

# **Disciplinary Policy**

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## Contents

<b>1. Introduction .....</b>	<b>5</b>
<b>2. Principles.....</b>	<b>7</b>
<b>3. Roles and responsibilities.....</b>	<b>8</b>
3.1 Council.....	8
3.2 Executive Management Team .....	8
3.3 Operational Management Team .....	8
3.4 Line manager.....	9
3.5 Employees.....	9
3.6 Witness responsibilities .....	9
3.7 Human Resources (HR) .....	10
3.8 Investigating Officer .....	10
3.9 Disciplinary Chair, Appeal Chair and Panel Members .....	11
3.10 Appeal Chair and Panel Members .....	11
<b>4. Policy.....</b>	<b>11</b>
<b>5. Procedure.....</b>	<b>12</b>
5.1 Investigation.....	12
5.2 Precautionary suspension .....	14
5.3 Disciplinary hearing .....	16
5.4 Meetings .....	18
5.5 Companions.....	19
5.6 Special circumstances .....	19
<b>6. Further information .....</b>	<b>22</b>
6.1 Learning and development.....	22
6.2 Sources of support.....	22

6.3 Related documents .....	22
<b>Appendix 1 – Guidance for carrying out a disciplinary investigation .....</b>	<b>23</b>
<b>Appendix 2 – Sample suspension letter .....</b>	<b>26</b>
<b>Appendix 3 – Procedure to be followed by the Employment Appeals Panel .....</b>	<b>28</b>
<b>Appendix 4 – Investigation report.....</b>	<b>29</b>
<b>Appendix 5 – Examples of misconduct and gross misconduct.....</b>	<b>30</b>
<b>Appendix 6 – Witness statement .....</b>	<b>31</b>

# 1. Introduction

## Purpose

The Disciplinary Policy and procedure is designed to help all employees to achieve and maintain standards of conduct and to encourage and support relevant employees to improve as appropriate. Excellent conduct and high standards of behaviour are essential to ensure we have a confident and competent workforce that are equipped to help us to achieve the strategic objectives set out in our Strategic Plan and statutory functions.

It is also essential that standards of employee conduct and behaviour are consistently maintained across the organisation for the safety and well-being of all employees. This policy supports fair and consistent treatment of all employees while maintaining the standards of conduct expected and encouraging improvement where necessary.

Any minor misconduct will be dealt with informally. Where matters have not been resolved informally or when allegations have been received that require investigation, employees will be managed through this Disciplinary Policy.

## Scope

This policy applies to all temporary and permanent Scottish Social Services Council employees, including the Chief Executive and Executive Management Team (EMT) members. This policy does not apply to social service employers, workers or social work students.

It applies to alleged misconduct in and out of the workplace where the alleged behaviour is still in the course of the employment relationship eg at work related courses, conferences or meetings out-with normal working hours, social events or whilst working from home.

The policy also covers behaviour outside work which has a bearing on working relationships, has an impact on the reputation of the SSSC or on an employee's position with the SSSC or affects another employee or stakeholder of the SSSC (examples of conduct are in Appendix 5).

## Definitions

### **Misconduct**

The Disciplinary Policy can be implemented at any stage if an employee's alleged behaviour is considered to be unreasonable or unacceptable. This is called misconduct. Examples of misconduct and gross misconduct can be found in Appendix 5.

Discipline should not be confused with incapability. A lack of capability exists where no matter how hard an employee tries, they are simply unable to perform the job to the standard required. If during the process of following the Disciplinary Policy it becomes apparent that alleged misconduct is attributable to capability (poor performance) this will be dealt with through the Work Performance Policy.

Where we believe poor performance is the result of deliberate negligence / insubordination (an act of wilfully disobeying reasonable management instructions), or where the employee has made serious errors, we will use the Disciplinary Policy.

## Legislation, codes of practice and guidance

- Employment Rights Act 1996
- Employment Relations Act 1999
- Data Protection Act 2018
- UK General Data Protection Regulation (2016/679 EU)
- ACAS code of practice on disciplinary and grievance procedures, and related guidance.

### Data protection

We will process any personal data collected in relation to this policy keeping to our [Data Protection Policy](#) and will record only the personal information required and keep the information only for as long as necessary.

### Monitor and review

Human Resources and the Partnership Forum are responsible for monitoring this policy to make sure that we are fairly and consistently applying it and that we meet the stated principles and values. We will review this policy every three years (or earlier if legislation changes) and make appropriate amendments in consultation with the Partnership Forum. We will outline minor amendments in the change log and update the version control. Where there are major changes, we will consult more widely and follow the consultation cycle.

## 2. Principles

### Policy specific

In operating this policy the following principles will be followed as well as making sure that we comply with the ACAS Code of Practice.

- All parties treat any information communicated to them in connection with an investigation or disciplinary matter as confidential. Involvement and awareness of the cases being dealt with under this policy will be restricted appropriately.
- No disciplinary action will be taken without a full investigation being carried out, where possible, and a formal Disciplinary Hearing being held. To make sure all cases are dealt with fairly and impartially, different parties will carry out the investigation and any subsequent hearing.
- Where matters of governance are evident, appropriate advice will be sought from the Legal and Corporate Governance.
- Where an employee has left or resigns during a disciplinary investigation, the investigation may still take place and the alleged misconduct referred to a professional body where relevant and appropriate, eg the Law Society of Scotland or other regulatory bodies.
- Where unsatisfactory conduct is found to be a result of ill health, or poor performance from a lack of ability, skill and / or experience then this can also be dealt with through other policies eg Maximising Attendance Policy, Work Performance Policy.
- Any outcome of the formal discipline procedure will be proportionate to the allegation and will take into account any mitigating circumstances.

When applying this policy we require our staff and our managers to treat each other with dignity and respect by acting in accordance with our values.

### Recognition and respect for others

- We treat each other with kindness and respect and value the contribution every member of staff makes.
- At every stage of the process there will be no discrimination on the grounds of protected characteristics as listed in the Equality Act 2010.
- All employees will be treated fairly and consistently under this process and in particular if any employee requires specific support and assistance due to them having a protected characteristic under the Equality Act 2010, they will be accommodated appropriately.

### Working together

- We recognise the value of positive and constructive involvement and participation from the trade unions. The commitment to partnership working is confirmed in the Partnership Agreement and is integral to the development and maintenance of harmonious employee relations.
- Employees have the right to be accompanied at formal stages of the policy by a work colleague or a trade union representative. We will allow support at the informal stages where appropriate.
- Other than in exceptional circumstances, no action in terms of a trade union representative will be taken until a full-time official has been informed.

