**Annex 2**

**Disciplinary / Capability / Bullying & Harrassment / Appeal Statement of Case**

**Introduction/Summary**

This should be a summary paragraph detailing who is completing the statement of case, the date it started and the matter that has been investigated. Please write which policy the investigation is being conducted under. If misconduct, it is useful to reference the type of misconduct being investigated (examples of misconduct can be found in Annex 1 of the relevant Disciplinary Procedure). You may want to list the key questions that were the focus of the investigation.

In law there are always exceptions, but generally, when the defence must prove something, it is to the level of “the **balance of probabilities**”. This is simply a matter of “more probable than not”, or if you prefer figures, say 51% or greater.

**Background**

**Name:**

**Job Title:**

**Employed by:** University of Essex or University of Essex Campus Services or Wivenhoe House

**Length of service:**

**Main Duties of the role:** Job Description in Appendix XXX **Current grade:**

Write the context of the incident, including any previous action taken informal or formal. You may also wish to comment on any factors that may have influenced events e.g. previous restructure (job or management change), health issues, team dynamics, and environmental factors.

**Policy & Procedures**

Here detail any policy and/or procedures in addition to the disciplinary/capability policy (detailed in the summary) that are relevant to the case, for example Social Media Policy or a local departmental procedure for dealing with a particular circumstance.

**People Involved in the investigation**

Provide details about the other people involved in the investigation

Name, Job Title, Time at the University

**Investigation**

Here you should detail who you interviewed and when as part of the investigation and who you did not speak to and why?

What evidence you have collated and looked at.

Explain any delays in the investigation i.e. wanted to speak to witness X but attempted to contact them on several occasions they chose not to participate.

**Findings**

Following the investigation, summarise what were your findings. You can reference appendices rather than going into full detail.

Or copied from Investigation Report:

**Summary of written and physical evidence:** summarise each document contained, set out how the evidence supported or did not support your findings and why

**Summary of witness evidence:** [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]

**Facts established:** [this will include uncontested facts and contested facts, where the investigator should determine what, on balance of probabilities, took place]

**Facts that could not be established**: [detail any part of the investigation that was inconclusive e.g. where any claims were made that could not be substantiated]

**Mitigating factors:** [detail if there were any mitigating factors uncovered that are relevant to the investigation]

**Other relevant information:** [detail any other information that is relevant to the matter]

**Conclusion**

Brief summary of the evidence and the facts established and whether you feel the allegations are proven/supported by the evidence based on the balance of probabilities (not beyond reasonable doubt).

**Recommendation** (Optional)

You should not recommend what formal action should be taken but detail here any recommendations that are outside policy. Examples are:

* Training in XXXX
* A review of internal processes
* Mediation between X and Y
* Regular 1-1 meeting between manager and X
* Update of a policy

**Relevant Policy Links** (delete as appropriate)

UoE:

[Disciplinary procedure](https://www.essex.ac.uk/staff/managing-people/disciplinary-procedure) (if misconduct occurs)

[Capability procedure](https://www.essex.ac.uk/staff/managing-people/capability-procedure) (if someone is underperforming or lacks the capability to complete their work)

Complaints of bullying or harassment procedure (pdf 143.9kb)

[Student complaint about staff process](https://www.essex.ac.uk/staff/student-feedback/concerns-and-complaints-about-staff)

[Appeals procedure](https://www.essex.ac.uk/staff/employment-policies-procedures/appeals-procedure)

UECS:

[UECS Disciplinary Procedure](https://www.essex.ac.uk/-/media/documents/directories/human-resources/uecs/uecs-disciplinary-procedure.pdf)

[UECS Capability Procedure](https://www.essex.ac.uk/-/media/documents/directories/human-resources/uecs/uecs-capability-procedure.pdf?la=en)

**Evidence (incl witness statements)**

Appendix A Disciplinary Procedure

Appendix B Job Description

Appendix C

Appendix D

Appendix E

Appendix F

Appendix G