

Discipline

Disciplinary rules and procedures promote orderly employment relations, fairness and consistency in the treatment of individuals. The procedures described here will help ensure that the standards described elsewhere in the Conduct section are applied.

If for any reason you do not comply with the standards of conduct the Scottish Government expects of you, consideration will be given to whether to take disciplinary action against you. Our disciplinary procedures exist to ensure that all cases are handled consistently, fairly and impartially, and are based on principles of natural justice.

Scope & Application

Scope of Discipline

- Disciplinary procedures are used where problems of misconduct are related to behaviour. Problems which are work related will normally be dealt with under Less than Effective Performance procedures.
- Disciplinary procedures may be initiated irrespective of whether misconduct occurs in or outwith the workplace. In the latter case, action will normally only be taken where misconduct has a bearing on the officer's position as a Civil Servant. Criminal convictions in particular may be grounds for disciplinary proceedings.
- **Any member of staff who is arrested and refused bail, or charged with or convicted of any criminal offence must report the facts to the HR Shared Service Centre as quickly as possible.** Traffic offences for which the penalty has not included imprisonment or disqualification from driving need not be reported.
- Some examples of the [types of misconduct](#) which should, if appropriate, be dealt with under the disciplinary procedures. The seriousness of the misconduct will determine the penalty to be imposed (see [Examples of disciplinary penalties](#))

Application of Disciplinary Procedures

- Disciplinary decisions concerning the Permanent Secretary will be taken by the Head of the Home Civil Service after consultation with the First Minister and, as appropriate, the Prime Minister. Decisions concerning officers in SCS band 2 and above with a minimum JESP score of 14, the Chief Executives of Agencies or the Heads of Associated Departments will be taken by the Permanent Secretary. These officers have the right of appeal to the Head of the Home Civil Service.
- The procedures set out in the [Disciplinary Procedures](#), will apply to all other staff who have completed their probation period (including Scottish Government staff on loan/secondment to other organisations) in the Scottish Government, its Agencies and Associated Departments. Staff on loan/secondment to the Scottish Government will be subject to Scottish Government rules of conduct but will be dealt with under their own organisation's disciplinary procedures.

Principles of Disciplinary Procedures

The principles governing the disciplinary procedures are that:

- disciplinary cases will be dealt with expeditiously but fairly. Procedures will be followed without discrimination, whether direct or indirect, on grounds of sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility, or trade union membership, marital status, race, nationality, ethnic origin, sexual orientation, disability or religion;
- anyone accused of an offence of a disciplinary nature will be informed of the complaint against them;
- allegations of misconduct will be investigated before disciplinary action is taken;
- staff will be given the opportunity to state their case before any decisions are taken;
- staff have the right to be accompanied by a Trade Union representative or colleague during formal disciplinary meetings and hearings. (Informal discussions or counselling sessions do not attract the right to be accompanied unless they could result in formal warnings or other actions. Meetings to investigate an issue are not disciplinary hearings. If it becomes clear during the course of such a meeting that disciplinary action may be called for, the meeting should be ended and a formal meeting arranged at which the member of staff will have the right to be accompanied.);
- no-one will be dismissed for a first disciplinary offence except in a case of gross misconduct when the penalty may be summary dismissal without notice or compensation in lieu of notice;
- everyone has the right to appeal against any disciplinary penalty imposed.

Examples of Misconduct

- Lateness for work.
- Failure to report absences before 10 am.
- Misuse of flexible working hours scheme.
- Breaches of security.
- Anti-social behaviour - for example smoking in a non-designated area or being rude to a member of the public.
- Theft.
- Fraud.
- Deliberate falsification of any records.
- Misuse of official information or position.
- Discrimination on any grounds.
- Sexual and other harassment.
- Assault.
- Incapability through alcohol or being under the influence of or in possession of illegal drugs whilst at work or acting in an official capacity.
- Deliberate damage to Scottish Government property.
- Misuse of Scottish Government computer equipment and systems.
- Negligence which causes financial loss, damage to property or injury to people.
- Accepting or soliciting gifts or hospitality as an inducement to show favour.
- Refusing to obey a legitimate instruction.

