



EMPLOYMENT MANUAL

**A GUIDE TO
DISCIPLINARY PROCEDURES**



FIRST FOR JUSTICE

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A GUIDE TO DISCIPLINARY PROCEDURES

INTRODUCTION

1.1 INTRODUCTION

The aim of this guide is to help you with the effective use and operation of disciplinary rules and procedures. Due to the volume of details, smaller organisations may wish to adopt a more simple procedure in order to incorporate all the points. To promote fairness and industrial relations in the way employees are treated, it is necessary to have disciplinary rules and procedures. Any organisation will also operate more effectively if it has a set standard of conduct, procedures to make sure standards are met and a fair mechanism for dealing with any failures in meeting those standards. You must ensure that employees are aware of the standard of conduct required of them and, under the Employment Rights Act 1996, employees must be given information concerning disciplinary rules and procedures.

If you do not have a written disciplinary and grievance procedure it is likely that a Tribunal will find any disciplinary action taken to be unfair and may give rise to a claim for unfair or constructive dismissal.

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INTRODUCTION

1.2 EMPLOYMENT MANUAL DISCLAIMER

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2.1 FORMULATING POLICIES

Rules and procedures for handling disciplinary and grievance situations should be set down in writing, be specific and clear. Where appropriate, employees and their representatives should be involved in the developing of these rules and procedures. This involvement can help employees and managers fully understand what the rules and procedures are, where they are found and how they will be applied. Specific and clear rules and procedures help employers act consistently and fairly.

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2.2 ACAS CODE OF PRACTICE

Employment Act 2008 set new minimum procedure employers should follow when carrying out disciplinary action. The Minimum Procedures that should be adopted have been produced by ACAS. This procedure came into force in April 2009. Essentially the procedure adopts the following principles:

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts of the case.
- Employers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Employers should allow employees to be accompanied at any formal disciplinary or grievance meeting.
- Employers should allow an employee to appeal against any formal decision made.

Source: Para 4 ACAS Code of Practice on Disciplinary and Grievances

In helping employers follow a fair procedure ACAS also make the following recommendations.

- In misconduct cases, where practicable, different people should carry out the investigation, disciplinary hearing and appeal.
- In cases where a period of suspension with pay is considered necessary, this period should be as brief as possible, should be kept under review and it should be made clear that this suspension is not considered a disciplinary action.
- Disciplinary rules should give examples of acts which the employer regards as acts of gross misconduct. These may vary according to the nature of the organisation and what it does, but might include things such as theft or fraud, physical violence, gross negligence or serious insubordination.
- Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the employer should make a decision on the evidence available.
- Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:
 - a formal warning being issued; or
 - the taking of some other disciplinary action; or
 - the confirmation of a warning or some other disciplinary action (including appeal hearings).
- If there is an investigatory meeting this should not by itself result in any disciplinary action. Although there is no statutory right for an employee to be accompanied at a formal investigatory meeting, such a right may be allowed under an employer's own procedure.

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2.3 FAILURE TO FOLLOW ACAS CODE OF PRACTICE

Whilst any dismissal made without following the minimum procedure will not make the dismissal automatically unfair, if an employment tribunal finds that the dismissal is unfair and the employers failed to follow minimum procedure then compensation can be increased by up to 25%.

Equally if an employee has not followed procedure (i.e. has failed to attend disciplinary hearings or failed to exercise an appeal) then compensation can be reduced by up to 25%.

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2.4 TYPICAL DISCIPLINARY PROCEDURE AND GUIDANCE

Having considered adopting a disciplinary policy below is some general guidance on things to consider throughout the disciplinary process.

PRELIMINARY CONSIDERATIONS

Before instigating disciplinary proceedings you should first consider whether or not formal action is in fact required. It may be more appropriate to resolve the matter through informal discussions with the parties concerned. Remember however that if your “informal discussions” result in your giving the employee a warning in writing which is retained on their personnel file, it could be viewed as a formal disciplinary warning and you would need to have followed a fair procedure in advance of giving it.

