, advising them of why it is not appropriate and encouraging them to improve their conduct. That encouragement can be informal mentoring, coaching or a simple discussion about standards. It can also be a formal structured improvement plan including learning and development activities. While it is preferable to address minor misconduct through management action, managers can at any time use the formal disciplinary process in response to repeated minor misconduct.

WHAT IS THE FORMAL DISCIPLINE PROCESS?

The formal discipline process is separate from day to day management action. It includes specific steps and can result in the employee receiving a sanction which could include dismissal. Each disciplinary process will be different due to variations in the form

of the misconduct, its severity, the number of people involved, the employee's disciplinary history and mitigating factors. However, a disciplinary process normally follows these steps:

1. The manager writing to the employee to advise them of the specific allegations, the basis of those allegations and that they will be invited to a hearing to discuss the matter if they are found to have a case to answer
2. An investigation of the allegations either by the manager or by an investigation officer appointed by the manager
3. A disciplinary hearing where the employee will have the right to respond to the allegations and to be accompanied
4. The manager making decisions and advising the employee
5. The implementation of the decisions which could include a disciplinary sanction
6. An appeal (if requested).

The formal disciplinary process should be used when:

- the employee has not responded to previous management action;
- the employee repeats similar or different forms of minor misconduct; or
- there is an allegation of misconduct that would usually be considered to be serious or gross.

The disciplinary process will generally be conducted by the employee's manager unless they were part of the incident(s) being investigated. This means the misconduct was directed at the manager and it might be difficult for the manager to deal with the misconduct in an objective manner. For example, if they were subject to discriminatory behaviour by the employee. In such cases the process will be conducted by another manager who has the level of authority required.

WHAT IS SUSPENSION AND WHEN WILL IT BE USED?

Suspension is not a disciplinary sanction or a sign of guilt. It is simply a way to progress an investigation smoothly or to protect the health and safety of the individual(s) involved.

In most cases employees **will not** be suspended during the disciplinary process. However, the manager may decide that suspension is appropriate at any stage in the process if the following circumstances apply:

- the initial fact-finding shows that the employee's actions might be gross misconduct and alternative arrangements would not be appropriate in the circumstances;
- the health and safety of the employee or other employees might be at risk;
- they reasonably suspect that potential witnesses might be influenced by the employee;
- the working relationship with the employee has broken down; or
- they reasonably suspect that there are risks to MoJ's property (including reputation).

The length of any suspension will be kept to a **minimum**. Where there are viable alternatives to suspension such as temporary relocation, working from home or alternative duties these should be considered in liaison with the HR Contact Centre but are subject to the employee's agreement. However, any alternative arrangements will not compromise the health and safety of the employee or others or risk compromising the investigation.

A suspended employee will continue to receive full pay and is expected to remain available during their normal working hours and to fully co-operate with the investigation.

In some circumstances employees might be suspended without pay. This includes when the employee is remanded in custody. If the employee is the subject of criminal proceedings the disciplinary process will be applied regardless of the outcome of the criminal proceedings.

If a manager is considering suspending an employee without pay, they should seek advice from the HR Contact Centre.

ARRANGING THE HEARING

The manager will make reasonable efforts to arrange the hearing around the availability and/or work pattern of the employee and their preferred companion/representative. The manager will account for leave that has already been approved. The hearing may be re-arranged for a maximum of five working days in order for a particular companion /representative to attend. This can be extended by mutual agreement between the manager and the employee.

The employee will take all reasonable steps to attend the hearing. If they do not attend and there are unforeseeable and justifiable reasons for not attending the manager will re-arrange the hearing once. Then if the employee fails to attend the re-arranged hearing, the manager may proceed without the employee's input and make decisions on the basis of the information that is available.

THE RIGHT TO BE ACCOMPANIED

If employees are asked to attend a disciplinary hearing they have the right to be accompanied. The employee must advise the manager who they have chosen as a companion so the manager can make reasonable efforts to schedule the hearing when they are available.

The companion may be an accredited trade union representative, a fellow worker or a member of a staff network. The trade union representative can be from any trade union.

They must not be a relative of the employee and must be a MoJ employee except when necessary to make a reasonable adjustment under the terms of the Equality Act 2010 (e.g. communicators).

They are allowed reasonable paid time off to prepare for and attend a hearing. They will not be disadvantaged because they have agreed to be a companion. They do not have to agree to a request to be a companion.

ROLES AND RESPONSIBILITIES OF COMPANIONS

Companions may respond on the workers behalf to any view expressed at the hearing. However, the companion is not permitted to answer questions on behalf of the employees. Companions can confer with the employee during the meeting. The companion cannot address the meeting if the employee does not wish them to or prevent the employee from explaining their case.

Companions can ask questions to ensure the employee's rights are protected and they are treated in accordance with relevant industrial

agreements and employment law. Companions are expected to maintain confidentiality.

OUTCOMES OF THE DISCIPLINE PROCESS

If the discipline process finds that an employee's actions have amounted to misconduct, the manager will decide whether the misconduct was minor, serious or gross. After considering all relevant circumstances the manager will then decide what type of sanction is appropriate. In some circumstance the manager may decide that it is appropriate not to impose a sanction at all. They may do so when there are unusual circumstances that significantly contribute to or explain the employee's behaviour and that imposing a sanction in the light of those circumstances would be unreasonable.

SANCTIONS

Any of the following sanctions can be applied regardless of the employee's previous conduct. For example, an employee with no live warnings can be given a final written warning or dismissed if the circumstances warrant it. However, the manager will have to justify why their decision is reasonable in the circumstances.

Written warnings

These remain on the employee's personal file for six months. Further formal findings of misconduct, of any form, during that period would generally result in at least a final written warning.

Final written warnings

These remain on the employee's personal file for twelve months. Further formal findings of misconduct, of any form, during that period would generally result in dismissal.

