

# Role of the Disciplinary Panel Chair

## Prior



- If a formal disciplinary investigation recommends considering the issue of a sanction such as a formal warning, then a Disciplinary hearing (or 'Panel Meeting') will be convened to hear the details of the case.
- The role includes: being responsible for the practical arrangements (invitations, venue etc) and confirmation to all parties of the Disciplinary Hearing.
- Ensuring rights to representation have been given to the colleague responding to the allegation.
- Providing all parties with the information to be presented at the hearing – including the Management Statement of Case (two copies for the colleague responding) and the colleague's response to the allegation, including any other relevant information to be considered.
- Reviewing all the documentation / evidence in advance of the hearing and preparing questions and lines of enquiry.

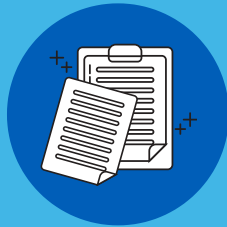
## Introduction



- All present will be asked to confirm their name, job role, reason for attendance – important to put all attendees at ease
- Confirm any planned breaks and that adjournments can be requested by either party – they should be reasonably accommodated.
- Confirm status of notes – being taken but not verbatim, copies will be shared with all parties. Key points should be clarified and confirmed for the notes if necessary.
- Confirm that recording of the hearing is not permitted.
- Confirm that all aspects of the case remain confidential.
- Check all parties have seen the information to be presented, as well as the relevant NHSBT policies.
- Confirm right of representation if the colleague responding is not accompanied.
- Check all present are fit and well to proceed.

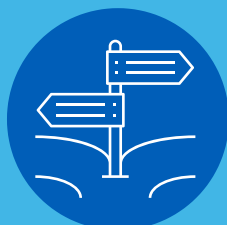
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## Gathering the facts



- Management / Investigation team will present their case, based on the report, followed by an opportunity for questions.
- The colleague responds to the allegation(s) with their own statement or case, followed by an opportunity for questions.
- Management and then the colleague responding will 'sum up' or conclude their case.
- If there are witnesses, then these will be heard during either the management or the colleague's case, as appropriate.
- The panel will advise when the hearing will reconvene to deliver a verdict, if possible.
- There is then an adjournment to enable the Panel to consider the information in full and to come to a decision.

## Making the decision



- Review the information presented from all parties, consider issues from the different “lenses” of the manager, colleague responding, any witnesses, any wider team issues or impact.
- Determine if it is appropriate to consider documentation submitted late or new evidence only arising at this late stage.
- Establish whether there is misconduct that has been evidenced and any mitigating factors presented by the colleague responding.
- If the allegations have been upheld, decide on what disciplinary action is appropriate.
- Decide on any further recommendations / actions required e.g. refresher training, and who should be responsible for following these up.
- Is it going to be possible to deliver the outcome on the day as planned (and always preferable)? If not, determine a date / time to deliver the outcome, as soon as possible.

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## Communicating the decision



- It's advisable to note the key issues, considerations, facts which have led to the decision and communicate these with the outcome to the colleague responding, along with the level of sanction if applicable.
- Confirm that all present are clear about the decision and any consequences. Invite any questions for clarification.
- Confirm that the decision will be followed up in writing and that there is a right of appeal which will be outlined in the letter.
- Confirm any recommendations or follow-up actions.
- Check on any immediate support we can offer at the time – e.g. contact anyone, getting home safely, EAP?
- Arrange a discussion with the Commissioning Manager and senior HR representative to advise of any recommendations.
- Conduct a handover and ensure Commissioning Manager / HR understand accountability for taking actions forward, including agreed timescales.

## Other considerations



- Keep to the structure of the meeting, to avoid uncontrolled debate that is more likely to become heated and unproductive
- Ensure all parties ask questions when it is their turn to do so and that these are posed as questions, not statements intended to make a point
- The hearing's purpose is to inform and support the panel to make a fair and reasoned decision: there should be no treatment of witnesses or other parties as 'hostile' and no 'interrogation', in terms of questioning techniques used
- Ensure the employee responding has full opportunity to understand and participate, particularly if they are not represented
- Ensure the note-taker is able to keep up with the discussion (another reason to keep the discussion structured) and is able to ask if anything is not clear