



# Disciplinary PROCEDURE

## 1. Disciplinary Procedure

All organisations should have a **Disciplinary Procedure**. It means that all employees know what standards are expected of them, and what happens if those standards aren't met. The procedure is also there for management to carry out after a Grievance Procedure - if there's any issues with an employee's conduct or performance at work.

The procedure should ensure everyone is treated fairly and it should make it clear that management will investigate a claim fully **BEFORE** any disciplinary action is taken. The Disciplinary Procedure must:

- Be in writing
- Be non-discriminatory
- Encourage confidentiality
- Provide quick solutions
- State an employee's rights
- And explain what disciplinary action might be taken

Anyone who carries out a Disciplinary Procedure for bullying and harassment should have training on how to do it.

Written records should be completed for every case, and they need to contain all of the important information that's needed to support both the aggrieved employee **AND** the employee who has been accused of bullying.

Investigations should be carried out promptly and not delayed unless there's a good reason; this includes things like meetings and obtaining evidence.

It's important to keep an open mind and to look for evidence that supports both parties.



## 2. Disciplinary Meeting

If a disciplinary case is going ahead, the employee accused of the negative behaviour needs to be told in writing. It should contain sufficient information about the alleged negative behaviour, and the possible consequences if the allegations turn out to be true. If a disciplinary meeting is going to be held, the employee must also have all the details about it written down for them, including their rights. The meeting should be held to establish the facts of the case. It allows the accused employee to respond to any allegations. All employees involved in the case need to be prepared and make every effort to attend the meeting.

The accused employee has the statutory right to have a companion in the meeting with them – this can be a colleague, a trade union representative, or an official employed by a trade union.

The manager conducting the meeting should:

- Establish all the facts
- Approach everything formally, politely, and encourage the employee to speak freely
- Conduct the meeting fairly, without taking sides or making judgements
- Discuss the evidence against the accused employee
- And give the accused employee the opportunity to explain their actions

The meeting needs to be adjourned before it's decided if a disciplinary penalty is necessary or not, so management have time to reflect and give the case proper consideration.

## 3. Disciplinary Action

If disciplinary action needs to be taken, the accused employee needs to be told in writing. Possible action can include written warnings, suspension or transfer; but remember that employers have a 'duty of care' for all employees, and must be careful not to breach their employee's contract. In extreme cases the employee may be dismissed without notice, but all staff must have the opportunity to appeal the decision.

If it's decided that an employee is to be suspended **WITH PAY** while investigations are being carried out, it's important to make it clear that this is **NOT** because they're considered guilty, or because it's a **disciplinary action** – it's simply in the best interest of the investigation. For example, relationships may have broken down at work causing a hostile environment, or there may be a suspicion that witnesses are being pressurised before meetings.

All decisions should be made after a **FULL** investigation, and after hearing both sides of the case. Always take any special circumstances into account. The reasons for any decision that's made must be in line with your organisation's policies.