SUSPENSION

Consider whether the employee needs to be suspended to allow a full investigation to take place. This will usually only be appropriate in cases of serious/gross misconduct or incompetence, where the employee’s continued presence in the workplace would render an investigation impossible, or where working relations have broken down and there is no other way of avoiding conflict while the matter is resolved. If the employee is to be suspended, this should be on full pay and a formal letter confirming the terms of the suspension and details of the allegations (and a point of contact in the company for the employee) should be sent to the employee (template letters for you to use are at the end of this guide). It is advisable to take a neutral line in the event that colleagues or external clients enquire as to the whereabouts of the employee.

SUSPENSION AND SICK PAY

Employee’s often find being suspended during investigation an extremely stressful process and may need to be signed off sick by their doctor. If this happens it will be useful to withdraw full suspension pay and ensure employees are paid in accordance with your company’s sick pay policy.

Following recent case law there must be an express term in the employment contract to allow you to do this, if there is no clause in the contract then the employee would have to remain on full suspension pay even if they were signed off sick.

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2.4 TYPICAL DISCIPLINARY PROCEDURE AND GUIDANCE (continued)

INVESTIGATIONS

Where formal action is going to be considered, a fair and balanced investigation will be required. This should not be carried out by the same person who will hold the disciplinary hearing or any appeal meeting unless it is unavoidable. It may be the employee's line manager but it is often better if it is someone impartial such as an HR manager. In cases involving harassment, bullying or discriminatory treatment, it is preferable if the personnel involved have been given equal opportunities training.

The amount of investigation to be undertaken will depend on the individual circumstances of the case, but it must be sufficient:

- (a) to enable the chair of any subsequent disciplinary hearing to form reasonable grounds for believing or disbelieving the allegations against the employee; and
- (b) to enable the case to be put to the employee in a manner that makes it clear what is being alleged.

The investigation must be even-handed, and should not simply be a search for evidence against the employee. Evidence in the employee's favour should also be sought. Once the disciplinary investigation is commenced, both this and any subsequent hearing should be dealt with without unreasonable delay. You are advised to contact the legal advice helpline if there are any delays, for further advice as to how to deal with them.

If the disciplinary proceedings concern poor performance or capability, the investigation may simply be a review of the employee's appraisals and any discussions that have taken place between the line manager and employee. In cases of alleged misconduct, you will usually need to interview witnesses including other employees and potentially gather any other relevant evidence.

An investigatory meeting with the employee in question will also usually be required at an early stage. This is important as it may be that there is a simple misunderstanding which can be resolved without the need for a disciplinary hearing. In other cases, the employee under investigation may be able to direct you to witnesses or documentary evidence that support their case. An investigatory meeting is not a disciplinary hearing, and so the employee has no statutory right to be accompanied by a representative unless the company's own procedures allow for this.

Any investigatory meetings to interview the employee or other witnesses should be held in private and notes should be taken of the meeting. Try and restrict the number of witnesses to the minimum required to establish what is being alleged. However, do not only interview witnesses who can confirm the allegations. The investigation must be fair and balanced, so ensure that any witnesses who may support the employee's version of events are also interviewed. In cases of suspected misconduct it is appropriate to remind employees who are being interviewed of their duty of confidentiality and that they should not discuss the contents of the meeting with other employees. A witness statement should be taken from the witness that confirms their version of events. It is better that they write this in their own words. All witness statements should be signed and dated by the witness.

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2.4 TYPICAL DISCIPLINARY PROCEDURE AND GUIDANCE (continued)

INVESTIGATIONS (continued)

Following investigation, the company may decide that no further action is necessary, in which case the employee should be informed of this decision. The purpose of the investigating officer is to determine whether or not there is a 'case to answer' at a disciplinary hearing and NOT to determine if the facts are proven. They should write a report confirming their decision to proceed to a hearing or that no further action is necessary. If matters are to be taken further, there must first be a disciplinary hearing. The investigation alone is not a sufficient legal basis for dismissal or any other sanction. Furthermore, you should ensure that there is a clear distinction between investigatory meetings and any disciplinary hearing. On no account should you roll the two meetings into one.