Dismissal

Generally, dismissal will only be considered for gross misconduct. However, it might also be appropriate if the employee already has a live warning for serious misconduct on their personal file. Employees who are dismissed may receive pay in lieu of notice if appropriate.

Dismissal and barring

In cases of gross misconduct where the charge is internal fraud, employees may be dismissed and barred from working in the Civil Service for 5 years from the date of dismissal. It would be made clear to the employee from the outset of disciplinary proceedings that this is a possible outcome. Managers must inform their HR Business

Partner and fraud team so that the employee's details are kept on the Cabinet Office Internal Fraud Database.

Internal fraud is defined as "Dishonest or fraudulent conduct, in the course of employment in the Civil Service, with a view to gain for the employee or another person."

Other

In extremely unusual situations the manager can impose a final written warning that remains on the employee's personal file for 36 months (no less and no more) as an alternative to dismissal. This is not a standard sanction and should only be considered when:

- The employee's conduct would ordinarily justify dismissal
- There are significant mitigating circumstances which directly contributed to or explained the misconduct and the manager considers that those circumstances would render dismissal an unreasonable/unjust outcome.

If this sanction is used any subsequent disciplinary sanction in the subsequent 36 months will result in dismissal.

SANCTIONS AND LEVELS OF AUTHORITY FOR DISCIPLINARY PROCESSES

The following table lists the levels of authority managers have:

Sanction	Level of Authority – minimum	Comment
Written warning	Band D	Live for 6 months. Generally this would be the employee's line manager providing they meet the minimum level of authority.
Final written warning	Band C	Live for 12 months. Generally this would be the employee's line manager providing they meet the minimum level of authority.
Dismissal	Band B	Generally this would be the employee's line manager providing they meet the minimum level of authority.
Alternative to dismissal: 36 month final written warning	Band B	Live for 36 months. Used in exceptional circumstances only.
Appeal	Must be at least one grade above manager whose decision is being appealed.	Should be an independent manager from outside of the employee's management chain or, if not, someone from the same management chain not involved in the original decision.

DEPARTURES FROM THE DISCIPLINARY PROCESS

The disciplinary process is a formal process designed to respond to breaches of the *Conduct policy*. Generally, managers should not depart from the process. However, in limited circumstances, and only in liaison with the HR Contact Centre and with the agreement of the employee, the following departures might be justified.

Departures to meet the requirements of the *Equality Act 2010* or the *Mental Health Act 1983*.

Such departures should not hinder the process. They are simply an alternative method of reaching an outcome and will align as much as possible with the disciplinary process and uphold the employee protections inherent in the process.

Fast Track processes

It is also possible to conduct a Fast Track process. This may be appropriate if the employee freely admits to the alleged misconduct after being advised of the allegations in writing, if it is a straightforward matter, and if the employee accepts the abridged process after having been advised to consult their union.

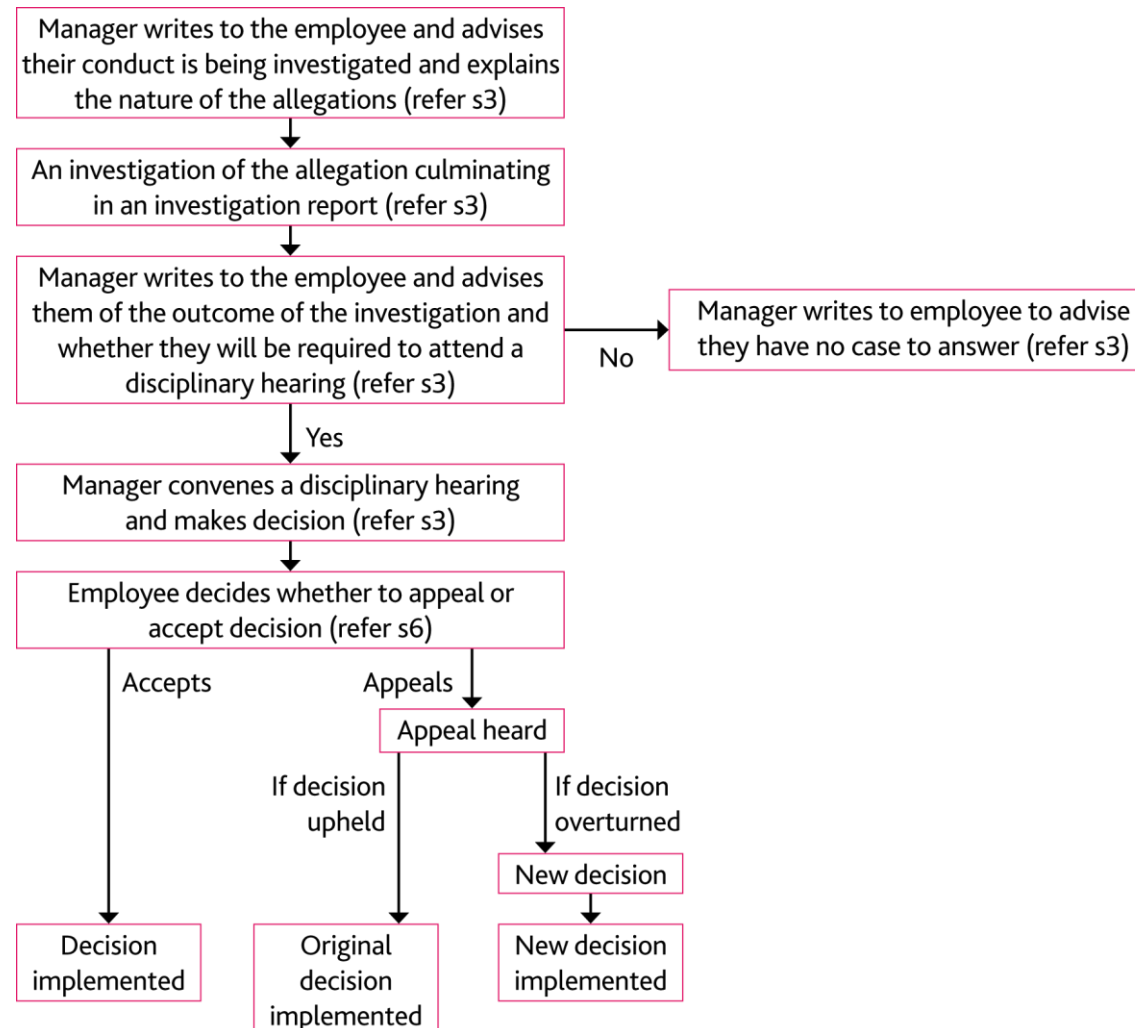
The Fast Track process should never be used for misconduct cases which could result in dismissal.

