

PREPARING FOR & INITIATING DISCIPLINARY HEARINGS

Duration: 3 sessions of 3 hours each (9 hours in total)

Objective

To provide initiators and/or employee representatives with the ability to effectively investigate, prepare for and present a case at disciplinary hearings.

Content

- Causes of ill discipline
- Distinguishing misconduct from incapacity
- The meaning of "*dismissal*" and disciplinary action short of dismissal
- The Code of Good Practice: Dismissal
- Substantive fairness guidelines: understanding guilt and sanction
- Suspension
- Procedural fairness - role of the initiator
- How to gather facts and information – the investigation
- Drafting complaints/charges
- Preparing for and initiating a disciplinary interview versus a formal hearing
- Strategising the case
- The 12 steps of the hearing
- Preparing an opening and closing statements
- Understanding balance of probabilities
- How to examine and cross examine
- Rules of evidence – dealing with evidence and admissibility
- Pitfalls within the process

Practical activities

- The requirements of substantive and procedural fairness: case study
- The roles of the various parties involved in a disciplinary hearing: case studies
- The hearing procedure and the situations (problems) that may arise during a disciplinary hearing
- Finding and sanction: case studies
- Practical activities are aimed at preparation for the role of the initiator
- Dealing with evidence: case study

Target group

- Supervisors/managers who would initiate disciplinary hearings or representatives of employees.