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Policy and guidance documents

Any policy, guidance, protocol, instruction, briefing or training material governing the circumstances in which the Council makes a referral, report or disclosure to the Home Office, to UK Visas and Immigration, or to Immigration Enforcement concerning an employee, including who is authorised to make such a referral, what record is made of it, and whether and when the employee is informed.

The Council follows the guidance outlined on the Gov.uk website that notes where there is suspected immigration or border crime activity, we are required to report this to the Home Office.

Any policy, guidance or instruction governing what material must be provided to an employee, and to the employee's representative, when the employee is notified that they are required to attend a disciplinary hearing, and at what point before the hearing it must be provided.

Disciplinary User Guide (attached) outlines the steps that are taken throughout the disciplinary process including inviting colleagues to the hearing.

Any guidance, template, checklist or training material issued to a Nominated Officer under the Disciplinary Policy, including any guidance on the Declaration of Independence referred to in section 5 of that Policy and on the point in the process at which it is to be completed.

Disciplinary User Guide (attached) outlines the steps that are taken throughout the disciplinary process including the role of the Nominated Officer. The Declaration of Independence Form is also attached.

Any policy or guidance on how the Council determines whether conduct occurring outside work engages paragraph 6.2 of the Employee Code of Conduct, and in particular how it assesses each of the two requirements in that paragraph, namely impact on the employee's ability to do their job and disrepute to the Council.

The Disciplinary Code (attached) outlines examples of behaviours (both out with and within work) which would fall under Misconduct / Gross Misconduct allegations.

Any policy or guidance on the handling of a complaint or report about an employee made by a current or former spouse, civil partner or domestic partner of that employee, including whether and how the Council verifies such a complaint before commencing an investigation.

All complaints from external complainants are handled either through the Complaints Handling Procedure or the Disciplinary Policy (attached) depending upon nature.

Any policy or guidance on the use, in a disciplinary investigation, of private correspondence or private electronic messages between an employee and a third party which are supplied to the Council by that third party, together with any data protection impact assessment, legitimate interests' assessment or equivalent record prepared in relation to that practice.

There is no specific policy / guidance however information provided by a data holder will be handled in line GDPR.

Any policy or guidance on how the Council treats an allegation of criminal conduct against an employee which is said to have been reported to the police, and in particular whether, before recording such an allegation in an investigation report, the Council verifies it with Police Scotland.

There is no specific guidance / policy. However, as part of all our investigations, our Investigating Officers are required to confirm the facts which should include any contact with relevant third parties.

The entry in the Council's records retention schedule that applies to disciplinary investigation records, including the retention period and the trigger from which it runs.

Retention Schedule can be located here. Applicable rules are HUM-001-002; HUM-001-003; HUM-001-004.