The Fast Track process involves only the following steps from the formal disciplinary process and excludes the need to conduct a formal investigation:

- The allegations being put to the employee in writing, together with a brief description of the evidence
- A meeting between the employee and the line manager who will take the role of the Decision Manager. Evidence will be presented and the employee will have the opportunity to present their case together with mitigation; at this meeting the employee has the right to be accompanied by a trade union representative or work colleague
- A letter advising the employee of the outcome
- The right to an appeal.

The manager can stop the Fast Track process if at any point it becomes clear that the scope of the misconduct is broader than initially thought or if it becomes clear that others may have been involved in the alleged misconduct. The manager will then start the normal formal disciplinary process and any information gained during the Fast Track process will be used in the initial fact finding stage of the disciplinary process.

OVERVIEW OF DISCIPLINARY PROCESS



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Manager's guidance

As a manager, you will have a positive and supportive approach to helping your team members adhere to the *Conduct policy*.

You are also responsible for addressing and managing any discipline issues within your team in line with this policy. Any actions required in this policy which you do not take could result in the case being referred to an Employment Tribunal. Although this is rare, it is still important that you adhere to the policy when managing a discipline process. This will be part of your performance assessment. This guidance has been produced to help you meet your responsibilities.

DO I HAVE THE AUTHORITY TO CONDUCT A DISCIPLINARY PROCESS?

So long as you have the required level of authority you will manage the discipline process relating to your team members. If you do not have the required level of authority the process should be managed by another manager who meets the requirements detailed in section 3, *Process for managing disciplinary issues*.

In certain circumstances, it may not be appropriate for you to carry out the

investigation e.g. if you were directly involved in the misconduct, and you will need to appoint an Investigation Officer. Please see the managers guidance on Who should do the investigation?

HOW DO I ESTABLISH THE FACTS?

If you have already attempted to address the misconduct through management action you will know the circumstances and relevant issues so no initial fact-finding would be required. It is important to remember that the initial fact finding exercise is not an investigation.

If the apparent misconduct is something new and it appears too serious to manage under normal management action you should immediately make a quick assessment about the situation to establish the facts. You will need to decide whether misconduct possibly occurred, what the general circumstances are and whether the possible misconduct is likely to be of a serious or gross nature.

The aim is to ensure that allegations of misconduct that are clearly a result of a misunderstanding do not escalate into a disciplinary process unnecessarily. You may need to clarify some basic facts with the team member. However, you should limit your

questions to those needed for you to confirm your understanding of events.

Action – Make it clear to the team member that the discussion is not a disciplinary meeting and that you are simply establishing facts. Advise them that, if they do later become the subject of a disciplinary process, they will have access to the related rights and protections.

The initial fact-finding stage will sometimes happen immediately after the apparent misconduct. In cases where the team member might be a risk to themselves or others you should send them home for the remainder of that working day with a direction to return on their next working day.

Top Tip

If you do need to send someone home you must make it clear to them that it is not a discipline sanction, nor is it a suspension, but simply an opportunity to stabilise the situation.

If you suspect a team member's activities to be of a fraudulent nature you should immediately refer to your business area's *Fraud Response Plan* or MoJ's *Fraud policy*

on the intranet in order to identify the relevant contact who will then advise you how to proceed. Similarly, you will need to refer to the *Drug and alcohol guidance* if your initial fact-finding indicates that drugs and/or alcohol may be a relevant factor in the team member's misconduct.

Action – Remember that there are special arrangements for fraud and alcohol and drug related misconduct.

WHAT WILL I DO IF I NEED TO SUSPEND A TEAM MEMBER?

In most cases it will not be necessary to suspend the team member during the disciplinary process. However, you may decide to do so at any point in the process if you believe any of the following circumstances apply:

- the initial fact-finding shows that the team member's behaviour might be gross misconduct;
- there are indications that the health and safety of the team member or other team members might be at risk;
- you reasonably suspect that potential witnesses could be unduly influenced by the team member;

- the working relationship with the team member has broken down; or
- you reasonably suspect that there are risks to MoJ's property (including reputation).

In the above circumstances you should suspend the team member in person (in private) and advise them:

- That suspension is not a disciplinary sanction but simply a method of ensuring you can investigate the allegations properly
- That you will contact them the next day to advise them of the period of their suspension and that you will confirm that in a letter as soon as possible.

Action – While a team member is suspended you will write to them to:

- Keep them informed of the progress of the investigation
- Keep them informed about what is happening in the workplace
- Exchange requests for information
- Provide support as appropriate.

Please refer to the My Services pages on *Suspension*.

The template letter to use is *SWP05 - Notice of suspension*. You should also record the suspension on SOP (Single Operating Platform). Documents and guidance are available on the My Services intranet pages

WHAT WILL I DO IF I NEED TO EXTEND THE SUSPENSION PERIOD?