- Insubordination.

This list is for illustrative purposes only: it is not exhaustive. The gravity of the misconduct will determine whether it is dealt with as a minor or serious offence.

Examples of Disciplinary Penalties

- Written reprimand.
- Forfeiture of one or more annual pay awards or a pay freeze for one or more future settlements.
- Monetary payment by way of a fine or restitution, in whole or in part, either for culpable loss or damage caused by the officer or for unauthorised absence from duty. Such payments may be recovered by deduction from pay with the individuals prior knowledge.
- Suspension from duty for a specific period with loss of pay.
- Ban for a specific period from applying for promotion.
- Move to a post in a lower pay range or band including removal of, or eligibility for, temporary responsibility supplement.
- Dismissal.

This list is for illustrative purposes only: it is not exhaustive

Disciplinary Procedures

- [Minor offences](#)
- [Serious offences](#)
- [Penalties & suspension](#)
- [Criminal proceedings & appeals](#)
- [Records of disciplinary proceedings](#)

Minor Offences

- Line managers should deal with minor misconduct as part of day to day management responsibilities. In some cases there may be significant underlying reasons for a change in conduct. For example coming in late may be due to domestic problems. Therefore, in all cases it is important to establish the facts and consider whether the matter should be dealt with informally or under the formal disciplinary procedures. The HR Shared Service Centre is available to offer advice in individual cases and should always be consulted when the matter is to be dealt with formally.
- Line managers must keep notes of any oral warnings and copies of any written warnings that they issue under the formal disciplinary procedures. They must copy written warnings to the HR Shared Service Centre. The need for retention of written warnings will be reviewed after 6 months.

Serious Offences

Serious Disciplinary Offences (Including Gross Misconduct)

Where an allegation of misconduct is more serious, or where minor offences are repeated after warnings, line management must immediately consult HR.help. The HR Professional Advisor Unit will advise on the appropriate steps to take and the management of the case.

Serious disciplinary offences will be dealt with promptly and in the following manner:

- where the facts are not clear an independent investigating officer (not previously involved in the complaint against the officer) will be asked to make investigations. The investigating officer should be at least Band B level.
- before an investigation begins, the member of staff concerned will be advised in writing by the investigating officer that he or she is being investigated, of his or her right to remain silent and of his or her right to be accompanied by a Trade Union representative or colleague;
- these investigations may include interviewing staff, including the officer concerned, and may also include a search of Scottish Government property including desks and cupboards etc. Where any search is being undertaken in the course of a disciplinary investigation, it will be undertaken by at least 2 people. Where any search involves a search of accommodation ordinarily occupied by the officer concerned, it will normally be conducted in the presence of the officer. Only exceptionally, or where the officer has consented in writing, will the search be carried out in the officer's absence. Personal belongings will not be searched without the officer's consent;
- the investigating officer will report the facts in writing to the appointed HR Professional Advisor, for a decision on whether there is a case to be answered;
- if it is decided that there is no case to answer, the officer against whom an allegation has been made, and where appropriate, the officer making the complaint, must be informed of this in writing. A decision not to proceed with disciplinary action in cases of alleged serious fraud, other than where the individual is being prosecuted, will be taken by the Permanent Secretary, or the Registrar General or Chief Executive of an Agency, as appropriate, after consultation with one of The Scottish Ministers;
- if it is decided that disciplinary action should be taken, the HR Professional Advisor will provide the officer with a written statement setting out the facts and details of the charge (see also [Criminal Proceedings](#));
- the officer will be invited to submit a written reply to the charge within a reasonable time (normally 10 working days). This should include any relevant personal, domestic or social circumstances;
- a Disciplinary Panel will be convened. A hearing will be arranged during which the officer may make oral representations;
- the Disciplinary Panel will be chaired by a line manager from Band C or above who has had no previous involvement in the complaint against the officer and who is one level higher than the individual concerned. An HR Professional Advisor with no previous involvement in the case will also be a member of the Panel. The officer who is the subject of the complaint will be entitled to be accompanied by a Trade Union representative or colleague;
- the Disciplinary Panel will decide whether or not the disciplinary charge is well founded, and if so, what penalty is appropriate;

