



## **Guidance for Handling Formal Meetings**

### **(For use with Disciplinary, Capability, Absence Management or Appeals Procedures)**

#### **1. Scope**

This document provides guidance on the process to be followed in arranging meetings with employees which form part of a formal process.

This guidance does not apply for any informal meetings which take place prior to any formal procedures commencing. In addition, it does not apply where the purpose of a meeting is to let employees know that formal action is about to commence, or for any day to day meetings.

The process for informing employees that formal action is about to begin is outlined in the relevant policy under which that action is being taken.

#### **2. Confidentiality**

It is important to maintain appropriate confidentiality in all formal processes to ensure the integrity of the process.

As a general rule, employees involved in formal processes should respect the appropriate level of confidentiality and should not discuss matters with other people where such a disclosure may have a prejudicial effect on the case.

This applies whether they are a witness, complainant or respondent in the matter.

#### **3. Invitations to Meetings**

It is recommended that contact in person or by telephone should be made with employees to check their availability, and the availability of any person accompanying them (see Section 8 below), before the date of a meeting is confirmed.

In advance of any formal meeting, employees should always be informed of:

- The purpose of the meeting
- The named procedure under which the meeting is being held
- The names of those who will attend the meeting, and the capacity in which they are attending

- The time, date and location of the meeting, with directions where necessary
- The likely duration of the meeting
- Details of any specific allegations made, where appropriate
- Details of the relevant policy or guidance note so that the employee can familiarise themselves with the process in advance of the meeting
- Their right to be accompanied, and the role the person accompanying them can play in the meeting
- Details of any documentation, e.g. evidence gathered through relevant investigations as appropriate, which is to be considered / discussed at the meeting
- The need for confidentiality.

The employee should be asked if they require any adjustments as outlined in Section 6 below.

The employee should be asked to confirm that they will be attending the meeting, and also to confirm the name of any person who will be accompanying them.

The relevant policy will specify whether an invitation to a meeting should be sent in writing, If this is the case, the letter should be marked 'Personal and Confidential' and either sent to the employee's official work address, or handed to them in person. For employees who are absent from work for any reason, the letter should be posted to the employee's home address.

## **4. Availability for Meetings**

Employees, and any person who is due to accompany them, must make every effort to attend meetings arranged as part of a formal process. It is the employee's responsibility to make the person accompanying them aware of the details of the meeting and to arrange for their attendance.

The University recognises that some employees will feel anxious about attending formal meetings. However, meetings are an important part of the process, and give the employee the opportunity to present their views and put forward any information in support of their case as appropriate.

### **4.1 Non-Attendance at Meetings**

If employees are absent from work due to ill health and do not feel well enough to attend formal meetings, the University will be sympathetic to their condition and make every effort to allow them to give their views. However, it is equally important that a process is not unreasonably delayed at any stage. Therefore when employees are unable to attend due to ill-health, the following will normally apply:

- If the employee fails to attend the first meeting, a second meeting will be arranged
- The following alternatives may be offered for the second meeting, subject to mutual agreement, in order to give the employee every opportunity to present their views:
  - Holding the meeting at a suitable neutral location

- Holding the meeting via a telephone conference
- Holding the meeting in the employee's home, if considered appropriate and depending on the issue in question.

If the employee concerned is the subject of formal action, the following options will also apply:-

- Going ahead with a meeting in the employee's absence but with a Trade Union representative or workplace colleague of their choosing who will present their case;
- Going ahead with the meeting but taking into account any written representations that the employee wishes to make.

If employees who are the subject of formal action fail to attend two separate meetings, a decision will be made in their absence.

The meeting will take into account all relevant information and the employee will be notified of the outcome in writing and made aware of their right of appeal, as appropriate.

If the employee either refuses to attend, or does not turn up for a meeting, the same provision will be made as outlined above so that they have two opportunities to attend.

#### **4.2 Availability of the employee's representative**

If the employee's Trade Union representative or workplace colleague is unavailable to attend the meeting at the appointed time, the employee should notify the person arranging the meeting as soon as possible and may request postponement and suggest alternative times and dates within one week of the original date. Where a suggested alternative is feasible, the meeting will be postponed.