Suspension is only ever a short-term arrangement. It is not the most effective use of available resources and should not extend longer than the period necessary for you to conduct that part of any investigation that cannot be conducted if the team member is at work.

Action – If the period of suspension needs to be extended you will write to the team member and advise them of the new return to work date and why the suspension has been extended. You will also need to inform the HR Contact Centre.

It is good practice to follow up letters with a phone call to confirm receipt. If the period of initial or extended suspension extends beyond one week you will provide the team member with written updates each week.

You will always consider whether the reasons for the suspension remain valid before extending any period of suspension.

Top Tip

Consider alternatives to suspension such as arranging for the person to work in another office, from home or on different tasks. They have to agree to this first though and you need to make sure the alternative arrangements do not pose the same risks which you initially considered suspending them in order to avoid.

Action – Limit the length of any suspension. You are responsible for avoiding unnecessary delays and resolving the process in a quick manner without compromising the team member's rights.

HOW DO I PLAN THE DISCIPLINARY PROCESS?

You can do this by planning the disciplinary process as much as possible from the start. This involves thinking about:

- What meetings might be needed?
- Whether interviews with witnesses are likely?

- Where meetings would be held?
- Who will take notes or conduct an investigation?
- Who is authorised to make the possible decisions and will they be available when needed?
- Who would manage an appeal if one is requested.

By thinking about these things in advance unnecessary delays can be avoided. You will need to continually update your plan as the complexity of the case becomes clear.

Top Tip

- Do not let disciplinary processes drag on! This is inefficient for the organisation and unfair on the team member who is the subject of the process.
- Plan ahead and contact the companions or representatives to check their availability before setting a meeting date.

WHEN CAN I USE THE FAST TRACK PROCESS?

The policy provides for straightforward disciplinary issues to be resolved through the Fast Track process. This is a streamlined version of the disciplinary process that doesn't involve the investigation phase. It is only suitable for use in simple cases when the team member has:

- Freely admitted to the misconduct
- Acknowledged that it is unacceptable
- Agreed to the Fast Track process after having been advised to consult a union representative.

It is not suitable for dealing with instances of misconduct:

- that would otherwise have the potential to result in the team member's dismissal;
- that are not straightforward;
- where there are mitigating circumstances that would justify something other than the usual response to that form of misconduct;
- where you are not certain of the extent of the misconduct; or
- where the team member has not acted alone.

If they agree you should then:

- Organise a hearing as you would in a normal disciplinary process
- Write to them with your decisions.

They retain their statutory rights to be represented/accompanied at the hearing, respond to the allegations and appeal the outcome.

Action – Tell the team member to get advice from a union representative, staff network, or HR Contact Centre if they are not sure whether to opt for the fast track process.

Follow the guidance on organising and conducting a hearing, plus the guidance on making decisions. You will find this later in this document.

Use the template letters:

CND03 - Disciplinary Meeting Invite Letter

CND06 - Disciplinary Outcome Letter.

These are available on the My Services intranet pages. Send a copy of these letters to HR Shared Services at the same time they are sent to the employee.

Top Tip

Stop the Fast Track process if you suspect the misconduct is broader than initially thought or if you suspect other team members are involved.

DOES THERE NEED TO BE AN INVESTIGATION?

You must ensure the matter is investigated with a view to reaching an understanding of the team member's actions. The aim is to collect the facts necessary to decide whether there is a case to answer. The circumstances and complexity of the case will determine the nature and extent of the investigation.

Where disciplinary action is being considered against a team member while acting in their role as a trade union representative, it is advisable to discuss the matter at an early stage with a senior trade union representative, or official employed by the union. Contact the HR Contact Centre to facilitate this.

Where disciplinary action is being considered against a team member while not acting in their role as a trade union representative, it is advisable to discuss the matter at an early stage with a senior trade union representative

or official employed by the union. However, the team member's agreement must be obtained in advance, either verbally or in writing, that the senior trade union representative can be notified. (The trade union should not be notified if the employee does not give their consent.)

HOW DO I LET THE TEAM MEMBER KNOW THAT THEIR CONDUCT WILL BE INVESTIGATED?

You will write to the team member to advise that their conduct is the subject of a formal disciplinary investigation. The letter will:

- Provide an outline of the allegation
- Explain why such conduct is unacceptable
- Give them the name and contact details of the Investigation Officer (if you are not conducting the investigation)
- Ask them to advise you/the Investigation Officer of any evidence they would like considered (such as anyone they would like to nominate as a witness)
- Advise them that it may be necessary to hold a fact-finding meeting with them to establish the facts of the case (no disciplinary action is considered at this meeting)

- Explain that you will write to them again when the investigation has concluded and indicate when that is likely to be.

If possible, give the letter to the employee personally and explain what it means.

Please refer to the My Services pages and the Intranet guidance on *Investigations*.

Action – Inform the team member of the allegations.

The template letter to use is *Employee Investigation Notification*, as found in the investigations section of My Services.

WHO SHOULD DO THE INVESTIGATION?

You need to decide whether the case is straightforward enough for you to conduct the investigation yourself or whether you need to appoint an Investigation Officer. The questions you need to consider when making this decision are:

- Did you directly observe the misconduct?
- Is it conduct you have previously attempted to resolve through management

action or through the formal disciplinary process?

- Are you aware of all the relevant circumstances?
- Is the allegation of minor, serious or gross misconduct?
- Are there other people involved?
- Will you need to interview witnesses? and
- Are you sure there are no wider issues such as related misconduct by other team members?

Please refer to the My Services pages on *Investigation* and complete the IVS01 form if you are appointing an Investigation Officer to conduct the investigation.

The aim of the investigation is to make a justifiable recommendation about whether misconduct is likely to have occurred. So whoever conducts the investigation must make enough enquiries to ensure that they have all the available evidence and considered all relevant facts needed to make that recommendation.

