



**Isle of Man  
Government**

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## **Public Services Commission**



## **Fast Track Disciplinary Procedure**

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## **1 Introduction**

- 1.1 The Public Services Commission seeks to resolve disciplinary matters as soon as possible to minimise the impact, on staff and services, of potentially stressful and time-consuming procedures, for all concerned.
- 1.2 This Fast Track Disciplinary Procedure is designed for use in cases of alleged misconduct that do not constitute gross misconduct and therefore dismissal would not be considered as a potential penalty. In such cases, when the employee does not wish to contest the allegations, the employee may opt to have their case dealt with by way of this Fast Track process.
- 1.3 It can never be used in cases of alleged gross misconduct, even if management feel that there is significant mitigation that may mean that the outcome would not be dismissal. This procedure must be read in conjunction with the PSC Civil Service and PSC Manual and Craft Disciplinary procedures.
- 1.4 The aim of disciplinary procedures is to bring about an improvement in compliance with the Department's standards and discourage wilful or negligent non-compliance. The aim of the Fast Track disciplinary procedure is to expedite resolution of matters that do not constitute gross misconduct and make it less stressful for all those involved.

## **2 Scope**

- 2.1 The Fast Track Procedure applies to PSC employees, employed under PSC Civil Service, PSC Manual & Craft and PSC NTNSP terms and conditions. However, this procedure can only be applied when an employee consents to its use.

## **3 Fast Track Process**

- 3.1 Where the employee has opted for the Fast Track process the following will apply:
- 3.2 In all cases where an employee admits the allegations in full, the line manager or investigating manager should consider offering them the opportunity to access the fast track process. Equally, a staff side representative or work colleague, supporting the employee, may suggest this option to the employee.
- 3.3 If the employee wishes to take this route they should complete a Fast Track Meeting Request Form, appended to this policy and available from the Office of Human Resources. The employee will be asked to:
  - Accept all the allegations put to them
  - Explain the circumstances in which the misconduct occurred including any mitigating circumstances they would wish to be taken into account
  - Accept what they did was wrong and why
  - Request a fast track meeting on the understanding that limited sanction(s) will apply. Such sanctions may be up to final written warning and any other sanction, short of dismissal, provided for by the relevant disciplinary procedure. Additional conditions, such as a conduct agreement or training, may be imposed to support the employee to maintain the standards.

- 3.4 The Fast Track process is not applicable for matters of gross misconduct or where a live disciplinary warning is on file. Nor can it be used if any one of the allegations is contested by the employee.
- 3.5 Cases can only be Fast Tracked with the employee's agreement that they do not wish to proceed with further investigation which could result in a full disciplinary hearing. If the line manager or investigating manager feels that the fast track approach is appropriate, they should discuss this with the HR Advisory Team at the earliest opportunity, before agreeing to invoke the process.
- 3.6 The fast track meeting request form should be completed by the employee and given to the Line manager/Investigating Officer within 7 calendar days of the employee being formally notified of the disciplinary allegations. Should the fast track request not be made within this deadline a full investigation will be commissioned.
- 3.7 On confirmation of agreement to pursue the fast track process the employee has no further right to pull out of the fast track process and request a full disciplinary hearing.
- 3.8 There will only be agreement to proceed if sufficient facts about the case are known and that there is belief that the employee has learnt from the experience, has reflected on the incident and is unlikely to repeat the misconduct. If there is no agreement to proceed then a full investigation will be commissioned, if required, and thereafter the matter may go to a full disciplinary hearing.
- 3.9 If other employees are involved in the alleged misconduct this does not preclude the Fast Track process from being used however, advice must be taken from the Office of Human Resources.
- 3.10 If there is no agreement to proceed then the investigation will continue if required and thereafter the matter may go to a full disciplinary hearing.
- 3.11 If at any time it appears that the allegations are disputed the fast track process may stopped.
- 3.12 If the fast track application is accepted there will be no need for a formal investigation report although a sufficient and reasonable examination of the facts must have taken place so that that the disciplining manager will be able to decide on what would be a reasonable disciplinary sanction in the circumstances. The investigating manager will have therefore considered whether the employee's fast track request form along with the facts gathered to date will be sufficient.
- 3.14 If a full formal investigation has already commenced the employee may still elect at a later stage to request a fast track meeting. In this situation the investigation may be suspended pending a decision on whether to accept this.
- 3.15 If the Fast Track process is agreed, the formal disciplinary hearing will be replaced with a Fast Track meeting.
- 3.16 Under the Fast Track process one Disciplining Manager will hear the case, witnesses will not be called and, if appointed, the Investigating Officer will not be called to give additional evidence. In order to maintain the independence of the process the Disciplining Manager should not be the investigating officer. The employee has the right to be accompanied and a member of the Office of Human Resources will be in