**Accept responsibility and accountability**

- The timescales detailed in this procedure may be extended with the agreement of both parties and likely timescales discussed.
- Respecting confidentiality and only sharing information, as appropriate, with relevant people.
- Deal with issues kindly, sensitively and showing compassion.
- All disciplinary investigations into potential misconduct will be carried out without unreasonable delay where possible.
- Informal action will be used to resolve matters of minor misconduct, if appropriate.

## 3. Roles and responsibilities

### 3.1 Council

Council is responsible for:

- approving this policy and procedure
- making sure that the application of this policy does not breach any statutory requirement placed upon the SSSC
- making sure that the Chief Executive and EMT have in place appropriate and up to date policies and procedures for the effective management of employees
- making sure those policies and procedures are applied fairly and in accordance with the law
- identifying an Employment Appeals Panel to hear and decide on the merits of appeals against dismissal made under this policy.

### 3.2 Executive Management Team

The EMT is responsible for:

- the implementation of the policy and to create a culture in which staff can flourish through interesting and rewarding work
- delegating responsibilities related to the policy to Operational Management Team (OMT) and line managers
- making sure that managers and staff receive appropriate development, support and training to implement the policy appropriately
- reporting to people management policies not retained for the specific approval of the Council to the Council on a quarterly basis for endorsement
- suspending an employee on a precautionary basis pending an investigation into alleged misconduct and obtaining advice from HR before suspending an employee and notifying Council of any suspension.
- decisions to dismiss can only be taken by a member of the EMT (or in exceptional circumstances someone appointed to act on their behalf).

### 3.3 Operational Management Team

The heads of service are responsible for:



- making sure their managers and staff are aware of the processes to be followed within this policy and procedure
- making sure that employees are treated consistently and fairly, being mindful of the needs of the organisation as well as that of the individual
- suspending an employee on a precautionary basis pending an investigation into alleged misconduct and obtaining advice from HR before suspending an employee.

### 3.4 Line manager

The line manager is responsible for:

- setting clear standards of behaviour
- acting in a fair and consistent way, being open and honest about conduct matters
- always acting promptly to deal with any misconduct on the part of their employees
- notifying other organisations of misconduct where this is a requirement (eg Law Society of Scotland)
- dealing with issues kindly, sensitively and showing compassion
- respecting confidentiality and only sharing information, as appropriate, with relevant postholders
- considering our responsibilities under the Equality Act 2010 and, where appropriate, make reasonable adjustments for any individual who may have a disability or other protected characteristic
- considering any health impact and considering supports such as occupational health.

### 3.5 Employees

We expect the highest standards of integrity and conduct from all employees. Employees must comply with the [SSSC Code of Conduct for Employees](#).

Employees must:

- promptly raise concerns about their own behaviour, or that of others to the relevant person (see section 5).
- co-operate fully and promptly with an investigation. This includes informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents and attending investigatory meetings, as required.
- inform the Investigating Officer if they are unable to attend any meetings, advise them if they are medically unfit to participate or if they require any reasonable adjustments to allow them to participate fully in the process.
- respond fully and in a timely manner to questions asked by the Investigating Officer.
- respect that the role of management is to make a balanced judgement.
- confirm their attendance in advance to the Disciplinary Chair, arrange for their own representative and advise the Disciplinary Chair who will be accompanying them. If they cannot attend advise the Disciplinary Chair straight away so that a further date can be arranged.
- advise the Disciplinary Chair if they would like to bring any witnesses.

### 3.6 Witness responsibilities

Witnesses should not discuss the events being investigated with any other witnesses. Witnesses should make sure their evidence is factual and directly related to the matter under investigation. Witnesses are expected to attend meetings including the Disciplinary Hearing and any subsequent Appeal Hearing if requested to do so by management.

Witnesses can refuse to be a witness if requested by a fellow employee but must attend if asked by management. We understand that being a witness can be difficult for some individuals. Witnesses should seek support from their trade union rep, line managers and / or HR if required. If a witness has a clear reason for not wanting to be identified or attend a hearing they should speak to the Investigating Officer or Disciplinary Chair. In the case of whistleblowing we will, when asked to do so, try to preserve the witnesses' anonymity but this may not always be possible.

Any attendance will be within working hours and therefore witnesses should be at no financial detriment for attending the hearing, ie they can claim their working time and any reasonable travel expenses.

## 3.7 Human Resources (HR)

HR are responsible for:

- updating this policy and procedure in line with the agreed schedule, or as changes occur, to comply with employment and other pertinent legislation, best practice and the SSSC people strategy
- developing this process and procedure collaboratively to meet legal and business requirements
- keeping all parties up to date, and will make sure that everyone follows the Disciplinary Policy and that all are aware of their rights and responsibilities
- developing template letters, forms and guidance
- offering advice on how to apply the Disciplinary Policy
- making sure the process is followed in line with the policy and procedure
- reminding employees and managers of their responsibilities under the policy and procedure, if required
- no formal investigation will take place into alleged misconduct without full discussion with HR and reference to this Disciplinary Policy.
- all Disciplinary Hearings will have a member of HR in attendance to provide advice and guidance.
- monitoring use of the policy and processes and reporting any non-compliance to Heads of Service / Directors
- it is not the function of HR to make or unduly influence the final decision and outcome, which is the responsibility of the Disciplinary Chair / Employment Appeals Panel
- provide Council with an overall picture of number of disciplinary suspensions, the duration of these on an annual basis.

## 3.8 Investigating Officer

Is responsible for:

- gathering all the relevant facts promptly or as soon as is practicable
- establishing the exact nature of what has happened / what the employee is alleged to have done, the circumstances surrounding this and why it has occurred
- summarising their findings in an investigation report and recommend whether the allegations should be considered at a Disciplinary Hearing
- being thorough, objective and fair
- presenting their report, the supporting evidence and witnesses at a Disciplinary Hearing and answer questions as required
- attending any subsequent Appeal Hearing as a witness if required

- keeping a timeline of contact with all parties involved and where delays are caused by either party record these along with the reasons.

### 3.9 Disciplinary Chair, Appeal Chair and Employment Appeal Panel Members

Are responsible for:

- appointing an Investigating Officer to investigate
- instructing the investigation and managing the hearing process, they are ultimately responsible for making sure the process is fair and proportionate
- considering the allegations and any potential risk to the organisation
- considering the report prepared by the Investigating Officer, considering the recommendations and determines whether a Disciplinary Hearing is required
- inviting the employee to a Disciplinary Hearing and sharing relevant information with them
- chairing the Disciplinary Hearing and make sure all participants have a reasonable opportunity to participate
- instructing the Investigating Officer to investigate further if required
- solely determining the appropriate sanction (if any) for the employee and communicating this to the employee and other relevant individuals.