Other than in interviews carried out by MoJ's Fraud and Investigation Teams, interviews undertaken as part of the disciplinary process should not be tape recorded.

Top Tip

Refer to the *Fraud policy* or *Drug and alcohol guidance* and seek advice from the HR Contact Centre about how to proceed if the investigation reveals evidence of fraud or drugs or alcohol have played a part. If there is an allegation of internal fraud, the fraud teams must be involved. There is a potential sanction of dismissal and banning for 5 years.

WHO WILL I CHOOSE AS THE INVESTIGATION OFFICER?

An Investigation Officer will be at least Band C and the same grade or higher than the team member under investigation.

You will ensure they have the appropriate skills to conduct an investigation in a professional manner. This would include the ability to:

- To analyse conflicting information
- To communicate well
- To manage conflict

- To perform the role of the Investigation Officer as outlined in the Roles and Responsibilities section of this policy
- Produce an Investigation Report and a Summary Investigation Report that meet the relevant requirements as outlined in 'What is the Investigation Report?' in this section.

Action – Decide who should do the investigation.

HOW DO I COLLECT EVIDENCE FROM WITNESSES?

Witnesses are employees who have observed the alleged misconduct or relevant related behaviour. The person conducting the investigation will obtain statements from witnesses in a meeting or by request if the alleged misconduct is likely to be disputed or its extent is unclear.

When contacting witnesses you/the Investigating Officer will:

- Remind them that it is a formal disciplinary investigation and that they are required to give a full and true account because it will help determine the conclusions drawn from the investigation

- Remind them of the confidential nature of the disciplinary process
- Give them reasonable time to attend meetings with the Investigation Officer or provide statements.

Action – You will ensure witnesses sign their statements to confirm their accuracy. Witness statements are evidence.

Use the *Disciplinary Witness Statement Form*, found in the investigations section of the Intranet.

WITNESS STATEMENTS

The team member whose conduct is being investigated will be provided with copies of witness statements, obtained as evidence during the investigation. These should be included in the investigation report which will be sent to the employer ahead of the disciplinary hearing.

In very exceptional circumstances consideration may need to be given to withholding some information. If, for example a witness is reluctant to provide a statement because of a genuine fear of violence, harassment, discrimination or bullying, and the evidence would be an important part of

the investigation, or there is a real prospect of prejudicing a legal investigation. In these instances it may be possible to disclose an anonymous or "redacted" version of the witness statement. When considering very exceptional circumstances a manager or Investigation Officer may need to speak to the HR Contact Centre to get advice on whether it is appropriate to withhold information. If information is withheld the witness must be clearly informed, that if the matter were to progress to an Employment Tribunal or court, that their identity would be revealed, and/or the information disclosed in full.

Top Tip

Witnesses do not have the right to be accompanied or represented at meetings with the investigation officer unless as a reasonable adjustment in line with the *Equality Act 2010*. However, the manager will ensure they are treated with the respect and trust to which all team members are entitled.

WHAT IS THE INVESTIGATION REPORT?

It is a written report, the aim of which is to make a justifiable recommendation about

whether the team member's behaviour constitutes a breach of the *Conduct policy*.

The report also gives the team member information necessary for them to understand the findings of the investigation.

The person conducting the investigation will complete the investigation report. The report will contain the following:

- Name of the team member whose conduct is being investigated
- Names and roles of people involved in the investigation
- Details of the alleged misconduct
- Evidence and witness statements considered during the investigation as attachments
- Rationale for not considering any nominated evidence or witness statements
- Conclusions drawn from the evidence and witness statements
- Objective assessments about the relative strengths of inconsistent evidence
- A recommendation about whether the team member has breached the *Conduct policy* and why.

The above list is not exhaustive and the manager or the Investigation Officer may need to make available other relevant papers to the team member, if requested.

Action – The recommendation about whether the team member has breached the *Conduct policy* must be made on the balance of probability. That means that, on the balance of the available evidence, it is more probable than not that the team member has or has not breached the *Conduct policy*.

Top Tip

The Investigation Report will inform decisions and could ultimately be presented to an Employment Tribunal. Consequently, it is vital that the report is comprehensive, accurate and based on the objective and fair assessment of the evidence available.

WHAT DO I DO WITH THE INVESTIGATION REPORT?

If the investigation report finds that the team member does have a case to answer you must write and tell them so and that you are organising a hearing. The letter should:

- Enclose a copy of the investigation report
- Advise that you will invite them to a hearing to discuss the allegation
- Advise that they will have the right to be accompanied or represented at the hearing
- Advise that they will have the right to appeal the outcome of the process
- Tell them that they have five working days, or longer if mutually agreed, to let you know if they will be accompanied or represented at the hearing and by whom.

If the investigation report finds that the team member does not have a case to answer you will write and tell them so and provide them with a summary of the investigation report.

The template letters to use are *IVS05 – No Case to Answer* or *CND03 – Disciplinary Meeting Invite*.

Action – As soon as possible after the conclusion of the investigation you must use the template letter to write to the team member and say whether or not they have a case to answer.

HOW DO I ORGANISE THE DISCIPLINARY HEARING?

After sending the letter advising the team member that they have a case to answer you will liaise with them and any companion or representative they nominate to organise a hearing date. Information about the team member's right to be accompanied or represented is provided in section 3, *Process for managing disciplinary issues – Right to be accompanied*.

You will need to arrange for a note taker to attend the hearing. This is not a HR function nor is it a role that should be performed by someone in the same team as the team member whose conduct is being considered. Therefore, you will liaise as appropriate and locate a note taker from another team.

