

A. DIFFERENCE BETWEEN CAPABILITY AND DISCIPLINE

The capability procedure is usually implemented when an employee is not able to get to the standards required after standards have been advised and support has been given and is due to a variety of reasons including a lack of aptitude skill or experience, lack of training, lack of understanding of what is required, changes in workload, changes in the nature and allocation of workload, personal problems or health problems. Disciplinary is usually implemented when an employee is not willing to get to the standards required or whose conduct is unacceptable. Disciplinary procedures usually come about as a result of the employee deliberately failing to do something that they should have been able to do.

B. PRECAUTIONARY SUSPENSION

Alternatives to a suspension as part of a disciplinary procedure

A manager considering suspending an employee should think carefully and consider all other options.

Even where there are reasons to consider suspension, in most situations a temporary adjustment to the employee's working arrangements can remove the need to suspend.

For example, if an employee has an allegation of operating unsafely, then a temporary transfer into a role where they can be supervised closely may be appropriate or if tensions between two employees are high then a temporary transfer to a different team can stop them having to work together while an investigation is carried out.

Alternatives to suspension could include the employee temporarily:

- being moved to a different area of the workplace
- working from home
- changing their working hours
- being placed on restricted duties
- working under supervision
- being transferred to a different role within the organisation (the role should be of a similar status to their normal role, and with the same terms and conditions of employment).

Only if all other options are not practical, may suspension become necessary.

Additional considerations when suspending as part of a disciplinary procedure

There must be no assumption of guilt associated with a suspension and suspension must not be used as a disciplinary sanction. However, a suspension can still have a damaging effect on the employee and their reputation.

Therefore, if a suspension is necessary, the suspension and the reason for it should be kept confidential, where possible. If it is necessary to explain the employee's absence, a manager should discuss with the employee how they would like it to be explained to colleagues and/or customers.

Other considerations could include whether it is necessary to:

- escort the employee from the workplace (whilst ensuring that the individual gets home safely)
- remove the employee's workplace pass and/or IT access

- ask the employee to not contact other employees during the investigation¹

How should an employee be suspended?

If suspension is necessary, an employee should be provided with a suspension letter that includes:

- the reasons for the suspension and how long it is expected to last
- their rights and obligations during the suspension. For example, that they should be contactable during normal working hours
- a point of contact (such as a manager or HR) and their contact details for the employee during their suspension
- that the purpose of suspension is to investigate and is not an assumption of guilt.
- Some individuals may find it extremely distressing to be told they are being suspended. This may be the case even if the person does not show any obvious signs of distress. Management should bear this in mind in deciding when and how to communicate a decision about suspension. It is good practice to encourage a suspended employee to access some immediate support and to offer help to do this.
- https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf and page 19

How long should a suspension last?

A period of suspension should be kept as brief as possible and regularly reviewed to ensure it is still necessary.

A suspended employee will usually still be expected to be contactable during normal working hours and available to attend any meetings and/or interviews that are necessary concerning the investigation.

Sick leave provisions according to relevant terms and conditions will continue to apply during any period of suspension

If the employee wants to go on holiday during their suspension, they must still make a request to take annual leave.

During suspension permitted annual leave carry overs cannot be exceeded unless there are extenuating circumstances and on these occasions advice should be sought from OHR.

Flexi Leave may also be granted during periods of suspension

Communication during a suspension

An employee should be kept regularly updated about their suspension, the ongoing reasons for it, and how much longer it is likely to last.

Regular contact should be maintained between the employee and their manager and/or point of contact during the suspension. The employee should be advised of who the designated person is, prior to suspension. It is important that the employee is supported during this time and is able to contact someone at the workplace to discuss any concerns they may have.

¹ Whilst employees may be required not to contact colleagues in respect of work issues or the disciplinary, employees cannot be stopped from socialising with colleagues after work. Nor can they be prevented from attending a place of work in a private capacity. For example an individual who is employed at the sea terminal cannot be prevented from attending the sea terminal in order to board a ferry or to meet/ or drop off passengers.

As part of a disciplinary procedure, an employee may be asked to not communicate with other staff while they are suspended. Management should highlight that the employee still has a right to be accompanied by a trade union rep or work colleague at any disciplinary hearings².

