

SOP -
Notetaking for Workforce Policies
July 2024

Introduction

Notes of investigatory meetings and formal hearings are a requirement for a number of the NHS Scotland Workforce Policies.

Investigations are carried out under the [Workforce Policies Investigation Process](#). This applies where an investigation is required under NHSScotland employers' [Conduct](#), [Bullying and Harassment](#), and [Grievance](#) policies and the [Capability Policy](#) where it is not clear if it is a conduct or capability matter.

Formal hearings under the NHS Scotland Workforce Policies are carried out in line with the [Formal Hearing Guide](#). This formal process applies to:

- Formal Appeal Hearings
- Formal Attendance Hearings
- Formal Capability Hearing
- Formal Conduct Hearings
- Formal Grievance Hearings
- Formal Review Hearings

Purpose of the note-taker within the process

Having a note-taker for the investigatory meeting or formal hearing allows the investigating manager to focus on exactly what the interviewee says and consider what additional enquiries are necessary to establish the facts of the matter. It also enables the HR Representative to focus on their role, which is to advise on policy and process and ensure these are followed.

During a formal hearing, the note-taker may be required to read back the record for clarity of the discussion which has taken place.

Formal notes are a requirement of the NHSScotland Workforce Policies as well as the [ACAS Code of Practise for Disciplinary and Grievances at Work](#). The notes taken will form part of the record of the investigation and/or hearing process and will be used as a record of discussions for all internal and external processes, including Employment Tribunals.

The note-taker must be independent of the situation i.e. not connected in any way to the issues being discussed.

Note-taker Requirements

Note-taking for an investigatory meeting or formal hearing is not a skillset unique to Workforce Policies. The skills required for this will include effective listening skills; good written English skills and clear handwriting; the ability to comfortably use technology to support note taking, where this is available; and an ability to concentrate for extended periods within meetings. These are skills required for all note-takers within any formal meeting.

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The note-taker should familiarise themselves with the format of the hearing under the relevant policy in advance of the meeting taking place.

It is the Commissioning Manager's role within an investigation process to make sure that an appropriate note-taker is available for this, and the Chair's responsibility to make sure this is available for any formal hearing. Further detail is provided in the NHS Lanarkshire document, [Roles and Responsibilities in the Investigation Process](#).

Content of notes

The notes form a statement of the meeting and should record:

- the date and place of the meeting
- the reason for the meeting
- names of all people present and their role within the meeting, allocating initials of each to be used during the actual note taking
- the opening statement
- an accurate record of the meeting, including questions asked and responses given
- any refusal to answer a question
- the start and finish times, and details of any adjournments
- the outcome of the hearing, if available, including rationale provided for any decision made

Before the meeting takes place, it's often possible for the note-taker and meeting Chair to agree what the opening statement will be and to have this pre-written into the notes. Pre-agreed questions to be asked will also be shared. The opening statement will include reference to why the meeting is taking place, the right to be accompanied, why notes are being taken and when they will be sent to the employee, the right to ask for breaks, how long the meeting is expected to last, what will happen after the meeting etc.

The note-taker may prefer to hand write notes, or to type these during the meeting, with either being acceptable. Any handwritten notes required to be typed up after the meeting and should be retained until the Chair of the meeting has confirmed that they are in agreement with the content.

There is no requirement in law for meeting notes to be verbatim, however, notes should be a summary of the discussion, capturing **all key points made**.

An NHS Scotland [template](#) is provided for investigatory meetings. These notes will be provided to the employee, who will be asked to sign and return these as an accurate reflection of the meeting.

The NHS Lanarkshire template for formal hearings is attached as [Appendix 1](#). These notes will be issued with the outcome letter. There is no requirement for the employee to return a signed copy to confirm accuracy.

Note-taker participation during the hearing

At the start of the meeting, the Chair should encourage the note-taker to ask for a break, or ask for people to slow down, whenever needed. It's a good idea if the Chair also regularly checks with the

note taker that they are keeping up because when emotions rise or discussions get complicated it can be very challenging taking down all the key points.

Note takers should avoid interrupting the meeting, unless there is something important that needs urgent clarification. If this does happen, the note taker should address the person who is chairing the meeting with their question. This excludes the points mentioned above i.e. asking if people can slow down, or asking for a break.

Note takers should ensure that notes about what is said in the meeting are clear and detailed. Also, where employees are presenting details about what happened, key points, dates, people etc. need to be clearly recorded.

It is not the role of the note taker to make judgements about what is and is not relevant, they should therefore capture as much as possible. Best practice is that good notes should be taken of all key points.