attendance. The Disciplining Manager must be a manager who has not previously been involved with the case.

- 3.17 The invitation to the fast track meeting will be in writing, giving at least seven calendar days' notice. This invitation will set out the allegations, in line with those the employee has accepted on the fast track request form, and confirm the right to be accompanied by a trade union representative or work colleague.
- 3.18 At a Fast Track meeting, an employee has the opportunity to present any mitigating evidence in the presence of the Disciplining Manager who will consider this, together with the facts of the case and the statement of admission.

#### **4 Fast Track Meeting**

4.1 The process for a fast track meeting will be as follows:

- Introductions
- The Disciplining Manager outlines the nature of the allegation(s) and confirms these are accepted by the employee. In exceptional circumstances (e.g. the employee denies some of the allegations) the Disciplinary Authority may decide that the matter should be referred for further investigation and/or to a full disciplinary hearing which has the potential for a higher sanction to be considered.
- The Disciplining Manager confirms with the employee that they accept the allegations previously stated.
- The employee or their representative will have the right to put forward any comments or statements relating to the incident (including any mitigation).
- The Disciplining Manager may wish to question the employee.
- The Disciplining Manager will adjourn briefly to give consideration to the case. If more information is required to make a decision on the sanction the hearing may be adjourned to allow further information to be obtained.
- The Disciplining Manager will communicate their decision to the employee and their representative or advise them when a decision may be expected.

#### **5 Outcome**

- 5.1 The Disciplining Manager will send a letter confirming the decision to the employee as soon as reasonably practical and ideally within 3 working days. The disciplinary sanction imposed will be given in accordance with the Disciplinary Procedures relating to the staff group appropriate to the member of staff.
- 5.2 They will also send a copy to Human Resources instructing the document to be placed on the employee's personal file.

## 6 Appeal

Given that any individual requesting to use the fast-track procedure has admitted/acknowledged the accusations made against them, it must be accepted that they accept any potential sanction from those agreed in the procedure being applied.

Therefore, only appeals relating to the application/process of the procedure can be made.

The appeal shall be heard either by an authority higher than that which took the decision or by an independent person or body.

### Who will hear the appeal?

The decision as to who will hear an appeal depends on who decided on the disciplinary penalty, as follows:

- Normally, the next senior manager will hear the appeal, unless the disciplinary decision against which the appeal is lodged was taken by that person. If the next senior manager is the Accounting Officer, the Accounting Officer will hear the appeal provided they have had no previous involvement in the decision against which the appeal has been lodged.
- If the Accounting Officer has had previous involvement in the decision the Accounting Officer may delegate this authority to another senior officer with delegated disciplinary authority, who has had no previous involvement in the case.