- where possible the Disciplinary Panel will inform the officer of their decision, the reasons for the decision and, where appropriate, any penalty, at the conclusion of the hearing. The officer will receive confirmation of these details in writing together with the procedures for lodging an appeal;
- where the Disciplinary Panel cannot give a decision immediately, the officer will be informed in writing by the Panel as quickly as possible of the decision, the reasons for the decision, the penalty where appropriate (see [examples of Disciplinary Penalties](#) which might be applied) and the procedures for lodging an appeal;

Penalties & Suspension

Disciplinary Penalties

There is no set tariff of penalties for particular offences. (See [Examples of the disciplinary penalties](#) which might be applied.) In cases of gross misconduct the penalty will normally be summary dismissal without notice or compensation in lieu of notice.

Suspension from Duty

The person exercising disciplinary powers may suspend from duty an officer who has been accused of a disciplinary offence or who is under criminal investigation. They may also decide to withhold pay wholly or in part during the suspension. Where it is decided that pay should continue it will be paid at the basic pay rate (i.e. that which would be paid during the first 6 months of sickness absence). Decisions to suspend staff with or without pay may be made at any time during the disciplinary procedure or criminal investigation. Suspension will normally be automatic while allegations of gross misconduct are investigated.

Criminal Proceedings & Appeals

Criminal Proceedings

Disciplinary action may be taken in parallel with criminal proceedings concerning the same circumstances.

Appeals

- All staff have a right of an internal appeal against a disciplinary penalty, including dismissal, and will be informed of the procedures to follow. The officer appointed to hear the appeal will be from the Senior Civil Service.
- Staff who are dismissed will be informed of the procedures they should follow (see [Appeals and Grievances](#)).

Records of Disciplinary Proceedings

- A full record of disciplinary proceedings which have resulted in a finding against the officer charged with the disciplinary offence will be placed in the officer's career folder and kept by the HR Shared Service Centre.

- Any written warnings given by line management and passed to the HR Shared Service Centre will not normally be taken account of in any subsequent disciplinary hearings after a lapse of 12 months.
- With the exception of serious offences no account will be taken of an earlier offence and any subsequent disciplinary proceedings after a lapse of 5 years. Where an earlier offence is considered serious enough to be taken into account in any subsequent disciplinary action, the officer concerned will be notified.
- No record of any hearsay or unsubstantiated allegation will be kept on an officer's career folder.

DISCIPLINE POLICY

Disciplinary rules and procedures promote orderly employment relations, fairness and consistency in the treatment of individuals. The procedures described here will help ensure that our conduct standards are applied.

If for any reason you do not comply with the standards of conduct expected of you, consideration will be given to whether disciplinary action should be taken against you.

Our disciplinary procedures exist to ensure that all cases are handled consistently, fairly and impartially, and are based on principles of natural justice.

Who does the policy apply to?

The policy applies to all colleagues who have completed their probation period in the Scottish Government, its Agencies and Associated Departments, and other bodies as appropriate. This includes colleagues on loan or secondment to other organisations¹.

It is used where problems of misconduct are related to behaviour².

It may be initiated irrespective of whether misconduct occurs in or outwith the workplace. In the latter case, action will normally only be taken where misconduct has a bearing on the officer's position as a Civil Servant or public servant. Criminal convictions in particular may be grounds for disciplinary proceedings.

What are the key requirements?

