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| **Disciplinary** | |
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# Overview

## What is this about?

### The Scottish Police Authority (SPA) and Police Scotland have clear standards of behaviour that staff have to maintain. When someone falls below these standards or we have concerns about misconduct or poor behaviour, these procedures will be used to deal with matters in a clear and fair way.

## Who is this for?

### This is for all authority/police staff and managers.

## Key information

* Anyone who is the subject of a criminal investigation, charged, reported or convicted of a criminal offence, must tell their manager as soon as possible.
* Criminal acts may not always lead to disciplinary action but any sanction will consider the impact and ability it has on whether someone can continue in their role.
* SPA/Police Scotland reserve the right to continue with the disciplinary procedure and take fair and reasonable action ahead of the conclusion of any criminal case.
* When dealing with claims of misconduct or unacceptable behaviour we will:
* Try to deal with cases of minor misconduct informally.
* Not take any formal action until after a case has been investigated and all the facts have been considered.
* Only share details with other people if they are involved or need to know.
* Not accept the unfair treatment of anyone involved in the procedure, including witnesses or accept anyone interfering with an investigation.
* Consider suspending someone or moving them to another role, department or location if we believe it is in the best interests of maintaining the integrity of the procedure.
* Notify the trade union if one of their representatives is subject to disciplinary investigation or action through acting in their official capacity.
* Change this procedure if it is in the best interests of finding a solution (this would have to be agreed by all parties before any changes could happen).

# Staff/Officers

## What you need to do:

* Maintain the standards of conduct expected (refer to Standards of Conduct).
* Work towards agreed actions where improvement is needed.
* Participate fully throughout the procedure and in any investigation.
* Maintain confidentiality.
* Attend meetings as requested.
* Appeal if you believe the outcome is not reasonable.

## Resolving matters informally

### Minor cases of misconduct will generally be dealt with informally by a line manager who will talk to you about any concerns they have.

### This gives you the chance to put right any behaviour or conduct, before the need for any formal action.

### Your line manager will write down any agreed actions or improvements required and a copy will be kept in your personnel file. They should review your progress at agreed timescales and if you meet the requirements this is likely to be the end of the matter.

### If there is no improvement, or you repeat the same misconduct again the matter may be progressed under the formal disciplinary procedure.

## Formal procedure

### More serious or repeated misconduct will normally be progressed under the formal disciplinary procedure.

### Where there are concerns about behaviour or misconduct, your line manager will talk to you about this and decide if there is a need for any further action or investigation.

### If there is a need for further action or investigation, the matter will be referred to your Chief Superintendent/Head of Department who will appoint a manager to look into the case. Depending on the circumstances, this could be your line manager.

### Ideally, the investigation should take no more than 21 calendar days.

### The Chief Superintendent/Head of Department will appoint a second manager to decide if the case should be progressed to a disciplinary meeting. The same manager will be responsible for chairing this meeting.

### Where there is a case to answer, a meeting will be set up to look at the case in full. This will normally be within 14 calendar days of the investigation being completed.

### You will get a copy of any written evidence, including witness statements, to help you prepare for the meeting.

## Executive/senior management team

### If a disciplinary case involves a member of the Executive/Senior Management Team, the issue will be dealt with by a more senior officer or manager. The officer or manager will be chosen by the Chief Executive, Scottish Police Authority (SPA) or Chief Constable. If this is not possible, due to the seniority of those involved, the disciplinary will be dealt with by either the Chief Executive (SPA) or Chief Constable.

### If a disciplinary case concerns the Chief Executive (SPA), the issue should be referred to the SPA Board. Any appeal would be heard by the Chairperson of the SPA Board.

### Sometimes, we might have to involve an independent partner organisation.

## Disciplinary meeting

### You have the right to be accompanied at any formal meetings.

### Someone not involved might be asked to take notes at the meeting. You, or whoever is accompanying you, might also want to take your own notes to refer to.