### 3.10 Appeal Chair and Panel Members

Are responsible for:

- managing the appeals process
- considering the grounds of appeal and determining whether these should be upheld or not
- instructing the Investigating Officer to investigate further if required (see 3.9)
- inviting the employee to an Appeal Hearing and sharing relevant information with them
- chairing the Appeal Hearing and make sure all participants have a reasonable opportunity to participate
- solely determining the appropriate outcome (if any) for the employee and communicating this to the employee and other relevant individuals (see 3.9).

## 4. Policy

We operate a Disciplinary Policy to make sure the proper operation of our business and the health and safety of our employees. We will apply the following procedure in all instances where management regards disciplinary action as necessary, other than in cases of minor misconduct where an informal caution may be appropriate.

We reserve the right to implement the procedure at any stage as set out below taking into account the alleged misconduct. We aim to address misconduct issues in a timely and proportionate manner. Where a hearing is appropriate, we provide advance written notice of the case against the employee and will not ordinarily dismiss for a first disciplinary offence.

The time limits outlined in this procedure are guidelines and may be varied, if there is a reasonable justification. We always seek to strike a balance between the need for timely

resolution with fairness for all, and to allow the employee reasonable notice and time to engage meaningfully in the process.

Unsatisfactory job performance related to capability or termination of employment for reasons other than misconduct (for example redundancy) can be dealt with through other appropriate procedures.

## 5. Procedure

Where an employee has a concern regarding the potential misconduct of another person it is essential that they raise this at the first opportunity **with the relevant person**. The relevant person in most cases is the line manager of the employee suspected of misconduct or their own manager. Employees can raise concerns directly to HR.

In each case the employee must be clear and specific as to what their concern is, who it relates to, what evidence (if any, that they have) and that they are reporting their concern in line with this policy. It is **not** acceptable to make an indirect or passing reference to a concern and to consider that as having raised an issue.

### 5.1 Investigation

#### Investigating potential misconduct

The purpose of any investigation is to establish, as best we can, what happened and whether there is an issue that needs to be addressed.

Conducting any investigation requires significant resource and can be disruptive to achieving our outcomes as well upsetting for those involved. We conduct investigations where there is a clear requirement to do so. We do not investigate on a speculative basis or for non-serious matters.

Where criminal or fraudulent or corrupt activities are alleged police, NHS Counter Fraud Services and / or auditors may be involved or appointed to undertake an investigation. Details of who (Fraud Liaison Officer or Counter Fraud Champion) and how to do so are detailed in appendix 3 of our [Counter Fraud, Bribery and Corruption Framework](#).

**Do not conduct any initial enquiry or investigation until this is reported.** The accountable officer (our Chief Executive) must be informed if the case involves financial irregularities.

When assessing how to deal with a conduct issue it is important to consider our other statutory and non-statutory reporting duties eg Child and adult protection reporting regarding safeguarding matters, notifying the Data Protection Officer in the event of data breaches, notifying the Head of Digital in terms of security breaches etc. Our [Protecting People Policy](#) contains more details.

Where the employee being investigate is an accredited representative of a recognised trade union, we will notify the full-time official of the union prior to our taking action under this procedure wherever possible. We will not seek to discuss the circumstances with them until we have the employees consent to do so.

We differentiate between an initial enquiry and a formal investigation. An initial enquiry is not an investigation, it is normal management day-to-day practice of seeking to

understand what has happened to determine whether an investigation is required. It may also be necessary to preserve evidence that would otherwise be lost.

### Initial enquiry

When an issue arises it is not always clear what has happened or why. To understand what has happened and whether an investigation is required or to preserve evidence, a manager may:

- require employees or witnesses to write a factual statement of events that occurred
- require employees or witnesses to send copies of documentation or other evidence that they have
- gathering documentary or digital evidence to protect it from being lost or destroyed (whether through routine administration, intentionally destroyed or otherwise).

When Managers are conducting an initial enquiry they must not 'take a statement' (ie ask a series of preprepared questions, record the answers and then ask them to sign in agreement). They can and should ask exploratory questions to make sure they understand the circumstances. Managers will make clear that they are not conducting a formal investigation. Managers will often identify at this stage an appropriate explanation for the circumstances and that no formal investigation or action under this policy is required.

Where there has been misconduct that is not serious and the manager is satisfied that it can be satisfactorily addressed through informal action, action under another policy or through some another means, then no formal investigation or action under this policy is required.

Our preference is to address matters informally where possible and appropriate to do so. This can be through:

- 1-2-1 meetings
- additional training or development
- clarifying roles, expectations
- coaching
- counselling
- informal discussions
- letter of concern
- mentoring
- peer support
- reflective practice.

Any informal action and support is **not** a formal disciplinary sanction and this will be confirmed to the employee concerned. A record of these interventions is maintained by their line manager and can be shared with relevant others eg HR.

### Formal investigation

If the manager is satisfied after the initial enquiry that there is serious misconduct or further investigation is required, they must discuss instigating any disciplinary investigation with their head of service and HR. If as a result of the assessment of the facts available it is decided that investigation is required the employee concerned will be notified.

A Disciplinary Chair will be identified to instruct the investigation, usually by HR, consider the outcome of the investigation and chair a Disciplinary Hearing if required. The

Disciplinary Chair is responsible for overseeing all aspects of the disciplinary process including suspension, investigation and any hearing.

An Investigating Officer will be appointed to conduct an investigation in accordance with the instructions of the Disciplinary Chair. The Investigating Officer will conduct the investigation in line with the instructions of the Disciplinary Chair only. Where the employee being investigated thinks the Investigating Officer should investigate other aspects they must tell the Investigating Officer and make their request to the Disciplinary Chair.

If the allegations are serious and potentially fall under the scope of gross misconduct and subsequently could result in dismissal, the Disciplinary Chair will need to be a member of the EMT.

Depending on the circumstances, employees from other departments may be appointed to these roles and in exceptional circumstances, external parties may be used.

Having investigated all the facts, available information and witnesses, the Investigating Officer will prepare a report for the Disciplinary Chair and HR with recommendations based on the outcome of the investigation, eg deal with the matter informally or convene a Disciplinary Hearing. The Investigating Officer must be clear on whether they consider the allegations to be evidenced or not and the level of seriousness (eg misconduct, serious, or gross misconduct).

Other SSSC policies or guidelines are considered as part of the investigation process, eg our values, dignity at work, fraud, digital etc. Where criminal or fraudulent activities are alleged police and / NHS Counter Fraud Services or auditors may be involved or appointed to undertake an investigation. The Investigating Officer will be a point of contact and will have agreed updates and handover of relevant information and outcomes.