Ending a suspension

Once a suspension comes to an end, the employee should return to work immediately, the lifting of the suspension should be confirmed in writing to the employee.

An employee may sometimes feel aggrieved about the suspension and/or worried about returning to work. Therefore, a line manager should arrange a return-to-work meeting on the employee's first day back, or as early as possible. These meetings can provide an opportunity to discuss and resolve any concerns.

The meeting could be arranged away from the workplace or somewhere at work in private.

C. RIGHT TO BE ACCOMPANIED

Employees have a statutory right to be accompanied where they are required or invited by their employer to attend certain disciplinary meetings. The chosen companion may be a fellow employee, staff association representative, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee. Employees must make a reasonable request to their employer to be accompanied.

What is a reasonable request?

Whether a request for a companion is reasonable will depend on the circumstances of the individual case and, ultimately, it is a matter for the courts and tribunals to decide if disputed. However, an employee should provide enough time for the employer to deal with the companion's attendance at the meeting.

Employees should also consider how they make their request so that it is clearly understood, for instance by letting the employer know in advance the name of the companion where possible and whether they are a fellow employee, staff association or trade union official or representative.

Applying the right

The employer should allow a companion to have a say about the date and time of a hearing. If the companion cannot attend on a proposed date, the law on the right of accompaniment provides that the employee has a right to suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

Employers may, however, wish to allow more time than this for a re-arranged meeting, particularly in cases that might result in dismissal. An employer must always act fairly in order to avoid a finding of unfair dismissal. Where there is a request to postpone a hearing for more than five days because a trade union representative or other companion is not available, it may be fair to allow the postponement if it does not cause unreasonable delay. The employer should consider the facts and decide what is fair and reasonable in the circumstances.

Whilst there is no obligation on the Department to cover the duties of the colleague/companion accompanying the employee, Departments should be mindful of the fact that the right to be accompanied is a legal right.

² Management will have to ensure that the employee is not excluded from social groups, deriving from the individual's employment. E.g those employed within the uniformed services tend to have social groups whose membership are mainly exclusively made up of work colleagues

Role of the Companion

The companion must be allowed to address the hearing in order to:

- put the employee's case
- sum up the employee's case
- respond on the employee's behalf to any view expressed at the hearing.

The companion must also be allowed to confer with the employee during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. The employer is, however, not legally required to permit the companion to answer questions on the employee's behalf, or to address the hearing if the employee does not wish it, or to prevent the employer from explaining their case.

D. WELLBEING OF STAFF DURING DISCIPLINARY PROCESS

A disciplinary process can be stressful for everyone involved. Sometimes a process may cause extreme distress or even impact on a person's mental health. Where there are signs of that happening to anyone involved in the process, employers should consider whether the process can be adjusted in some way, such as by allowing the individual to be accompanied at a disciplinary investigation meeting even where there is no formal right to be accompanied.

In some cases, it might be appropriate for an employer, with the agreement and involvement of the individual, to seek professional medical help or guidance as to how the disciplinary process can proceed fairly. If there are clear and repeated signs of distress, the manager should consider signposting the individual to staff welfare or consider suggesting that the individual seeks advice from a GP. It is important to address this issue early to avoid it escalating.

If someone has an existing mental health condition which they have previously disclosed as a disability, the employer must make reasonable adjustments to the process

E. GRIEVANCE RAISED DURING A DISCIPLINARY MEETING

When an employee raises a grievance during the meeting it may sometimes be appropriate to consider stopping the meeting and suspending the disciplinary procedure – for example when:

- the grievance relates to a conflict of interest that the manager holding the disciplinary meeting is alleged to have
- bias is alleged in the conduct of the disciplinary meeting
- management have been selective in the evidence they have supplied to the manager holding the meeting
- there is possible discrimination.

It would not be appropriate to suspend the meeting where the employee makes an invalid point. For example if they mistakenly claim that they have the right to be legally represented or that a collectively agreed and applicable procedure does not apply to them because they are not a union member.

It is possible that the disciplinary meeting may not proceed smoothly – people may be upset or angry. If the employee becomes upset or distressed allow time for them to regain composure before continuing. If the distress is too great to continue then adjourn and reconvene at a later date – however, the issues should not be avoided. Clearly during the meeting there may be some 'letting off

steam', and this can be helpful in finding out what has actually happened. However, abusive language or conduct should not be tolerated.