### At the meeting, the manager will tell you about the details of the case against you and any information gathered as part of the investigation will be discussed. You will get the chance to answer any claims made against you, present evidence and call witnesses, where appropriate.

### At the end of the meeting, the manager might feel they have to look into matters further before deciding an outcome. If this is the case, they will end the meeting and agree a new date to meet up again. They will let you know the likely actions and timescales.

### You will be sent copies of notes from any meetings, where appropriate. You might also get other information if it would help you better understand the issue(s), actions or decisions.

### If anyone involved is repeatedly unable to attend meetings or join in the procedure, without good reason, a decision may have to be made based on the information available. You will be told if this is going to happen.

### The manager might have to hold off making a decision if there are other activities relevant to the disciplinary procedure going on. They will tell you if this is the case.

## The outcome

### Following the meeting, or after a short break, the manager will tell you what, if any, action they have decided to take. They will tell you how the decision was reached. The outcome will be confirmed in writing within seven calendar days of the meeting.

### Outcomes can range from no action up to dismissal. Sometimes, it may be necessary to issue a warning that will be held on file until the agreed expiry date at which point it will be removed e.g. verbal warning (6 months) and written or final written warnings (12 months). Any further breaches of discipline after a final warning may lead to dismissal.

### Depending on the nature and seriousness of the offence, it is not necessary to progress disciplinary action from one level to the next e.g. it is possible for you to be issued with a final written warning without a written warning having previously been issued.

### If gross misconduct is established you could also be dismissed without the normal period of notice or with pay in lieu of notice.

### You have the right to appeal if you think the outcome is unfair.

## Appeals

### To appeal against an outcome, up to and including a final warning, you have to write in using the People Direct Online Portal within seven calendar days of receiving the outcome letter. If you need more time to prepare your appeal, a further seven calendar days are available. The additional days only apply if you let us know that you plan to appeal within the original seven day period.

### Grounds for appeal might include:

* The disciplinary procedure was not followed;
* There is new evidence about the case that was not available before; or
* You think the outcome is unreasonable.

### You have to tell us the grounds on which your appeal is based, and any other information that should be considered. The appeal will not go over all the points raised in the original disciplinary meeting.

### The Chief Superintendent/Head of Department will choose a manager to chair the appeal meeting. The manager will normally be at least one grade above the manager who chaired the disciplinary meeting.

### The appeal meeting will normally be held within 14 calendar days of the written appeal being received.

### After the meeting, the manager will carry out any further investigations that they think are necessary. They will try to respond, in writing, within seven calendar days. The decision of the appeal is final.

### **Note:** To appeal against dismissal you have to write to the SPA, 1 Pacific Quay, Glasgow G51 1DZ. Again, this should be within seven calendar days of receiving the outcome letter. Further details of the appeal procedure will be provided in the outcome letter.

### The SPA will seek to arrange a meeting of the Legal Action, Claims and Appeals Committee to hear the appeal, within six weeks of the written appeal being received.

# Manager

## What you need to do:

* Resolve minor disciplinary issues informally, where possible and appropriate.
* Establish the facts quickly and deal fairly and consistently with disciplinary matters.
* Conduct an appropriate investigation.
* Consider all the information and tell the team member what, if any, action will be taken.
* Explain the right of appeal is available.
* Contact People Direct if you think a disciplinary matter may involve criminality or affect a team members vetting clearance for their role.

**Note:** People Direct will ensure Police Scotland’s Professional Standards, Vetting Unit or the Scottish Police Authority’s (SPA) Complaints Department are notified.

## Resolving matters informally

### If one of your team does something that could be considered a minor misconduct issue, you should try to resolve the issue informally, with them.

### You should tell them your concerns and what improvement or standard of conduct you expect. Confirm any agreed actions in writing, by letter or email and send a copy to People Direct for filing.

### You should agree and confirm when you plan to review their progress.

### The formal procedure is available where the necessary standards have not been met by the agreed review period, or after discussing concerns informally.

### If you believe a claim of misconduct is too serious to deal with it informally, then the matter should be progressed under the formal disciplinary procedure.