You must then send the team member a letter confirming the details of the hearing. The letter should:

- Include information about the time and location of the hearing
- Advise them that at the hearing they will be able to respond to the allegation and explain their case
- Advise that they have the right to be accompanied or represented at the hearing
- Tell them that they have five working days, or longer if mutually agreed, to let you know if they will be accompanied or represented at the hearing and by whom
- Advise that they will have the right to appeal the outcome of the process.

Please refer to the My Services pages on *Disciplinary Hearing*.

The template letter to use is *CND03 – Disciplinary Meeting Invite*.

Occasionally you may need to re-arrange a meeting due to unforeseeable circumstances. Generally, this will be within five working days of the time originally proposed. It will be organised after liaison with the team member and any companion or representative. If the employee simply does not turn up you will re-arrange the hearing once. If they fail to attend the re-arranged hearing you should

conduct the hearing in their absence based on the information available at the time.

Action – You will:

- Organise a note taker to attend the hearing
- Liaise with the team member and their nominated companion/representative
- Write to the team member with the details of the hearing.

HOW DO I CONDUCT THE HEARING?

The hearing should be held in a private location and, if possible, somewhere that is not part of the team member's normal work environment.

At the hearing you should:

- Explain the allegation to the team member and go through the summary of the investigation report with them
- Give them the opportunity to respond to the allegation
- Allow them to explain their case
- Allow them to respond to the evidence and ask you questions

- In addition, give them the opportunity to offer any additional information or mitigating circumstances they might want to have considered.

Action – You will:

- Arrange for a note taker to record the meeting and record any points of disagreement. It does not have to be verbatim but should cover the key facts and indicate any points that the team member disputes and why.
- Then send the team member the notes within three working days of the meeting and ask them to sign to say that they are an accurate record (noting any factual inconsistencies) and return to you within five working days.

WHEN AND HOW DO I INFORM THE TEAM MEMBER OF MY DECISIONS?

You must advise the team member of your decisions and the grounds for those decisions in person.

If you are in a position to do so you can advise the team member of your decisions in the hearing and indicate that you will follow up with a letter within five working days of the hearing. You should also remind them that

they have the right to appeal the decision and they should do so within fifteen working days of receiving the decision in writing.

Top Tip

- Don't rush to make a decision.
- If you don't feel able to make a decision at the hearing, you could adjourn the hearing and reconvene to allow you time to reflect on the evidence before reaching your decision. This is particularly important for dismissal decisions.
- You will confirm your decision in writing within five working days of the hearing – or at the reconvened hearing.

WHAT SHOULD I CONSIDER WHEN MAKING DECISIONS?

Before making the decision you should consider the team member's response to the allegation, any additional information they provided and any mitigating circumstances. You must then decide:

- What type of misconduct it is
- What sanction you think is most appropriate.

Level of misconduct

When deciding whether the misconduct was minor, serious or gross, you should consider how much the employment relationship between MoJ and the team member has been affected by the team member's actions.

Decision – you need to decide upon the level of misconduct and justify your decision.

Type of misconduct decision

When deciding what sanction is most appropriate in the circumstances, you need to consider:

- What sanction is normally given for the type of misconduct in question as it is important to respond to misconduct in as consistent a manner as the unique circumstances of the case allow (you may need to liaise with the HR Contact Centre for this information)
- The team member's previous conduct record
- Any mitigating circumstances which may have effected the team member's behaviour.

Above all, the sanction must be reasonable in the circumstances. In some instances it may be reasonable not to apply a sanction even if misconduct is found. The possible sanctions are outlined in section 3, *Process for managing disciplinary issues – Sanctions and levels of authority*.

Decision – you need to decide on the sanction and justify your decision.

WHEN DO I WRITE TO THE TEAM MEMBER WITH MY DECISION?

You will:

- Do this within 5 working days of the hearing
- Include the grounds for your decisions and the Summary Investigation Report
- If the hearing has been reconvened, give the team member the letter at the end of that reconvened hearing.

The decision will be implemented immediately. If a dismissal decision is overturned on appeal the team member may be reinstated.

Action – The letter must say that the team member can request an appeal and that, if they do want an appeal, they must advise the nominated appeal manager using the template letter within 15 working days, or longer if mutually agreed.

The manager should send *CND06 - Disciplinary Outcome* letter to the team member informing them of the outcome of the hearing and send a copy to the HR Contact Centre.

WHAT HAPPENS IF THE TEAM MEMBER APPEALS?

The team member has a right to an appeal. If they want to exercise that right they should appeal within 15 working days of receiving the written decision. They will write to the manager who has been nominated to hear any appeal using the template form *APP01 - Appeal Notification Form*.

The appeal should be organised in the same way as the hearing and the team member has the same rights as they do in a hearing. Further information is provided at section 6, *Appeals*.

Generally, someone from a different management chain should hear the appeal and decide the outcome. However, someone from the same management chain can hear the appeal and decide the outcome provided they had not been involved in the original process. The appeal is the final consideration of the disciplinary issue within MoJ.

Top Tip

When trying to find a manager with the level of authority needed you can always look laterally rather than having to move up the management chain. You can also look to other management chains.

WHAT DO I DO AFTER THE DISCIPLINARY PROCESS?

After the process you should implement the decision and forward the relevant documentation to the HR Contact Centre for filing in a case file and for any written warnings to be added to the team member's personal file and onto the relevant management information system.

Disciplinary processes can be stressful and impact on the team member's confidence and their professional relationships with others at work.

Action – It is important to help them readjust and meet with them to see what support they might require to maintain the standards of conduct required. This could range from management action to a formal readjustment schedule, which could include coaching, mentoring or formal learning and development activities.

Top Tip

Where the disciplinary issue involved more than one person and interpersonal conflict, you should consider mediation through Workplace Support, as an option for re-establishing professional working relationships

Action – Help the team member to maintain the required standard of conduct.

WHAT DO I DO WITH ALL THE DOCUMENTATION I HAVE COLLECTED?