F. WITNESSES

There should be areas for witnesses to wait, preferably keeping any witnesses called by management separate from any witnesses called by the employee to give evidence

Where 'cases' are of a sensitive matter, (not necessarily of a sexual nature), arrangements should be put in place such as separate rooms being made available (to the extreme of being at other ends of a building or different floors). Parties can be asked to attend at different times.

PSC disciplinary hearings are not a court of law and if the respondent / their union representative is asked whether they wish to be in the room whilst the claimant is asked questions, then those wishes have to be considered by the Hearing Officer.

If witnesses do attend, then the both parties must be allowed to verify and question them about the information they have provided.

Where outcomes maybe career ending, Departments should ensure relevant witnesses attend hearings where requested by either party.

G. BANK, CASUAL AND RELIEF STAFF: APPLICATION OF DISCIPLINARY POLICY

Bank staff liable to dismissal should be removed from the bank, rather than kept on the bank and not offered hours (maybe perceived as informal black balling of staff)

The disciplinary process can apply to casual and relief staff but Departments would have to show a clear and proper linkage between any external offence and the employee's employment.

For example a drink driving conviction for someone who is employed to undertake ticket collections on the horse trams would not be sufficient on its own to commence disciplinary proceedings.

H. EXPIRED WARNINGS

An employer is not strictly required to remove an expired warning from an employee's file, unless its disciplinary policy contains clear guidance to the contrary. Warnings (expired or otherwise) should not generally be taken into account when deciding whether an employee is guilty or innocent of misconduct. But they may occasionally be relevant. For example, it would be reasonable to suppose an employee accused of harassment should have realised their behaviour was inappropriate, if they had been previously warned for the same offence.

An employer can take into account prior misconduct for which a disciplinary warning has expired when deciding whether to dismiss for similar misconduct, if that misconduct in itself warrants dismissal. In contrast, if the misconduct is insufficient on its own to justify dismissal, dismissal based partly on the spent warning will be unfair (as held in [Diosynth v Thomson](#)).

Case law *Airbus UK Limited v Webb* [2008] EWCA Civ 49; [2008] IRLR 309

Expired warnings maybe used as part of a redundancy matrix as well.

I. INVESTIGATIONS

INVESTIGATION - GATHERING THE FACTS

A guide for both Internal and External Investigating Officers can be found [here](#).

Template forms for both Internal and External Investigating Officers can be found [here](#).

J. HEARINGS

There should be no reasonable perception of bias in respect of the constitution of hearing panels.

The presence of a person on a disciplinary panel who is perceived to be bias could amount to a fundamental breach of contract and could give rise to a constructive unfair dismissal.

Where cases are of a sensitive nature, Hearing Officers should ensure that the hearing venue provides sufficient space between both parties and any witnesses.

Recording disciplinary meetings and Hearings

An employee or their representative does not have the right to record a meeting.

However, an employee who is not able to take their own notes of a meeting due to a physical or mental impairment that prevents them from doing so may ask for an audio recording of the meeting/hearing as an alternative.

If a disabled employee asks to record the meeting/hearing, management should consider:

- whether or not recording the meeting/hearing would remove any disadvantage that employee has; and
- whether there are any alternative options which could remove the disadvantage; for example, would the employee be happy to rely on notes taken on his or her behalf by a companion accompanying him or her to the meeting?

If recording the meeting would not remove any disadvantage or there is a reasonable alternative way of preventing the disadvantage, the meeting need not be recorded.

K. CRIMINAL OFFENCES WITHIN OR OUTSIDE OF EMPLOYMENT

- a) In all such cases, managers should read the Guidance Note, **Criminal Proceedings'** at **Annex 1**. You may also wish to seek advice from an HR Adviser in the Office of Human Resources.
- b) These should not be treated as **automatic** reasons for dismissal regardless of whether the offence has any relevance to the duties and responsibilities of the employee. The main considerations should be whether the offence is one that makes the individual unsuitable for their type of work (e.g. unable to carry out duties of role)³, unacceptable to other employees, or their continued employment would be damaging to the reputation of the department in which they work.
- c) An employee should not be dismissed solely because a criminal charge against them is pending or because they are absent from work through having been remanded in custody.