## Formal procedure

### You should contact People Direct on **[REDACTED]** for advice, on how best to progress a case, before you take any action relating to alleged offences.

### Where you have concerns about a team member’s behaviour or, there is a claim of misconduct, you will need to discuss the issue with the team member. This will help you to decide whether any further action is required.

### If further action or investigation is needed you should complete the Formal Disciplinary Procedure Form (037-019) within five working days of any claim being made. Send the completed form onto the Chief Superintendent/Head of Department.

### You should ask the team member if they need any additional support to help them fully participate in the procedure.

### If the team member tells you they are a representative of a recognised trade union, you should notify People Direct as soon as possible. If the issue is not in any way linked to their role as a trade union representative, SPA/Police Scotland will only notify the trade union, if given approval to do so. If consent is not given, the procedure will continue as normal.

## Investigation

### The Chief Superintendent/Head of Department will choose a manager to look into the claim. This could be the line manager, depending on the circumstances of the case.

### The aim is to establish the facts, as quickly as possible, by gathering witness statements that are accurate and other information that could otherwise be lost or destroyed.

### If asked to look into a claim, you should use the Record of Meeting / Witness Statement Form (037-018) to record the key points from any meetings to do with the investigation. Ideally, the investigation should be completed within 21 calendar days.

### You should forward your findings on Formal Disciplinary Procedure Form (037-019) onto the manager appointed to chair the disciplinary meeting who will decide on whether to progress the case. If the decision is not to progress the case the chair will tell the staff member as soon as possible.

## Disciplinary meeting

### The chair of the disciplinary meeting has to be of a higher grade than the staff member who is the subject of the disciplinary procedure. They should also be impartial and have had no prior involvement in the investigation. For cases, where a possible outcome may be dismissal, the chair has to be equivalent to the rank of Chief Superintendent/Head of Department.

### If appointed as chair and you decide there is a case to answer, you should arrange a meeting within 14 calendar days of the investigation ending. You should select a suitable date and location and send an invite letter, or email, to confirm the details of the meeting.

### The invite letter should provide information about the alleged misconduct and the possible outcomes. You should send any written evidence, including witness statements, at the same time to allow the staff member to prepare for the meeting.

### The purpose of the meeting is to outline the precise nature of the case against the staff member by going through the evidence gathered. The staff member should get the chance to set out their case and answer any claims made against them. They also get the chance to present evidence and call witnesses where appropriate.

### You should give advance notice to any witnesses that need to attend the meeting. If you have witness statements, you might not need the witnesses to attend the meeting, unless specifically asked to do so.

### You might want to arrange for someone not involved in the disciplinary procedure to take notes. Use Disciplinary Meeting Record Form (037-026) to record the key points of the meeting.

## Establishing the facts

### You should consider the information presented at the meeting, together with any mitigating factors. If you have gathered all the information that you need to make a decision, you can give the staff member the outcome at the meeting.

### If new facts emerge, you might decide you have to adjourn the meeting and reconvene after you have looked into the matter further. You will have to tell the staff member the likely timescales required to look into the new facts.

### At the end of the meeting, you should summarise the main points of the discussion. This will remind all parties of the nature of the claim, the points raised, and evidence put forward. Make sure you consider all of the information.

### If someone is repeatedly unable or unwilling to attend meetings, without good reason, you might have to make a decision based on the information you have. You have to tell the person who is the subject of the disciplinary procedure, if this is going to happen.

## The outcome

### You have to tell the staff member what, if any, action you have decided to take. You will also need to tell them how you reached the decision. You have to confirm the decision, in writing, within seven calendar days of the meeting.

### You need to tell them about their right to appeal.

### Send all the documentation to People Direct at the end of the procedure. This should be done even where there is no formal disciplinary action.