Every attempt will be made to accommodate the employee's choice of Trade Union representative or workplace colleague. However, if the chosen representative cannot attend a meeting within one week of the original date, and no other suitable alternative time is agreed, the employee should be asked to select someone else to accompany them who is able to attend at the original time.

### **5. Locations for Formal Meetings**

All meetings arranged as part of any formal process must be held:

- In a confidential, private setting
- Away from busy / noisy work areas.

Meeting rooms should be of sufficient size to comfortably seat all those due to attend. If possible, there should be a separate space available to enable private discussion if there is a period of adjournment during a meeting.

Where employees have requested that a meeting be held in their home, care should be taken to ensure in advance that there will be sufficient room for the number of people involved, and that there will be no disturbances.

Where employees request that a meeting be held in a neutral location away from work, the parties involved must be comfortable that the location is suitable for this specific purpose and the matter to be discussed.

## **6. Support for Employees**

Some employees may need reasonable adjustments in connection with meetings or interviews to allow them to participate fully in a process. Such arrangements may include:

- The provision of a room in an accessible location
- Documentation provided in large print or other suitable format
- An accredited sign language interpreter (or British Sign Language interpreter) or a room set up so as to facilitate lip-reading
- An interpreter, where English is not the first language of the employee and the ability to discuss complex matters in English is not an expectation of their job. (Special care should be taken to allow additional time for translation, and to record the process accurately)
- An employee with a mental health problem or learning disability may need support from a person with understanding of their particular needs.

Human Resources Advisors will be able to provide advice where required.

## **7. Making Records of Formal Meetings**

Detailed notes of meetings which form part of a formal process should always be kept. Generally, note takers will create a typed transcript of a meeting. This does not need to be verbatim; it should however detail the issues raised, discussion points, answers to questions and any actions agreed where appropriate.

Those concerned should be asked to check records of meetings for accuracy. Where there is a disagreement, the details of the disagreement should be appended to the main body of the record.

It may be suggested that an audio recording of a meeting is made. In these circumstances, all parties at a meeting must be asked in advance whether they agree to the recording being made. There is no obligation on any party to agree to this.

Where agreement is given to record a meeting, a full transcript should be typed and agreed by all parties. Once the transcript has been agreed, the recording must be destroyed.

Further guidance on record keeping is available within the Policy under which meetings are being held.

## **8. Guidance for Conducting Meetings**

Managers should recognise that many employees will find formal meetings uncomfortable and stressful, regardless of whether they are the subject of formal action, or are a witness in an investigation process. For this reason, care should be taken to ensure that the employee is as comfortable as they can be. Drinking water should be provided.

At the beginning of a meeting, all parties should be reminded of the purpose of the meeting and the process it forms part of. Employees should be introduced to other attendees, and informed of each person's role at the meeting, and they should be given the opportunity to ask any questions about the format of the meeting or the process involved before the main body of the meeting begins.

At the end of the meeting, those involved should be reminded that a written record of the meeting will be created and circulated to those present to check for accuracy. They should also be reminded of confidentiality requirements as appropriate.

All parties should also be made aware of what will happen next in the process.

Attached at Annex A are suggested formats for the types of formal hearings covered by this document.

### **8.1 Adjournments**

There may be some sensitive issues to discuss during formal meetings, which sometimes lead to emotional upset. Where this is the case, the employee should be asked if they would like to take a short break from proceedings before they reconvene.

Similarly, the employee or the person accompanying them may ask for a brief adjournment for these reasons, and a short break should be given.

In some circumstances, employees may seek an adjournment to discuss a matter with the person accompanying them or to gather their thoughts. This is acceptable, and again a short break may be allowed.

Similarly, those holding the meeting may wish to discuss a matter privately before the meeting continues, and may suggest a brief adjournment.

Additionally, where meetings run for a long period of time, i.e. over two hours, a short break is recommended.

It is suggested that an additional private space is available locally for the employee and their representative to adjourn to. However, where this is not possible, those holding the meeting may leave the room for a short while.