³ For example a drink driving conviction for someone who is employed to undertake ticket collections on the horse trams would not be sufficient on its own to commence disciplinary proceedings.

- d) However, where a criminal charge has been preferred, the Accounting Officer is not obliged to await the outcome of the prosecution before taking **action which is fair and reasonable** in all the circumstances and provided a proper investigation can be carried out, it is usually better to deal with the disciplinary matter rather than await the outcome of criminal proceedings which may be protracted.
- e) Where a serious case against an employee is being heard in a criminal court, the Accounting Officer should arrange, wherever practicable, for an appropriate officer to be present in court as an observer so that they can produce a report for use in any subsequent internal disciplinary proceedings.
- f) When an employee is acquitted of a criminal charge or when, a prosecution is abandoned, subsequent disciplinary proceedings should not seek to prosecute the same offence.

CRIMINAL PROCEEDINGS

GOVERNMENT'S APPROACH TO DISCIPLINE PROCEDURES WHERE CRIMINAL PROCEEDINGS ARE ALSO INVOLVED

INTRODUCTION

To ensure that Government adopts a consistent approach when dealing with disciplinary matters which may lead to, or arise from, criminal proceedings the following guidance is issued to employing authorities.

In issuing this guidance it is acknowledged that the approach to be adopted differs from that which would be adopted by other employers. However, paying regard to Government's responsibilities concerning law and order it is felt that there should be a degree of co-operation between Government's agencies, but this should not detract from an employer's responsibility for dealing with matters of discipline promptly in accordance with agreed procedures and good employee relations practice.

Thus, there is nothing in this guidance which departs from the principles of fairness, consistency of approach or natural justice. However, it must be stated that discipline matters involving criminal proceedings may be complex and each case will need to be considered on its merits. Where there is a doubt about the appropriate course of action to take, managers should be advised to seek specialist advice from the Office of Human Resources to ensure employment law and/or good practice are not breached.

GUIDANCE

As soon as the employer becomes aware that an employee's actions might need to be considered as a disciplinary matter, an investigation should be instigated because the employer is concerned with the impact such action has on the employment contract.

To render any subsequent dismissal as fair in law, the investigation must be timely and sufficiently thorough to justify dismissal. It should be conducted independently of any police or internal audit investigation but in certain cases where there is insufficient evidence to enable an allegation of misconduct to be resolved satisfactorily, the investigation may need to be suspended pending the outcome of criminal proceedings.

In all cases where criminal proceedings are pending, either in connection with employment or outside of employment, consideration should be given to suspension pending further investigation.

In order to give proper consideration to the need to suspend the employer must instigate the investigation and see the employee under caution and make a contemporaneous note of the meeting.

The purpose of seeing the employee should be not only to seek an explanation from the employee if he is prepared to volunteer an explanation but also to discuss the action which the employer proposes to take, including the question of suspension. Employees should not be pressurised into making a statement and may choose to remain silent.

It may well be that the matter of discipline is not the alleged criminal offence but a serious breach of conduct. Therefore, the employer must be clear as to what the allegation of misconduct is. Also, care must be exercised not to pre-judge the likely outcome of any criminal proceedings.

Clarity of what is of concern to the employer, i.e. a criminal conviction or the serious breach of conduct will inform the decision as to whether to suspend the employee. This is the key to what action should be taken and it is this aspect that commonly causes confusion in the mind of the employer.

For example, an employee who punched a colleague at work may well have committed a criminal offence, i.e. assault. However, the violent behaviour of the employee would represent a serious breach of conduct and would be the primary concern of the employer.

Where there is sufficient evidence to enable the allegation of misconduct to be satisfactorily determined one way or the other, the disciplinary process should normally be proceeded with rather than awaiting the outcome of any criminal proceedings. On this matter the advice of the Attorney General's Chambers via the Office of Human Resources should be sought.

The explanation sought from the employee during a disciplinary hearing should be given under caution and a contemporaneous note should be made.

The use of cautions and making of contemporaneous notes should ensure that any criminal proceedings are not prejudiced by the employer's actions.

It is incumbent on employers to follow the discipline procedure in regard to suspension either with pay or without pay.

The advice of the Attorney General's Chambers should be sought via the Office of Human Resources where it is felt there could be other legal implications.

The Office of Human Resources should be kept informed of discipline cases involving criminal proceedings so that the consistency of approach can be monitored.