A guide to carrying out a disciplinary investigation is attached at Appendix 1. This guide sets out our expectations but the Investigating Officer can vary their different approach where they consider it necessary and appropriate in the circumstances to do so taking into account any detriment that it may cause those involved.

The Disciplinary Chair is responsible for notifying the employee that either the investigation has concluded and that no Disciplinary Hearing will take place and specifying any other arrangements that will occur. Where a Disciplinary Hearing will take place they will notify the employee as described below under Disciplinary Hearing.

## 5.2 Precautionary suspension

Wherever possible, we supported employees to continue to at work while the alleged misconduct is being investigated. Precautionary suspension is considered where the matter being investigated:

- potentially amounts to gross misconduct, or
- it is considered that if the employee remains at work it could worsen the situation, or
- compromise the investigation or make it difficult to carry out the investigation, or
- puts the employee or other employees at risk, or
- any other sufficiently serious reason that means they should not remain in the work environment.

Prior to suspending an employee we consider and record the following alternatives:

- restricting their duties
- restricting their access to systems / files
- restricting their access to locations
- restricting their access to individuals / organisations
- transferring them temporarily to another department or role
- varying their hours or times of work.

Precautionary suspension should be discussed with HR before any action is taken.

Precautionary suspension is not a disciplinary sanction. It is an option available that temporarily removes the employee from the work environment while disciplinary matters are investigated, the facts determined and decisions made. Precautionary suspension is on full pay and should be for as short a period as possible.

When an employee is suspended from all or part of their activities, they are notified verbally of the following by their EMT / OMT manager and this is confirmed in writing.

- The reason/s for the suspension or restriction of their activities.
- That they must not contact other SSSC employees (where applicable).
- That they must not access the SSSC's premises or documents, including remotely, without the prior consent of the manager who made the decision to suspend them (where applicable).
- That they must attend all meetings as part of the investigatory or hearing process (that do not occur during pre-approved annual leave).
- Regular monthly reviews of the suspension will take place by the manager suspending them (or a nominated deputy).
- Whether they are required to return equipment for the duration of the suspension period (where applicable).
- Whether network and IT access may be or is disabled or restricted (where applicable).

The SSSC will take account of the employees need to prepare for any investigation or Disciplinary Hearing and contact any witnesses they require as part of that defence. Where the employee wishes to contact a witness they must only do so in accordance with the suspension letter.

During the period of precautionary suspension, they will remain on full pay. Any prebooked annual leave or other absence will continue to occur during this period. The suspended employee is required to follow the normal absence reporting procedures but to their nominated point of contact (who may or may not be their manager).

The Director of the employee will notify Council of any staff on full suspension (anonymised), the duration of the suspension and the rationale for the decision.

The suspension period will be for as short a period as possible but can extend until the conclusion of the disciplinary process and any relevant decisions are made. The SSSC will make sure that periods of suspension are for as short a period as possible. Suspensions are reviewed **monthly with a presumption of lifting the suspension**. It is for the Manager to justify any continuation. A record of this review is maintained and why the suspension must be continued (where applicable).

We recognise there are occasions where a manager requires an employee to remain away from work or the work environment 'for the rest of the day'. This can be due to their being upset, to reduce the opportunity for further disagreement in the workplace or to give the manager an opportunity to seek further advice. Nothing in this section prevents a manager from taking such action and such time off is not suspension.



## 5.3 Disciplinary hearing

The purpose of a Disciplinary Hearing is to review the investigation report, to hear and consider the employee response and to determine whether any disciplinary sanction or other action is required and if so, what that sanction or other actions are.

To make sure the employee is well prepared the Disciplinary Chair will set out the following in writing to them at least 14 calendar days prior to the hearing date:

- Date, time and location of the meeting
- A summary of their employment history with us
- A narrative statement of their role and its key duties
- A copy of their training record (where relevant)
- Copies of occupational health reports (where relevant)
- A statement of the allegation(s) against them
- Description of the impact of the misconduct
- Copy of the investigation report
- Copy of any supporting evidence or relevant policies
- List of vacancies
- A clear statement that we are considering issuing them with a disciplinary sanction or, where relevant, ending their employment
- That they have the right to be accompanied by a companion
- That they can call relevant witnesses
- That they can present or refer to evidence
- Provide a copy of this policy.

The meeting will be chaired by a senior manager or where dismissal is being considered a member of the EMT, with support from HR in both cases and will discuss the following (at a minimum):

- Identity and role of those present
- Purpose and structure of the meeting
- Remind them of the role of the companion
- Check that they have received the documentation provided
- The allegations against them
- How serious we consider these allegations
- The employees response to these allegations
- Whether the employee wishes to present any further evidence
- Whether there are witnesses to call
- What if any reasonable adjustments can be made
- Redeployment opportunities that are available (where appropriate)
- The Occupational Health advice that has been provided (where appropriate)
- The view of the companion (where attending)
- When a decision will be made and details of any appeals process.

At the Disciplinary Hearing both management and the employee have the right to call witnesses. It is the employees responsibility to arrange for any witnesses that they wish to call and to produce any documentary evidence that they intend to rely on. The employee must provide details of both to HR and the Chair at least five calendar days before the hearing date.



The following actions are considered in response to the allegations being found to be fully or partly substantiated. We adopt a presumption in favour of the least severe sanction that will address the misconduct.

- No action
- Informal action or support (eg reflective practice)
- Provision of mediation, counselling and / or additional support
- Provision of training
- Written warning (up to 12 months from date of hearing decision)
- Final written warning (up to 18 months from date of hearing decision)
- Adjustment of role, hours, times or place of work
- Exclusion from benefits (eg use of flexi scheme)
- Redeployment to another role (with or without pay protection)
- Ending employment (with or without notice)
- Any other action that is reasonable in the circumstances.

Once a warning has expired, it will no longer be considered live and will not automatically lead to an increase in the level of any further disciplinary action. The facts of the previous circumstances, including any correspondence and outcome, may be relevant and considered in future cases as evidence of prior knowledge.

Certain behaviour will generally be regarded as gross misconduct (see Appendix 5 for definitions) which will normally warrant dismissal without notice (or payment in lieu of notice) despite the absence of previous warnings. We pay in lieu of accrued but untaken annual leave. We will not normally dismiss employees for a first offence unless gross misconduct has been established.

A representative from HR will attend any Disciplinary Hearing. The employee accused of misconduct may be accompanied by a Companion.

A record of the hearing and any decision will be communicated to the employee usually within 10 working days of the hearing. The Chair will notify them, their head of department and (usually) their line manager of the outcome of the hearing. They will not usually notify anyone else of the decision but can do so where they consider there is a reason to do so. The employees manager is responsible for making any notifications to other bodies eg Law Society of Scotland.