## Appeals

### To appeal against an outcome, up to and including a final warning, the staff member has to send in their written appeal to People Direct within seven calendar days of receiving the outcome letter. If they need more time to prepare their appeal, a further seven calendar days are available. The additional days only apply if the staff member has told People Direct of their intention to appeal within the original seven day period. The appeal meeting will normally be held within 14 calendar days of the written appeal being received.

Grounds for appeal might include:

* The disciplinary procedure was not followed;
* There is new evidence about the case that was not available before; or
* The outcome is considered unreasonable.

### The staff member has to provide their reasons for appealing the decision and any other information that should be considered.

### **Note:** To appeal against dismissal the staff member has to write to the SPA, 1 Pacific Quay, Glasgow G51 1DZ. Again, this should be within seven calendar days of them receiving the outcome letter. Details of the appeal procedure will be provided in the outcome letter.

### The SPA will seek to arrange a meeting of the Legal Action, Claims and Appeals Committee to hear the appeal, within six weeks of the written appeal being received.

## The appeal meeting

### The Chief Superintendent/Head of Department will choose a manager to chair the appeal meeting. They should normally be at least one grade higher than the manager who chaired the disciplinary meeting. The manager should have had no prior involvement in the disciplinary procedure.

### If asked to chair an appeal meeting you might want to arrange for someone not involved in the disciplinary procedure to take notes. Disciplinary Meeting Record Form (037-026) should be used to record the key points of the meeting.

### You should have the notes and any other information from the original disciplinary meeting at hand as you might have to refer to them.

### The staff member has to be given the chance to explain the grounds of their appeal in person at the meeting.

### You should only consider the specific area(s) that the appeal is based on e.g. procedure was not followed. You should not go over all the matters raised in the original disciplinary meeting.

## The outcome

### Following the meeting, you might have to look into matters further.

### In some cases, you might not be able to make a decision within the normal timescales. The reason for any delays must be explained to the staff member.

### You should confirm the outcome in writing within seven calendar days of the meeting. The decision of the appeal is final.

### You should make every effort to complete the appeal procedure within three weeks.

### All documentation must be sent to People Direct at the end of the procedure.

# Resources

**Forms**

* Record of Meeting / Witness Statement Form (037-018)
* Formal Disciplinary Procedure Form (037-019)
* Disciplinary Meeting Record Form (037-026)

**How to Guides**

* Manager’s Guidance

**Reference Documents**

* FAQs
* Possible Outcomes
* Process Map
* Standards of Conduct
* Suspension
* The Right to be Accompanied

**Related Procedures**

* Business Interests and Secondary Employment
* Diploma in Police Service Leadership and Management
* Grievance
* Smoking at Work

**Useful Links**

* [www.acas.org.uk](http://www.acas.org.uk/index.aspx?articleid=1774)

**Appendix A**

Frequently Asked Questions

**What if I am the subject of a criminal investigation, charged, reported or convicted of a criminal offence?**

You must tell your manager as soon as possible. It may not lead to disciplinary action but we might need to consider the impact it has on your ability to continue in your role.

**What happens if there is an issue with misconduct?**

Your manager will talk to you about any concerns they have. Minor cases will normally be dealt with informally.

**What if the problem or concern cannot be resolved informally, or it is not appropriate to deal with the issue informally?**

The formal procedure is available for more serious issues, or where the informal procedure has not led to the required improvement.

**What happens next?**

If further action or investigation is required, the matter will be referred to the Chief Superintendent/Head of Department, who will appoint a manager to look into the case. A second manager will also be appointed to decide if the case should be progressed to a disciplinary meeting (the same manager will be responsible for chairing the meeting, if a disciplinary meeting is required).

**How long will the disciplinary procedure take?**

The investigation should take no more than 21 calendar days. If it is felt that there is a case to answer, a meeting will be set up within 14 calendar days of the investigation being completed. The outcome of the disciplinary procedure will be confirmed within seven calendar days of the disciplinary meeting.

**What is the purpose of the disciplinary meeting?**

To look at the case in full and discuss any information that has been gathered as part of the investigation. You will get the chance to answer any claims made against you, present evidence and call witnesses, where appropriate.

