

Guidance Document 3

Considerations

Notice of the Hearing

Members of Staff Under Investigation are entitled to reasonable preparation time when required to attend an investigation, disciplinary or appeal meeting. In cases of Hearings a minimum of 5 working days will be required.

At the same time, Members of Staff Under Investigation will be provided with sufficient details of the allegations made and their possible consequences (including risk of dismissal) to enable them to prepare a response to the allegations at the Hearing.

Members of Staff Under Investigation must be advised of their right to be accompanied by a colleague or Trade Union Representative.

Members of Staff Under Investigation must be provided with names of any witnesses, written copies of evidence and all relevant documentation gathered in relation to the alleged misconduct.

Postponing the Hearing

The Member of Staff Under Investigation and their representative must make every effort to attend the Disciplinary Hearing. If the representative is not available at the time proposed for the meeting, there is a right to request that the meeting be postponed and to suggest an alternative time within five working days of the original hearing date. If the Member of Staff Under Investigation fails to attend for reasons outside of their control e.g. sickness, another suitable date may be proposed for the hearing. If an employee fails to attend a scheduled Disciplinary Hearing, they may be invited to attend a second Disciplinary Hearing. If the member of staff under investigation fails to attend the second Hearing, the Panel may reach a decision in the absence of the staff member on the evidence available.

Remote or Hybrid Proceedings

Meetings will normally be held face to face but may be held online or hybrid if deemed appropriate.

Keeping the Complainant Updated

The University accepts that an effective investigation process requires transparency, it will aim to inform Complainants of the overall outcome of an investigation and any further hearing or appeal in accordance with Data protection legislation and wider regulatory framework. The level of detail provided will be on a case-by-case basis according to the facts of the situation and will be on a strictly confidential basis. Investigating and Commissioning Officers should undertake a risk assessment in complex cases to determine the level of detail that can be shared.

Witnesses

The Member of Staff Under Investigation and the Investigating Officer will have the right to call witnesses to attend Disciplinary Hearings. Similarly, the person hearing the case

(Hearing Officer) may, in the light of the report received from the Investigating Officer, request witnesses to attend the hearing to provide further clarification on any issues. If witnesses are to be called, the papers circulated in advance of the hearing will usually include their names and their witness statements taken during the investigation process. On rare occasions it may be necessary to withhold part or all of a witness statement to protect the identify of a witness. However, any decision to do so must also always take into consideration the potential impact on the Staff Member Under Investigation

The Hearing Officer will make the final decision regarding the witnesses who can attend meetings.

The Member of Staff Under Investigation will be asked if they would like to call any witnesses to the Hearing. It is the Member of Staff's obligation to then contact these witnesses to arrange for them to attend the Hearing.

Meeting Notes

The draft minute will typically be reviewed by the Investigating Officer or Appeal Hearing Officer prior to being issued to the Complainant, Member of Staff Under Investigation or witness for their review.