Timescales

Employees should be given a copy of the notes taken as soon as possible after the meeting so that memories are still fresh. To make sure that the notes can be typed up promptly, the note-taker should block out time after the meeting to type these up. It is suggested that for each one hour of meeting, an additional one hour will be required to type the notes, however, this will vary between note takers.

Typed notes are required to be provided to the employee within 7 days of the meeting taking place. To make sure that this timescale can be reached, the note-taker should type up the notes and provide to the Chair of the meeting within 2 days of the meeting taking place.

Where this will not be possible, the note-taker and Chair should agree the timescales in advance of the meeting. Any deviation from the timescales set out in the NHS Scotland Workforce Policies should be discussed with HR and agreement reached on the appropriateness of this. The employee should be notified of the revised timescale.

Use of Recordings

Recording the meeting using an audio device or through Teams, may be done with the agreement of the interviewee and other parties present and where it is felt there is a need to do this in complex cases and as a back up to the notes taken.

Support and Training

HR will provide a number of training sessions on the roles and responsibilities required of the note-taker.

Note-takers are able to join a Teams channel led by HR and dedicated to admin support for formal processes, where the SOP and a short training video will be available. In addition, note-takers will be able to ask any general questions around this process.

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References

NHSScotland Workforce Policies: <https://workforce.nhs.scot/policies/>

Formal Hearing Guide:

<https://workforce.nhs.scot/supporting-documents/guide/formal-hearing-guide/>

NHSScotland WPIP investigation notes template:

<https://workforce.nhs.scot/supporting-documents/form/workforce-policies-investigation-process-witness-statement-template/>

Appendix 1

NHSSCOTLAND XXXXXX POLICY

HEARING NOTE – INVESTIGATION/ CONDUCT/STAGE 1;2;3

DATE: XXXXXX Commencing XX:XXhrs

Meeting held Face to Face/ through Microsoft Teams venue

PRESENT:

Panel Chair:

Independent Manager:

HR for Panel:

Employee:

Colleague/ Representative:

IN ATTENDANCE:

Investigating/Conduct/Stage

1;2;3 Chair/Manager

(presenting management case):

HR Rep Supporting Manager:

Secretariat:

Witness(es), Name & Role:

Time meeting commenced:

1. INTRODUCTIONS

The Panel Chair introduced all present and all explained their role.

2. PURPOSE

The Panel Chair confirmed that this was a XXXXX Hearing under the NHS Once for Scotland XXXXX Policy process.

Chair explained that the purpose of the Hearing was to review the information gathered in written cases and during meeting in relation to the following raised under Relevant Policy (detail below):

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Chair added that the possible outcomes of this Hearing would be as follows:

Grievance

1. Upheld
2. Partially Upheld
3. Not Upheld

Bullying & Harassment

1. The complaint is not upheld
2. The complaint is upheld and justifies learning outcomes
3. The complaint is upheld and justifies referral to a formal conduct Hearing

Conduct Investigation:

1. The allegation is not upheld
2. Learning outcomes and/or
3. Formal disciplinary sanction

Conduct Hearing Outcomes:

Formal disciplinary sanctions available to the panel are as follows:

- First written warning – 6 months
- Final written warning – 12 months
- First and final written warning – 12 months
- Alternatives to dismissal
- Dismissal

Appeals:

Chair added that the possible outcomes of this Hearing would be as follows:

For Attendance Appeals it could be:

1. Upheld
2. Partially Upheld
3. Not Upheld

3. STAFF MEMBER CASE – PRESENTED BY XX

KEY POINTS:

Questions from Manager to Employee:

Responses

Questions from Panel to Employee

Responses

4. MANAGEMENT CASE – PRESENTED BY XX

KEY POINTS:

Questions from Employee to Manager

Responses

Questions from Panel to Manager

Responses

5. Witnesses:

Name:

Role:

Time called into meeting:

Time concluded:

(complete for each witness)

6. ADDITIONAL DISCUSSIONS/COMMENTS

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7. CLOSING SUMMARIES

8. ADJOURNMENT FOR PANEL TO CONSIDER

Time adjournment commenced:

Time re-convened:

9. EMPLOYEE ADVISED OF DECISION (IF OUTCOME AVAILABLE AT MEETING)

Outcome:

Rationale for outcome:

10. TIMESCALE FOR OUTCOME/LETTER TO BE ISSUED/FURTHER INFORMATION REQUIRED

11. DETAILS OF RE-CONVENE MEETING (IF REQUIRED)

Meeting concluded XXXXhrs