

PREPARING FOR & INITIATING DISCIPLINARY & POOR PERFORMANCE HEARINGS

PURPOSE / OUTCOME

- To equip the participant with skills regarding the role of the initiator at a disciplinary and incapacity hearing with specific emphasis on the investigation, preparation and presentation of the case.
- The participant should be able to initiate at a disciplinary and incapacity hearing.

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
- Procedural fairness - role of the initiator
- How to gather facts and information – the investigation
- Preparing for and initiating a disciplinary interview versus a formal hearing
- Strategising the case
- Preparing an opening and closing statement
- Understanding balance of probabilities
- How to examine and cross examine
- Rules of evidence – dealing with evidence and admissibility
- Pitfalls within the process
- Poor performance management – counselling as joint problem-solving
- Preparing for the performance hearing

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 and incapacity hearings or representatives of employees

DURATION

2 days