

1. Introduction

- 1.1 Please note that the Disciplinary Procedure applies to disciplinary matters in England and Wales. It does not apply to Northern Ireland.
- 1.2 Both employees and employers should be made aware of the relevant disciplinary procedures and the Company's Disciplinary Policy and Procedures to all employees at the time of their employment. These documents are available in the Disciplinary sub-folder of the Guidance Notes explaining the procedures provided in the Disciplinary sub-folder. It is important to note that this does not constitute legal advice and, if any queries arise, legal advice should be sought.
- 1.3 Having a disciplinary procedure in place is essential to ensure that:
- 1.3.1 Employees know the standards expected of them, and the consequences of failing to meet these standards;
 - 1.3.2 Individuals who do not meet the required standard can be identified, and appropriate action can be taken to ensure that all individuals meet the required standard;
 - 1.3.3 Goals and objectives can be agreed between the employee and employer and monitored;
 - 1.3.4 Should a complaint be made, the procedure followed will allow the employer to help establish whether the employee has been acting in accordance with the required standard.
- 1.4 An employer should ensure that the disciplinary procedure is followed in a fair and consistent manner.
- 1.4.1 No disciplinary action should be taken unless the case has been fully investigated;
 - 1.4.2 Employees are given the opportunity to be accompanied at all stages of the procedure;
 - 1.4.3 Employees are given the opportunity to appeal against any discipline imposed; and
 - 1.4.4 No employee should be disciplined unless the employer must be acting reasonably and fairly and reasonably.
- 1.5 Suspension should only be used in exceptional circumstances. In instances where suspension would be necessary, it should be made clear that such suspension is not a punishment and there is no presumption of guilt.
- 1.6 ***At the end of each stage of the procedure, we have linked a selection of letters which, depending on the stage, may be appropriate. Please use these letters where necessary. If none are appropriate, please seek legal advice for your particular situation.***

2. Stage 1 – Informal Discussion

- 2.1 If a matter can be resolved by discussion with the employee to do so. Such a discussion can help to identify any shortcomings and what actions can be taken to improve performance and avoid any further disciplinary action. The manager should arrange an informal meeting with the employee to discuss the matter.
- 2.2 Where an informal discussion is held, a letter such as *Informal Discussion Letter* (EMP.DISC.04) should be sent to the employee stating what was discussed and what actions have been agreed.
- 2.3 Where an informal discussion is held and improvement is shown thereafter an acknowledgment letter should be provided in a letter such as *Improvement Letter* (EMP.DISC.05).
- 2.4 Where an informal discussion is held and the employee does not provide a solution to the problem the formal disciplinary procedure should be followed as below.

3. Stage 2 – Written notice of disciplinary meeting

- 3.1 It may be appropriate to hold a hearing prior to deciding if formal disciplinary action should be taken. An *Invitation to an Investigatory Meeting Letter* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/365443/Investigatory-Meeting-Letter should be sent to the employee.
- 3.2 Once an employer has decided to proceed with formal disciplinary procedure, a letter must be sent to the employee stating that it is the first stage of the procedure (e.g. poor conduct) and outlining the reason for the disciplinary action.
- 3.3 Depending on the circumstances it may be appropriate to use the formal disciplinary procedure. In such cases, written notice of an intended disciplinary meeting should be sent to the employee following *Informal Discussion* (EMP.DISC.05).
- 3.4 The employee should be given the opportunity to attend the meeting using the above letter. A copy of the letter should be attached to the Disciplinary Procedure.
- 3.5 The meeting should be held as soon as possible after the employee is given notice, allowing the employee a reasonable opportunity to prepare for the meeting.
- 3.6 Employers, employees and witnesses should make every effort to attend the meeting and, where possible, should be offered to attend at a mutually agreeable alternative time and date. The employee may suggest a reasonable alternative time and date if the original date is not suitable.
- 3.7 Advance notice should be given to call witnesses.
- 3.8 Document *Guidance Notes: Disciplinary Meetings* (EMP.DGG.03) is a useful Checklist for preparing for the meeting.

4. Stage 3 – Meeting

- 4.1 At the disciplinary meeting, the employee should explain the complaint and go through any relevant evidence.
- 4.2 The employee must be given the opportunity to present his or her own case.

