**Disciplinary Procedure – Hearing Flow Chart**

If the investigation has established that there is a case to answer, the investigator should forward the investigation documentation and a copy of the disciplinary policy to the disciplinary panel, and request a date is organised to hear this. The disciplinary panel will normally consist of a Senior Manager or HR Representative to chair the meeting, the employee and the employees representative.

The employee should be sent the template “Invite to Disciplinary Hearing Meeting” letter, along with the disciplinary policy, and investigation documentation. They should be notified in the letter of their right to be accompanied by an appropriate work colleague or Trade Union Representative.

The employee should be given one working week notice of the hearing to give chance for them to review the investigation documentation

**The meeting**

The Chair of the panel should introduce the people who are present, why they are there and what roles they hold during the meeting. The Chair should confirm that notes will be taken during the meeting and circulated after the meeting has concluded

If the employee is not accompanied by a representative, the Chair should confirm that the employee is aware of their right to be accompanied before proceeding

The Chair should explain the format and purpose of the meeting (ie, to consider whether disciplinary action should be taken in line with the Disciplinary procedure)

The Chair should explain when the outcome of the hearing will be known and how the outcome will be communicated to the employee

The Chair should state what the complaint is and outline the evidence that has been gathered. They should call supporting witnesses if applicable and allow questioning by the Panel and the Employee.

The disciplinary panel will establish if the employee has any explanation for the alleged misconduct or unsatisfactory performance by asking the employee to set out their case, answer questions and call their own witnesses to support their case

The panel will decide if there are any mitigating factors to take into account, and will give full consideration to these factors

The Chair should summarise the main points that have been discussed, and ask the employee if they wish to ask anything further

The meeting should then be adjourned to consider the points raised and any mitigating circumstances. Where any matters that have been raised need further exploration, the adjournment should be extended to allow further investigation, and the employee should be notified of the new date that the outcome will be delivered.

If additional evidence is considered or further explored, then the hearing **must** be reconvened so that the additional evidence can be put to the employee to enable them to comment on it.

The hearing should then be adjourned for a second time to consider the employees comments relating to the additional evidence.

The meeting should then recommence, and the employee should be informed of the decision verbally, and this should be followed up in writing, letting the employee know of their right to appeal

The disciplinary panel should then decide whether disciplinary action is appropriate and what the sanction will be, taking into account any mitigating circumstances.

Where the decision is dismissal, then legal advice on the outcome/decision and termination letter, is strongly advised