- Managers should deal with minor misconduct as part of day to day management responsibilities.
- Disciplinary decisions concerning the Permanent Secretary will be taken by the Head of the Home Civil Service after consultation with the First Minister and, as appropriate, the Prime Minister.
- Decisions concerning officers in SCS Band 2 and above, the Chief Executives of Agencies or the Heads of Associated Departments will be taken by the Permanent Secretary.
- Decisions concerning the Chief Executives of associated bodies will be taken by the Chair of the board.
- HR Help is available to offer advice in individual cases and should always be consulted when the matter is to be dealt with formally.
- Disciplinary penalties vary depending on the seriousness of the offence. In all cases HR will determine whether an individual should be suspended from duty.
- Anyone arrested and refused bail, or charged with or convicted of any criminal offence must report the facts to the HR Help as quickly as possible³.

¹ Individuals on inward loan or secondment are bound by our rules of conduct, but any misconduct will be dealt with under their own organisation's discipline policy

² Work-related performance issues are normally dealt with under Less than Effective Performance Procedures

³ Traffic offences for which the penalty has not included imprisonment or disqualification from driving need not be reported.

- Disciplinary action may be taken in parallel with criminal proceedings.
- Everyone has the right to appeal against any disciplinary penalty imposed.

Last review

The policy was last reviewed in November 2015. No amendments were made.

Related policies:

This policy should be read in conjunction with the policies and guidance on conduct.

PART TWO: PROCEDURES

Guiding Principles

- Disciplinary cases will be dealt with expeditiously but fairly. Procedures will be followed without discrimination, whether direct or indirect, on grounds of sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility, or trade union membership, marital status, race, nationality, ethnic origin, sexual orientation, disability or religion.
- Anyone accused of an offence of a disciplinary nature will be informed of the complaint against them.
- Allegations of misconduct will be investigated before disciplinary action is taken.
- Staff will be given the opportunity to state their case before any decisions are taken.
- Staff have the right to be accompanied by a Trade Union representative or colleague during formal disciplinary meetings and hearings.
- Meetings to investigate an issue are not disciplinary hearings.
- Informal discussions or counselling sessions do not attract the right to be accompanied unless they could result in formal warnings or other actions. If it becomes clear during the course of such a meeting that disciplinary action may be called for, the meeting should be ended and a formal meeting arranged at which the member of staff will have the right to be accompanied.
- No-one will be dismissed for a first disciplinary offence except in a case of gross misconduct when the penalty may be summary dismissal without notice or compensation in lieu of notice.

Process

Dealing with a minor offence

Line managers should deal with minor misconduct as part of day to day management responsibilities.

In all cases it is important to establish the facts and consider whether the matter should be dealt with informally or under the formal disciplinary procedures. In some cases there may be significant underlying reasons for a change in conduct. For example coming in late may be due to domestic problems.

HR Help is available to offer advice on dealing with a minor offence.

Dealing with a serious offence (including gross misconduct)

Where an allegation of misconduct is more serious, or where minor offences are repeated after warnings, line management must immediately consult HR Help. The HR Professional Adviser Unit will advise on the appropriate steps to take and the management of the case.

Serious disciplinary offences (including gross misconduct) will be dealt with promptly and in the following manner:

1. Where the facts are not clear an independent investigating officer (not previously involved in the complaint against the officer) will be asked to make investigations. The investigating officer should be at least band B level.
2. Before an investigation begins, the member of staff concerned will be advised in writing that he or she is being investigated, of his or her right to remain silent and of his or her right to be accompanied by a trade union representative or colleague.
3. These investigations may include interviewing staff, including the officer concerned, and may also include a search of workplace property including desks and cupboards etc. Where any search is being undertaken in the course of a disciplinary investigation, it will be undertaken by at least 2 people. Where any search involves a search of accommodation ordinarily occupied by the officer concerned, it will normally be conducted in the presence of the officer. Only exceptionally, or where the officer has consented in writing, will the search be carried out in the officer's absence. Personal belongings will not be searched without the officer's consent.
4. The investigating officer will report the facts in writing to the appointed HR Adviser. The HR Adviser will decide whether there is a case to be answered.
5. If it is decided that there is no case to answer, the officer against whom an allegation has been made, and where appropriate, the officer making the complaint, will be informed of this in writing. A decision not to proceed with disciplinary action in cases of alleged serious fraud, other than where the individual is being prosecuted, will be taken by the Permanent Secretary, or the Registrar General or Chief Executive of an agency, as appropriate, after consultation with one of the Scottish Ministers. For Non-Department Public Bodies, this decision will be taken by the Chief Executive.
6. If it is decided that disciplinary action should be taken, HR will provide the officer with a written statement setting out the facts and details of the charge (see also criminal proceedings).
7. The officer will be invited to submit a written reply to the charge within a reasonable time (normally 10 working days). This should include any relevant personal, domestic or social circumstances.

