

These charts are intended to provide an example of good practice to employers and employees; they not intended to represent a statement of the law; nor do they form part of the Code of Practice for Disciplinary and Grievance Procedures as issued by the Social Security Minister. This Code of Practice and further guidance on a disciplinary policy please refer to the above website.

1. Taking Disciplinary Action (Informal Stage)

Gather the facts immediately before memory of event(s) fades



In private have a 'quiet word':
 - decide if any action is needed.

Reminder:

- this is not a disciplinary hearing;
- your aim is to encourage improvement.



No

Yes

Move on with no bad feelings left.

Clearly state:

- improvement that is required;
- date for next meeting;
- point out next steps if improvement is not made (ie formal action)

Reminder:

- keep written notes;
- offer any help available eg training/counselling etc



2. A Disciplinary Hearing (Stage 1)

In writing:

- the allegations against them and provide the evidence gathered;
- where and when hearing will take place;
- Right to bring along either a Trade Union official or a work colleague.



At the Hearing:

- set out the evidence as detailed in the documents provided;
- allow the employee and/or representative to set out their case and ask questions;
- before adjourning make sure everything has been covered/asked



Adjourn the Hearing:

- think about the evidence heard from both parties and any appropriate sanction;
- previous sanctions for similar cases within the business?
- does the employee have any current warnings on file?
- are there any special circumstances that need to be considered?



Decision time:

- tell the employee of the decision;
- explain the disciplinary 'warning' and advise of how long it will be on file;
- follow up in writing stating the right to appeal the decision;
- take steps to monitor the progress/situation.

Reminder:

- ensure a full investigation has taken place before setting the hearing;
- provide employee with copies of all the information that is to be used;
- if employee or representative is not available re-arrange hearing within 5 days;
- if necessary look at any fresh evidence;
- as far as possible ensure the decision maker at the hearing is impartial and has not been involved with the investigation;
- ensure your disciplinary sanctions can be implemented at any stage that is right for the alleged misconduct.

Reminder:

- Retain full and accurate notes of the hearing;
- Provide employee with a copy of the notes.

3. Subsequent Disciplinary Action (Stage 2 or Final Warning)

Failure to improve or further misconduct



Repeat **ALL** of Stage 1 – A Disciplinary Hearing - before issuing any further warnings.



Reminder:

- Ensure any previous warnings are still 'live';
- Ensure the wording of the warning letter is not so specific to the last misconduct to prevent reference to at this stage;
- Tell employee that any further lapses may result in further action and possible dismissal.

4. Dismissal (Stage 3)

Failure to improve or serious misconduct may result in dismissal.



In writing:

- the allegations against them and evidence gathered;
- where and when hearing will take place;
- Right to bring along either a Trade Union official or a work colleague;
- advise they may be dismissed if allegations are upheld.



At the Hearing:

- set out the evidence as provided reminding the employee that if it is found that they are at fault they may be dismissed;
- allow the employee and/or representative to set out their case and ask questions;
- before adjourning make sure everything has been covered/asked etc.



Adjourn the meeting: (see Stage 1 – A Disciplinary Hearing)



Decision time:

- tell the employee of the decision;
- advise that this is the final stage of the disciplinary process;
- told of notice and whether this is to be worked or not;
- follow up in writing stating the right to appeal the decision;

Reminder:

- Dismissal without notice should not be used if employee has previous warnings on file for similar misconduct (see 5 Gross Misconduct).

5. Gross Misconduct – Summary Dismissal

Suspension:

- If gross misconduct is alleged then employee may be suspended (on full pay) in order to conduct a thorough investigation;
- Suspension should be for as short as possible time;



In writing:

- the allegations against them and evidence gathered;
- where and when hearing will take place;
- Right to bring along either a Trade Union official or a work colleague;
- advise they may be dismissed without notice if allegations are upheld.



At the Hearing:

- set out the evidence as provided reminding the employee that if it is found that they are at fault they may be dismissed summarily;
- allow the employee and/or representative to set out their case and ask questions;
- before adjourning make sure everything has been covered/asked etc.



Adjourn the meeting: (see Stage 1 – A Disciplinary Hearing)



Decision time:

- tell the employee of the decision to dismiss without notice;
- follow up in writing stating the right to appeal the decision;



Reminder:

- Investigation must be carried out;
- Suspension is not seen as a form of disciplinary action – it is a ‘neutral’ act;
- Provide employees with a point of contact within the business during any period of suspension;



Reminder:

- Employee is still entitled to accrued annual leave and any wages.

6. The Appeal Process (for all stages)

Lodging an Appeal:

- to a named person (more senior than the person who made the original decision and who has not been involved);
- within 5 working days (usually);
- in writing clearly stating the reason for their appeal.

Reminder:

- the named person should be (as far as possible) more senior than the person who made the original decision;
- have not previously been involved in the process.



The Appeal Meeting:

- is there any new evidence;
- has there been flaws in the process (eg failure to provide all evidence to employee, witnesses not interviewed etc);
- allow employee and/or representative to respond or comment.

Reminder:

- the right of representation still applies;
- the appeal can be used to rectify any faults in the process;
- adjournment is still required before decision is made;
- a previous decision can be overturned if the appeal chair considers this the right thing to do.



Appeal Outcome:

- advise the employee of the decision reached and the reason this decision was made;
- tell the employee that this is the last stage of the disciplinary process;
- confirm the above in writing.