WITNESSES WHO WISH TO REMAIN ANONYMOUS

If a witness asks to remain anonymous then you should explore the reason for this request and any underlying motive. The witness's perceived need for anonymity will need to be balanced against the employee's need to know details of the evidence for and against them.

Consider taking steps to protect the witness's identity, such as editing their statement to remove their name and any other information that may identify them. The key issue is that the employee must know the case they have to answer. I would recommend seeking further legal advice before progressing further with a case based on anonymous witness evidence. Employment tribunals will attach little or no weight to anonymous statements unless there is a real risk of harm to the anonymous witness. A real risk means that there must be some evidence to support their perception of risk and not just that they 'think' something might happen if their identity is disclosed.

INVITATION TO A DISCIPLINARY HEARING

Following the investigation, if there are sufficient grounds on which to hold a disciplinary hearing, a letter must be sent to the employee dealing with the following matters:

- (a) Set out the allegations and the basis for them. You must include sufficient information about the allegation and its possible consequences to enable the employee to prepare for the hearing.
- (b) Enclose all evidence you intend to rely on at the disciplinary hearing, such as witness statements or other documents. Tell the employee if you intend to call witnesses to the meeting or simply rely on written statements. The employee should also be asked if they wish to submit any evidence or call any witnesses to the hearing.
- (c) Inform the employee of the time and place of the disciplinary hearing, which should be reasonable.
- (d) Make clear that the employee has the right to be accompanied to the hearing by a trade union representative or a colleague.
- (e) It is advisable to enquire as to whether the employee has any disability or other special requirements for which reasonable adjustments may need to be made.
- (f) If the employee is facing possible dismissal this must be made clear.
- (g) If the employee has not already been given a copy of the Company's disciplinary procedure, this should be sent with the letter.

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2.4 TYPICAL DISCIPLINARY PROCEDURE AND GUIDANCE (continued)

POSTPONEMENT OR FAILURE TO ATTEND A HEARING

If an employee fails to attend a disciplinary hearing through unforeseen circumstances such as illness, or wishes to adjourn due to their own or their companion's unavailability, a further meeting should be arranged within a reasonable timescale.

If the employee persistently seeks to postpone the meeting or simply fails to attend without good reason then it may be possible to take a decision in the employee's absence. However, this is by no means foolproof, particularly if dismissal is a likely outcome. Therefore you should consider the reason for a requested postponement and any other relevant circumstances. If the employee is unwell, consideration can be given to conducting a disciplinary hearing at or near their home or by telephone, or postponing until a medical certificate has been obtained to give a better picture of the likely prognosis. There is a fine balancing act between treating the employee fairly and ensuring that necessary business decisions are not postponed indefinitely by pandering to an employee who is trying to avoid the inevitable. It is strongly advisable to seek further legal advice before making a decision in these circumstances.

DISCIPLINARY HEARINGS

The hearing should be held at a reasonable time and place, in a private meeting room during the employee's normal working hours. Sufficient time should be allowed between sending the letter and the meeting itself for the employee to consider the allegations and the evidence sent with the letter, and to prepare their case for the hearing. The length of this period will depend on the nature of the allegations and the complexity of the case but in most cases a period of (2 to 5) working days will be appropriate. Reasons for any further delay should be explained to the employee.

The disciplinary hearing should ideally be conducted by a single manager or a panel with one individual appointed as the chair. The chair should not have been involved in the investigation whether as an investigator or witness. Bear in mind also that someone else within the organisation, preferably a more senior manager, may also be required in due course to hold any subsequent appeal hearing. In more complex matters it may also be appropriate to have a member of the HR department present in an advisory capacity.

There should also be someone present who can make notes of the hearing. They should ideally not have been previously involved. The employee should be provided with a copy of these notes following the disciplinary hearing.

At the start of the hearing, the chair should introduce those present, explain the purpose of the meeting and, if the employee is unaccompanied, remind them again of their right to be accompanied.

If the employee is disabled, the issue of reasonable adjustments should already have been addressed. However, a final check may be made.

