



Unit Standard ID : 10985

Description : Conduct a disciplinary hearing

NQF Level : 7

Credits : 5

Type of Unit Standard : E

Standards Generating Body : 301

Purpose

This unit standard is intended for line managers and human resources practitioners who may be called upon to chair disciplinary hearings. Persons accredited with this unit standard are able to effectively handle hearings and reach reasoned decisions on the basis of evidence presented.

Learning Assumed

It is assumed that people starting to learn towards this standard are able to:

- Explain and apply labour relations to the disciplinary process
- Handle meetings
- Apply writing, listening and talking skills at least at NQF level 5

Notes

Role cluster

The SGB: Human Resources Management and Practices has grouped unit standards into four role clusters in its document "A Framework for Qualifications for Professionals and Practitioners in People Management Processes". This unit standard falls into the following cluster:

- Establish and maintain labour and employee relations

Workplace Assessment : Y

Issue Date : 13-SEP-05

Review Date : 13-SEP-08

Specific Outcome 1

Conduct and manage the hearing.

Assessment Criteria 1

ASSESSMENT CRITERION 1

1. Employee is properly and clearly informed of the allegation and of his/her rights.

ASSESSMENT CRITERION 2

2. Relevant questions are asked to ensure that proper procedure was followed prior to the hearing.

ASSESSMENT CRITERION 3

3. The hearing is conducted in a firm and procedurally fair manner.

ASSESSMENT CRITERION 4

4. Relevant questions for clarification (not in prosecution) are asked.

ASSESSMENT CRITERION 5

5. Behaviour is free of bias towards any party.

Range Statement 1

1. Includes allowance for statement of case on both sides, witnesses, cross-examination, proper control and due consideration to cultural and linguistic factors.

Specific Outcome 2

Implement procedure to handle non-dismissible offences.

Assessment Criteria 2

ASSESSMENT CRITERION 1

1. All evidence is efficiently summarised, considered and weighed in terms of probability.

ASSESSMENT CRITERION 2

2. Decision is based on analysis of the evidence.

ASSESSMENT CRITERION 3

3. Decision is clearly communicated to the parties.



ASSESSMENT CRITERION 4

4. Clear reasoning is provided for the decision.

Range Statement 2

NA

Specific Outcome 3

Hear pleadings.

Assessment Criteria 3

ASSESSMENT CRITERION 1

1. Parties are granted sufficient opportunity to plead mitigation or aggravation.

ASSESSMENT CRITERION 2

2. If necessary, information regarding mitigating and aggravating circumstances is elicited.

Range Statement 3

NA

Specific Outcome 4

Take a decision as to sanction

Assessment Criteria 4

ASSESSMENT CRITERION 1

1. All relevant factors are considered and carefully weighed.

ASSESSMENT CRITERION 2

2. Clear reasoning is demonstrated for reaching final decision.

Range Statement 4

NA

Specific Outcome 5

Inform employee of and record decisions.

Assessment Criteria 5

ASSESSMENT CRITERION 1

1. All relevant factors are considered and carefully weighed.

ASSESSMENT CRITERION 2

2. Employee is verbally informed, in clear terms, of decision.

ASSESSMENT CRITERION 3

3. Decision is properly substantiated.

ASSESSMENT CRITERION 4

4. Employee is informed of his/her rights in this regard.

Range Statement 5

NA

Specific Outcome 6

Ensure that proceedings and decisions are recorded.

Assessment Criteria 6

ASSESSMENT CRITERION 1

1. Procedure is properly recorded.

ASSESSMENT CRITERION 2

2. Main issues and arguments are succinctly recorded.



ASSESSMENT CRITERION 3

3. Reasons for final decisions as to guilt and sanction are recorded.

Range Statement 6

NA

Embedded Knowledge

Know ledge considered to be critical evidence of competence is included in the assessment criteria explicitly, or can be inferred by performance. This includes know ledge on:

- Relevant sections of labour legislation
- Relevant Codes of Good Practice
- Principles of Procedural and Substantive Fairness
- Rules of case presentation, evidence, examination and cross-examination.
- Relevant case law .

Critical Cross Field Outcomes

UNIT STANDARD CCFO IDENTIFYING

Identify and solve problems by using critical and creative thinking by, e.g.: · Taking a decision as to sanction according to the assessment criteria set for specific outcome "Take a decision as to sanction."

UNIT STANDARD CCFO COLLECTING

Collect, analyse, organise and critically evaluate information by, e.g.: · Deciding on proof for transgression according to the assessment criteria set for specific outcome "Implement procedure to handle non-dismissible offences." · Taking a decision as to sanction according to the assessment criteria set for specific outcome "Take a decision as to sanction."

UNIT STANDARD CCFO COMMUNICATING

Communicate effectively by, e.g.: · Conducting and managing the hearing according to the assessment criteria set for specific outcome "Conduct and manage the hearing." · Hearing pleadings according to the assessment criteria set for specific outcome "Hear pleadings."