## 9. The Right to be Accompanied

Employees who are the subject of formal action, or who have raised a grievance, have the right to be accompanied to meetings held as part of the formal process. They may be accompanied by either a Trade Union representative/official or workplace colleague.

In exceptional circumstances, at the discretion of those managing the process, employees may be permitted to bring a family member or friend if this is felt to be appropriate.

### 9.1 The Role of the Representative

The role of the person accompanying employees to a meeting is primarily to provide personal support. Many employees find it useful just to have someone there with them, even though the representative chooses to play no other part in the process.

The representative should be allowed to address the meeting in order to:

- put the employee's case
- sum up the employee's case
- ask questions or respond on the employees' behalf to any view expressed at the hearing.

The representative can also confer with the employee and take notes on their behalf during the meeting.

## 10. Document History and Review

This guidance was approved by CJCNC on 30 March 2011 and took effect from 1 April 2011.

A full review of this Guidance was carried out, and amended as noted at Section 11.1, and was approved by CJCNC on 27 September 2013.

In the event of any significant change to legislation relating to the processes outlined in the document, this guidance will be subject to immediate review in consultation with the Trade Unions. In the absence of such a change, the guidance will be reviewed by November 2019.

### 11.1 Change control record:

No.	Approval date:	Amendment made:	Approved by:
1.	27 Sep. 2013	Full Review: This Guidance was reviewed which	CJCNC

		resulted in no substantive changes being applied and only some minor textual amendments being applied. The review also resulted in the inclusion of Annex A, a Suggested Meeting Format template.	
--	--	---	--

## **Suggested Meeting Formats**

Set out below are suggested formats of the different types of meetings covered by this guidance document. These are provided for guidance purposes only, and should be changed depending on the circumstances of the case.

### **Disciplinary Hearing**

1. Introductions and clarifying roles within the Hearing
2. Outlining the format of the Hearing
3. Summarising the allegations made against the employee
4. Investigating Officer to present their findings to the Hearing, including relevant evidence and witness statements
5. Employee asked to comment on the findings of the Investigating Officer
6. The panel and employee may ask the Investigating Officer questions
7. Any additional documentary evidence provided by the employee to be summarised by employee
8. The Panel may question the employee as appropriate
9. Panel ask the employee any appropriate questions regarding their comments, or new evidence from witnesses
10. Close

### **Capability Hearing**

1. Introductions and clarifying roles within the Hearing
2. Outlining the format of the Hearing
3. Outlining to the employee the performance issues raised, providing documentary evidence where appropriate
4. Summarising the efforts made to date to help improve performance, e.g. the informal processes, or any previous formal Capability Hearings
5. The employee should be asked to comment on their overall performance, and the issues raised above, providing any mitigating reasons for poor performance if/where appropriate
6. Final discussion with employee about the steps which could be taken to improve performance in the future, where appropriate

7. Close

**Attendance Review Meeting**

1. Introductions and clarifying roles within the Hearing
2. Outlining the format of the Hearing
3. Outlining to the employee the concerns about their attendance, and providing a summary of their absences over the relevant period
4. Summarising for the employee any steps taken to date, or previous discussions relating to absence management, either informal or formal
5. Discussing with the employee any advice and information received from the OHU
6. Ask the employee to give their view of their own health situation, and any further information which they feel is appropriate
7. Explore whether there are any circumstances at work which may be contributing to the absences.
8. Close

**Employment Related Appeal Hearing**

1. Introductions and clarifying roles within the Hearing
2. Outlining the format of the Hearing
3. Summarising the facts of the case prior to appeal, and the formal action being appealed
4. Asking the employee to summarise their grounds for appeal
5. Summarising any additional documentary evidence provided by the employee
6. Calling and questioning witnesses for the case, which could include, but is not limited to:
  - a. The person who made the original decision which is being appealed
  - b. The Investigating Officer (if appropriate)
  - c. Any other appropriate witnesses (these could have been suggested by the employee concerned, or the Appeal Convenor)
7. Questioning the employee about any aspect of the case, including ensuring they are content that they have covered all their relevant points
8. Close