

**COVERAGE OF OUR RESPONSE**

Our response covers staff employed on Scottish Government Main and Scottish Government Marine terms and conditions of employment and Senior Civil Servants in following areas:

- Scottish Government Core Directorates
- Accountant in Bankruptcy
- Disclosure Scotland
- Education Scotland
- National Records of Scotland
- Office of the Scottish Charity Regulator
- Scottish Housing Regulator
- Scottish Public Pensions Agency
- Student Awards Agency for Scotland
- Transport Scotland

## OUR RESPONSE TO YOUR REQUEST

### 1. The Directorate or Agency of the staff member

Due to small numbers and to avoid possible disclosure of personal data under section 38(1)(b) of FOISA (personal information), it is not possible to list the Directorate or Agency of the staff member subject to disciplinary proceedings. There were, however, 21 members of staff who were subject to disciplinary proceedings during the period 1 April 2016 to 24 August 2017 (that is, the date of your request). This is a very small percentage of Scottish Government staff.

### 2. The nature of the case, for example (but not exclusively) harassment, theft, productivity, fraud, unauthorised disclosure of information, etc

Due to the small numbers and to avoid possible disclosure of personal data under section 38(1)(b) of FOISA (personal information), it is not possible to list the reasons why the disciplinary action took place. However, examples of misconduct which could result in disciplinary action are set out in the [SG's discipline policy](#).

### 3. Details of any hearing/tribunal

Under the SG's discipline policy, allegations of misconduct are investigated before a decision is made about whether disciplinary action should be taken. Where disciplinary action is taken, a disciplinary hearing will be arranged to consider the case.

Of the 21 cases, 18 were considered at a disciplinary hearing.

### 4. The outcome of any hearing/tribunal

During the period covered by this response, there were 10 dismissals as a result of disciplinary action. In other cases, the process is either still on-going or a sanction other than dismissal has been applied. Examples of possible disciplinary penalties are set out in the [SG's discipline policy](#).

### 5. Whether an appeal was made or heard

Of the 18 cases considered at a discipline hearing, 9 appeals have been received. The remaining cases are either still on-going or the individual has not submitted an appeal.

### 6. (If applicable) The outcome of that appeal, i.e. Upheld or dismissed

In considering an appeal, the appeal chairperson can either reject the appeal and uphold the original decision; or overturn the original decision and/or recommend a lesser penalty. Examples of possible disciplinary penalties are set out in the [SG's discipline policy](#).

Of the 9 appeal cases, the appeal was rejected and the original decision upheld in 7 cases.

**7. In the event of an upheld appeal, what subsequent actions were taken by the Scottish Government, e.g. reinstatement, redeployment, additional investigation of other staff, etc.**

Due to the small numbers and to avoid possible disclosure of personal data under section 38(1)(b) of FOISA (personal information), it is not possible to list the outcome of the successful appeals.