

CHECK LIST FOR CHAIRPERSON OF DISCIPLINARY ENQUIRY

(Note: The Chairperson should be someone as far removed from the misconduct as possible.)

1. Was the employee informed of the allegations against him/her before the enquiry? Was this in a form and language that he/she can understand?
2. Has the employee had a reasonable opportunity to prepare for the enquiry and to respond to the allegations?
3. Was the employee given the opportunity to be assisted by a fellow employee of his/her choice?
4. Has the nature of the misconduct and evidence of the misconduct been put to the employee?
5. Has the employee had an opportunity to respond to allegations and to state a case in response to the allegations?
6. Has the Chairperson considered both sides?
7. Has a finding (guilty or not guilty of misconduct) been clearly communicated to the employee?
8. Has the employee been given an opportunity to give mitigating circumstances (i.e. factors like no previous disciplinary record, length of service, and personal circumstances) and have these factors been considered when deciding whether to impose a sanction of dismissal together with:
 - The gravity of the offence
 - The nature of the job
 - The circumstances of the infringement
9. Has a penalty (for example dismissal/final warning) been communicated to the employee in writing? If the employee is dismissed, the employee should be given written reasons for the decision.
10. Have you applied this particular penalty consistently? (i.e. has it been applied to the same and other employees in the past, and consistently as between two or more employees who perpetrated the misconduct under consideration)