

# **Discipline and Grievance**

## **Conducting an Investigation**

### **DO:**

1. Make sure you gain a full account of events, including from witnesses where appropriate.
2. Take comprehensive notes.
3. Consider further investigation in some areas if it is necessary, especially where additional information comes to light.
4. Be calm and fair with each person you speak with.
5. Remember, if the investigation is concerning a case of misconduct or harassment, the outcome of the investigation is NOT a disciplinary sanction, just a decision as to whether matters should be taken to a formal hearing.

### **DON'T**

1. Rush – although it should be undertaken as promptly as possible, it should not cut corners.
2. Make assumptions or jump to conclusions at any stage of the investigation.
3. Get personally involved. This is a fact-finding task and you are not there to judge the outcome.
4. Be put off by potential “red herrings” nor miss vital points that may be contained in a “throw away” remark.
5. Be afraid to talk to people – some matters can be investigated via a paper exercise, but not all!

## **Preparing for a Hearing**

### **DO:**

1. Gather the facts (investigation interviews, records, procedures etc) and make some advance points of the points to be discussed and have them at your fingertips.
2. Consider possible responses from the employee – mitigating circumstances, excuses, emotions.
3. Choose a location where the meeting can be held in private, where possible, and without interruption.
4. Ensure the individual has been informed in writing regarding the time, date, place, reason for hearing and who will be attending. Also ensure that they are advised of their right to be accompanied, have access to a copy of the Disciplinary/Grievance policy and are aware of evidence gathered as part of the investigation.
5. Find out if similar grievance/occasions of misconduct have been raised before and how they were dealt with. This will allow you to ensure consistency when dealing with the grievance/misconduct.

### **DON'T**

1. Pre-judge the outcome of the interview before hearing the employee's perspective.
2. Dismiss the need for preparing for the hearing for yourself, including ensuring that you understand the issues and that the information from the investigation is relevant and as complete as possible.

3. Be caught short at the meeting in terms of pens, paper, documents you need to refer to.
4. Don't forget – you may be held accountable at a later date for your words and actions.
5. Panic! You are managing the meeting, not the employee.

## **Conducting a Hearing**

### **DO:**

1. Ensure you have prepared for the hearing as well as you can
2. Start the interview by stating the reason for the hearing and reminding them of their right to a companion.
3. Give the employee ample opportunity to put forward their side of the story and produce any supporting evidence: make the hearing a constructive discussion.
4. Allow adequate time. The meeting can always be adjourned if time runs out and/or further facts need to be researched. You can also use adjournments if things become heated or people are upset during the interview.
5. Retain notes and other documents securely

### **DON'T**

1. Fail to have all the relevant facts at your fingertips – shuffling papers can disrupt the flow of conversation.
2. Get involved in arguments or raise your voice or become aggressive.
3. Use or tolerate abusive language or behaviour during the meeting.
4. Try to humiliate the employee in anyway.
5. Portray any emotion (e.g. tension or boredom) in your body language, facial expression or voice.