**What happens at the disciplinary meeting?**

You will be asked questions about the disciplinary case and possibly for clarification on any other information provided during the meeting. Where further evidence or clarification is required you will be advised of the anticipated actions and timescales.

**Can I be accompanied at the meeting?**

You have the right to be accompanied at any formal disciplinary meeting by a work colleague or representative of a Staff Association or Trade Union. This includes investigatory meetings.

**What happens if my chosen companion will not be available at the time and date proposed?**

The meeting will be postponed and rescheduled for an alternative time that is both reasonable and not more than five working days after the date originally proposed.

**What is the role of my companion at the disciplinary meeting?**

They will be able to address the meeting in order to: put your case forward; sum up the case; respond on your behalf to any view expressed at the meeting; and confer with you. However, they will not be able to answer questions on your behalf.

**Who else will be at the meeting?**

The manager, you and possibly any witnesses that have been asked to attend. Other people may include a representative from People and Development and possibly someone not involved in the disciplinary procedure to take notes.

**When will I hear about the outcome?**

Following the meeting the manager will advise what, if any, action they have decided to take along with a full explanation of how the decision was reached. The outcome of the disciplinary procedure will be confirmed in writing within seven calendar days of the meeting.

**What should I do if I am unhappy with the outcome?**

You can appeal the outcome or decision by writing in using the People Direct Online Portal within seven calendar days of receiving the outcome letter. You must state the grounds that the appeal are based on and any other information that should be considered. The decision of the appeal meeting is final. **Note:** To appeal against dismissal you have to write in to the Scottish Police Authority.

**What documentation will I be provided with?**

Copies of meeting records including any formal minutes, where requested or appropriate. Other relevant information may be provided where it would help an individual to understand the issue(s) and any actions or decisions.

**Who else will be aware that I am going through the disciplinary procedure?**

Only those involved, or who need to know, will be informed of the details where appropriate.

**What if I have questions regarding any part of the disciplinary procedure?**

People Direct can be contacted on **[REDACTED]** or via the [People Direct Online Portal](https://connect.spnet.local/ITConnect.Web/ss/dashboard/open.rails?id=4dcc905e-9dae-4bdb-8f47-db094665c40c) for advice or guidance.

**Appendix B**

Manager’s Guidance

The following information is for guidance only, as you will need to decide how best to facilitate any formal meetings given the circumstances of the disciplinary case.

**Resolving matters informally**

* When made aware of an issue, try to deal with the matter informally, where possible.
* A quiet word is often all that is needed to improve conduct.
* In some cases additional training or coaching might also be needed.
* If informal action does not bring about an improvement, then the formal procedure can be used. The same applies if the misconduct is too serious to deal with informally.
* Tell the team member the case will be looked into further and ask them if they need any additional support, to help them fully participate in the disciplinary procedure.
* Where further action or investigation is needed you should complete the Formal Disciplinary Procedure Form (037-019) and send it onto the Chief Superintendent/Head of Department.

**Investigation**

* The Chief Superintendent/Head of Department will appoint a manager to investigate the case. A separate manager will be appointed to review the findings and chair the disciplinary meeting, if the case has to be progressed further.
* Take care to deal with the staff member in a fair and reasonable manner.
* The nature and extent of the investigation will depend on the seriousness of the matter i.e. the more serious it is the more thorough it should be.
* Arrange a suitable time for an investigatory meeting and confirm the details in writing.
* Tell the staff member they have the right to be accompanied at the meeting.
* Give them the full details of the issue you have been asked to look into and ask them to tell you as much as they can about it. This should include any witnesses that need to be spoken to.
* The purpose of the meeting is to establish the facts of the case. Keep an open mind and look for evidence which supports the staff member’s case as well as evidence against.
* Ask the staff member if there is any other information that you need to be aware of that will help you to decide whether the matter should be progressed to a disciplinary meeting.
* Record of Meeting / Witness Statement Form (037-018) should be used to note the key points from any investigatory meetings, including any discussions with witnesses.
* Forward your findings onto the manager appointed to chair the disciplinary meeting. They will decide whether the case should be progressed further. This should be done on the Formal Disciplinary Procedure Form (037-019).