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2.4 TYPICAL DISCIPLINARY PROCEDURE AND GUIDANCE (continued)

DISCIPLINARY HEARINGS (continued)

The chair should ask if the employee is satisfied with the arrangements for the hearing, and has received, read and understood all the necessary documents, including the disciplinary procedure, any report of the investigation, and the witness statements. The employee should then be taken carefully through the allegations that have been made and all relevant evidence.

The employee should then be given the opportunity to make any representations, ask questions and produce or discuss documentary evidence in reply.

There is no need for you to call all relevant witnesses to the hearing and the matter can be dealt with by witness statements alone if the employee has not asked for witnesses to be called. However, the employee should usually be allowed to call relevant witnesses to the hearing if they wish. The law does not generally require the chair to allow court-room style cross-examination of witnesses. The employee should be allowed to raise points in response to anything a witness has said. (However, if your internal procedures allow cross-examination then this procedure should be followed.)

The employee's representative (if any) can make statements and ask questions on the employee's behalf. The representative should not be permitted to answer questions that have been put to the employee directly, although they may confer privately with the employee before any reply is given.

Regard should be had to the fact that employees and witnesses may be under significant stress as a result of the hearing, and therefore may become visibly distressed and/or aggressive. The chair should be sensitive to this and, if necessary, make sensible use of adjournments for "time out" and to allow the individuals concerned to regain their composure.

Once the employee has presented their case the chair should summarise the information put forward on both sides and request any necessary clarification from the employee.

ADJOURNING THE HEARING

When all parties have presented their case and there are no further questions, the hearing should then be adjourned for the chair to consider what the employee has said. Issues that have been raised by the employee may require further investigation and witnesses may need to be re-interviewed if they have not been present to give evidence at the hearing. If this is the case then the employee should be given a chance to respond to any new findings at a reconvened hearing. If new information has come to light then this should be given to the employee in writing, with sufficient time to consider it before the reconvened hearing.

Even if the chair has an idea as to the appropriate decision at the end of the hearing, it is always good practice to adjourn in any event to take time for consideration. This makes it less likely the matter will be seen to have been pre-judged.

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PROCEDURES

2.4 TYPICAL DISCIPLINARY PROCEDURE AND GUIDANCE (continued)

ADJOURNING THE HEARING (continued)

Obviously the length of any adjournment will depend on the complexity of the issues to be considered and whether further investigation is needed. It is helpful to give the employee an indication of how long it is likely to be before the meeting is reconvened. If the adjournment is only for a short period the chair may wish to leave the employee in the meeting room whilst they consider their decision. However, in most cases it is sensible to adjourn at least until the following day.

THE DECISION

When considering the appropriate sanction, careful consideration must be given to other alternatives to dismissal. For example, demotion, redeployment or a final written warning may be more appropriate. Final warnings should not be used oppressively, for example, for relatively minor misconduct where the punishment is out of proportion to the offence. It is usually considered fair to give two written warnings before deciding to dismiss an employee [and you should refer to your internal disciplinary procedure which sets out the scale of warnings to be used in your organisation]. It is appropriate to consider what sanctions have been imposed on other employees for similar conduct and to take account of any 'live' warnings on the employee's personnel file. 'Spent' warnings should not be taken into account. Except in cases of gross misconduct, employees should not be dismissed without any prior warning. If the chair considers that this may be such a case, you may wish to contact me for further advice. Otherwise, it is usual to give two warnings (a first written warning and a final written warning) before dismissal.

Once the chair has reached a decision, the meeting should ideally be reconvened and the decision explained to the employee. The decision must be given in writing in any event, but it is usually better done face to face and then confirmed in writing.

The employee should be advised of the sanction, the reasons for imposing it and the fact that they have a right to submit a written appeal. If a warning is imposed, the length of the warning should be given, and the consequences of any further misconduct or failure to improve must be made clear. Instructions on how to appeal should also be provided, including the name of the person to whom the appeal must be submitted and the timescale for appeal. Five working days is generally considered reasonable but there is no specific time limit in the ACAS Code of Practice, so you should take legal advice before rejecting an appeal as being out of time.