Where we issue notice to the employee this is paid at their normal 'at work' rate of pay throughout their notice period. They are required to take any accrued annual leave during this period. Where they are paid in lieu of notice they will receive a payment in lieu of notice and a separate payment in lieu of accrued but untaken annual leave. Where they are dismissed for gross misconduct no notice is due or paid.

## **Appeal**

If the employee wishes to appeal a decision made at a Disciplinary Hearing they must submit their written grounds of appeal and their desired outcome to the Head of Human Resources within 14 calendar days of receipt of the written record of the decision. A member of the Executive Team would write to the Chief Executive. Grounds of appeal could include but are not limited to those listed below:

- New evidence has come to light since the hearing which may have an impact on the decision.
- An issue with the process and procedure followed.
- The decision was too severe or inappropriate in the circumstances.

- The employee's situation in relation to the underlying reason for their behaviour has materially changed since the hearing and this may have an impact on the decision.

The appeal cannot take place without clear relevant grounds of appeal being set out or a clear desired outcome. The Head of Human Resources will clarify these with the employee where they are insufficient for an Appeal Chair to consider.

Where an appeal is lodged this will not delay the implementation of any action although these may be amended or revoked as a result of the appeal process.

A manager who has not been previously involved in the case will hear the appeal. This will normally be a senior manager. The Chair for the original decision will attend the Appeal Hearing to present the reasons for their decision. Where the appeal is against a decision to dismiss the appeal will be conducted by an Employment Appeals Panel comprising of three Council Members.

The Appeal Hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of the case.

The employee will be given written notice of the date and time of the Appeal Hearing at least 14 calendar days in advance unless otherwise mutually agreed. The appeals procedure is detailed in the appendix.

Where the employee does not confirm that they will attend the appeal we will make reasonable attempts to contact them by telephone and email. Having made these attempts and where we do not receive a satisfactory reason for their lack of confirmation the Appeal Chair will dismiss the appeal. Where satisfactory reasons are provided the appeal will continue.

An Appeal Hearing may be adjourned if we need to gather further information or consider matters discussed at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened (this may include during the hearing where the new information or its impact is slight).

The potential outcomes of the Appeal Hearing are:

- the appeal is fully or partially upheld and the previous decision is overturned
- the appeal is fully or partially upheld and a new Disciplinary Hearing is instructed to be arranged
- the appeal is fully or partially upheld and a different outcome is substituted
- the appeal is not upheld and the original decision remains
- in the case of an Employment Appeals Panel, any action the panel considers appropriate.

The employee accused of misconduct may be accompanied by a Companion. A record of the hearing and any decision will be communicated to the employee usually within 10 working days of the hearing.

**In all events, the decision of the Appeal Chair or Employment Appeals Panel is final.**

## 5.4 Meetings

The sooner the employee lets us know if they think they may need additional time or support, the more likely it is that we can make any necessary arrangements or adjustments. During any meeting (or hearing) the employee may request a break or another adjustment and we will happily consider these as and when they occur.

We work in an agile manner and many of the meetings and discussions that we have will be conducted using Teams or similar video technology. It is essential for meaningful discussion to take place that when meeting on Teams that all parties have their cameras and audio turned on throughout the discussion. Where this is not possible then meetings must take place in person.

We prefer to meet with employees directly to discuss matters. Where we cannot meet within a timescale that we consider reasonable we can make a decision in their absence. Where the decision is whether to issue a disciplinary sanction or not (including dismissal) we will notify the employee in writing that a decision may be made in their absence.

## 5.5 Companions

At each meeting or hearing under this policy we permit and encourage the employee accused of misconduct to be accompanied by a SSSC, Shared Service co-worker or a trade union representative. It is important to us that they receive support both from their manager and have the opportunity of support from an independent person.

Their role is to support the employee and they may contribute to the meeting by asking questions, conferring with the employee, putting forward their case, summing up that case or responding to any view expressed at the meeting. They cannot answer questions on behalf of the employee and cannot prevent anyone else from contributing to the meeting.

The meetings or hearing will not be unreasonably delayed to accommodate a request to be accompanied by a companion (ie more than one reorganising of a date).

### **Investigation and Disciplinary Chairs**

We can bring in an external consultant or party to undertake the investigation, chair the disciplinary or appeal. In these instances we will make sure that our processes are followed and are conducted in line with ACAS codes of practice. If an external consultant or party is sought an internal contact will be appointed, usually a member of HR will liaise with them.

The officers should not have been directly or indirectly involved in the case, that is, they should not have been a witness to the alleged misconduct. In any event there should be no conflict of interest as this may jeopardise the perceived fairness of the investigation or the hearing. Where a conflict of interest becomes clear an alternative officer will be identified where possible.

## 5.6 Special circumstances

### **Health or disability**

Where the employee is unfit to attend work this does not necessarily mean that they are unfit to attend an investigatory meeting or hearing. We prefer to take a statement or to discuss matters with employees directly wherever possible. We will make decisions based on the information that we have, balancing this against their right to engage in the process fully and meaningfully. Where they cannot do so due to their health and this is evidenced by the provision at their cost of a statement from an independent medical Consultant (not

their GP) we will consider suspending proceedings until they are well enough to do so. We have obligations to resolve matters in a timely manner and we can choose to proceed to make a decision on the basis of the information we have.

We want to support employees as fully as possible and will consider reasonable adjustments for them. Where they have a disability under the Equality Act we have a legal obligation to make reasonable adjustments. Where an employee knows of a reasonable adjustment that would help please suggest this at the earliest opportunity to the Investigating Officer or Disciplinary Chair.

Where the employee or their manager consider that the employee's health may be a contributing factor to their conduct we will seek medical advice from our Occupational Health provider (unless the employee agrees it is not necessary or that any impact is trivial).

### **Past trauma**

We recognise that employees may have had a previous negative experience regarding disciplinary processes either with us or another organisation. We adopt a supportive and collaborative approach when managing misconduct and treat everyone with dignity and respect.

### **Multiple procedures**

Where different procedures could be involved eg overlapping grievance, dignity at work, performance, retirement, flexible working request and absence; Human Resources will identify whether to address these concurrently, consecutively (and if so, the sequence) or to combine some or all of these into a single process.

### **Fraud and financial abuse**

The SSSC condemns any breaches and abuses of its financial systems and procedures and is committed to deterring all intentional breaches and abuses. In all cases where it is in the public interest, the SSSC will instigate investigations in pursuit of criminal or civil action in collaboration with NHS Counter Fraud Services and the police as appropriate. Any cases where prosecutions are successful will be published to act as a further fraud and corruption deterrent.

