

Disciplinary Action Guide For Employers

Disciplinary and grievance issues can be a major onus to employers. Implementing the correct procedures is crucial. Without these in place, you could face a claim for unfair or constructive dismissal in front of an employment tribunal.



Disciplinary procedures

Every company should have written guidelines on disciplinary and grievance procedures. The ACAS Code of Practice provides a comprehensive guide to acting and managing the correct paperwork and processes. Fail to follow the ACAS Code and you could face an uptake of 25% in any award made against you by an employment tribunal. It may well be important to seek legal advice to create tailored procedures.

You need to decide what regulations will be in place, for example concerning unacceptable behaviour and the severity of different offences.

This includes categorising what constitutes gross misconduct, warranting instant dismissal.

The disciplinary procedure should state clearly what disciplinary actions can be taken and who has the authority to act. Dismissal should not be included for a first offence, unless there has been gross misconduct. These rules should be explained to all employees.

Disciplinary problems

Managers need appropriate training to ensure that they understand and comply with the disciplinary procedure. A thorough investigation of events should take place prior to action. Managers must act fairly and consistently if action is taken.

An informal discussion may extinguish minor incidents. The formal disciplinary procedure should be reserved for more serious offences. In any case, transparent records should be taken of the incident and any activity taken. This can be crucial if disciplinary action eventually leads to a dismissal which is subsequently challenged at an employment tribunal.

Grievances

A grievance procedure that follows the ACAS Code should be written. Typically, to be investigated the employee should set out their grievance in writing. The grievance is then discussed at a meeting and action agreed upon. If employees are dissatisfied, they should have the right to appeal to someone who was not originally involved.

With disciplinary issues, employees must be made aware of the procedure and managers need training in dealing with grievances.

Training should include helping them in determining when a grievance exists – even if a formal complaint has not been made – and how to resolve it informally.

Should you require further advice on disciplinary procedures or any aspects of employment law please contact one of our specialist employment solicitors who will be able to offer you advice and helpful guidance.

Why Choose Banner Jones?



Ranked in the Legal 500



Over 135 years of experience



5 Regional offices



Variety of specialist lawyers



We do workplace mediation



Insurance backed employment scheme

96%

96% of our clients would recommend us to a friend

Don't hesitate to get in touch with one of our expert employment law solicitors for specialist advice:

Phone: 0333 200 2300

Web: www.bannerjones.co.uk

Join our Social Networks