**Progress to disciplinary meeting**

* If there is a case to answer, you should arrange a disciplinary meeting within 14 calendar days of the investigation ending, at an appropriate location.
* Consider if an interpreter or facilitator is needed, if there are understanding or language difficulties.
* Think about reasonable adjustments to accommodate the needs of a person with a disability or any other requirements.
* Send invite letter (hard copy or by email) confirming the details of the meeting and the right of the staff member to be accompanied.
* The invite letter should contain sufficient information about the alleged misconduct and possible outcomes. A copy of any evidence that will be referred to at the meeting, including written statements should be enclosed. This will allow the staff member to prepare for the meeting.

**Preparing for the meeting**

* Book a suitable room where there will be no interruptions.
* Arrange for someone not involved in the case to take notes at the meeting and to act as a witness to what is said.
* Make sure all the relevant facts are available such as disciplinary records, relevant documents and, where appropriate, written statements from witnesses.
* Think about the structure of the meeting and make a list of the points you want to cover.
* Give advance notice to any witnesses that need to attend. They have the right to be accompanied.
* If there are witness statements, a witness might not need to attend in person, unless this is requested.

**Disciplinary meeting**

* Introduce those present and explain their roles.
* If the staff member is not accompanied, explain that they have the right to be, and confirm they have chosen to attend unaccompanied (formally record in notes).
* If accompanied you should confirm the role of the work colleague or representative i.e. they can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with the staff member during the meeting or ask for a short break. However, the representative will not be able to answer questions on behalf of the staff member.
* Confirm with the staff member that they received the letter notifying them of the meeting and, where applicable, any associated documentation.
* Make sure the staff member understands that it is a formal disciplinary meeting and the purpose of it is to establish the facts.

**Procedural considerations**

* Explain the format of the meeting, i.e.
* you will fully explain the disciplinary issue and outline the case by going through the evidence that has been gathered;
* the staff member will have the chance to state their case and answer any allegations that have been made;
* the staff member will be asked questions to do with the disciplinary matter and possibly for clarification on any other information provided during the meeting;
* it may be necessary to make further enquiries into background facts or into any issues raised by the staff member;
* you will summarise the key points of the discussion at the end of the meeting and ask whether any further information should be considered;
* you will explain any anticipated actions following the meeting and the likely timescales;
* the staff member will be advised of the outcome as soon as the matter has been fully considered and the outcome will be will be provided in writing; and
* there is a right to appeal.
* Explain that a break may be requested throughout the meeting, by either party, and identify any rooms available to provide the staff member (and their representative) with private space during any breaks.
* Notes will be taken throughout the meeting to highlight the key points from the discussion. The staff member (or their representative) may wish to take their own notes for reference. A summary of the notes can be provided to the staff member on request.
* Respond to any procedural concerns or queries that may arise.

**Explore the disciplinary**

* Provide sufficient detail of the disciplinary issue and of any evidence that has been gathered as part of the investigation.
* Seek to gain a full understanding of the case by asking questions. Clarify any points to do with the information or evidence gathered (or gained through further fact finding), if applicable.
* Let the staff member (or their representative) state their case and answer any allegations that have been made.
* The staff member (or their representative) should be provided with the chance to sum up their case at the end of the meeting, to make sure they have put forward the full details of evidence or information that they would like to have considered.
* If new facts emerge, you may have to stop the meeting, to look into them, and meet up again when this has been done.