The SSSC works actively to promote an anti-fraud culture, the aim being that employees, contractors, consultants and others will come to regard fraud as unacceptable. Further information can be found in the Counter Fraud, Bribery and Corruption Framework and the Financial Crime Action Plan.

Staff may use the CFS Reporting Line 08000 151628 (powered by Crimestoppers) or report their suspicions (anonymously if desired) through the [CFS Website](#). Alternatively staff may choose instead to contact the charity "Public Concern at Work" on 0207 404 6609 or via their website – [www.pcaw.co.uk](http://www.pcaw.co.uk), or free, confidential phone line, 0800 008 6112 who would offer the employee advice on how to proceed.

We will not tolerate fraud. Employees found to be committing fraud or corrupt acts face dismissal under the disciplinary process as well as potential sanctions following criminal and / or civil action. Employees and any other parties suspected of committing fraud or corrupt acts will have their cases referred to NHS Counter Fraud Services and the police (where appropriate) when this is in the public interest.

The SSSC has devised in collaboration with NHS Counter Fraud Services, a Financial Crime Action Plan which provides detailed fraud and corruption response arrangements to enable any information gained or allegations made to be properly and effectively dealt with. The plan explains how any fraud allegations will be dealt with and who is responsible for their investigation. Further information can be found in the Counter Fraud, Bribery and Corruption Framework and the Financial Crime Action Plan.

Where employees have committed a fraudulent or corrupt act consideration will be given in each case to determine whether any prosecution is undertaken at the same time as internal disciplinary processes are undertaken. So called "parallel action" will be undertaken wherever possible and this is in the public interest.

In all cases where it is in the public interest, criminal or civil action will be taken by the SSSC in collaboration with the police and NHS CFS as appropriate.

### **Behaviour outside of work**

We recognise that we all have a right to a private life and do not want to impinge on this however, how an employee behaves outside of work can have an impact on their employment.

Where their behaviour has or could have an impact on their ability to perform their duties or to work with others (or them to work with the employee) or on their suitability to work for us we may take disciplinary action. We only do so where their conduct merits actions because of its employment implications.

### **External investigations**

Where an employee is subject to an investigation or prosecution by a statutory service (eg Police, Fiscal) we may take disciplinary action based on the information available to us prior to the conclusion of such a process. Investigations and prosecutions can take months and years to conclude and we cannot necessarily wait until for these to conclude prior to taking action.

Where the conduct requires prompt attention we will not wait for the outcome of the criminal prosecution before taking fair and reasonable action.

The manager will need to establish the facts of the case and consider whether the matter is serious enough to warrant starting the disciplinary procedure. The main consideration should be whether the offence, or alleged offence, is one that makes the employee unsuitable for the type of work or damages the reputation of the SSSC. An employee will not be dismissed because of absence from work as a result of being remanded in custody for short periods. Where an employee is absent for a prolonged period (ie 4 weeks or longer) we may need to take formal action.

Some workplace disciplinary offences may also be criminal offences such as theft, fraud, or sexual offences. In these instances, there may be a duty to inform the police and / or appropriate professional / regulatory body – even if no action is taken. The accountable officer must be informed if the case involves financial irregularities.

Some matters may warrant a criminal investigation, if criminal proceedings do commence, we may decide that the investigation must be put on hold.

### **EMT Members**

If a Disciplinary Hearing is required for a Chief Executive, the Disciplinary Chair will normally be the Convener. HR advice may be sought from an external source.

If a Disciplinary Hearing is required for another EMT member, the Disciplinary Chair will normally be the Chief Executive but in exceptional circumstances a Council Member or someone external to the organisation may be asked by the Convener to perform that role. HR advice may be sought from an external source. In all cases, the decision maker will be a SSSC employee or Council member.

## 6. Further information

### 6.1 Learning and development

To support the fair and consistent application of this policy, we will ensure full awareness and understanding of the issues relating to disciplinary for managers by incorporating training on this policy within line management development programmes and ensure that all managers have participated in such a programme.

### 6.2 Sources of support

- The Employee Assistance Programme
- Unison or other trade union representative
- ACAS
- Human Resources
- Occupational Health

### 6.3 Related documents

- [Alcohol and Drugs Misuse Policy](#)
- [Capability Policy](#)
- [Code of Conduct](#)
- [Corporate Health and Safety Policy](#)
- [Counter Fraud, Bribery and Corruption Framework](#)
- [Maximising Attendance Policy](#)
- [Whistleblowing Policy](#)

# Appendix 1 – Guidance for carrying out a disciplinary investigation

The purpose of a disciplinary investigation is to make sure that the facts are fully explored and to collect all relevant information, including any mitigation, to allow the Investigating Officer to make an informed decision about what did or did not happen. A representative from HR is available to advise and guide the Investigating Officer throughout the investigation. This does not prevent the HR representative from supporting at the Disciplinary Hearing as they are not a decision maker.

As Investigating Officer you will discuss terms of reference so you understand the detail of what you are being asked to look at, whether a recommendation is required and who you should report to.

## Carrying out an investigation

- Review the ACAS code of practice and guidance on disciplinary matters  
<https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>
- <https://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work>
- Make sure the investigation is carried out within as reasonable timescales as possible.
- Decide how best to conduct the investigation. This will depend on the complexity of the case eg in some circumstances a witness statement will suffice, in others you may need to meet with witnesses to have a full discussion.
- Talk to the employee(s) at a suitable point to establish the full facts, take a statement and keep notes from the meeting.
- Talk to other employees / individuals that are involved to establish the full facts at the appropriate time in the investigation. Take statements from witnesses and keep notes of investigatory meetings. A template is available.
- Gather any other relevant information from appropriate sources including relevant policies and procedures and advice from other SSSC officers eg Head of Legal and Corporate Governance, Head of Finance. Remain impartial and objective, do not make assumptions.
- An investigation should include evidence which is exculpatory; this means evidence favourable to the employee in determining that the allegation(s) are not substantiated.
- Compare statements and notes and attempt to resolve any discrepancies.
- Maintain confidentiality at all times.
- If external parties are involved you must agree regular contact with them and agree a formal handover of recommendations and outcomes.

## Preparation

- Plan your investigation before you begin – consider what information you need to gather; plan the questions you need to ask.
- Templates for statements, letters and reports are available from HR, so consider the layout and content of these at an early stage in your preparation.
- The order in which you meet witnesses and the employee will depend on what information you gather.
- You can meet with them more than once if necessary.
- Plan where to hold the investigation meetings – a private place free from interruptions.



