***NB – The employee must be given at least 5 working days notice of the date of the Hearing***

**PERSONAL**

Dear

**DISCIPLINARY HEARING**

As you will be aware, there has been a recent investigation into an allegation/s\* that has/have\* been made against you. The Investigating Officer has concluded that his/her\* investigation has unearthed sufficient evidence of unsatisfactoryconduct that should be formally dealt with under the Council’s disciplinary procedure. I have been nominated to conduct a disciplinary hearing, the purpose of which is for me to hear both the Investigating Officer's and your case and then decide whether disciplinary action is warranted.

You are requiredto attend a disciplinary hearing, which is scheduled for (*date, time and location*). At the hearing you will be required to respond to the following allegations (which could potentially amount to gross misconduct)\*:

*Insert* *allegation/s\*, as per the outcome of the investigatory stage*

###### Format of the hearing

I intend to conduct the disciplinary hearing as follows:

1. Firstly, I will explain the purpose and formatof the meeting***,*** and deal with any procedural issues that may arise.
2. I will then ask the Investigating Officer to state the allegation/s\* against you and present the evidence that forms the substance of the case. At this point, I will ask any supporting witnesses to make their statements, if they are to be called, or for their written submissions to be presented if they are not.
3. You and/or your companion will then have the opportunity to question the Investigating Officer and any attending witnesses about evidence that has been presented. I and my assisting colleague may also question the Investigating officer and any attending witnesses at this point.
4. I will then ask you to present your caseand call any supporting witnesses, or present their written submissions if they are not being called. The Investigating Officer will then be given the opportunity to ask questions of you and your attending witnesses in respect of the information presented.
5. I and my assisting colleague will question the Investigating Officer and yourself, as well as any supporting witness/es who may be called.
6. In addition there may be the need for a more general discussion during which both sides can raise relevant issues not already covered.
7. You will be given the opportunity to conclude your response to the allegations by highlighting anyaspects you consider tobe particularly relevant***,*** including introducingany mitigating circumstances.
8. I will allow adjournments during the course of the hearing where I deem they are necessary.
9. At the end of the hearing, I will adjourn the meeting.
10. During this adjournment, I will consider all of the relevant issues that have emerged from the hearing, consider whether the allegations have been substantiated and decide what action to take.
11. I will notify you of my decision in person whenever possible and confirm it in writing, along with the reasons for arriving at that decision. I would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will of course depend on the type and extent of the range of issues that I need to consider.

###### Potential outcome of hearing

In view of the nature of the allegation/s\* being made against you, you should be aware that a possible outcome of the hearing is that disciplinary action could be taken against you *which includes the possibility of your dismissal from the Council’s employment\*\**. You are advised to read the disciplinary procedure, which sets out the range of disciplinary actions that may be taken in certain circumstances.

###### Submission of evidence

If there is any additional, relevant evidence you wish to have taken into account at the hearing, you must forward this to me at least 24 hours in advance of the hearing. If you wish to have witnesses called you must notify me immediately to ensure that I can contact them in plenty of time. I wish to clarify at this point that witnesses can not be compelled or instructed to attend the hearing.

I will be referring to documentary evidence that has been provided to me by the Investigating officer. I have enclosed for your information a copy of the report and appendices.

**Your right to be accompanied**

You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted be accompanied by your partner, a spouse or a legal practitioner.\*

I will be accompanied by *(insert name of officer)*

###### Confirming your attendance

You are expected to take all reasonable steps to attend the hearing and I have to advise that should you fail to attend the hearing without good and sufficient reason, it is likely that the hearing will proceed, and a decision will be taken, in your absence.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

Please telephone me as soon as possible to confirm that the above date and time are suitable, whether you will be accompanied and if so, by whom.

I trust this satisfactorily explains the stage we are at in the disciplinary procedure and how the disciplinary hearing will proceed.

Yours sincerely

**NAME OF OFFICER CONDUCTING HEARING**

Enc Copy of Investigation Report and Appendices

\* delete as appropriate

\*\* include this wording in cases where gross misconduct is being alleged or where the employee is presently under a final warning

\**“You have the right to be accompanied by a work colleague, trade union representative or a legal practitioner if you so wish. You are not permitted be accompanied by your partner or a spouse.”*

*Use the above paragraph if this is potential gross misconduct and the employee is professionally registered with a body such as SSSC, GTCS, NMC (and this registration is applicable to their role).*