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2.5 DISMISSALS

If your decision is to dismiss an employee you are required to provide the following information.

- **The Reason for the Dismissal**

A brief explanation will suffice including whether the conduct amounted to Gross misconduct or whether the employer is building on a live warning.

- **The Effective Date of Termination (EDT)**

This would need to be stated on the letter and this confirms the employees last date of employment. The EDT is an important date for the Employment Tribunal for limitation purposes as dismissed employees only have 3 months to bring a claim and the 3 month limitation starts from the EDT. Technically the EDT will be the date of knowledge i.e. the date when the employee was aware of the decision. For example if your employee is on holiday when they are notified that the EDT may well be in their return. It is good practice to communicate your decision to the employee on the date you decide by telephone or email.

- **Right to appeal**

You should give at least 5 working days for the employee to appeal and if you are able, specify who the employee should write to:

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2.6 APPEALS

So far as possible any appeal should be heard or chaired by someone who has not been previously involved. Ideally, they should be more senior than the chair of the disciplinary hearing and, where possible, outside their direct reporting line.

The manager conducting the appeal should have access to the evidence compiled during the investigation and copies of the notes from the disciplinary meeting. However, they should not confer with the initial decision-maker before the appeal meeting, as this may lead to a biased view being taken before the employee has presented their arguments.

There is no set format for the appeal, provided the employee is allowed adequate opportunity to present their arguments. The person chairing it should aim to be as impartial as possible. If the original hearing was procedurally flawed, the appeal should be conducted as a full rehearing of all the evidence. In other cases, it may be acceptable to simply review the original decision based on the paperwork and any representations the employee may make.

Employees have the same right to be accompanied at an appeal hearing as at a disciplinary hearing.

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APPENDIX – LETTERS

Below is a list of letters that will assist you in carrying out a fair disciplinary process.

COMMERCIAL POLICYHOLDERS MAY NEED TO TAKE ADVICE BEFORE DISCIPLINING AN EMPLOYEE UNDER THE TERMS OF THEIR POLICY.

- Unauthorised Absence letter
- Invitation to Investigation Meeting
- Suspension Letter
- Invitation to a Disciplinary Hearing
- Invitation to a Disciplinary Hearing (Gross Misconduct)
- Invitation to a rescheduled Disciplinary Hearing
- Outcome of Disciplinary Hearing (Sanction)
- Outcome of Disciplinary Hearing (Dismissal)
- Invitation to Appeal
- Outcome of Appeal

NOTE *That if your own disciplinary procedures differ to the procedure outlined above, please discuss variations with our legal advice helpline.*

UNAUTHORISED ABSENCE LETTER

Dear *(employee name)*,

Unauthorised absence

We write regarding your recent absence from work. You have been absent since *(first day of absence)* and we have not heard from you to explain why. We have attempted to contact you by telephone without success.

Please contact us to explain the reason for your absence. We are concerned for your welfare and would ask you to contact us by *(4pm following day of work)* on *(telephone number)* to discuss the situation. If your absence is illness related you may be entitled to sick pay.

If you do not contact us by *(above time)* then we may have no option but to treat your absence as unauthorised and consider dealing with the matter through our disciplinary procedure.

Unauthorised absence is considered by us to be a matter of gross misconduct.

I look forward to hearing from you.

Yours sincerely,

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APPENDIX – LETTERS (continued)

INVITATION TO AN INVESTIGATORY MEETING

Dear *(employee name)*,

Investigation meeting

I am writing to inform you that you are required to attend an investigatory meeting to discuss an allegation that:

(State details of alleged incident)

The meeting will be held in *(office)* at *(location)* on *(date)* at *(time)*.

(Optional) You may be accompanied at this meeting by a fellow employee or Trade Union Representative.

This meeting is not a disciplinary hearing and the purpose of the meeting is to just investigate an allegation that has been raised.

I must notify you that this meeting will be minuted and, depending on the outcome, a decision may be taken on whether formal disciplinary action is necessary under the Company's Disciplinary Procedure.