Appeals must be lodged **in writing within 3 working days** of the oral warning being given or 5 working days of the date of a written notification of other penalties

## 7 Completing the Fast Track Request Form -Appendix A

- 7.1 Employees must sign a statement detailing their involvement in the alleged misconduct, accepting all the allegations put to them and requesting a fast track hearing on the understanding that limited sanction(s) can be imposed. This signed information will be presented on a Fast Track Request Form (Appendix A).
- 7.2 The employee must submit the form to their manager, or the manager who wrote to them stating the allegations or, if neither of these are possible, a member of the HR Advisory Team. Employees must disclose all relevant information at this stage. It should be noted that there is no guarantee of acceptance and that applications will not be able to be accepted until the initial fact finding is completed.
- 7.3 On receipt of a Fast Track Request Form from an employee, a manager may accept it providing that:
  - The Fast Track Application has been fully completed.
  - The manager has taken advice from Human Resources. This is important as it will ensure that there is a consistent approach across the Department and will also help to identify any actions and any organisational learning that the case highlights.

- The matter is not gross misconduct or repetitive misconduct
- Sufficient facts about the case are known
- There is belief that the employee has learnt from the experience and is unlikely to repeat the misconduct

## **8. Monitoring Compliance and Effectiveness**

- 8.1 Applications for fast track procedures will be notified to the Office of Human Resources together with information on the whether the application was approved.
- 8.2 A copy of the letter confirming the outcome of the disciplinary meeting, including any sanction and/or other conditions applied, will be sent to the Office of Human Resources for retention on the employee's personal file and so that statistical data on the use of the Fast Track process can be maintained.
- 8.3 These procedures must be applied fairly, in accordance with employment law, and avoid unlawfully discriminating directly or indirectly against employees with protected characteristics. The Disciplining Manager should as a matter of course consider whether reasonable adjustments are required throughout the entirety of this process.

## **9. Privacy Notice**

The Office of Human Resources (OHR) and relevant Department, Board or Office Privacy Notices describe how personal information about an employee is collected and used during and after their working relationship within the Isle of Man Government and what legal basis there is for gathering and retaining that information in accordance with the Data Protection Act 2018 including the General Data Protection Regulation. For further details about the information collected and retention periods, please refer to the [Office of Human Resources' Privacy Notice](#) and the relevant Department, Board or Office's Privacy Notice which are incorporated in to this document by reference.

**DISCIPLINARY FAST TRACK REQUEST FORM**

For the Fast Track process to be applied, all eligibility criteria in Section 6.3 of the must be satisfied. Completing this form full will enable your request to be considered.

It is strongly advised that you read this procedure in full and seek advice from a work colleague or staff representative before completing this form.

**Personal Details:**

Name

Work area/team/service

Immediate line manager

**I declare that I am not subject to any live disciplinary warnings.**

Signature:

**Allegations**

Please detail the allegation(s) of misconduct that have been made against you. (NB you will only be able to complete this once allegations have been confirmed in writing to you. Please copy the wording exactly from your letter from the Manager confirming the allegations so that all parties are clear -alternatively, and especially useful where there are multiple allegations, attach a copy of the letter and note that you understand the allegation by each allegation if you prefer. Please expand this box as much as is necessary or use additional sheets of paper.

**I admit in full all of the allegations against me.**

Signed

Date



Please provide a full explanation of the incidents, including any mitigation that led to these allegations of misconduct. You should include details of anything you would wish to raise at the Fast Track meeting so that new information is not raised during the meeting – this does not preclude a more detailed discussion taking place at the meeting so it can be a brief summary. Please expand these boxes as much as necessary.

Please detail what you have learned from the incident(s) and your intentions for the future.

**You are advised to seek advice from a staff representative, work colleague or Human Resources before completing this section.**

I confirm that I have read and understood the Disciplinary fast Track Procedure Guidance.

In making this request I understand that I will not be able to request that a full investigation is undertaken or that the matter be subject to a full disciplinary hearing at a later stage.

I confirm my acceptance of the allegations of misconduct against me and making this request for my case to be considered under the fast track disciplinary process on the strict understanding that I accept that sanctions may be applied up to final written warning and that I will not be able to appeal against any sanction imposed.

