

Investigation and Disciplinary Guide

The following guide outlines the process that would generally be followed if there was an issue with misconduct that potentially warranted formal action. As each case will be different the approach may vary and specific guidance should be requested from AAB People if a situation of this nature were to arise.

Investigatory meetings – a general guide

- Before any disciplinary action is taken or a formal hearing is arranged, a thorough investigation should be conducted to establish all the facts surrounding the allegation and to decide if a disciplinary hearing is appropriate.
- Any investigation must have a clear purpose and be conducted with someone impartial to ensure there is no bias or prejudice to the employee.
- When the matter has been fully investigated, the employee will be invited to attend a disciplinary hearing, or the matter may be dealt with informally (i.e. potentially issuing a informal warning/letter of concern) or no action may be required and the employee will be advised of this.
- Investigations are informal in nature and not part of your formal disciplinary process therefore a disciplinary sanction cannot be the outcome of an investigation meeting.
- As investigatory meetings are informal the person is not entitled by law to have a companion present with them at the investigation meeting.
- On this basis you can hold the investigatory meeting on your own taking your own notes – however it would be advisable to have a note taker with you. This person should merely be at the meeting to take notes and nothing else. Ideally this should be a senior person who will treat the meeting confidentially and professionally. Ideally it should not be someone who has some part in the 'issues/allegations'.
- Notes should be taken word for word – noting questions asked and employee responses the notetaker should be comfortable to ask participants to stop to catch up and summarise to ensure notes are accurate.
- A letter of invite is not required to advise employee this is an investigation (not a formal meeting).
- The purpose of the meeting is to fact-find (so who, why, where, what, when, how questions – e.g. what happened, who was there, what did you say, when did this happen) getting as much detail as possible.
- Once the investigatory meeting is concluded advise the employee you are adjourning to consider the facts and will notify employee in writing of next steps if you consider disciplinary action is appropriate.
- Ideally ask the employee to sign the notes at the end of the investigation to confirm that accurate record of the investigation meeting.

Questions to ask at investigatory meeting

- As above, you need to ask who, why, where, what, when, how questions.

- You should put questions to the employee and ask for employee's comments on issues put to them.
- Questions should be objective/stick to facts/do not become subjective and do not make any judgements on the employee.

Once you have held the investigation meeting adjourn, advise employee you are adjourning to make a decision on how to progress.

Next Stage

You may decide that you need to conduct more investigation with other employees or perhaps further review documentation/records etc.

Once you have completed the investigation you may decide that:

- There is no case to answer and therefore the process ends here
OR
- The club does have concerns but they do not merit inviting person to disciplinary meeting – you may wish to speak to the employee again, express concerns but explain you are not going down the disciplinary route. You may wish to issue an 'informal warning'/'letter of concern'
OR
- You do wish to proceed down disciplinary route.

If progressing down disciplinary route

- You need to 'invite' the employee along to a formal disciplinary meeting
- Give adequate notice from when person receives the invite letter to the date of the actual meeting *i.e. a minimum of 48 hours*

Invite Letter

Needs to have detailed:

- Date, time and location of disciplinary hearing
- Who will be chairing the hearing, and who attending to take notes
- That it is a formal disciplinary hearing
- Detail the allegations to be discussed
- Attach any relevant documentation/evidence, notes from investigation meeting, copies of relevant records, pictures etc
- Advise person that outcome of meeting may be of a disciplinary nature (if appropriate advise outcome may be of a disciplinary nature, up to and including dismissal)
- Advise right of companion (detail legally who allowed to attend)

(Nothing in the letter should indicate that a decision has already been made)

Formal disciplinary hearing

- Put allegations/questions to employee
- Follow guidelines for companion's role

- Ensure employee is allowed opportunity to present case
- Take breaks as necessary for person holding meeting to gather thoughts and prepare additional questions
- Take breaks as necessary for employee and companion
- DO NOT MAKE DECISION AT MEETING
- Adjourn meeting to review findings/attempt to reach decision

Reaching a decision

- You may need to conduct further investigation
- You then may need to re-convene formal disciplinary meeting to ask employee further questions/discuss additional information (follow steps above again from invite letter calling the letter this time 're-convened formal disciplinary meeting')
- OR
- You may have all the information you need and you are ready to make a decision.

Levels of Action

- No action at all
- No formal action but letter of concern
- Some form of formal disciplinary action as per handbook

Confirming decision

Should be done in writing and detailing:

- Reason for decision
- If formal disciplinary action then detail
- detail level of formal action,
- date effective
- how long on record for,
- detail in the letter how to remedy the problem – for example if unsatisfactory performance state standards expected
- if further misconduct occurs then further disciplinary action may be taken
- (if final written warning being issued then letter needs to have detailed if further misconduct occurs further disciplinary action could be taken, up to and including dismissal)
- Right of appeal – who, job title, address to write to, timescale for appealing.