

PREPARING FOR & INITIATING DISCIPLINARY AND INCAPACITY HEARINGS

Duration: 2 days

Objective

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

Design

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

Target group

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

