

DOs and DON'Ts - DISCIPLINE

DO

✓	Ensure that you follow the ACAS Code of Practice on Disciplinary and Grievance Procedures.
✓	Always also follow your own disciplinary procedure. It is good practice to refresh your memory each time you approach a disciplinary by re-reading this.
✓	Gather all the facts before convening a disciplinary hearing. Where possible, appoint an independent person to investigate. Decide whether a disciplinary penalty may be appropriate, or whether the issue would be better resolved through training, coaching or a "quiet word".
✓	When you write to invite the employee to the hearing, always include any evidence or documents that you intend to take into account, or refer to, at the meeting, together with a copy of your disciplinary procedure (or details of where to access this).
✓	Ensure that the employee is clear as to the allegations and the case against him/her.
✓	Give the employee sufficient notice of the meeting to arrange representation and remind the employee of his/her right to be accompanied by a colleague or trade union official (even if you do not recognise a union).
✓	Ensure that you have a private room for the meeting and that there are no interruptions.
✓	Have someone present with you to take notes and act as a management witness to what was said.
✓	Explain the structure of the meeting at the beginning. Introduce all parties and minute who is present.
✓	Clarify the representative's role in the hearing and check the ID of any trade union representative accompanying the employee if you don't know this person.
✓	Go through all of the evidence you are considering, even though you have sent this in advance to the employee.
✓	Allow the employee the time and opportunity to put his/her case across.
✓	Ask open questions at the disciplinary hearing – who, what, why, when, how?
✓	Ensure that you have gathered information from witnesses, if relevant. Ideally this should be in the form of written witness statements that are signed and dated.
✓	Keep full notes from the hearing and from your investigations. You will need these if further disciplinary action is taken or if a case goes to tribunal.
✓	Ensure that you treat employees consistently, ie follow the same procedure and similar outcome for two employees who have carried out similar acts of misconduct. But note that you can take into account past records, explanation or mitigation. A full and frank confession, accompanied by remorse, or special circumstances may warrant a lesser penalty.
✓	Avoid making any decisions in advance, or even at the end of the hearing. It is better to adjourn, consider and reconvene – and not necessarily on the same day.
✓	Inform the employee of your decision and remember to offer the right to appeal. State who to appeal to and the timescale and confirm this in writing.
✓	Make it clear to the employee what actions need to be taken in order to avoid further disciplinary action (eg what improvements in performance need to be made or what will happen if there are further incidents of misconduct).
✓	Remain calm and professional at all times.
✓	Consider what help the employee may need – coaching, supervision, counselling (if depressed or anxious), medical help (if regular absences) etc.

	DON'T
X	Rush in too quickly! Ensure a full investigation before deciding that disciplinary action may be appropriate. For poor performance, consider whether informal coaching may achieve the desired improvement.
X	Use the same person to do the investigation and chair the hearing (unless you have no other alternative).
X	Issue any warnings without first holding a full disciplinary hearing.
X	Allow representation by anybody other than an accredited trade union representative or a work colleague, unless you feel this will aid the process (eg if the person is very young or has a disability or language problem).
X	Pre-empt the outcome – give the employee the benefit of the doubt.
X	Take the employee's failure to deny, or silence, as grounds for admission of guilt. Support these by other evidence where possible.
X	Ignore any avenues of enquiry which you ought to have pursued. If necessary, adjourn to check out any facts or opinions which come to light during the hearing.
X	Use any evidence that the employee is not aware of, or has not had a copy of, prior to the hearing.
X	Refer to other issues in the meeting that do not relate to the reasons for the disciplinary hearing.
X	Allow interruptions. Turn off your phone, BlackBerry etc and hold the meeting in a private room.
X	Allow any personal likes/dislikes/prejudices to colour your judgement.
X	Be provoked into an argument. It will solve nothing.
X	Feel you have to make a point, or need a scapegoat, in order to tighten things up generally.
X	Rush your decision. You should adjourn the hearing to consider what has been said and the evidence to hand.
X	Dismiss an employee for a first misdemeanour unless he/she has committed an act of gross misconduct as stated in your procedure. In this case consider suspending the employee prior to the hearing pending further investigation.
X	Be tempted to use terminology which may seem "kinder" but which fudges the issue.