- Take notes of key points raised at the meetings. The notes do not need to be verbatim, but you should prepare a statement of the evidence given and send a copy of the statement to the employee / witness following the meeting. Ask them whether the statement is an accurate reflection of their discussion with you and if they have anything to add. Both you and the employee should sign the agreed statement.
- Where the employee / witness provides alternative notes of the meeting both versions should be included in the evidence supporting your investigation report.
- Agree format, contact and handover with any external parties involved.

### **Meet the employee**

- Encourage the employee to have someone with them as a support. This should be a work colleague or trade union representative unless otherwise agreed with HR. Make sure that the employee understands the issues / concerns that you are investigating and ask them for an initial response.
- Use open questions to gain information and clarify the issues. Summarise and check your understanding of what has been said.

### **Meeting witnesses**

- At the outset, explain that you are conducting a disciplinary investigation as part of the disciplinary procedure and that as a witness you need a statement from them. Explain to them that they may be called to further meetings as a management witness.
- Make sure witnesses understand that confidentiality must be maintained at all stages of the investigation and afterwards.
- Ask the witness to provide clarification or information on the incident/behaviour. Use open questions to gain information. Always check your understanding of what has been said. Without leading the witness, encourage them to concentrate on the main issues.
- Gather all other evidence and information that is relevant and which will substantiate information provided by witnesses and/or the employee. Keep copies to use as supporting documentation.
- Make witnesses aware that should the outcome of the investigation result in a Disciplinary Hearing they will be required to attend the hearing and potentially any subsequent Appeal Hearing to answer questions relating to their statement.
- Advise them that they may be questioned on their statement by the Disciplinary Chair and the other parties present at the hearing. Witnesses will only be present for the relevant part of the Disciplinary / Appeal Hearing and will not be advised of the outcome of the hearing.
- Witnesses can seek support from their line manager and/or HR if required. Advise the employee and any witnesses of the support available from the Employee Assistance Programme (EAP).
- Some witnesses may be reluctant to provide evidence and as an Investigating Officer you should explore why an employee is reluctant and try to provide reassurance where you can. Should a witness have a clear reason for not wanting to be identified or attend a hearing to give evidence, you should contact HR for advice.
- Where you do not believe a legitimate reason has been given you should remind the employee that failure to attend a meeting may be viewed as refusing to obey a reasonable request.
- You may decide it is not necessary to interview every witness; a written and dated statement may suffice. If so, you need to be sure that you have all the information you require. You can always re-interview witnesses to ensure there are no areas of confusion or unanswered questions.

### **Gathering evidence**



In gathering your evidence, you need to ensure that you cover evidence not only that supports the allegations but also includes evidence which does not support the allegations. You should consider:

- what does the evidence reveal?
- are there any doubts over the credibility and reliability of the evidence?
- is the evidence supported or contradicted by the evidence already collected?
- does it suggest any further evidence should be collected?

### **Preparing an investigation report**

Once the investigation is complete, a report must be produced, which should go to the nominated Disciplinary Chair with your recommendations. This report will be included in the documentation used at any subsequent Disciplinary Hearing.

Your report should be clear, concise and presented in a logical format as described below. Where you consider the report will be significantly clearer with a different structure you can modify this format with the agreement of the Disciplinary Chair.

### **Introduction**

- background to the case, the areas of concern and potential allegations
- how the investigation was carried out
- who was interviewed
- what evidence was considered
- what statements and evidence are attached to the report
- any other sources of information that may have been accessed.

### **Statement of case**

- present the information that you have gathered as a sequence of events cross referencing to documents/statements within the appendices as appropriate
- which facts have been established and which facts have not
- whether there are any mitigating factors to consider
- set out the employee's explanation of what happened
- highlight the salient points from witness statements
- highlight the main points from the evidence that support your recommendation below.

### **Recommendations**

- deal with each allegation separately
- state what you recommend happens in relation to each allegation and why, cross referencing to the evidence, you have considered reaching your conclusion
- whilst you should endeavour to reach conclusions about what did or did not happen, even when evidence is contested or contradictory, you will need to decide whether, on the balance of probabilities, you could justifiably prefer one version of the matter over another and explain why
- copies of all documents collected and referred to in the report should be included and clearly referenced.

### **Recommendations unrelated to the investigation matter**

During an investigation you may identify other issues that, whilst outside the scope of the investigation, may require action. You should note what other matters may require further action and report these to the Disciplinary Chair in a separate document.

## Appendix 2 – Sample suspension letter

### Precautionary suspension / Restriction of activity

[Further to our conversation ]this letter is to [notify / confirm] that you have been placed on suspension with immediate effect. OR [Further to our conversation ]this letter is to [notify / confirm] that we have restricted your activities as described below with immediate effect.]

I have taken this action because [insert reasonable grounds for concern]. Please note that this [suspension / restriction] is not a disciplinary sanction and that no view has been formed or decision made regarding your position.

You will remain [suspended / on restricted duties] until notified in writing that you are no longer [suspended / on restricted duties]. I have considered alternative options and concluded that this is the only viable option. I will review on a monthly basis whether there remains sufficient reason for the [suspension / restrictions] to continue and notify you of my decision.

I have enclosed a copy of the Disciplinary Policy which outlines the protocol regarding suspension [of activities].

During this period the following provisions will apply:

- You remain on full pay and current terms and conditions of employment.
- You must not carry out your duties or come to work unless this has been authorised by myself. [where applicable]
- You must not access our premises without my prior consent. [where applicable]
- You must not access the following records, even remotely, without my prior consent. [where applicable]
- [Your digital access has been suspended / Your digital access has been amended such that you can only access certain files.]
- You are [not] required to return any digital equipment during this time.
- You are required co-operate fully in our investigations and attend any meetings as notified unless you are on pre-approved annual leave or other absence.
- You must not communicate with [the following / any of our] employees, contractors or customers unless authorised by myself. You can of course contact a union representative. [where applicable]
- You should be available for recall to SSSC during your normal working hours to attend meetings or work. [where applicable]
- If you are sick you should follow the normal sickness reporting processes. Please notify [NAME].

All details regarding your suspension and any information regarding your work should remain confidential.

I recognise that during the suspension you may wish to access documents or speak to witnesses. Where you wish to do so, please make your request to me by email and I will consider this and make appropriate arrangements.

### **Support**

I recognise that you may benefit from additional support at this time and would like to remind you of the Employee Assistance Programme that is available to you. This is a free to use and confidential service. You can contact them on 0800 032 9849 or use their website <https://sgcp.optimise.health>.

Also available is a service funded by Access to Work and delivered by Able Futures which focus on those who would benefit from additional mental health support. You can contact them on 0800 321 3137 or use their website <https://able-futures.co.uk/mental-health-support>.