Yours sincerely,

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APPENDIX – LETTERS (continued)

SUSPENSION LETTER

Dear *(employee name)*,

Suspension from work

This letter is to confirm the conversation we had today when I informed you that you were to be suspended from work. The reason for your suspension is to allow us to investigate certain allegations made against you which include *(give a general indication of the allegations made if appropriate but avoid breaching the confidence of other employees at this stage)*.

Suspension is a neutral act and you should not view it as an indication that the matter will progress beyond our investigating the allegations mentioned above. It is likely that we will wish to see you shortly in order to discuss matters with you. I will contact you by telephone to advise you of this in due course.

We understand that this must be a very stressful time for you and we will do our utmost to finish our investigations within a reasonable time – on the information before me at the moment I envisage that this will take *(state number of days)*. Should this time frame need to be extended I will write to you informing you of this.

In the interim I would ask that you do not visit any of the company's premises unless invited by me to do so. Please do not contact any other employees during this process unless it is for the purpose of arranging for them to attend an investigatory meeting with you.

During this period of suspension you will continue to be paid all your contractual entitlements in full.

Yours sincerely,

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APPENDIX – LETTERS (continued)

INVITATION TO DISCIPLINARY ACTION – MISCONDUCT

Dear *(employee name)*,

Notification of Disciplinary Action

This letter is to inform you that *(company name)* is considering disciplinary action against you.

The action is being considered with regard to the following circumstances

(State the allegation)

This may be considered an act of Serious Misconduct/Misconduct. If this is founded it may result in a Disciplinary sanction given in accordance with our Disciplinary policy.

You are invited to attend a Disciplinary Hearing which will be held at *(time)* on *(date)* at *(location)* where the matters outlined above will be discussed.

The hearing will be attended by *(name)* on behalf of the company.

We attach copies of documentation which will be discussed at the meeting.

You are entitled to be accompanied at this hearing by a work colleague or trade union representative. ***(Amend this if your company procedure allows a wider right of accompaniment such as a friend).***

Yours sincerely,

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APPENDIX – LETTERS (continued)

INVITE TO DISCIPLINARY HEARING – GROSS MISCONDUCT

Dear *(employee name)*,

Notification of Disciplinary Action

This letter is to inform you that *(company name)* is considering disciplinary action against you.

The action is being considered with regard to the following Circumstances:

(State the allegation)

This may be considered an act of gross misconduct. If this is founded it may result in your immediate dismissal.

You are invited to attend a Disciplinary Hearing which will be held at *(time)* on *(date)* at *(location)* where the matters outlined above will be discussed.

The hearing will be attended by *(name)* on behalf of the company.

We attach copies of documentation which will be discussed at the meeting.

You are entitled to be accompanied at this hearing by a work colleague or trade union representative. ***(Amend this if your company procedure allows a wider right of accompaniment such as a friend)***.

Yours sincerely,

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APPENDIX – LETTERS (continued)

INVITE TO A 2ND DISCIPLINARY HEARING WHERE EMPLOYEE HAS FAILED TO ATTEND OR IS SICK

Dear *(employee name)*,

Re-Scheduled Disciplinary Hearing

We wrote to you on *(insert date of original invite)* inviting you to attend a Disciplinary Hearing on *(insert date of hearing)*.

You have contacted us asking for a delay so you that could bring your chosen Work Colleague or Trade Union Representative **OR**

Following the above letter we have received notification that you were unfit to attend the hearing due to *(state the nature of the illness)* **OR**

You failed to attend the meeting without reason.

We would like to re-arrange the Disciplinary Hearing on the *(date)* at *(time)* at *(location)*. This meeting will be chaired by *(name of chairman)* on behalf of the company.

For sick employees insert the following:

Whilst I appreciate that you are currently off sick the company is under a duty to deal with this matter without unreasonable delay and I feel this matter should be addressed as soon as possible.