CIVIL PROCEEDINGS

In relation to civil proceedings instituted or contemplated against an employee, the advice of the Attorney General's Chambers should be sought at an early juncture, since such proceedings may have an impact on any prosecution or disciplinary action. Although it is natural to focus on police and disciplinary action, it should not be forgotten that even in cases where a prosecution has been unsuccessful or where no prosecution is to be taken, there is the possibility of civil action, for example to recover monies allegedly misappropriated by the employee. Again, the advice of the Attorney General's Chambers should be sought and the Office of Human Resources should be kept informed of the advice received.

GUIDANCE FOR MANAGERS ON DISCIPLINE PROCEDURES WHERE CRIMINAL PROCEEDINGS ARE ALSO INVOLVED

The impact of criminal proceedings on the discipline process can be complex. And, as with any discipline matter, the actions which managers take will depend on the circumstances of each particular case. However, there are a number of issues relating to such cases which merit the issue of further guidance to public service managers so that the principles of the procedures are not breached. Also, in the event of dismissal, the actions of managers should render that dismissal fair in accordance with employment law.

What are the issues?

Where there is sufficient evidence of theft of an employer's property or fraudulent practice this will normally amount to a fair reason for dismissal provided that the employer honestly believes on reasonable grounds that the employee is guilty and provided that the employer acts reasonably in dismissing for that reason. However, far more difficult to handle are cases of suspected dishonesty. The critical factors in either of these situations are the thoroughness and timeliness of the investigation.

Criminal proceedings and police involvement in the case can have an important bearing on the timing of dismissal and the kind of investigation which can be properly carried out. On the one hand employers must make their own enquiries into alleged criminal acts. On the other, the fact that criminal charges have been brought may limit what can be done.

Where an employee admits dishonesty or is caught red-handed, little investigation is likely to be necessary. Also, in such cases the police will normally liaise with the employer concerning admittance of guilt but paying regard to any legal constraints regarding evidence or disclosure. But, where the probability of guilt is less apparent the safer course would be to consider the appropriateness of suspension pending the outcome of any criminal proceedings. Whether a criminal conviction in itself justifies dismissal will depend on the nature of the crime and the impact of such on the employment contract.

The fact that employees have been charged with a criminal offence should not prevent the employer communicating with them (or their representatives) to discuss the matter. What needs to be discussed is not only the alleged offence but the action which the employer proposes to take. Also, the involvement in an alleged criminal offence quite often involves a serious breach of duty or discipline.

In the context of employment law and more particularly unfair dismissal, it is relevant to consider acts of such a nature, whether in the course of employment or outside of employment, which reflect in some way on the employee/employer relationship. Thus, managers need to be clear on whether it is the criminal conviction or a breach of conduct which is of primary concern to the employer and what act of gross misconduct is suspected. Also, there should be no pre-judgement of the likely outcome of criminal proceedings. And that is why careful consideration needs to be given to the suspension of an employee and the reasons for it. It should be remembered that in circumstances where the employer has decided an investigation cannot be completed until after the criminal charge has been disposed of and the outcome is that there has been an acquittal or prosecution has been abandoned, subsequent disciplinary proceedings cannot be for the same offence, i.e. a criminal act.

For example, if the criminal charge related to fraud or theft the disciplinary offence could not be the criminal act but there might well be evidence of a serious breach of duty or trust which could justify disciplinary action including dismissal.

What should managers do?

Having become aware of a situation where an employee is likely to be involved in criminal proceedings an investigation should commence.

Before seeing the employee consideration should be given to obtaining information from other sources to gain a clearer understanding of some of the issues which might need to be taken into account. This could involve speaking to the police, internal audit, other employees or the Office of Human Resources. Due regard needs to be given to the formal discipline procedure and any code of conduct applicable.

Reference should be made to a senior manager to secure a view on the offence and its impact on the organisation. The main consideration here is whether the offence is one that makes the individual unsuitable for the type of work or unacceptable to other employees.

All the foregoing information is essential if a sound judgement is to be made on the need to suspend an employee whether with pay or without pay.