You should collate all documentation relevant to the discipline process (including any appeals) and pass it to the HR Contact Centre for filing on the case file at the end of the process. The documentation should include:

- Any relevant correspondence to and from the subject and witnesses (including emails)
- The Investigation Report including written statements, the Summary Investigation Report and other evidence
- Notes from the hearing
- A record of any evidence or statements disputed by the subject and the basis of that dispute (whether as part of the notes from the hearing or otherwise).

All documentation related to the discipline process should be marked OFFICIAL - SENSITIVE and managed in accordance with the *Corporate Security policy*.

Action – Document the process and manage information appropriately.

MANAGER'S CHECKLIST

Use the following checklist to help you follow the disciplinary process properly. Have you:

- ☐ Conducted an initial fact finding to ensure it is a disciplinary issue and whether it is suitable for resolution through management action or formally through the disciplinary process?
- ☐ Made reasonable attempts to resolve the matter through management action if appropriate?
- ☐ Checked that you have the authority to make decisions in a formal disciplinary process?
- ☐ Planned the process and potentialities out in advance?
- ☐ Considered whether Fast Track resolution is appropriate?
- ☐ Considered whether there are viable alternatives to suspension if appropriate?
- ☐ Used *SWP - Notice of suspension* template letter if suspending the team member?
- ☐ Used the *IVS08 - Employee Investigation Notification* template letter to advise the team member they are subject to a disciplinary investigation?
- ☐ Remembered that, where disciplinary action is being considered against a team member while acting in their role as a trade union representative, it is advisable to discuss the matter at an early stage with a senior trade union representative, or official employed by the union?
- ☐ Remembered that, where disciplinary action is being considered against a team member while not acting in their role as a trade union representative, it is advisable to discuss the matter at an early stage with a senior trade union representative or official employed by the union, and the team member's agreement must be obtained in advance, either verbally or in writing? (The trade union should not be notified if the employee does not give their consent.)
- ☐ Organised an investigation and ensured the production of an Investigation Report?
- ☐ Advised the team member of the outcome of the investigation using the *CND03 - Disciplinary Invite* or *IVS05 No case to answer* template letter?
- ☐ Ensured a note taker is present at the hearing and produces an accurate record of the key points?
- ☐ Given the team member the opportunity to endorse or indicate discrepancies in the notes?
- ☐ Advised the team member if your decision in person and followed up with written confirmation using the *CND06 - Disciplinary Outcome* template letter?

Then if there is an appeal, have you:

- ☐ Liaised with the team member and other parties before sending the *APP01 - Appeal Notification Form*?
- ☐ Advised the team member of the outcome of using the *APP01 - Appeal Notification Form*?

And after the process, have you:

- ☐ Collated all documentation relevant to the process and sent it to the HR Contact Centre for filing?
- ☐ Met with the team member to help them readjust and considered any ongoing requirements?
- ☐ If the disciplinary process was related to internal fraud and you took the decision to dismiss, have you informed your HR Business Partner?

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WHAT CAN I EXPECT FROM MY MANAGER IF MY CONDUCT FALLS BELOW STANDARD?

Generally, if there is a minor problem with your conduct it will be addressed informally through management action by your line manager. This is where your manager works with you to encourage you to improve your conduct.

If your conduct does not improve or it is too serious to address informally you may become the subject of a formal disciplinary process. This could result in you being given a warning or being dismissed.

WHAT SUPPORT IS AVAILABLE TO ME?

You should familiarise yourself with the MoJ *Conduct policy* as well as the *Discipline policy*. Both are available on the Conduct and Behaviour section of the intranet. They explain how your manager will respond to misconduct. Your manager will provide you with hard copies of the policies and/or guidance if you cannot easily access the intranet.

WHAT ARE MY RIGHTS?

If you are the subject of a disciplinary process you have the rights:

- To be advised in writing that your conduct is the subject of a disciplinary investigation and the nature of the allegations against you
- To be given reasonable written notice of the date and time of a disciplinary hearing with a copy of the investigation report and reasonable time to prepare for hearings
- To respond to the allegations against you at a disciplinary hearing
- To be accompanied or represented at the disciplinary hearing (see section 3, *Process for managing disciplinary issues – The right to be accompanied*)
- To be notified in writing of the outcome of the process
- To appeal the outcome of the disciplinary hearing (see section 6, *Appeals*, and use the template form *APP01 – Appeal Notification Form*).

CAN I HAVE TRADE UNION REPRESENTATION IF I NEED IT?

Yes, if you want union representation at the disciplinary hearing you should advise your union as soon as possible. This will give them adequate time to advise you and help you prepare for the hearing.

CAN I TAKE MY CASE TO AN EMPLOYMENT TRIBUNAL?

Yes, you have a statutory right to have your cases heard by an Employment Tribunal.

WHAT ARE MY RESPONSIBILITIES IF I AM SUBJECT TO A DISCIPLINARY PROCESS?

You are responsible for:

- Acting in accordance with the *Conduct policy*
- Maintaining confidentiality
- Co-operating fully with the process and supporting a speedy and fair resolution
- Attend fact-finding meetings, if requested
- Attending hearings and/or meetings as agreed
- Advising the investigating manager if you will be accompanied or represented at a hearing and by whom

- Advising the investigating manager of any witnesses or other evidence you would like considered during the process
- Advising the investigating manager of any special information which you would like to have taken into account – this includes any mitigating circumstances or events which may have influenced your conduct but which the manager may not be aware of
- Lodging any appeal within 15 working days of being informed of the outcomes of the process in writing.

WHAT DO I NEED TO DO IF I BECOME A WITNESS IN A DISCIPLINARY INVESTIGATION?

You might be nominated as a witness during a disciplinary investigation. If so, your account of events will inform decisions made about the conduct of one or more of your colleagues.

