

Before the Senior Officers Disciplinary Panel Hearing

Preliminary points.

1. At least ten calendar days' notice of a disciplinary panel should be given.
2. The statutory officer must be informed, in writing, of the complaint(s) against them. The letter conveying this information must give sufficient details of the allegations in order to give the statutory Officer the opportunity to respond adequately at the formal hearing. Copies of documentary evidence to be used at the hearing must be included. Failure to give full information may in reality deprive them of the ability to mount a defence to the charges and result in a request for the disciplinary panel to be deferred.
3. The Statutory Officer must be advised in the letter inviting them to the hearing of their right to be represented by a recognised trade union representative or work colleague, to call witnesses and present other evidence. The matter of representation is a matter for the Statutory Officer to organise and they should be advised of this in the letter.

Senior Officers Disciplinary Panel

Procedure for Disciplinary Hearings

1. The purpose of the hearing should be to establish all the facts in order to determine the validity, or otherwise, of the alleged misconduct. The hearing is important to allow the panel to make its recommendations to full council.
2. Human Resources Consultants may attend to advise the panel on process and consistency. A colleague or trade union representative may attend to support the officer and they should ensure a note of the proceedings is taken for their purposes.
3. Where statements by witnesses form part of a case the witnesses should be available for questioning, unless there are valid reasons which would make their presence inappropriate
4. The Investigator will outline the alleged offence, where necessary supported by witnesses, if necessary.
5. The Statutory Officer shall have the opportunity to ask questions of the Investigator on the evidence given by them and any witnesses whom they may call
6. The Panel may ask questions of the Local Authority's representative and witnesses.
7. The Statutory Officer shall put their case in the presence of the Investigator and shall call such witnesses as they wish.

8. The Investigator shall have the opportunity to ask questions of the Statutory Officer and her/his witnesses.
9. The Panel may ask questions of the Statutory Officer and her/his witnesses
10. The investigator will then summarise their case. At this stage no new evidence should be introduced.
11. The Statutory Officer or their representative will then summarise their case. At this stage no new evidence should be introduced.
12. An adjournment will then usually be called to enable the panel to deliberate and consider all the circumstances of the case. The Human Resource consultant will remain to advise the panel. At this stage the employee and their representative, all witnesses and other officers will withdraw.
13. The statutory officer and their representative will then be recalled informed verbally of the decision of the panel. If the decision is to be recommending dismissal to the council meeting the Statutory Officer will be informed of the time and date of the Council meeting.

Council meeting - procedure.

1. The Council will meet in private to decide upon the recommendations of the Senior Officer Disciplinary Panel. The meeting will be exempt under the provisions of paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and therefore the meeting will not be open to the press or public.
2. The Investigator will outline the alleged offence. No witnesses shall be called.
3. At the Council meeting the Statutory Officer or his/her representative will be permitted to make representations to the Council,
4. The Statutory Officer and his/her representative will leave the Council meeting in order for the Council to deliberate and make its decision.
5. The decision of the Council will be communicated to the Statutory Officer and his/her representative in writing within five days of the Council meeting.