I understand that my request may be declined and the information in this form can be used in any formal disciplinary investigation process.

Signed

Date

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**To be completed by the Line Manager:**

You may wish to seek advice from the Office of Human Resources regarding completion of this form.

Do the allegations constitute gross misconduct? Please circle: YES/NO  
If 'Yes' this form must NOT be approved.

**Outcome** - Please tick one of the options below

- Request declined       Request approved and a Fast Track Hearing will take place

Please include brief reasons for your decision here:

Once this form is complete please complete the letter at Appendix B and pass a copy of both documents to your HR Advisory team as soon as possible. If the employee has a conduct agreement or first written warning already in place please provide details along with this form.

**Post Title:**

**Signed:**

**Date:**

**TEMPLATE LETTER INVITING AN EMPLOYEE TO ATTEND  
A FAST TRACK DISCIPLINARY MEETING**

Use this template when an application for the Fast Track Disciplinary Process has been approved.

This letter must include the recipient's name and address and the date of issue.

Dear [ ]

**Invitation to a Fast Track Disciplinary Meeting**

This letter confirms that you are invited to attend a Fast Track Disciplinary Meeting at [time] on [date] at [place]. The meeting will be chaired by [name] [and [names] will also be present].

The purpose of the meeting will be to discuss the allegations against you, your explanation for it, any mitigation and what you have learned from the experience as set out in the Disciplinary Fast Track Request Form which you completed.

You have the right to be accompanied at the meeting by a fellow worker, a trade union official or a trade union representative if you so wish. Your companion will, if you wish, be able to put your case; sum up your case; and respond on your behalf to any view expressed at the hearing. He/she will also be allowed to confer with you during the meeting. However, he/she will not be able to answer questions on your behalf.

Depending on the facts established at the meeting, the outcome could be [state potential sanctions as set out in terms and conditions of employment ], but a decision on this will not be made until you have had a full opportunity to put forward everything that you wish to raise and the hearing has been concluded. The panel may also impose conditions to assist you in maintaining the required standards in future such as requiring you to undertake training.

If you are unable to attend the meeting, you must inform us of this fact as soon as possible. If your chosen companion is not available, you may specify another date for the meeting up to five working days later.

Yours sincerely

**LETTER ADVISING AN EMPLOYEE OF THE OUTCOME OF  
A FAST TRACK DISCIPLINARY MEETING**

Use this template following a Fast Track Disciplinary Meeting to advise the employee of the outcome.

This letter must include the recipient's name and address and the date of issue.

Dear [ ]

**Outcome of the Fast Track Disciplinary Meeting.**

This letter is to confirm the outcome of the Fast Track Disciplinary Meeting held on [date] at [time].

The circumstances giving rise to the meeting were [summary of the misconduct]. We discussed the matter fully at the hearing and, having taken your explanations into account, have concluded that your conduct [**does/does not**] justify a disciplinary sanction.

[It has been decided that the appropriate penalty should be as follows [list the appropriate sanction.

[In addition}, it has been decided that (list any additional conditions).

[This warning will remain in force for a period of [ ] months from the date of this letter.]