You are responsible for:

- Maintaining confidentiality (but advising your manager if and when your role as a witness impacts on your usual work)
- Providing a full and truthful account of events to the best of your knowledge in a

signed written statement or series of statements

- Attending meetings with the Investigation Officer if necessary
- Reporting any attempts to influence your statement to the Investigation Officer or the manager conducting the disciplinary process.

You can expect to be treated fairly and respectfully throughout a disciplinary process. The Investigation Officer will answer any questions you might have about producing your statement.

Top Tip

If you have concerns or need some advice on your role as a witness, contact the Investigation Officer or HR Contact Centre who will help you.

Disciplinary processes help maintain organisational effectiveness. Consequently, refusal to provide a statement or knowingly providing a false, deliberately misleading or incomplete statement could result in disciplinary action.

As a team member you are obligated to tell us the facts from your perspective. To ensure openness and transparency in the investigation process, your witness statement will be provided to the team member whose conduct is being investigated. In very exceptional circumstances, for example, where a witness has a genuine fear of violence, harassment, discrimination or bullying, or where there is a real prospect of prejudicing a legal investigation, the manager or investigation officer may withhold some information. If information is withheld, if the matter were to progress to an Employment Tribunal or court your identity would be revealed, and/or the information would be disclosed in full.

A *Witness statement* template accompanies these guidelines.

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ABOUT APPEALS

Employees have the right to appeal the outcome of a discipline process. An appeal is a review of the decisions reached and the basis for those decisions. It is not a re-investigation.

Top Tip

The employee has the same right to be accompanied or represented as they do in the discipline hearing.

If the employee does want to appeal they must do so in writing using the template letter provided within 15 working days of receiving the written outcome of the discipline hearing. They must also explain the nature of any new evidence they would like to have considered. The template form to use is *APP01 - Appeal Notification*.

Top Tip

The letter advising the employee of the outcome of the discipline hearing will indicate who the appeal request letter should be sent to.

REQUESTING APPEALS

An employee might consider requesting an appeal for the following reasons:

- they believe new evidence has come to light that could justify a change to the original decision;
- they believe the decision was unfair due to the *Discipline policy* not being applied correctly; or
- they believe the decision was unreasonable.

THE APPEAL PROCESS

The appeal will be heard by a manager who:

- Has the required level of authority
- Is at least one grade above the manager who made the original decisions
- Is outside the employee's management chain or, if this is not possible, within the same management chain but was not involved in the discipline process.

HEARING PREPARATIONS

Upon receipt of the employee's request for an appeal the nominated appeal manager will:

- Consider whether new evidence needs to be investigated further before the hearing
- Liaise with the employee and consider their availability and that of their nominated companion or representative
- Arrange an appeal hearing as soon as possible and normally within 10 working days of receiving the employee's written appeal request.

They will then write to the employee using the template letter *APP03 - Appeal Hearing Invite*.

The letter will include:

- Information about the time and location of the hearing
- The purpose of the hearing (ie, for the employee to explain their appeal and why they think the initial decision was incorrect)
- A reminder that they have the right to be accompanied/confirmation of who they have nominated

- That they must inform the appeal manager who will be accompanying them at the meeting (if they have not already done so).

Top Tip

If for unforeseeable reasons the employee, their representative or companion is unable to attend the manager will reschedule the meeting within five working days of the original date or later if mutually agreed. If the employee does not attend a rescheduled meeting, the manager can proceed in the employee's absence.

APPEAL HEARING

At the appeal hearing the appeal manager will:

- Ask the employee about the issues associated with their request for an appeal
- Consider any new evidence, and then decide whether the original finding of misconduct was reasonable and whether any sanction applied was reasonable.

They will advise the employee of the appeal outcome and the grounds for the decision in person.

If they are in a position to do so they will advise the team member of their decision in the appeal hearing and indicate that they will follow up with a letter within five working days using the template form *APP01 - Appeal Notification*.

However, the appeal manager will not rush their decision. The meeting may be adjourned and reconvened to allow time for careful consideration of the facts presented and to form a decision.

OUTCOMES OF AN APPEAL HEARING

The appeal manager could:

- uphold the original decisions;
- overturn the original decisions and make new decisions; or
- overturn the original decisions and direct that the matter is reheard/reconsidered by another independent manager, as they can not impose a higher sanction.

AFTER THE APPEAL

After the hearing the appeal manager will forward relevant documentation to the HR Contact Centre for filing in a case file. If earlier decisions have been overturned they will advise the HR Contact Centre to ensure that any necessary amendments to personal files and information systems or other arrangements are made.

The appeal manager will also advise the employee's manager of the appeal outcome. The employee's manager will then meet with them to identify and arrange any readjustment support they may need.

FINAL INTERNAL DECISION

The appeal manager's decision represents the final decision on the matter within Ministry of Justice. Any appeal decision does not affect the employee's statutory right to take their case to an Employment Tribunal.

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GRIEVANCES RAISED DURING THE DISCIPLINARY PROCESS

Grievances raised during the disciplinary process will be addressed separately through the *Grievance policy*. The disciplinary process will not be suspended while the grievance process is being conducted. It is important to note that grievances are not appeals. The disciplinary process allows employees to appeal if they believe the process has not been applied correctly.

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You can get an electronic version of this document plus any template letters and forms on the My Services pages of the intranet at <http://intranet.justice.gsi.gov.uk/guidance-support/my-services/conduct-behaviour/discipline.htm>

ALTERNATIVE FORMATS

If you cannot easily get access to the intranet, your manager can give you with a hard copy of the policy or guidance. For other formats including Braille or large print, contact the HR Contact Centre:

Email: MoJ-HR-Enquiries@NOMS.gsi.gov.uk

Phone: 0845 010 3510

FURTHER INFORMATION

For further information and advice on this policy please contact the HR Contact Centre.



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