Suspension may be to allow a fuller investigation prior to forming a belief as to whether there has been a breach of conduct. But, it may also be appropriate to suspend as a safeguard of the employment relationship and hence a protection for the employer and employee, e.g. where a criminal charge arises outside of employment, **say, for example, shop lifting or indecent assault.**

The overriding principle of employment law is the fairness and reasonableness of the employer's actions which may lead to a dismissal being deemed to be 'fair'. However, in strictly legal terms there are rules about disclosure of information. Anything that might be said to the employer during the disciplinary process could be used in court. Therefore, when seeing an employee either during the course of the investigation or at the disciplinary hearing, a suitably worded caution must be used advising the employee of the position. Also, a contemporaneous note must be made of what the employee says. However, the use of such caution does not prevent the employee from choosing to remain silent and the employee must not be pressurised into making a statement.

The following checklist should ensure that Government's managers act fairly when dealing with cases.

CHECKLIST

Where it is suspected that there may be an act of gross misconduct on the part of an employee, managers who have the authority to suspend should take the following action:

- conduct an investigation immediately.
- seek an explanation from the employee under caution and retain a contemporaneous note (see model cautions attached).
- establish what is of concern to the employer, i.e. the outcome of any criminal proceedings or a breach of conduct as a consequence of the employee's actions.
- consider what impact the action might have on:-
- the employer/employee, and the employer/employee relationship.
- e.g. the nature of services provided, the role of the employee, the risk to the employer/employee and discipline procedures.
- consider the need to suspend pending fuller investigation of the incident or as a protection for the employer and employee.
- consider the basis of suspension, i.e. paid.
- consider is there sufficient evidence to believe on reasonable grounds that there has been a breach of contract.

- where there is sufficient evidence conduct a disciplinary hearing in advance of criminal proceedings under caution and retain a contemporaneous note of the employee's explanation.
- consider whether there may be other legal implications and seek advice via the Office of Human Resources, if appropriate.
- advise the Office of Human Resources of the discipline case and proposed actions.

MODEL FORMS OF WORDING FOR CAUTIONS FOR USE WITH DISCIPLINE PROCEDURES

Model 1

I am conducting an investigation into certain apparent irregularities concerning (*STATE MATTER BEING INVESTIGATED*) to ascertain whether there are any issues of discipline or capability arising from the audit report which (*NAME OF EMPLOYER*) ... should address.

As there is a possibility that criminal proceedings might be brought against some of the parties involved, I should caution you that you need not answer any questions which you feel might incriminate you. A contemporaneous record will be kept of our discussion and will be read to you at its conclusion before I ask you to sign it.

Model 2

I am aware that criminal proceedings have been brought against you in relation to the matters about which I wish to question you, namely I should caution you that you need not answer any questions which you feel might incriminate you. A contemporaneous record will be kept of our discussion and will be read to you at its conclusion before I ask you to sign it. If you are in any doubt about your position you should seek legal advice.

Model 3

This is a disciplinary hearing regarding an alleged breach of conduct which, if proven, would constitute (*GROSS MISCONDUCT*) ... for which you could be dismissed from your employment with (*EMPLOYER*) ... We are not concerned today with any criminal proceedings which might be brought against you but only with the relationship between the (*DEPARTMENT*) ... and you as a member of staff. Nonetheless, I should caution you that you need not answer any questions which you feel might incriminate you. A contemporaneous record will be kept of this hearing and will be read to you at its conclusion before I ask you to sign it.

Model 4

I understand that you may have been charged with a criminal offence and criminal proceedings are being proceeded with. I wish to question you about these matters as section 6.4.1 of the PSC Harmonised Disciplinary Procedures states:

If a Public Services Employee is arrested, charged with, or found guilty of any criminal offence they must report the matter to their Head of Department without delay. An exception is a traffic offence for which the penalty did not include imprisonment or the suspension of his driving licence.

If the case appears serious enough to warrant it, advice should be sought from the Office of Human Resources as soon as practicable and consideration should be given as to whether the Disciplinary Procedures need to be used."

Also, I should say that a criminal conviction may constitute gross misconduct under the PSC Harmonised Disciplinary Procedures.

Depending on what your response is I may need to consider whether you should be suspended from duty pending further investigation.

I should caution you that you need not answer any questions which you feel might incriminate you. A contemporaneous record will be kept of our discussion and will be read to you at its conclusion before I ask you to sign it. If you are in any doubt about your position you should seek legal advice.