8. A disciplinary hearing will be convened during which the officer may make oral representations.
9. The disciplinary hearing will be chaired by a Deciding Officer. The Deciding Officer will be a line manager from Band C or above who has had no previous involvement in the complaint against the officer and who is one level higher than the individual concerned. An HR Adviser with no previous involvement in the case will advise the Deciding Officer on points of procedure and employment law. The officer who is the subject of the complaint will be entitled to be accompanied by a trade union representative or work colleague.
10. The Deciding Officer will decide whether or not the disciplinary charge is well founded, and if so, what penalty is appropriate.
11. The Deciding Officer will inform the officer of the decision, the reasons for the decision and, where appropriate, any penalty as quickly as possible after the hearing. The officer will receive confirmation of these details in writing together with the procedures for lodging an appeal.

Suspending individuals from duty during an investigation

HR may suspend from duty an officer who has been accused of a disciplinary offence or who is under criminal investigation.

Decisions to suspend staff with or without pay may be made at any time during the disciplinary procedure or criminal investigation..

Where it is decided that pay should continue during the period of suspension it will be paid at the basic pay rate (i.e. that which would be paid during the first 6 months of sickness absence).

Determining penalties

There is no set tariff of penalties for particular offences. The seriousness of the misconduct will determine the penalty to be imposed.

In cases of gross misconduct the penalty will normally be summary dismissal without notice or compensation in lieu of notice.

Appeals

All staff have a right of an internal appeal against a disciplinary penalty, including dismissal, and will be informed of the procedures to follow.

The officer appointed to hear the appeal will be a member of the Senior Civil Service or equivalent.

Record keeping

Line managers must keep notes of any oral warnings and copies of any written warnings that they issue under the formal disciplinary procedures.

Written warnings must be copied to the HR Professional Adviser Team. The need to retain a written warning will be reviewed after 6 months.

Any written warnings given by line management and passed to the HR Professional Adviser Team will not normally be taken account of in any subsequent disciplinary hearings after a lapse of 12 months.

A full record of disciplinary proceedings which have resulted in a finding against the officer charged with the disciplinary offence will be placed in the officer's career file and kept by HR.

With the exception of serious offences no account will be taken of an earlier offence and any subsequent disciplinary proceedings after a lapse of 5 years. Where an earlier offence is considered serious enough to be taken into account in any subsequent disciplinary action, the officer concerned will be notified.

No record of any hearsay or unsubstantiated allegation will be kept on an officer's career file.

PART THREE: EXAMPLES AND FURTHER GUIDANCE

Examples of misconduct include:

- Lateness for work.
- Failure to report absences before 10 am.
- Misuse of flexible working hours scheme.
- Breaches of security.
- Anti-social behaviour - for example smoking in a non-designated area or being rude to a member of the public.
- Theft.
- Fraud.
- Deliberate falsification of any records.
- Misuse of official information or position.
- Discrimination on any grounds.
- Sexual and other harassment.
- Assault.
- Incapability through alcohol or being under the influence of or in possession of illegal drugs whilst at work or acting in an official capacity.
- Deliberate damage to workplace property.
- Misuse of workplace IT equipment and systems.
- Negligence which causes financial loss, damage to property or injury to people.
- Accepting or soliciting gifts or hospitality as an inducement to show favour.
- Refusing to carry out a legitimate instruction.
- Insubordination.
- Inappropriate use of social media.