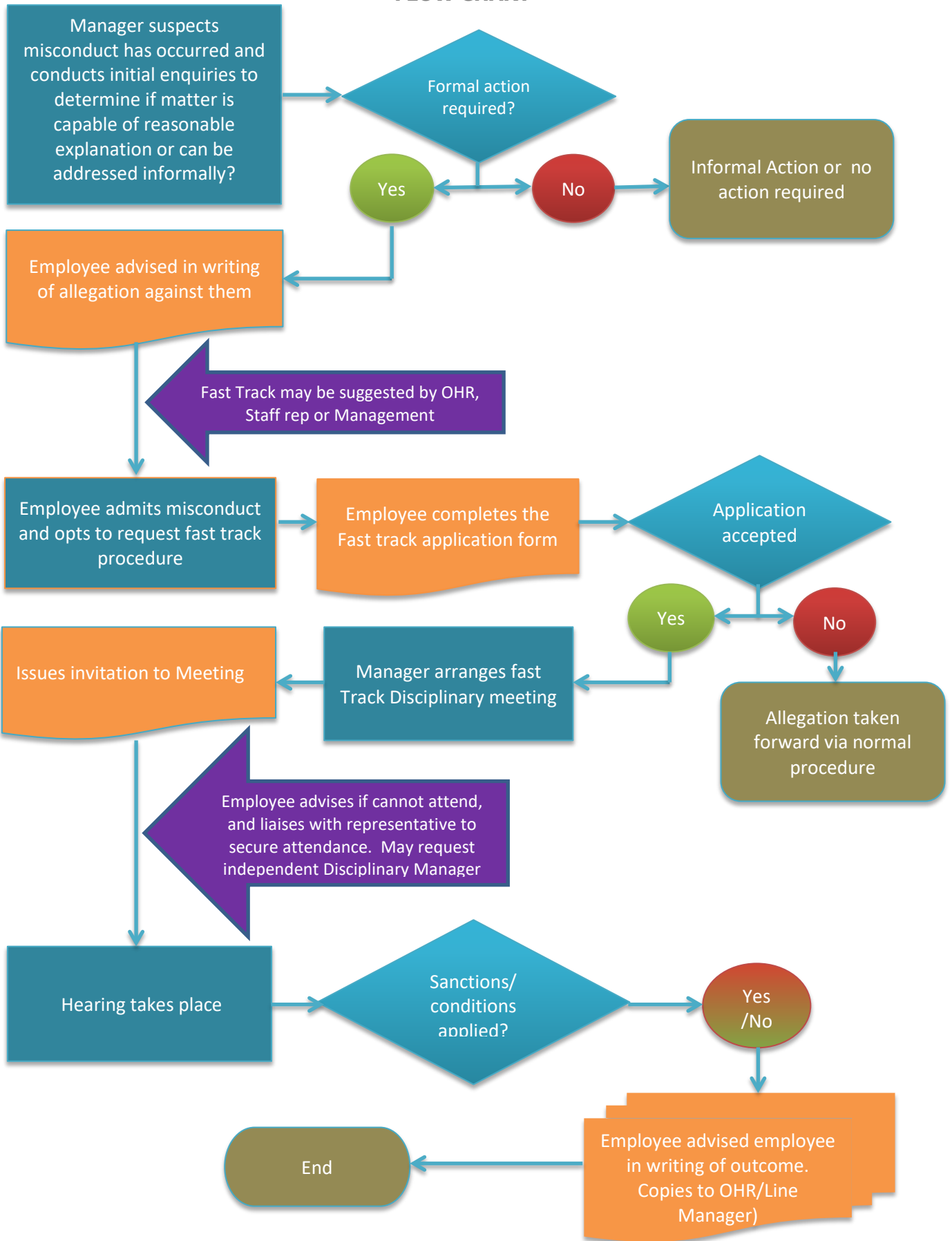
*[NB Conditions may apply where no sanction has been imposed if it is felt that training or other additional support would help the employee maintain the required standards in future.]*

It was agreed at the hearing that you would ensure that there is no further misconduct on your part. However, I must advise you that should any further allegations of misconduct be made against you this could result in further disciplinary action being taken and a more severe penalty being applied in future.

Appeals must be lodged **in writing within 3 working working days** of an oral warning being given or the date of the written notification of other penalties. Only appeals relating to the application/process of the procedure can be made.

Yours sincerely

**FLOW CHART**



**Any enquiries regarding this policy should be directed to:**

**The Office of Human Resources  
Illiam Dhone House  
Circular Road  
Douglas, IM1 1AG**

**Tel: 01624 685000**



**Isle of Man  
Government**

*Reiltys Ellan Vannin*

The information in this document can be provided in large print or audio tape on request.



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