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**Formal hearing strategy planner**

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| **Strengths of member’s case** | **How risky?**  | **How to maximise this point** |
| *For example: Incorrect allegations;**procedural issues; policies/ agreements/rules; employment law; precedent from previous cases* | *Assess the risks of everything that you see as a strength to make sure it can’t backfire against your member*  | *Think about how you can get the best out of a strong point. When and how are you going to raise it?* |

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| **Weaknesses of member’s case** | **How to minimise these weaknesses** |
| *Make sure you list all areas that are possible problems for your member* | *Think about the best way to deal with the weaknesses* |

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| **Mitigating circumstances of member’s case** |
| *Make sure you list all possible reasons for your member*  | *What affect could they have had?* | *Where can they be brought up?* |

## Preparing for the meeting

Plan, plan, plan!

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| **Summary of your key points – keep it simple** |
| Identify just one or key points that are the core of your case and the most persuasive way to get those points over  |
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| **Procedural points (if any)** |
| Think about any procedural points you might want to raise, such as a meeting that wasn’t called properly, or charges not explained, or the right to representation. Decide if you want to raise this at the start of the meeting or at some other time |
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| **Opening statement** |
| This is your chance to shape the meeting from the start. It might make sense to prepare a short statement and ask the member to sign it. This could be later used to deflect questions to the member. You need to decide if the member is accepting all or part of the allegation |
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| **Questions for the investigating officer** |
| Use where and when type questions, not whys and hows. Identify closed questions that highlight the key points of your case eg ask if the responsible manager knows the procedure and the part you want to refer to. Then ask them when they did this action, which you believe they did not do correctly. Ask them to record that it was not done. Make a note of it yourself. |
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| **Presenting the member’s case** |
| With the member, go through the points to focus on and get them to practice this with you. Tell them where you are going to come in with questions or where you may tie the case to answers by witnesses or the investigating officer. |
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| **Minimising the pressure on your member** |
| Identify ways you can avoid your member being put under pressure. For instance, you might want to use the statement you provided earlier and refer to that. Agree responses to likely questions |
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| **Adjourn to review notes** |
| Look through your notes. You may need to change tack point out where the management have negated arguments or where you have won arguments |
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| **Closing statement/summary** |
| Repeat key points, (highlighting any backed-up points from statements/evidence heard at the meeting) make it clear of any mitigating reasons, create empathy, putting in them in the member’s shoes) |
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| **Statements to disciplinary hearings** |
| Address the points made against the member in any case documentation – overall charges and specific examples given.Challenge evidence that is inaccurate or could be interpreted differently.Provide countervailing evidence eg testimony from colleagues, good performance/conduct.Include arguments in mitigation, if relevant. |
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