**Conclude meeting and confirm decision**

* After the disciplinary issue has been discussed and the questioning completed, consider whether to have a short break. This will give everybody the chance to review what has been said and consider whether there is anything they wish to clarify or to add in their closing remarks.
* Review what has been said and seek clarification on any issues before bringing the meeting to a close.
* Where further information or clarification is needed, you may decide to stop the meeting to enable further investigation. An indication of the timescale for this should be given.
* If unable to make a decision as further information, or further time to consider the information, is required, tell the staff member when they can expect to hear the outcome (or if further action is necessary what this would involve).
* When closing the meeting, make sure that everyone understands what is going to happen next, e.g. is a follow up meeting required?
* Depending on whether you have been able to make a decision at the meeting, tell the staff member they will receive confirmation of the outcome in writing within seven calendar days of the meeting.
* Tell the staff member of their right to appeal and the procedure to follow if they believe the outcome is not reasonable. **Note:** Appeals against dismissal are sent to the Scottish Police Authority.
* Draft the outcome letter summarising the disciplinary issue, the information gathered (where applicable), and the decision, including reasons for this, and any recommendations.

**Record keeping**

* Record the name of the staff member being spoken to and a summary of the discussion(s) on the relevant form (including any key points, agreed actions, outcomes and recommendations).
* Make sure that the notes are factual, clear and constructive.
* Write to the staff member, summarising the outcome of meeting and any proposed actions.
* If requested by the staff member, a summary of the meeting notes should be provided for their information.
* Submit all original records to People Direct at the end of the disciplinary procedure.

**Appeal procedure**

* The same guidance should be followed for any appeal. The staff member should be advised this is the final stage and there is no further right of appeal.

**Appendix C**

Possible Outcomes

Depending on the nature and seriousness of the offence, it is not necessary to progress disciplinary action from one level to the next e.g. it is possible to issue a final written warning without a written warning having previously been issued. Below are some of the possible outcomes.

**No action or informal action**

Having considered the facts of the case it may be decided that no action is required. For cases of minor misconduct, there can be some form of informal action, to help a staff member correct their behaviour or conduct before the need for more formal action.

**Verbal warning**

It might be more appropriate to issue a verbal warning for some cases of minor misconduct. A verbal warning remains on file for a period of six months from the date of issue and then it is discarded.

**Written warning**

Where there are further issues following a verbal warning, or the informal procedure has not worked, a written warning can be issued. It may also be appropriate to go straight to a written warning for cases of serious misconduct. A written warning remains on file for 12 months from the date of issue then it is discarded.

**Final written warning**

Where there are further issues after a written warning, or where the misconduct is serious, a final written warning can be issued. The final written warning will specify that any further issues of discipline may result in dismissal. A final written warning will be discarded after a period of 12 months from the date of issue.

**Disciplinary action short of dismissal**

Where a final written warning is not enough and dismissal too extreme, disciplinary action short of dismissal may be considered. The disciplinary action may include a transfer to another department; suspension without pay; demotion; or withholding of increment(s).

**Dismissal**

Where gross misconduct is established or further issues of discipline occur after a final written warning, it could lead to dismissal. In cases of gross misconduct, dismissal without the normal period of notice or pay in lieu of notice may be appropriate.

**Appendix D**

Process Map



**Appendix E**

Standards of Conduct

We have a clear standard of behaviour that we expect from our staff i.e. to work in a professional and considerate manner at all times. If someone falls below the standard, it might lead to disciplinary action.

**Misconduct**

Misconduct may occur when conduct falls below an acceptable standard of professional behaviour. The following are examples of the types of behaviour that may result in a breach of the standard expected and could result in a disciplinary warning. The list is not exhaustive and may include other acts of misconduct not listed.

|  |  |
| --- | --- |
| * unexplained absence; | * aggressive or offensive behaviour; |
| * poor timekeeping; | * breach of trust or confidence; |
| * not following health and safety   regulations; | * not following a reasonable   management request; |
| * misuse of property or equipment; | * breach of policies or procedures etc. |
| * behaviour likely to bring the organisation into disrepute |  |

If there is no improvement, after a disciplinary warning, it could ultimately lead to dismissal.