If you feel that due to your illness you are unable to attend the above re-scheduled, meeting the company is willing to consider the following options:

- 1 Send a Work Colleague or Trade Union Representative to speak on your behalf and/or read out any written representations
- 2 Send written representations for the chairman to consider at the above meeting
- 3 Hold the meeting at a neutral venue at a mutually agreed time in the next 5 working days
- 4 Be available on the phone for a telephone conference.

If you feel you cannot attend or exercise any of the above options due to your illness and want this matter delayed please provide a letter from your GP confirming that you are unfit to attend the above meeting as you would be unable to understand questions put to you or unable to give instruction to your representative.

A copy of our previous letter outlining the matters to be discussed and any evidence I intend to discuss at the meeting is attached.

If you fail to attend the above rescheduled meeting ***(or fail to exercise any of the above options)*** then the meeting may proceed in your absence and a decision made.

Yours sincerely,

A GUIDE TO DISCIPLINARY PROCEDURES

APPENDIX – LETTERS (continued)

OUTCOME OF DISCIPLINARY HEARING (SANCTION)

Dear *(employee name)*,

Outcome of Disciplinary Hearing

On the *(date)* you were informed that the Company was to take disciplinary action against you *(delete as appropriate)*. A meeting was held on the *(date)*.

Following the meeting it was decided that your conduct/performance *(delete as appropriate)* was still unsatisfactory.

This letter is to confirm the decision. You are issued with *(level of warning)*.

This will be recorded on your personnel file and remain there for a period of *(insert number)* months provided that your conduct/performance reaches a satisfactory level.

The reason for the disciplinary action was *(insert reason)*.

The conduct expected is *(insert description)*.

The timescales for improvement are *(insert timescales)*.

(A separate letter outlining in detail the areas for improvement will follow shortly.)

The consequences of any further misconduct/poor performance may mean that further disciplinary action may be taken.

You have the right to appeal against this decision. If you wish to do so please inform *(name)* within *(insert number)* days who will then arrange for an appeal meeting to be held.

Yours sincerely,

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APPENDIX – LETTERS (continued)

OUTCOME OF DISCIPLINARY ACTION (DISMISSAL)

Dear *(employee name)*,

Outcome of Disciplinary Hearing

On *(date)* you were informed that *(Company)* was proposing to take disciplinary action against you.

A meeting was held on *(date)*.

This meeting followed previous warnings with regard to your performance/conduct OR

This meeting was held to discuss an allegation of Gross misconduct.

Following the meeting it was decided that your conduct/performance was still unsatisfactory and that you be dismissed Summarily/with notice.

This letter is to confirm that decision. Your last day of service with the company will be *(date)*.

The reasons for your dismissal are *(insert reasons)*.

You have the right to appeal against this decision. If you wish to do so please inform *(name)* within *(insert number)* days, who will then arrange for an appeal meeting to be held.

Yours sincerely,

A GUIDE TO DISCIPLINARY PROCEDURES

APPENDIX – LETTERS (continued)

NOTICE OF APPEAL LETTER

Dear *(employee name)*,

Notice of Appeal

We note you wish to appeal against the decision made in the meeting on *(date)* which was confirmed to you in writing on *(date)*.

You are invited to a meeting to discuss the appeal. This will take place at *(time)* on *(date)* at *(location)*.

(Name) will attend on behalf of the Company.

You are entitled to be accompanied by a work colleague or a trade union representative.

Please note that the decision made at this hearing will be final and there will be no further right of appeal. *(Delete if your company procedure allows for further appeals.)*

Yours sincerely,

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APPENDIX – LETTERS (continued)

OUTCOME OF APPEAL LETTER

Dear *(employee name)*,

Outcome of Appeal

You appealed against the decision as a result of the Disciplinary meeting held on *(date)*. The appeal hearing was held on the *(date)*.

I am now writing to confirm the decision of *(name)* who conducted the Appeal Meeting, namely that the decision to *(insert decision)* stands/will be revoked.

Having now exercised your right of appeal, I must remind you that this decision is final and that no further right of appeal is available.

Yours sincerely,

NOTE *That if your own disciplinary procedures differ to the procedure outlined above, please discuss variations with our legal advice helpline.*

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