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- evidence and call with them to the meeting and the employer should be aware that the company will be aware of the meeting and the employer should
- 4.3 The employee may be asked to prepare for the meeting and the employer should be aware that the company will be aware of the meeting and the employer should
- 4.3.1 May address the employee's case; set up the employee's case;
- 4.3.2 May confer with the employee; the meeting;
- 4.3.3 May not answer the employee's behalf; employee's behalf;
- 4.3.4 May not address the employee does not wish them to; employee does not wish them to;
- 4.3.5 May not prevent the employee from explaining their case. explaining their case.
5. **Stage 4 – Outcome of Meeting**
- 5.1 When deciding on the outcome to be issued, employers should have regard to:
- 5.1.1 The employee's record; record;
- 5.1.2 Any penalties imposed in the past; es in the past;
- 5.1.3 Whether the proposed penalty is acceptable to ensure this is carried out; es are acceptable to ensure this is carried out;
- 5.1.4 Whether the proposed penalty is reasonable considering all the circumstances; e reasonable considering all the circumstances;
- 5.1.5 Whether any other action is necessary; ning are necessary;
- 5.1.6 Whether the proposed penalty is appropriate; icate a particular penalty; and
- 5.1.7 Any special circumstances that may make it appropriate to adjust the severity of the penalty; make it appropriate to adjust the severity of the penalty;
- 5.2 At this stage of the disciplinary process, depending on the circumstances of the individual case, the employer should consider the following options:
- 5.2.1 Take no further action – see *No further action* (EMP.DISC.18) o disciplinary case to answer – see *No further action* (EMP.DISC.18)
- 5.2.2 Give the employee a verbal warning – see *Improvement Letter* (EMP.DISC.09) etter – see *Improvement Letter* (EMP.DISC.09)
- 5.2.3 Give the employee a written warning – see *First Formal Warning* (EMP.DISC.08) see *First Formal Warning* (EMP.DISC.08)
- 5.2.4 Where the disciplinary case is serious it may be appropriate to go straight to a final written warning – see *Final Written Warning* (EMP.DISC.08). **However, this should only be taken after careful consideration of all the circumstances and is not reasonable.** erious it may be appropriate to go straight to a final written warning – see *Final Written Warning* (EMP.DISC.08). **However, this should only be taken after careful consideration of all the circumstances and is not reasonable.**
- 5.3 The employer has a duty to consider the outcome of any disciplinary meeting. Regardless of whether a finding of misconduct/poor performance is found.
6. **Stage 5 – Appeal**
- 6.1 Employees have the right to appeal against a formal disciplinary action. They must set out the grounds for appeal in writing and the employer should

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usually hear the appeal within a reasonable time, and not suffer an unreasonable delay.

employee's request, and without

- 6.2 The appeal should be by a person who was previously involved in the proceedings.

- 6.3 As in any other discipline, the study of mathematics is best accompanied (refer to the accompanying text for details).

- 6.4 Document *Guidance* useful here.

- 6.5 Once the appeal has been decided, the outcome in writing and the decision must be provided to employees who wish to take the appeal to the tribunal and/or other bodies, depending on the outcome of the appeal.

- ### 6.5.1 Appeal Meeting

- ### 6.5.2 Appeal Decis

- gs (*EMP.DGG.05*) may come in

- ### Warning (EMP.DISC.11)

7. Stages 1 to 5 cover the disciplinary process and first/final formal warnings. If a second disciplinary meeting is required, the stages should be followed again. Letters may be appropriate.

- ere a first disciplinary meeting
here it is necessary to call a
warning stages 2 through to 5
cess is cyclical. The following

- ### 7.1 *Second Disciplinary*

- ## 7.2 Second Disciplinary

- ### 7.3 Dismissal / Demotion

- #### 7.4 Appeal Meeting Letter Stage 5

- ther Action (EMP.DISC.14) –*

- 7.5 *Appeal Decision Letter*
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- Action (EMP.DISC.15) – Stage**

- ## 8. Special Cases

- [illegible]

- Employee is one of **gross**
of the normal disciplinary
be taken with caution to ensure
reasonable. If in doubt as to the

- 8.2 Employers should not be so serious that, if proved, an employee has a free pass to disciplinary hearings.

- nary matter / charges are so
unable to work in the future, the
presentation at internal

- ## 9. External Proceedings

- 9.1 Once the internal procedure is resolved, it may proceed to the tribunal.

- sted, if the matter is still not
This is usually an employment

- 9.2 If an employee makes a contribution to the plan and use the early contribution

- she must now notify ACAS first to try and settle the dispute.

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10. **General Data Protection Regulation**

10.1 The General Data Protection Regulation (GDPR) requires employers to comply with principles of data protection, including protecting against unauthorised access to data. Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR requires employers to report all data breaches and, where the breach is likely to result in the rights and freedoms of individuals, the Company must notify the Information Commissioner within 72 hours of becoming aware of the breach.

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For specific disciplinary matters see the Disciplinary Procedure and Sickness & Absence.

also: Qualification Dispute and