This list is for illustrative purposes only: it is not exhaustive.

The gravity of the misconduct will determine whether it is dealt with as a minor or serious offence.

Examples of disciplinary penalties:

- Written reprimand.
- Forfeiture of one or more annual pay awards or a pay freeze for one or more future settlements.
- Monetary payment by way of a fine or restitution, in whole or in part, either for culpable loss or damage caused by the officer or for unauthorised absence from duty. Such payments may be recovered by deduction from pay with the individuals prior knowledge.
- Suspension from duty for a specific period with loss of pay.
- Ban for a specific period from applying for promotion.
- Move to a post in a lower pay range or band including removal of, or eligibility for, temporary responsibility supplement.
- Dismissal.

This list is for illustrative purposes only: it is not exhaustive.

Guidance

HR Help is available to offer advice in individual cases and should always be consulted when the matter is to be dealt with formally.

Disciplinary procedures

1. **Disciplinary procedures**
 2. Minor offences
 3. Serious offences – formal disciplinary procedures
 4. Penalties and suspension
 5. Appeals – disciplinary penalties
 6. Records of disciplinary proceedings
-

1. Disciplinary procedures

Our disciplinary procedures are designed to promote:

- orderly employment relations
- fairness and impartiality
- consistency in the treatment of colleagues

Standard principles apply in all disciplinary procedures. How a particular case is managed will depend on the seriousness of the offence.

We will consider taking disciplinary action against those who don't meet the standards of behaviour we expect.

Disciplinary action may be taken in parallel with criminal proceedings.

Scope of disciplinary procedures

Disciplinary procedures are used to deal with misconduct relating to behaviour.

Work-related problems are normally dealt with using ['less than effective' performance procedures](#).

The [grievance policy](#) and [procedure](#) should be used if you have a personal concern, such as being bullied. Disciplinary procedures may be instigated following an investigation into your concern under the grievance policy.

Action on misconduct outside work is normally only taken if this has a bearing on your position as an employee. Criminal convictions, in particular, may be grounds for disciplinary proceedings. You must tell [HR People](#)

[Advice and Wellbeing](#) as soon as possible if you're:

- arrested and refused bail
- charged or convicted for any criminal offence

Traffic offences don't need to be reported, unless the penalty includes either imprisonment or disqualification from driving.

Any disciplinary penalty will depend on the seriousness of the misconduct.

2. Minor offences

Managers should deal with minor misconduct as part of their day-to-day responsibilities.

Sometimes there may be significant underlying reasons for a change in behaviour. For example, coming in late may be due to domestic problems.

Therefore in all cases it's important to:

- establish the facts
- consider whether the matter should be dealt with informally or under the formal disciplinary procedures

[HR People Advice and Wellbeing](#):

- can advise on individual cases
- should always be consulted if formal disciplinary procedures are to be followed

Managers must:

- keep notes of any verbal warnings
- keep copies of any written warnings
- email any written warnings to HR People Advice and Wellbeing Support mailbox

Notes of verbal warnings and copies of written warnings should be kept for six months. After that time, the need for further retention should be reviewed.

View [examples of misconduct](#) that may lead to disciplinary action.

3. Serious offences – formal disciplinary procedures

Serious offences (including gross misconduct) will be dealt with promptly following the formal disciplinary procedures below.

Managers must immediately consult the [HR People Advice and Wellbeing team](#) when:

- an allegation of misconduct is serious
- minor offences are repeated after warnings

An HR PAW adviser will give guidance on the appropriate steps to take and will manage the case.

Investigation

When the facts are unclear, an independent investigating officer will be asked to make an investigation. They should:

- not previously have been involved in the complaint against the colleague
- be at least Band B level

The Investigating Officer will write to the individual before the investigation begins, telling them:

- they are to be investigated
- their right to remain silent
- their right for a trade union representative or colleague to accompany them

The investigation may involve:

- interviewing colleagues, including the individual concerned
- a search of our property, including desks and cupboards

At least two people will carry out any search made in the course of a disciplinary investigation.

