



WEST RAND DISTRICT MUNICIPALITY



RECORD OF DISCIPLINARY INQUIRY

Department : _____

Date : _____

ATTENDANCE REGISTER

	NAME	OCCUPATION
CHAIRPERSON		
ACCUSED		
WITNESS (1)		
WITNESS (2)		
COMPLAINANT		
WITNESS (1)		
WITNESS (2)		
INTERPRETER		
MANAGER: HR		
LABOUR RELATIONS COORDINATOR		
WORK REPRESENTATIVE		
OTHER (SPECIFY)		

ACTION	WHOM
1. Introduce everyone and explain the reason for this hearing.	Chairperson
2. Witnesses are outside - call them one at a time	

RIGHTS

Every employee has the following rights during his/her hearing:

- * Have you been notified of the complaint against you?

YES	NO
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- * Have you been given time to prepare for this hearing?

YES	NO
-----	----

- * Do you want a representative?

YES	NO
-----	----

- * Do you want an interpreter?

YES	NO
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- * Have you been intimidated or promised any benefits for withholding any information?

YES	NO
-----	----

- * Are you prepared to go ahead with this hearing?

YES	NO
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Signature of the Accused

Date

ACTION	WHO
Read the employee his/her rights and make sure he/she understand it	

Complain/Complaints against you are:

What do you plea on this charge:

Guilty	Not Guilty
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Hearing if plea is guilty

If the accused plea guilty confirm that he/she admit doing it. If the explanation he/she gives, excuse the person, note the plea as not guilty and go ahead with the hearing.

If you are satisfied that the person is guilty, sentence him clearly as guilty and follow the next procedure. **(Please note:** It is better to use the whole procedure)

Hearing if plea is not guilty

Record it as guilty, and go ahead with the hearing

<u>ACTION</u>	<u>WHOM</u>
Read the charge to the accused	Chairperson
Ask the accused what he/she plea on this charge	Chairperson
Explain how the hearing will be handled	Management Services

Statement of complainant:

SIGNATURE

ACTION	WHOM
Ask the complainant to give his statement	Chairperson
The complainant can either give his statement that has to be recorded or the written statement can be read	Management Services

Statement of the complainant's witness

Name: _____ Occupation: _____

Department: _____

SIGNATURE

QUESTIONS

ACTION	WHOM
Call the first witness and explain what you want	Prosecutor
Get the details of the witness	Management Services
The witness can give his/her statement which has to be recorded or the written statement can be read	Chairperson, Witness and Management Services
Ask if there are any questions	Chairperson
Follow the same procedure for more than one witness	Chairperson/Prosecutor
State that the first part of the hearing has been completed	Prosecutor

Statement of the accused

SIGNATURE

ACTION	WHOM
Ask the accused to give his/her statement	Chairperson
The accused can either give his statement that has to be recorded or the written statement can be read	Management Services

Questions to the accused (From complainant)

Questions to the accused (From the panel)

ACTION	WHOM
Ask the complainant if he/she wants to ask the accused any questions Please Note - This is not a discussion, only questions to clarify the matter	Chairperson
The prosecutor gets a chance to clarify the matter	Chairperson
Everyone involved can ask questions	Chairperson

Statement of the accused witness

Name: _____ Occupation: _____

Department: _____

SIGNATURE

QUESTIONS

ACTION	WHOM
Call the final witness and explain what you want	Prosecutor
Get the details of the witness	Management Services
Witness can give his/her statement which must be recorded or the written statement can be read	Chairperson, Witness and Management Services
Ask if there are any questions	Chairperson
Follow the same procedure for more than one witness	

Facts obtain out of this case

Findings:

ACTION	WHOM
Ask the accused, prosecutor and witnesses to leave the room	Chairperson
Get the facts of this case. If you are satisfied that you have all the facts, close the inquiry to consider all the evidence	Chairperson
Don't give a "common" ruling. If you are not sure or want some advise, postpone the case	Chairperson
If you have all the facts give your ruling	Panel

Take the accused record into account.

Period of Service with the Council: _____

Previous violations:

Types of misconduct	Date	Action

Any alleviating circumstances

Disciplinary steps to be taken, take into account the employee's service record

ACTION	WHOM
Take accused service record into account.	Prosecutor
Ask if there are any alleviating circumstances.	Prosecutor
Ask the prosecutor for advise on the sentence. You can either postpone the meeting to reach a decision, or you can decide at that moment. The accused and complainant must be present when you give your decision.	Chairperson

* Do you understand the sentence

YES	NO
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Accused

Head of Department

Complainant

Chairperson

Prosecutor

Human Resources

Comments of Human Resources

Date

ACTION	WHOM
Ask the accused if he/she understands the sentence.	Chairperson
The accused have to sign the sentencing and the verdict.	Prosecutor
Notify the accused that he/she has the right to appeal in writing within 7 days to the CEO. If the accused refuse to sign, a witness has to sign it, in that person's presence.	Chairperson