

FAQ's: Discipline

Disciplining employees is an inevitable part of running a business and needs to be handled correctly. Failure to follow the correct procedure when dealing with a disciplinary issue can leave you open to unsettled staff, not to mention costly claims.

First Call HR Solutions can offer you guidance and the necessary policies and documentation (including all template letters) to help you comply with your disciplinary obligations. In the meantime however, take a look at some frequently asked questions...

Why is it important to have a Disciplinary policy/procedure ?

Setting out rules means that your employees know what conduct is and isn't acceptable in the workplace. Your disciplinary procedure is the means by which you outline and maintain these expectations and lets your employees know what they can expect should they break the rules.

What can go wrong if we don't follow a fair disciplinary procedure ?

If you were to dismiss someone without having good reason for the dismissal, or by not following a fair disciplinary process, then they could bring a claim against you via the Employment Tribunal.

Do I have to investigate a possible disciplinary offence before disciplining the employee ?

Yes. You should always carry out an investigation before deciding whether to discipline an employee. This should be carried out as soon as is reasonably possible and will help establish an understanding of the facts before deciding whether to discipline. You need to ensure that this is carried out with an open minded approach and avoid jumping to conclusions.

Am I obliged to hold a disciplinary meeting with the employee ?

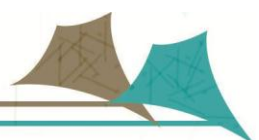
Yes. You should ensure that you arrange to hold a disciplinary meeting before deciding whether or not to take any disciplinary action or issue a disciplinary warning. This gives the employee the opportunity to put forward their side of the story, therefore enabling you to make an informed decision.

Can the employee bring anyone to the disciplinary meeting ?

Employees are legally entitled to have someone with them at the disciplinary meeting, this can either be a work colleague or trade union representative. There is no right for employee to bring a legal representative or relative unless you have specifically provided for this in the employment contract, or there are exceptional circumstances which warrant this.

Who chooses the Employees representative ?

The employee is entitled to choose who they would like to accompany them to the meeting. However if their request is unreasonable ie the proposed companion is also involved in some part of the disciplinary process or the proposed representative does not want to be involved then you can reject their request.



What disciplinary action can I take ?

Where disciplinary action is considered necessary you need to decide on an appropriate penalty. The issue in question may warrant any level of disciplinary action from recorded oral warning through written warning to final written warning. If the employee already has a current final written warning on file, or if the offence is considered sufficiently serious then dismissal may be the appropriate outcome, although this decision should not be taken lightly.

Is there a time limit for informing the employee of my decision ?

You need to ensure that you take the time to consider your decision carefully, ensuring that you adjourn the disciplinary hearing to do so. You need to inform the employee of the decision in writing and while there is no specific time limit on this, it is best to do it as soon as possible after the meeting.

Can the employee appeal against my decision ?

Yes. Employees have the right of appeal against any disciplinary action taken against them, not just where the outcome is dismissal. The employee may feel that your decision is unfair or that the penalty imposed is too severe.

Can the same person conduct both the disciplinary and appeal hearings ?

Wherever possible, the person hearing the appeal should be somebody more senior to the manager who carried out the disciplinary and, in addition not have been involved in the case prior to the appeal. Whoever hears the appeal needs to be able to consider it as impartially as possible.