A search of accommodation normally occupied by the colleague concerned will usually be carried out in their presence. It will only be carried out in their absence:

- in exceptional circumstances, or
- when the colleague has given written consent

Personal belongings won't be searched without the colleague's consent.

Decision to proceed with disciplinary action

The Investigating Officer will report the facts in writing to the appointed HR adviser.

If it's decided there's no case to answer, the colleague against whom the allegation was made (and, if relevant, the individual who made the complaint) will be informed in writing.

A decision not to proceed with disciplinary action in cases of alleged serious fraud (other than when the colleague is being prosecuted) can be made, after consultation with a minister, by either the:

- Permanent Secretary
- Registrar General
- chief executive of an agency or body

If disciplinary action is to be taken, the HR People Advice and Wellbeing adviser will write to the colleague, setting out the facts and details of the charge.

Disciplinary panel

The colleague will be invited to submit a written reply to the charge within a reasonable time (normally 10 working days). This should detail any relevant personal, domestic or social circumstances.

A disciplinary panel will be convened and a hearing arranged.

The disciplinary panel will be chaired by a manager:

- from Band C or above
- not previously involved in the complaint
- one level higher than the colleague concerned

An HR People Advice and Wellbeing adviser with no previous involvement in the case will also sit on the panel.

The individual who is the subject of the complaint will be able to make verbal representations during the hearing. A trade union representative or colleague may accompany them.

The disciplinary panel will decide whether or not the disciplinary charge is founded, and if so, what penalty is appropriate.

The panel will inform the colleague concerned in writing as quickly as possible of the:

- decision
- reasons for the decision
- penalty, where appropriate
- procedures for lodging an appeal

View [examples of misconduct](#) that may lead to disciplinary action.

4. Penalties and suspension

There is no set tariff of penalties for particular offences.

Gross misconduct will normally result in summary dismissal without notice or compensation in lieu of notice.

Suspension from duty

You may be suspended if you are:

- accused of a disciplinary offence
- under criminal investigation

Suspension is normal during investigations into allegations of gross misconduct.

Pay may be withheld (wholly or in part) during a suspension. If pay continues, this will be at the basic pay rate.

The decision to suspend an individual, with or without pay, can be made at any time during formal disciplinary procedures or a criminal investigation.

[Annual leave: suspension from duty](#)

Disciplinary penalties include:

- written reprimands
- loss of one or more annual pay awards
- pay freezes for one or more future pay awards
- fines towards culpable loss or damage caused, or for unauthorised absence from duty (payment may be deducted from pay with your prior knowledge)
- suspension from duty for a specific period, with loss of pay
- bans from applying for promotion for a specific period
- being moved to a post in a lower pay range/band, including removal of Temporary Responsibility Supplement (or eligibility for it)
- dismissal
- any Social Security Scotland colleague dismissed for fraud and dishonesty should be aware that the UK Civil Service counter fraud measures apply. Your details will be added to the Internal Fraud register and you will be refused employment within the Civil Service for five years from the date of dismissal, unless exceptional circumstances apply

This list is for illustrative purposes only; it is not exhaustive

5. Appeals – disciplinary penalties

All staff have the right to an internal appeal against a disciplinary penalty (including dismissal).

Affected colleagues will be informed of the appeals procedures.

A senior official, for example a member of the Senior Civil Service or equivalent, will hear the appeal.

6. Records of disciplinary proceedings

If a disciplinary charge is proved, a full record of the proceedings will be placed in the colleague's career folder and kept by HR People Advice and Wellbeing team.

Written warnings given by a manager, and copied to HR People Advice and Wellbeing team, won't normally be taken into account in future disciplinary hearings after 12 months have passed.

An earlier offence and any subsequent disciplinary proceedings won't be taken into account after five years have passed except in the case of serious offences. The colleague concerned will be told if this is to happen.

No record will be kept in a colleague's career folder of:

- hearsay
- unsubstantiated allegations