**Gross Misconduct**

Gross misconduct is behaviour serious enough to justify dismissal or action just short of dismissal e.g. demotion. An act considered as gross misconduct must be very serious and may include other acts not in this list.

|  |  |
| --- | --- |
| * criminal acts; | * serious insubordination; |
| * dishonesty, theft, fraud, deliberate falsification of records or misuse of property or equipment; | * obscene or indecent behaviour or sexual misconduct or circulation of offensive material; |
| * violence; | * serious aggressive or offensive behaviour; |
| * severe breach of health, safety and hygiene rules or acting in a manner dangerous to others; | * any form of discrimination which is unlawful or conflicts with policies or procedures; |
| * damage to property; | * serious breach of security or financial procedures; |
| * unauthorised disclosure of information; | * serious breach of trust and confidence; |
| * gross negligence; | * malicious claims against others; |
| * coming to work under the influence of alcohol or illegal drugs; | * being in possession of illegal drugs in the workplace; and |
| * behaviour which brings or has the potential to bring the organisation into disrepute; | * serious misconduct outside the workplace where we believe that there is an effect on the employment relationship. |

**Appendix F**

Suspension

Sometimes, we might have to consider suspending someone on full pay, if we have concerns about them being at work, affecting the procedure in some way e.g.

* where relationships have broken down;
* there are risks to property;
* reasonable grounds that evidence could be tampered with or destroyed; or
* witnesses could be pressurised in some way.

Suspension should only be authorised by the Chief Superintendent/Head of Department after speaking to the Head of Employee Relations and Reward. If unavailable, another member of the People and Development Senior Management Team may be contacted and their details are available from People Direct.

If a member of the People and Development Senior Management Team is not available, either at the weekend or outside ‘Normal Service Hours’, the following options should be considered as an alternative to suspension:

* temporary transfer to another department or location;
* temporary removal from duties involving little or no contact with the public;
* temporary removal of access to ICT systems and/or
* sending the individual home until a decision can be made on whether suspension is appropriate.

**Note:** Please remember you must tell People Direct, at the earliest opportunity, about any action that has been taken.

The decision to suspend can be taken at the start of the procedure or at any stage up to the disciplinary meeting.

Suspension on full pay while the matter is being investigated is not a form of disciplinary action and does not infer guilt.

The staff member has to be told the reason for the suspension and it has to be confirmed in writing.

The suspension should be kept as short as possible and reviewed on a regular basis. The staff member will be told of any decisions that affect the length or conditions of the suspension.

**Line managers** will:

* make arrangements to suspend access to ICT and all Force Systems;
* notify Professional Standards of the suspension;
* remove and keep a hold of any security passes/ID for the period of the suspension;
* maintain contact throughout the period of the suspension;
* be responsible for welfare and support; and
* consider requests for annual leave and enter onto SCOPE during the period of suspension.

**Appendix G**

The Right to be Accompanied

You have the right to bring someone with you to any formal meetings e.g. disciplinary, grievance, capability etc. This could be a work colleague or a representative of: a Trade Union, Staff Association, Scottish Police Federation or Association of Scottish Police Superintendents. You have to make your own arrangements if you want to bring someone with you.

You have to tell us the name of the person at least 24 hours before the meeting.

The work colleague or representative is entitled to take a reasonable amount of paid time off to attend the meeting. They should also be allowed time off to get to know the case and discuss any related matters before and after the meeting.

The work colleague or representative can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with you during the meeting or ask for a break. They cannot answer questions on your behalf.

Sometimes, you might be able to bring a work colleague or representative to an informal meeting. You have to be careful when asking or agreeing to this though, as it could make the meeting seem more formal than it has to be. You would have to talk this over with your manager before any arrangements are made.

At times, you might be able to bring a non work colleague. This could be if you need additional support because of a disability or you might need an interpreter if there are difficulties with understanding or language. You would have to talk this over with your manager before any arrangements are made.

If the work colleague or representative is unable to attend, the meeting can be rearranged. This will normally be within five working days of the original date.

If they are unable to attend the re-arranged meeting you might have to ask someone else.