In addition to the above support you can also contact one of our mental health first aiders through our intranet [Mental health first aiders \(sharepoint.com\)](#).

If you require additional support at this time you can contact a member of HR **or** your Trade Union Representative.

cc Disciplinary Policy

## Appendix 3 – Procedure to be followed by the Employment Appeals Panel

### The Disciplinary Chair will:

- carry out introductions – confirm members of the panel and explain their roles
- advise on logistics – toilets, fire alarm, breaks, and adjournments
- confirm representation with the employee. If the employee does not have a companion then confirm with them that they are happy to continue without one
- confirm if any witnesses are being called from either side
- confirm why the meeting has been convened – formal Appeal Hearing against dismissal
- confirm the grounds of appeal as contained in the employee's letter of appeal.

### Process

- You will present their case first.
- The panel can then ask any questions of the employee.
- The panel will then ask questions of the management representative and any witnesses.
- Witnesses may be recalled by either party or by the panel if clarification is required on any point of the case.

### Presentation of appeals

- If the panel can reach a decision on the day, both parties will be called back in and advised of the outcome.
- If the panel is unable to make a decision on the day, they should advise the hearing that the outcome will be delivered in writing within 14 calendar days of the date of the hearing.

Under the Code of Corporate Governance, the panel is authorised to hear and decide on the merits of appeal which includes but is not limited to:

- uphold the appeal in full and reinstate the employee from the date of their dismissal
- uphold the appeal in part reinstating the employee but specifying certain conditions to their decision
- uphold the previous decision of dismissal.

### Note

Where an appeal against dismissal is substantiated and the panel vary the dismissal issued at the Disciplinary Hearing, the employee is deemed to have been reinstated to the SSSC with effect from the date of the dismissal.

# Appendix 4 – Investigation report

## Investigation report

Report prepared by [NAME and JOB TITLE] and presented on [DATE].

### Introduction

- Background eg what was being investigated
- Brief description of department and nature of work
- How investigation conducted eg paper review of policy / process, collation of evidence, interview of key personnel
- Refer to list of evidence presented in appendix
- Identify evidence / interviews considered but discounted and note why eg emails presented by [XX] did not relate to the matter investigated; [XX] was uncontactable by telephone / email / post.
- [State why witness statements have been anonymised]

### Statement of case

- Present summary of evidence presented – factually describe events
- Identify key facts that are in dispute or that are not evidenced
- Identify mitigating factors that have been identified / presented [often useful to recognise these may be incomplete]
- Refer / identify the employee's explanation of events

### Recommendations

- Make a recommendation for each allegation eg no action required, informal action through line management, reflective practice, further training, proceed to a formal hearing.
- State clearly whether each allegation is evidenced on the balance of probabilities
- Do not recommend a sanction.

### [Timeline identifying key dates and events in sequence]

### Appendices

1. List of interviews conducted including date, name and job title
2. List of evidence presented
3. ...

# Appendix 5 – Examples of misconduct and gross misconduct

## Misconduct

The following list provides examples of offences which are normally regarded as misconduct. This list is not exhaustive.

- Breaches of the employee Code of Conduct.
- Poor timekeeping.
- Absence from work without reasonable cause or authorisation or failure to comply with absence reporting procedures.
- Negligence or carelessness in carrying out duties.
- Refusal to carry out reasonable instructions.
- Minor misuse of SSSC property or resources.
- Minor breaches of safety regulations.
- Minor misuse of IT / internet / email / telecommunications.

## Gross misconduct

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the SSSC. The following list gives examples of behaviour which will normally be regarded as gross misconduct. This list is not exhaustive.

- Fraud or theft.
- Deliberate deceit or failing to tell the truth.
- Falsification of records including timesheets.
- False declaration of experience, qualifications or professional registration.
- Deliberate damage to SSSC property.
- Physical violence or assault (or the threat of).
- Bullying, harassment and/or discrimination.
- Serious negligence.
- Serious insubordination.
- Significant disregard for a reasonable management instruction or repeated refusal to carry out a management instruction which is within the individual's capabilities and which is in the interests of the SSSC.
- Serious breach of corporate or financial governance processes and procedures.
- Breach of confidentiality of SSSC information including information relating to stakeholders, registrants and education and training providers.
- Inappropriate use of digital systems, email, telephones or the internet that is a serious breach of the SSSC's Digital Security Policy.
- Submitting false medical certification.
- Incapability at work brought on by alcohol or drugs.
- Comments made on social media platforms such as Facebook, X (formally Twitter), Instagram, TikTok, Reddit which could bring the reputation of the SSSC into disrepute.
- Inappropriate behaviour at work that is contradictory to the Code of Conduct or the SSSC Codes of Practice.
- Behaviour outside work which has a damaging impact on the reputation of the SSSC, the employee's own position with the SSSC or affects another employee or stakeholder of the SSSC that is contradictory to the Code of Conduct or the SSSC Codes of Practice.
- Serious breach of confidence or data protection breach.
- Serious misuse of the organisation's property or name.

## Appendix 6 – Witness statement

You have been asked to provide a witness statement as part of a disciplinary investigation and we believe you have relevant information that we need. It is important that you co-operate with this investigation as fully as you are able to.

Please note the following.

- It is very important that you maintain confidentiality regarding this subject and do not discuss this with others either now or in the future.
- Your statement may be shared with other people with a reason to have sight of it (including the subject of the investigation).
- You may be required to attend further investigations or hearings to provide further information or respond to questions.
- You must answer as fully as possible and provide all relevant information. It is essential that you are truthful and factual in your statements. Where you are unsure of an answer please say so.
- If you do attend a Disciplinary Hearing as a witness, you will **not** normally be notified of the outcome.
- You can ask your manager, HR or union representative for support. We also provide confidential access to the Employee Assistance Programme.
- Where you are reluctant to co-operate or are unable to do so, you must tell us why you feel this way. We will discuss and seek to address any concerns that you have.
- Where you do not co-operate with the investigation, without a reason acceptable to us, this could become a conduct issue for you. We are keen to avoid this wherever possible.
- If you have any relevant information or documents please share these with the Investigating Officer.

The Investigating Officer will maintain a record of your statement on this document and ask you to review it carefully, annotate any amendments and sign that it is correct. Please do so promptly and within two days of receipt (excluding weekends).

### [QUESTIONS AND RESPONSES]

This is a fair and accurate record of statement of my statement.

Your full name:

Signature:

Job title:

Email address:

Date statement taken:

Investigating officer full name:

Details of others present:

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We promote equality by removing unlawful and unfair treatment on the grounds of any protected characteristic wherever possible.

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