

Employment Law Fact Sheet No. 8

DEALING WITH DISCIPLINARY SITUATIONS



The ACAS Code of Practice

When dealing with a situation that could result in dismissal or disciplinary sanction, you should follow the ACAS Code of Practice:

Whilst the Code itself is not legally enforceable courts and tribunals will consider compliance when making decisions.

Broadly speaking, as a minimum, you should:

STEP 1	Carry out the necessary investigations to establish the facts of the case. This may or may not involve holding an investigatory meeting with the employee (this is not a disciplinary hearing and as such should not result in any disciplinary sanction).
STEP 2	Invite the employee to a meeting Write to say why you are contemplating a disciplinary sanction or dismissal and invite the employee to attend a meeting to discuss. Explain the proposed allegations or situation and provide copies of all relevant evidence. Advise the employee that they will be able to consider their response and must take all reasonable steps to attend this meeting. Advise of right be accompanied by a colleague or trade union representative.
STEP 3	Meeting Explain your position. Give the employee the opportunity to have his or her say. Inform the employee of the decision after the meeting and advise of right to appeal if dissatisfied.
STEP 4	Appeal Advise employee that appeals must be submitted in writing within 5 working days giving reasons. Invite the employee to an appeal hearing, which may take place after the end of employment. After the hearing inform the employee of the decision, which will be final.

You are able to fix the time and location of meetings but you should seek to arrange something convenient for both parties. You may postpone meetings if it is reasonable to do so.

If you invite the employee to a postponed meeting and they do not attend, you may decide not to reschedule and instead regard the procedure as terminated.

Follow the steps without unreasonable delay.

A Trade Union Representative or a Colleague of the employee's choosing may attend meetings with the employee. However such companions are not permitted to railroad proceedings. They are permitted to address the disciplinary or grievance hearing and confer with the employee. They are not permitted to answer questions on behalf of the employee.

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