



Ashdown Human Resources

Disciplinary



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Overview:

The disciplinary procedure is used to address concerns over an employee's conduct or capability (how the employee performs in their job role). If the disciplinary procedure results in an employee being dismissed, if you have not followed the ACAS guidelines at all times you risk a claim for unfair dismissal.

The disciplinary procedure should be used to help employees improve either their conduct at work or capability to do the job, or both.

In many cases informal action can help remove the concern and the formal process is not necessary

Fair disciplinary procedures

A fair disciplinary procedure will:

- Ensure all allegations are investigated thoroughly to establish the facts – this could involve taking witness statements or collecting other evidence or holding a meeting with the employee as part of the investigation
- Whatever the investigation uncovers, the employee should be provided with everything you have in connection with the concern(s) and invited to a formal disciplinary hearing
- Employees have the right to be accompanied by a trade union representative or fellow colleague at all formal meetings.
- Adequate notice (including all the evidence) should be given to the employee to give them time to prepare (for example 48 hours).
- Notes of the meeting should be taken and provided to the employee.
- The employee should be allowed to give their own explanation/views and also ask for views from other witnesses
- No decision should be made at the meeting itself, but ideally 1 or 2 days later, depending on the circumstances.



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Disciplinary warnings

The usual warnings will be

- First written warning (for minor capability or conduct issues)
- First and final warning (for more serious issues)
- Dismissal (after previous warnings)
- Dismissal on the grounds of gross misconduct. Further information about gross misconduct is available in a separate briefing note.

In some situations the manager chairing the disciplinary meeting may feel that no disciplinary warning is appropriate, for example if during the disciplinary hearing new information is obtained.

Where the disciplinary hearing results in a formal warning of any kind, the employee should be advised of their right to appeal against the decision.

Employees can progress through each stage over a period of time, usually months.

All situations should be dealt with consistently and fairly.

In the various stages of the disciplinary process (investigation, hearing, appeal) different managers should be involved wherever possible. If this is not possible the employer should consider using an external HR consultant.